

Windham VT Selectboard Meeting Minutes
May 6, 2019 Regular Meeting

Present:

Maureen Bell, Selectwoman
Hal Wilkins, Selectman
Russ Cumming, Lister
Bill Dunkel, Multiple Commissions
Tom Johnson, Energy Commission
Kathy Jungermann, Auditor
Kathy Scott, Treasurer

Kord Scott, Selectman
Bob Bingham
Joyce Cumming, Selectboard Clerk
Ernie Friedli
Louise Johnson
Bob Kehoe, Building Safety Officer
Richard Paré, Road Commissioner

Call to order

The meeting was called to order at 6:30 p.m.

Additions to Agenda/Announcements/Reminders

- Kord requested an opportunity to discuss an email received from Jeff Nugent
- Kord reported a call received from Joe Lamson regarding two dogs and a cow—Maureen slated discussion for first item under New Business.
- Kord mentioned possible need for a Special Selectboard Meeting to act on Windham Elementary School property

Act on minutes: April 15, 2019 Regular Selectboard Meeting, April 23, 2019 Special Selectboard Meeting, and April 30, 2019 Special Selectboard Meeting re: Roads/V-Trans.

Motion: To approve the minutes of the April 15, 2019 Regular Selectboard Meeting, April 23, 2019 Special Selectboard Meeting, and April 30, 2019 Special Selectboard V-Trans Road Meeting as presented—moved by Kord—all in favor.

Public Comment

- Russ Cumming expressed appreciation to the Road Crew for the addition of gravel on Old Cheney Road and the road grading work being performed around town.

New Business:

Agenda Addition: Call from Joe Lamson re: two dogs and a cow

Kord reported a phone call from Joe Lamson about two pit bulls and a cow which are loose in the vicinity of Popple Dungeon Road. Mike McLaine is aware of the situation regarding the animals which belong to the Van Alstyne's. One of the dogs was involved in a previous attack and the cow is eating gardens on other people's property. Kord will look into the issue further. Joe Lamson also notified Kord that he is not interested in serving as Animal Control Officer. Bob Kehoe provided Kord with contact information for another individual interested in serving in that capacity. Bob Bingham hoped this issue might stress the importance of dog registration upon the constable whose own dogs are not registered. Bob Bingham also expressed his opinion that Joe Lamson should not be constable in Windham.

State Aid to Education

Kathy Scott reported that Windham's second payment for 2019 taxes was recently issued to the State of Vermont for more than \$420,000. The total paid by Windham to the State Education Fund for 2019 is in excess of \$881,000. She also noted that this amount has nothing to do with the school budgets voted on for Windham Elementary School or Leland and Gray. Windham is one of 67 towns in the State of Vermont which pay into the fund due to its designation as a "sending" or "gold" town, while another 197 districts pay nothing into the State Education Fund. Kathy reported on a bill inadvertently received from the State which included the tax amounts for all 67 "gold" towns. She also expressed frustration over the lack of a suitable explanation of the formula used to determine the tax amount assessed. This amount has increased each of the last three years without any explanation. Brief discussion followed regarding the impact of Act 60 and Act 68. Kathy expressed concern over the status of Windham Elementary School's future based on a School Board Meeting being held today.

Agenda Addition: Possible need for a Special Selectboard Meeting to act on Windham Elementary School property

Kathy Scott reported on a School Board meeting held earlier in the day in which the WRMUED Board (West River Modified Union Education District including Townshend, Jamaica, Newfane, and Brookline) will determine whether or not to warn a vote for June 11 on Windham's request to leave the Leland and Gray district. If a decision is made to hold a vote and Windham is taken into the WRMUED, regardless of whether the court case against merging Windham Elementary School (WES) into the WRMUED has been decided, action will likely take place by the end of June. Kathy felt it was imperative that a determination is made regarding the Windham Elementary School property issue before then. Maureen expressed some level of confusion regarding the process based on her understanding that it was up to WES to give/sell the school property to the Town. Kathy stressed the need for the School Board and the Selectboard to consult their respective legal counsels in order to be prepared to take action before June 30 if needed.

Ernie Friedli commented on a letter he sent to the Governor asking why the education tax rate is not applied uniformly to all towns in the state. His letter was forwarded to the tax department for a response. When Ernie contacted the tax department to follow up, he was told that the tax department did not intend to respond to his inquiry.

Bob Bingham cautioned that a Special Meeting would violate the mandate of the public to sell the school if and when the merger decision is ruled against Windham's favor.

Kathy Scott expressed concern about the future of the teachers at Windham Elementary School since their contracts are with the WES, not the Windham Central Supervisory Union.

Maureen conveyed hesitation about rushing to schedule a Special Meeting at this juncture since the outcome of the WRMUED vote tonight on whether to hold a vote on June 11 is not yet known. She also wants to discuss the issue with Atty. Fisher who has knowledge of the issue and votes taken thus far.

Hal asked Kathy Scott to share the letter she received today from the School Board with the members of the Selectboard.

Review/sign letter to Bob Bingham

Maureen referred to the request received from Bob Bingham for a detailed accounting of all known costs associated with the clean-up of the diesel fuel spill which occurred on March 9, 2018 at the Town Garage. In presenting a response to Bob, Maureen explained that she worked with Kathy Scott in providing the information requested, as well as consulting her own notes and records related to the incident. See attached.

Bob repeated his criticism of the way in which the incident was handled, specifically that the time sheets for the members of the road crew at that time contained no mention of the incident until 18 days later. He also categorized the amount of diesel fuel spilled as significant and described the manner in which the incident was handled as confusing and disappointing. Maureen again explained that the members of the road crew believed at that time the amount of fuel spilled was insignificant, and that the time sheets have been developed and now contain more detailed information. She also noted that the State acknowledged the Town's effort to improve deficiencies and develop guidelines to address areas of concern.

Bob criticized the former members of the road crew, noting that they had both completed fireman's training and should have known to report the spill immediately. When Bob asked whether the environmental company involved in the remediation also supplies the Town with sand, Maureen explained that the company involved, Environmental Products & Services of VT, Inc., was one of a few possible contractors suggested by the State, that Windham does not have any other purchasing agreement with EPS, and that EPS responded in a timely manner in providing a quote and commencing remedial action.

Bob went on to reprove the Selectboard for failure to notify the abutting landowners of the incident and failure to monitor waterway and environmental impact. In response to a question from Hal about whether residual testing was conducted, Bob responded that the waterway was a seasonal stream and no evidence of residual impact was noticed over the winter. Bob Kehoe also noted that the officer in charge of removal during the remediation process extracted enough of the spill to mitigate concerns about long-term problems.

Old Business:

Review/sign letter to Ernie Friedli

In presenting a response to Ernie Friedli regarding his concerns about the Town Report, Maureen explained that the response was a compilation of information by the members of the Selectboard, the Treasurer, and the Auditors. Maureen asked Ernie to please let her know if he had additional questions or concerns after reviewing the response. See attached.

The Meeting House:

Committee Meeting Update

Russ reported that the Transition Committee continues to meet and consider issues and ideas regarding the notion of the Town assuming full ownership of the Meeting House and how best to sustain the Meeting House going forward. Russ related that Dawn is away for a few weeks and the next meeting of the Transition Committee will be held at 5 p.m. on May 20. In response to Hal's request for a copy of the May 20 agenda, Russ responded that Dawn develops the agendas and generally distributes the agenda a day prior to the meeting. Maureen stressed the need for the Transition Committee to follow Open Meeting Rules which dictate that the agenda be made available at least 48 hours prior to the meeting.

Status of Tree Removal

Brief discussion was held regarding the tree limb adjacent to the Meeting House. After further review, it was determined that the limb has been in its current position for some time and does not present an imminent danger of falling. It was decided to continue monitoring the situation.

Roads:

Roads Paving Plan – continuing discussion

Agenda Addition: Discussion of email from Jeff Nugent

Maureen opened discussion by thanking members of the community for their valuable input at the April 23 Special Meeting. Kord cited questions raised by the engineer regarding overweight vehicles, speed limits, and traffic counts. He also referred to an email received from Jeff Nugent at the Windham Regional Commission regarding traffic studies which may be helpful in answering questions raised by the engineer. As an example, he cited Pete Newton's comments on April 23 about residents of West Windham who circumvent Section 5 of Windham Hill Road by using Burbee Pond Road to access WHR either north or south of Section 5. Kord reported that 3 traffic counters available through the Windham Regional Commission may be installed in the next week or so. At present, the 3 locations planned for the counters are (a) South Windham, (b) Section 5 of Windham Hill Road, and (c) north end of Windham Hill Road. The counters will be positioned and left to gather data for a week or two prior to moving one or more to Route 121. In addition to traffic counts, information will be gathered regarding the number of axles on overweight vehicles. There may be some leeway regarding placement locations and Kord will discuss with Jeff the specific locations to be most effective.

Kord reviewed the existing Town Paving plan which stipulates no paving work to be done this year but allows for paving all of Windham Hill Road in 2020. This assumes receipt of a grant for \$175,000 in 2020. At the recent meeting with V-Trans, Meghan warned that the grant monies may not be available until 2021. There is \$420,000 currently available to address paving part of Windham Hill Road this year. Kord has discussed this with Richard and both agree on the need to begin paving this year. Before paving can begin, several culverts will need to be replaced. Culvert inspections have begun and several bad culverts above and below Section 5 have been marked with stakes and flags. Some of the culverts could not be adequately assessed. Of the 9 culverts marked so far, at least 1 is rotted out, and several if not all the others are likely in similarly bad condition and will need to be dug with use of the backhoe. There is currently \$40,000 in the budget for bridges and culverts (before this year's appropriation) to address culvert repairs prior to repaving.

In assessing the most critical areas, it was determined that Sections 4, 5, and 6 are the worst. Everett will assist with estimating costs to prioritize what can be done with the existing \$420,000. Kord suggested starting with mill, shim and overlay on Section 5 plus maybe just part of the other sections (Section 4 and/or Section 6). Chip seal would need to be delayed until funding is available. Kord suggesting examining the chip seal process currently being performed in Rockingham, and also inspecting another recently completed project to see how the chip seal is holding up. Maureen said she was comfortable deferring to Kord, Richard and Everett.

Hal asked Richard about size and construction of culverts being installed. Richard explained that these are the smaller 18 inch culverts and that the galvanized culverts will be replaced with 2 piece plastic culverts. With roadside cleanup and grading currently underway, Richard anticipated a delay of a few weeks before beginning culvert replacements. Kord referenced the culvert inventory posted in the meeting room which points out the location of the culverts.

Correspondence/Payroll/Bills

Correspondence, payroll and bills were reviewed and approved as necessary.

Executive Session to review/sign an employee evaluation

Motion: To enter Executive Session at 8:03 p.m. to review/sign an employee evaluation—moved by Maureen—all in favor.

Motion: To exit the Executive Session and resume the public meeting at 8:08 p.m.—moved by Maureen—all in favor.

Motion: To sign and mail the employee evaluation to Dan Diaz—moved by Kord—all in favor.

Adjournment

Motion: To adjourn the regular meeting at 8:09 p.m.—moved by Hal—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Letter from Selectboard to Bob Bingham dated May 6, 2019
- Letter from Selectboard to Ernie Friedli dated May 6, 2019