

Windham VT Selectboard Meeting Minutes
May 4, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectwoman	Peter Chamberlain, Selectman
Kord Scott, Selectman	Mike McLaine, Town Clerk
David Cherry, Citizens Advisory Committee	Bill Dunkel, Planning Commission
Joyce Cumming, Clerk	Sally Hoover, Auditor
Kathy Jungermann, Emergency Management	Kathy Scott, Treasurer

Call to order

The meeting was called to order at 5:30 p.m.

Additions to Agenda/Announcements/Reminder

No additions, announcements or reminders were noted.

Approve corrected minutes of April 20, 2020 Regular Selectboard Meeting

Motion: To approve the April 20, 2020 Regular Selectboard Meeting minutes as revised/corrected—moved by Maureen—all in favor.

Public Comment

Maureen noted a concern voiced by a resident about a discarded sofa off the side of Windham Hill Road in Townshend. Kord was aware of its location just past Skip Woodruff's. Kord agreed to contact Townshend and request that they pick it up for disposal on Green Up day at the end of the month.

Maureen also noted a concern from Louise Johnson about the lack of Meeting House Committee Meetings due to restrictions during the COVID-19 crisis. Maureen will contact Louise about setting up a Zoom meeting for the Meeting House Committee.

Kord announced that the fire alarm at the Meeting House went off and the Fire Department responded. They located the key but had trouble entering the building initially. They were able to access the building after a short while and Kord met them on site. The alarm was still sounding and the instructions for silencing it didn't work. Now that the Town owns the building, officials need to become familiar with all aspects of the property. Kord got the contact information for the alarm company from Dave Crittenden and called them. The alarm company technician believes that the 3 smoke detectors which need to be replaced may have caused the false alarm. When the smoke detectors are replaced, the alarm company will send information on the alarm system to Kord. Kord also noted that the call list needs to be updated. Maureen was familiar with the door issue and explained that the handle needs to be jiggled whenever someone doesn't follow the instructions for locking the door (push in the button but don't turn it).

Correspondence including Christiansen and Pozzi access permits

Kord noted that the access permit submitted by Christiansen (West Windham Road) did not describe the access point. Richard knows the contractor and contacted him re: what needs to be submitted. At this point, there is nothing to be reviewed for approval.

Maureen commented that the Pozzi access permit seems to be in order. Kord explained that the permit was for the purpose of accessing an equipment storage shed on the property (Old Cheney Road). In order to comply with social distancing guidelines, Kord was authorized to sign the permit on behalf of the Selectboard.

Motion: To authorize Kord Scott to sign the Pozzi access permit on behalf of the Selectboard—moved by Maureen, seconded by Peter—all in favor.

Maureen also reported receipt of an excess weight permit submitted by Cardinal Logistics Management Corporation of North Carolina (attached). The permit application listed an entire fleet of approximately 140 trucks registered in multiple states and delivering general commodities to towns other than Windham. Maureen solicited input from the other members re: how to handle this type of request for a permit to cut across Windham. Kord explained that these requests have been approved with written restrictions specifying the need for approval by the Road Foreman. Drivers are supposed to carry a copy of the approved permit with any applicable restrictions noted. Brief discussion followed on enforcement, violations, and weight restrictions. Kord noted that generally any requests over 80,000 lbs. are denied though theoretically the weight limit should be 24,000 lbs. Kord will include the restriction, sign off on his copy, and take it to the office.

New Business:

Quarterly Budget Review (General Accounts and Roads)

Maureen opened discussion on first quarter spending in the General Accounts (attached) saying that nothing jumped out as a cause for concern. Kathy noted legislative options under consideration to allow Towns to postpone the tax collection deadline and/or relax requirements for penalty and interest charges. Brief discussion followed. Maureen and Kathy discussed possibly issuing a memo to all departments asking for department heads to curtail spending wherever possible. Kord stated he doesn't want to create a sense of panic but agreed that it would be prudent to request that all departments be mindful of spending. Kathy suggested possibly putting off projects such as painting of the Town Office, Town Garage repairs, etc.

Discussion followed on Q1 spending in the Roads Budget (attached). Richard understands the need to be fiscally prudent and has demonstrated fiscal restraint to the extent possible in maintaining the Town roads.

Windham's Local Hazard Mitigation Plan (dated November 19, 2015)

Maureen noted that as a result of discussion at the last meeting re: Jamaica's Local Hazard Mitigation Plan, Alyssa at Windham Regional Commission pointed out that Windham has its own Local Hazard Mitigation Plan. The plan is posted on the Town website if anyone is interested in reviewing it.

Corrections to Town's Application Procedures for Permits or Approvals (s/b updated annually after Organizational Meeting)

Maureen mentioned that the cover sheet that accompanies mailings to residents with information re: procedures to follow in submitting permits and applications (i.e., access permits, CAC loan applications, excess weight permits, etc.) needs to be updated annually. Mike will send the cover sheet to Maureen electronically and she will make the necessary changes/corrections.

Old Business:

Wi-fi Hotspot Update and Deerfield Valley Broadband CUD Update/vote to join

Maureen asked Kord for an update on the status of the Microsoft grant application to install a wi-fi booster at the Meeting House. Kord explained that this is on track and should be installed in the next two weeks.

David Cherry provided an update on the broadband project. Windham had a good response rate to the broadband survey conducted in March. A feasibility study is currently being developed and will be presented to the Public Service Department at the State. Susan Westa, Windham Regional Broadband Coordinator, indicated that WRC wants all Windham County region towns to join the Deerfield Valley Broadband CUD. David has been in touch with a contact at the State and has requested specific wording for a motion for the Selectboard to approve. Windham can opt to join Deerfield Valley now by passing a motion or wait for the feasibility study which should be done by mid-May. At its February 3 meeting the Selectboard approved supporting the effort to bring high-speed broadband to Windham and appointed David Cherry as its representative. David remarked that there is no downside to joining the Deerfield Valley CUD and the Town is under no obligation. He also noted that the COVID-19 pandemic has intensified the importance of broadband access, making it more likely that CUDs will get State support. No action is required at this time. David will continue participation in this project via virtual meetings and will keep the Selectboard posted.

Windham Road Ordinance

Peter solicited feedback from the Selectboard on 4 items in the Road Ordinance discussed at the last meeting:

1. Article 3, Section 1, letter (f) should read a yield sign, not a stop sign at the intersection of Burbee Pond and West Windham Roads. Maureen also suggested including in the Ordinance the name of the roads in addition to their numerical reference.
2. Article 6, Section 1, which prohibits stopping or parking a vehicle within 150 ft. of a curve or on the brow of a hill, was proposed for elimination. Further discussion followed re: gatherings at the Meeting House (i.e., Town Meeting, Chicken BBQ, social events, etc.) and how to allow for parking at those events while maintaining the restriction elsewhere in Town. Maureen suggested including a specific exception for events at the Meeting House.
3. Article 6, Section 3, letter (c) which prohibits parking of vehicles within the Town highway limits between November 1 of each calendar year and November 1 of the following year, was proposed for elimination.
4. Article 8, Section 1, which states that vehicles approaching a bus stopped for the purpose of taking on or discharging passengers should slow down, was proposed for elimination since this was interpreted as intended for ski areas which are no longer in operation. State law provides that vehicles approaching a stopped school bus must stop.

Maureen offered to re-type the ordinance with changes. Kord reported on communication with Susan Senning of VLCT who advised that the Town should not depend on VLCT legal opinions and should consult the Town's attorney on all ordinances proposed for adoption. Kord also followed up with Jeff Nugent at Windham Regional Commission about whether the Town needs to conduct a traffic study to adjust the speed limit on Windham Hill Road by 5 mph. Jeff replied to Kord stating that he hasn't forgotten and will get back to us on this matter. Kord noted that while Robert Lakin believes the Selectboard has the authority to adjust the speed limit by 5 mph, he wasn't positive, and Kord wants confirmation that the Selectboard actually has the authority to change the speed limit without conducting a traffic study. Further discussion will follow at the next meeting.

Nuisance Animal Ordinance (J. Lamson/K. Woods/G. Badgley/W. Woodruff/R. Lakin/Game Warden)

Maureen received the Putney Animal Nuisance Control Ordinance which Kord emailed. Maureen reviewed it and thinks it might provide a good basis from which Windham can develop its own ordinance. It includes a definition of domestic animals as defined by 6 V.S.A. §1151(2) which may or may not be all encompassing. Joyce noted that the animal ordinance adopted in Westminster defines a domestic animal as "including but not limited to" the animals defined by statute. Putney's plan provides for establishing a 3-person Animal Advisory Board to work with owners of domestic pets, domestic animals, or wolf-hybrids on appropriate measures to be taken to avoid violations of the ordinance. Putney's plan also addresses the issue of domestic pets or domestic animals running-at-large and/or causing damage to the property of anyone other than its owner. Brief discussion followed on enforcement, which could be handled by the Sheriff or any Animal Control Officer as defined in the ordinance. Mechanisms for addressing

violations of the ordinance are also listed ranging from written warnings to fines and confinement or impoundment. If the Town of Windham were to adopt such an ordinance, the Selectboard would not need to involve itself in complaints or safety concerns involving animals.

Kord reported that the cow in North Windham was loose again and is pregnant. The owner is trying to expand the herd but is not adequately caring for the existing animals.

Bill said he would prefer to have issues addressed neighbor-to-neighbor whenever possible, but recognizes the benefits of adopting an ordinance that could be enforced when issues cannot be resolved in a neighborly manner. The Selectboard agreed to continue discussion on this matter.

Paint Bids for Town Office – make a decision

Maureen opened the 2 bids received (attached) at the April 20th meeting. Peter followed up with both contractors and is comfortable with both contractors' insurance coverage. Brief discussion followed on whether to put off this project as suggested by Kathy. Peter noted that the cost for prep work may increase if the Selectboard decides to wait and have it re-bid next year. He also cited past repair work to the Town Office exterior done by Mike McLaine, Russ Cumming and Joe Lamson, and cautioned against disregarding the repairs completed to date.

Kord reported that Pete Newton is trying to reinvigorate the Friends of the Meeting House. The Meeting House will need repairs to the roof and siding, and the "Friends" has funds totaling approximately \$25,000. Kord asked whether there was any advantage in terms of economy of scale by painting the Meeting House and Town Office at the same time. If he were bidding, Peter said he would treat the two as different entities.

Kord requested discussion on two other projects included on the agenda (salt shed and roadside mowing) before making a decision on the paint bids for the Town Office.

Kord reported that Record Concrete submitted a quote for concrete work (attached) based on a sketch drawn up by Pete Newton (attached) to address the cracks in the salt shed. Record Concrete quoted \$15,950 to install 4 concrete pilasters to support the wall. The quote does not include additional costs anticipated for excavation work, footings, carpentry, and repairs needed to supports that are structurally reinforcing trusses. Kord agreed to develop a budget for all expenses anticipated in the project. Kord also relayed that Pete Newton and Richard feel it is important to proceed with the repairs. There is no way to know how long it's taken for the cracks to develop or how long the wall will last in its current condition. If the wall is not reinforced now and continues to show signs of movement, Kord warned that the entire structure could be at risk. He recommended taking proactive steps to prevent catastrophic failure. The Garage M&I designated fund has approximately \$80K.

Kord noted that roadside mowing was completed last year by renting equipment at a cost of \$8,500 and paying Kurt to operate the rental equipment. This worked out well and produced good results. Kord reported that Richard and Kurt estimated the total cost of the project last year including rental equipment, Kurt's time, cost of fuel, etc. to be approximately \$16,000 total. Kord thought it worthwhile to find a contractor to perform the work this year. Kord received a quote from JA Mitchell Contracting of Lyndonville, VT for \$11,485 (attached). This does not include spot mowing or the use of Kurt's machine. Kord reported that Mitchell comes well-recommended. Kord also contacted M&M and they may be interested in submitting a quote. Maureen asked whether the total cost estimate of \$16,000 for last year included spot mowing by Kurt. Kord doesn't think so but he will check with Kurt. Kord noted that the budgeted amount of \$10,000 for roadside mowing this year was based on equipment rental at \$8,500 and another \$1,500 for spot mowing.

Discussion returned to the paint bids and Kord deferred to Peter's judgment in the choice of the contractor. After considering both bids, Peter noted that the bid submitted by Pikes Falls Painting seemed more reasonable at a total cost of \$3,132 including labor and materials. The quote submitted by Mark Snyder was \$1,400 more (total cost of \$4,599 including labor and materials) and Peter felt the amount of paint (13 gallons) was excessive. Brief discussion

followed on the timeline for the painting project and whether it could wait until August or September in order to provide a more accurate picture of the Town's financial position. Peter explained that the specs for the project indicated a completion date of August 15, 2020.

Brief discussion followed on funds in dedicated accounts such as Town Office Maintenance & Improvement and Garage Maintenance & Improvement. The painting project can be paid out of Town Office M & I. Brief discussion followed on legislative discussions underway regarding granting towns increased flexibility in their use of funds.

Motion: To award the exterior painting project at the Town Office to Pikes Falls Painting per the bid submitted at a total cost of \$3,132—moved by Maureen, seconded by Peter—all in favor.

Peter agreed to continue as the contact person and he will call Pikes Falls Painting to inform them of the bid award.

Roads:

Salt Shed Wall Repair Quote & Plans

This topic was discussed earlier as part of the paint bid decision process. Kord recommended getting additional information on total cost for the project including excavation, footings, carpentry, structural supports, etc. Once the scope and total cost of the project is available, the Selectboard can decide whether to move forward to mitigate the risk for further deterioration. Kord will explore the total project cost further and report back.

VTrans Grant applications

Kord reviewed the grant applications including a federal grant to address the Rt. 121 culvert, the paving grant, and the structures grant for the Chase Road culvert. Kord has budget estimates for all the projects. No one is sure about the availability of grant funding. Kord suggested submitting the applications and then deciding whether or not to accept the grants. All 3 projects require significant matching contributions from the Town. Kord noted that the Town has time to determine how to come up with the matching funds. Kord said the grant applications are ready to go and he will submit them this week. The deadline for grant applications was extended to May 15, 2020.

Kord also mentioned an article in the paper about the Public Works Director position being voted out and expressed concern re: the loss to Windham if Everett were to relocate.

550 Order Update

Kord reported that the cab and chassis were ordered from Claremont Ford and paid for. Richard went to the body company and worked with the shop foreman on the location for controls, etc. The dump body is expected to be ready in 4 – 5 weeks. Kord noted problems with the 2010 plow truck which was recently disabled in West Windham. The road crew was able to repair the tie rod on the side of the road and didn't need to have the vehicle towed. Kord noted that the new 550, the red truck, along with plows for the loader and grader should be sufficient for most needs in the short term if the 2010 continues to develop problems.

VOSHA COVID-19 Training

Kord reported that the road crew has not completed the VOSHA COVID-19 training. Maureen noted that the deadline was today. The road crew members need to review the Powerpoint presentation on mandatory health and safety requirements, sign off to acknowledge completion of training and understanding of safety guidelines, and submit the certificate to the State. Maureen will resend the information to Kord so that he can have the road crew members complete this training using the computer at the Town Garage tomorrow.

Roadside Mowing Quote and Plans

This item was discussed earlier as part of the paint bid decision process. Kord will follow up with M&M to determine if they are interested in submitting a quote for roadside mowing this year. Brief discussion followed on the need for flexibility based on the contractor's availability. Maureen noted that the quote received from JA Mitchell outlined the timeline for the work.

Payroll/Bills

Payroll and bills were submitted for review prior to the meeting. Brief discussion followed on bills from the Sheriff's Department for 2 different amounts. Kathy explained that the current contract with the Sheriff's Department reflected an increase over last year's rate. Billing to date was mistakenly based on the rate in effect last year. In order to correct the mistake, the Sheriff's Department back-billed the amount owed representing the difference between last year's and this year's rate, along with 1 month at the new rate.

Kathy asked if the Selectboard members would prefer that she leave pay orders at the Town Office for the Selectboard members to sign individually or whether to continue the practice of authorizing Kord to sign off on payroll and bills. It was decided to continue having Kord sign off. Kathy noted that the information is available at the Town Office for Selectboard review. She asked Selectboard members to initial the cover page so she knows when it has been reviewed and she can file it away.

Motion: To authorize Kord Scott to sign off on payroll and bills for this meeting—moved by Maureen—all in favor.

Adjournment

Motion: To adjourn the Regular Selectboard meeting at 7:16 p.m.—moved by Kord—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Excess Weight Permit-Cardinal Logistics Management Corp. (p. 1 only)
- General Accounts – FY 2020 Q1 Spending
- Roads Budget – FY 2020 Q1 Spending
- Painting Bids (Pikes Fall Painting and Mark Snyder)
- Record Concrete Quote dated 4/26/20
- Sketch prepared by Pete Newton
- JA Mitchell Quote for roadside mowing