

Windham VT Selectboard Meeting Minutes
June 1, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectwoman	Peter Chamberlain, Selectman
Kord Scott, Selectman	Mike McLaine, Town Clerk
Joyce Cumming, Selectboard Clerk	Bill Dunkel, Planning Commission
Chris Dunkel, Library Trustee	David Cherry, Broadband Project Representative
Louise Johnson, Meeting House Committee	Tom Johnson, Energy Committee
Kathy Jungermann, Auditor	Kathy Scott, Treasurer

Call to order

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

Additions to Agenda/Announcements/Reminder

- Kathy Scott requested discussion of bills received for the Meeting House (added under Meeting House).
- Maureen thanked Kord for his assistance in getting an outdoor Wi-Fi range extender installed at the Meeting House. Maureen wrote up a blurb for Kord to review; she will send it to Ellen for community distribution.

Approve minutes of May 18, 2020 Regular and May 26, 2020 Special Selectboard Meetings

Motion: To approve the May 18, 2020 Regular Selectboard Meeting minutes as submitted—moved by Maureen—all in favor.

Motion: To approve the May 26, 2020 Special Selectboard Meeting minutes as submitted—moved by Maureen—all in favor.

Public Comment

- Bill Dunkel posed questions re: how to hold virtual meetings of the Planning Commission and/or Energy Committee without violating the Open Meeting Law. Maureen explained that the requirement of 48 hours advance notice still applies, warnings must be posted as before (Town Office, Meeting House, Fire Company, website), the warning must include the meeting details such as the platform, i.e., Zoom, GoToMeeting, Google Meet, etc., the meeting ID, password, and any other relevant details to allow participation from the public. Vance offered to assist Bill in setting up virtual meetings.
- Bill Dunkel inquired re: details of the Windham Elementary School budget vote and the Leland and Gray budget vote on June 10, 2020. Maureen explained that Antje Rupert, School Board Chair, will provide details to Ellen for community email distribution. An informational meeting is planned for June 8. At Maureen's request, Mike McLaine explained that the Meeting House would be open for in-person voting, from 10 a.m. to 7 p.m., with one voter at a time allowed in, voting would be by ballot, and everyone must wear a mask. He prefers that voters bring their own writing implements.

Correspondence

Correspondence included the Zanetti access permit for property on Cross Road (see attached). The access permit and recording fees were paid. Kord and Peter were in favor of approval. The original permit, once approved, must be returned to Mike for recording. Kord inquired whether it was necessary to circulate the permit for signatures or whether one member could sign on behalf of the full Selectboard.

Motion: To authorize Maureen Bell to sign the Zanetti access permit on behalf of the Selectboard—moved by Peter—all in favor.

New Business:

Complaint of Dogs Barking on Abbott Road (near WHR intersection)

Maureen noted receipt of a complaint about dogs barking at a home on Abbott Road. Kord is in favor of having the Town Clerk send a letter notifying the property owner that a complaint was made re: the dogs barking. Mike agreed to send the letter on Tuesday.

Bill Dunkel said he occasionally walks on that area of Abbott Road but his wife, Chris, walks it more often. Bill believes that there are two dogs on the property, one of which appears to be a pit bull. Chris recounted an earlier occasion while walking on Abbot Road when one of the dogs—muzzled but not leashed—ran toward her in an intimidating manner. More recently, she noted that a fence has been installed around the door from the home and both dogs were inside the fence.

Grant Writing – Mary McCoy

Kord reported that he spoke with Mary McCoy to ascertain whether she might be willing to do some grant writing for the Town. Mary is not interested in being the sole grant writer but would be willing to participate with others on a grant writing committee. She knows of someone at Grace Cottage who also has experience with grant writing and might be interested. Mary will give some thought as to others who might have experience and be willing to help. Maureen suggested including an announcement in the next issue of News and Notes. Brief discussion followed re: whether residency in Town is a requirement. Peter suggested establishing a grant-writing committee at present; Maureen noted that the appointments must be made when the committee is established.

VLCT Guidelines on Town Finance FAQs related to COVID-19

Maureen disseminated the most recent information from VLCT on recent changes to allow selectboards to temporarily reduce the municipal property tax rate, extend or establish a new time and method for paying taxes, establish a grace period for, reduce, or waive interest, fees, and penalties associated with late payment of taxes, etc. (See attached). Recent legislative action gives selectboards temporary authority to reduce, but not increase, the municipal, but not the education, property tax rate. Instead of setting the tax rate at the amount required to raise the appropriations approved by voters at town meeting, selectboards have the flexibility to raise through taxes only that amount necessary to fund reduced operations.

Kathy Scott inquired about changes to the policy re: tax sales of properties where tax payment is delinquent. Maureen noted that the new guidelines allow for the delinquent tax collector and the selectboard to jointly develop a COVID-19 related temporary policy to address tax sales. In response to a question from Maureen, Kathy reported that Paul Wyman, Delinquent Tax Collector, has set up an email address and Kathy will provide the information to Maureen so she can contact him.

Old Business:

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

The Wi-Fi hotspot update was covered at the start of the meeting.

Re: joining the Deerfield Valley CUD, Maureen reviewed the question which arose at the last meeting about residents who currently have high-speed service through V-Tel's fiber optic lines. David explained that the feasibility study addresses that issue by dividing the Windham Region towns into 3 groups: Group 1 includes those who currently have no broadband (25/3 Mbps) service such as Marlboro, Halifax, Readsboro, Wardsboro and Whitingham). Group 2 includes those towns considered partially served at present; Windham at 50% falls in this group along with Stratton, Jamaica, Townshend, Newfane and several others. Group 3 includes towns with universal coverage such as Grafton, Brattleboro, Brookline and Rockingham.

Once the feasibility study receives legislative approval, Phase I allows for built-in priority for those towns with no broadband. Phase 2 would follow to bring broadband to towns partially served such as Windham. Dave explained that the goal is symmetrical upload and download speeds of 100Mbps. Brief discussion followed on locations of control boxes and upgrades for those towns with existing fiber optics. Kord asked about those consumers such as himself who currently have 1Gbps service from V-Tel on existing fiber optic lines and the impact of the project on existing high speed service. Dave explained that existing high-speed customers would not be impacted and may possibly realize a savings from providers offering more competitive rates if there is excess capacity. Brief discussion followed about lit and dark fiber optic lines. Maureen asked Peter and Kord if they wanted to give it further thought before joining the Deerfield Valley Broadband CUD. Dave offered rationale against waiting such as funding issues, competition among installers, and the possibility that the costs for the CUD may increase in the future. He repeated that there is no downside for the Town and that broadband service will likely increase property values by 3 to 5%, making the Town more attractive to home buyers, and increasing the tax base for the Town. Peter agreed that joining Deerfield Valley CUD now makes sense.

Motion: To approve the Town of Windham joining the Deerfield Valley Broadband Communication Union District—moved by Maureen—all in favor.

Maureen will draft an email to notify Windham Regional Commission of the Selectboard's decision to join.

Nuisance Animal Ordinance

Maureen noted an escalation in nuisance animal complaints recently, and the importance of continuing discussion and review of the mock-up nuisance animal ordinance. Kord stated that he likes the notion of an Animal Advisory Board, but is not sure that the Selectboard can find members to serve on it. Kord stated his preference that residents try to resolve animal issues in a neighborly fashion before filing complaints about violations of an ordinance. He would prefer not to have to field calls about nuisance animal issues, and feels that in some cases, it boils down to a matter of perception resulting in a no-win outcome. (The meeting was suspended briefly due to several participants losing the connection.) Kord mentioned that the existing Vicious Dog Ordinance serves the purpose of providing a means for the Selectboard to address serious public safety issues in a quasi-judicial capacity, which is different from animal nuisances which are irritating to some residents but not dangerous. Maureen noted that the elements of the Vicious Dog Ordinance are included in the sample ordinance under consideration.

Peter remarked that if the ordinance addresses both vicious dogs and nuisance animals, it would serve to spell out the rules for new residents in one document and alleviate confusion. He suggested adding damage to personal property such as cars, to the violations listed under Article VII, Section G.

Kathy Scott stated that the definition of a public road on page 2 (within 25 ft. of the center line of the traveled way on any state or town-owned highway) would include a resident's property in some cases, such as her own. She has two dogs which are not leashed while outdoors but contained within an electric fence. Discussion followed re: property lines and right-of-way considerations. Advice of legal counsel will be sought.

Kord repeated his preference that residents discuss issues among one another if the neighbor's animal is causing damage or stress or otherwise being a nuisance. He feels that animal owners need to be responsible for their animals and responsive to concerns expressed by neighbors. Maureen noted the need for an ordinance in the cases where neighbors cannot resolve issues amicably. Maureen will consult legal counsel.

Tax Sale Properties

Maureen followed up with Atty. Fisher who confirmed Paul Wyman's understanding that the Town must collect the full amount owed in order for a property owner to redeem the property. Maureen noted that the deadline for redemption is coming up soon. Maureen needs to follow up with the Town Clerk about the exact amount owed by the property owner. Brief discussion followed about the property owner assigning rights to a distribution to the Town. The delinquent tax collector will need to be put in touch with the Town's attorney re: how to handle the issue. Maureen will contact Bob Fisher and confirm whether the town official to communicate with is the tax collector (treasurer) or the delinquent tax collector. Maureen will get direction from Bob Fisher and report back.

Kord and Peter have yet to visit the other properties included in the tax sale to determine whether to sell or acquire the properties for town use. Maureen reminded them to post the meeting when the details are decided.

The Meeting House:

Cleaning/Sanitizing before June info meeting/election

Louise was in touch with Maureen about the need to clean and sanitize the facility. The cleaning regimen has been discontinued because of the lack of use of the facility during the pandemic. It would be more expensive to resume cleaning than to have Paul sanitize the facility before and after the June 10 election.

Motion: To authorize Paul Wyman to sanitize the Meeting House just prior to and again immediately after the June 10 vote—moved by Maureen—all in favor.

Kord brought up an issue that he became aware of during the hot-spot installation at the Meeting House involving the Green Mountain Power guy-wire connection on the left side of the building. He asked about the purpose of a power line running from the pole on Maureen Fitch's side to the Meeting House. He also noted that the guy wire bracket is pulled out and the wire is hanging. Kord thought it was an odd installation. Tom agreed to take a look at it.

Added: Meeting House bills

Kathy reported that she is in the process of notifying vendors to send Meeting House bills to the Town. She stated she was confused about a memo from Dave Crittenden about monies owed by the Town including \$6,000 for 2019 and \$773 for 2020. She believes the \$773 amount may be the pro-rated amount for expenses pre-paid by the Church before the Town assumed full ownership. The \$6,000 amount is perplexing because the Town has paid the money that was pledged. Kathy will review the amounts paid with Dave Crittenden. Kathy also reported receiving a heating oil contract from Cota & Cota for \$1800 which she questions. Kord asked Louise and Tom Johnson if they were aware of a contract for Bill Farace to service the heating system at the Meeting House. Louise deferred to Dave and Ginny Crittenden who would be more familiar with this. Kord noted that Cota & Cota charges the Town a flat-rate annual fee which covers routine maintenance at the Town Garage. Louise feels that if the Town and Garage use the same vendor for maintenance, it would make sense to use the same vendor under a separate contract for the Meeting House. Kord will follow up with Cota & Cota to get a contract amount for the Meeting House.

Roads:

Salt Shed Wall Repair Quote & Plans

Maureen opened discussion on the salt shed repair budget. Kord followed up on discussion at the May 18 meeting re: project costs to address the deficiencies in the salt shed. While Kord originally anticipated a total of \$20,000 to \$25,000, the total estimated budget presented is \$29,100 (see attached). Kord cannot vouch for the life expectancy of the improvements but he feels that failure is imminent if nothing is done. He noted that the structure is almost 30 years old and the objective is to return it to as close to stable as possible. None of the contractors involved can guarantee this approach will work for the long-term. Kord noted that Record Concrete's original estimate of \$15,950 was based on 4 pilasters. The quote increased to \$18,850 due to identification of another crack on the far left inside corner which will require a 5th pilaster.

Kord spoke with Charlie at Record Concrete today, and while Charlie has not yet seen the newly identified crack, it may be possible to accomplish the repair less expensively by jacking up that side, providing temporary support, tearing out the wall and replacing it rather than installing the pilasters. Re: the pilaster approach vs. reconstruction of the concrete wall, Kord does not have an answer about how to proceed at this point. He will ask Charlie to review it and determine the best approach to use. He wants Selectboard approval to proceed with the repairs and will report back about the method determined to be most effective. Kord noted that even if the reconstruction approach costs the same as the pilaster approach but provides a better end-result, it's worth it. There is money in the M & I account for the repair. Brief discussion followed on lead time to begin work.

Motion: To move forward with repairs to the salt shed based on a budget of \$29,100 for all work; Kord will report back on what repairs will include—moved by Kord—all in favor.

Kord reported on one more road issue, that being the replacement of the Harrington Road culvert. Richard is in the process of obtaining quotes. They have a quote from Hill but need to confirm that it is still valid. Quotes will also be requested from P&L, and Jared Smith. The quotes should be available in the next few weeks. There is money in the bridges and culverts account for this repair.

Payroll/Bills

Maureen noted that two of the attachments Kathy sent seemed to be the same. While they referenced different pay periods of 7 and 8, the information appeared duplicated. Kathy responded that it was possible she overwrote one pay period with another.

Peter asked about an invoice from Bill's Lumber; Kathy responded that it was for wood purchased in March, and Kord explained that it was used to repair the side rails for the dump body on the truck.

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

Executive Session-Dog Bite Case Decision

Maureen asked participants to leave the virtual meeting so that the Selectboard may enter into Executive Session for the purpose of discussing the dog bite case decision.

Motion: To enter into Executive Session at 7:02 p.m. for the purpose of discussing the dog bite case decision and invite the Selectboard Clerk—moved by Maureen—all in favor.

The Selectboard exited Executive Session and resumed the regular session at 7:26 p.m.

Maureen noted that the Selectboard's decision in the case will be provided to all relevant parties.

Adjournment

Motion: To adjourn the Regular Selectboard meeting at 7:27p.m.—moved by Peter—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Zanetti access permit
- VLCT guidelines on Town Finance FAQs related to COVID-19
- Salt shed repair budget