

Windham VT Selectboard Meeting Minutes  
July 6, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectwoman  
Kord Scott, Selectman  
Joyce Cumming, Selectboard Clerk  
Kathy Jungermann, Auditor  
Kathy Scott, Treasurer

Peter Chamberlain, Selectman  
Michael McLaine, Town Clerk (joined late)  
Bill Dunkel, Planning Commission  
Gail Wyman, Asst. Treasurer

**Call to order**

Maureen announced the meeting date and called it to order at 5:30 p.m.

**Additions to Agenda/Announcements/Reminders**

- Kord requested the addition of a few items to discuss Town trucks, the Christiansen access permit, and the Harrington Road bridge. Maureen agreed to add these items under discussion of roads.
- Maureen offered a reminder re: the deadline extension to July 15 for income tax filing.

**Approve minutes of June 15, 2020 Regular Selectboard Meeting and July 19, 2020 and July 28, 2020 Special Selectboard Meetings**

Motion: To approve the minutes of the June 15, 2020 Regular Selectboard Meeting, the July 19, 2020 Special Selectboard Meeting, and the July 28, 2020 Special Selectboard Meeting as submitted—moved by Maureen—all in favor.

**Public Comment**

Kathy Scott asked if the Animal Ordinance was on the agenda, and agreed to hold comments until this item was brought up for discussion.

**Correspondence**

Maureen was not aware of any correspondence received. Mike McLaine joined the meeting late and announced receipt of correspondence.

**New Business:**

**Bank Signature Resolutions – Kathy Scott**

Kathy Scott explained the need for signed resolution forms for People's United Bank in order to increase the credit limit and issue a credit card for use by the road crew, and to update the authorized signatories on the various business deposit accounts. Brief discussion followed.

Motion: To adopt the Businesscard Resolution Form for the Town of Windham and authorize the Board Clerk to sign the Officer's Certificate Regarding BusinessCard Agreement Authorization—moved by Kord—all in favor.

Motion: To adopt the Business Deposit Account Certified Resolutions for the Town of Windham dated June 29, 2020 and authorize the Board Chair to sign the Certified Resolutions on July 6, 2020—moved by Kord—all in favor.

### **COVID-19 Related Expenses**

Maureen referenced an email received from Carolyn Partridge re: House Bill 966 recently passed by the legislature to help cover some COVID-19 related expenses. Brief discussion followed on eligible expenses such as sanitizing of the Town Office and Meeting House. There does not seem to be a minimum amount specified and expenses qualify through December 30<sup>th</sup>. Kord felt it would be worthwhile to apply for any relief available.

### **Old Business:**

#### **Deerfield Valley Broadband CUD Update – Rory Rosselot is the alternate representative**

Maureen offered an update on the DVCUD. Rory Rosselot has agreed to serve as the alternate representative and will try to “attend” as many (virtual) meetings as possible.

#### **Animal Control Ordinance – continuing discussion; yet several more complaints about loose animals**

Maureen noted several revisions required including deletion of reference to the Town Charter, updating a reference to an Article to reflect its current placement in the ordinance, and revising the definitions listed for potentially vicious and vicious animals. Maureen expressed her opinion that animals inflicting injuries on a person should be considered vicious regardless of whether or not the person injured requires medical attention. Kathy Scott inquired about how an animal that frightens a person would be classified if there were a claim of harm. Kathy noted that Thelma, the cow in North Windham, has died. It was uncertain whether its death was due to nutritional deficiencies or mastitis. Brief discussion followed on injuries such as bruising. Peter noted that he would not feel harmed if a chicken pecked at him while walking on the road, but if he had a three-year old grandchild with him, the circumstances would be different. Maureen suggested getting back to these definitions after reviewing the remainder of the ordinance.

A typo was noted on line 255. Maureen reported that she checked the references to State Statutes and did not find any conflicts. Discussion followed on the Animal Advisory Board. Maureen felt it was appropriate to create the Board, even if residents were not appointed initially. Peter agreed that if additional time was needed to fill the positions, the appointments could be done at a later date. Kord felt it was important to include a cross-section of the population in the appointments. Discussion followed on the response provided by legal counsel with regard to communication between conflicting parties. Kord would have preferred that the injured party speak directly with the offender before involving the Selectboard in complaints. Legal counsel advised that if the Town adopts an ordinance, the ordinance should be followed, and communication between parties is not required as an initial step.

Discussion followed on real-world examples of animals at-large threatening residents while out walking, and whether these issues should be addressed by a formal complaint or whether it should be referred to the Animal Advisory Board. It was agreed that if the issue involves injuries sustained as a result of a bite, it must go to the Selectboard for a formal hearing. Maureen noted that the Selectboard is currently serving as the Animal Advisory Board in fielding complaints. She referenced a recent conversation she had with Wren about the dogs running loose on Burbee Pond Road. Brief discussion followed on violations and whether the initial complaint should be considered the first violation, or whether to allow the Animal Advisory Board to resolve the problem before triggering the sequence of violations. A suggestion was made to continue reviewing the ordinance as a separate document to address nuisance animals while keeping the current vicious dog ordinance.

### **Eliastam dog fence**

Maureen provided an update on the fencing plan. After receipt and review of a revised proposal from the Eliastams, the plan was approved with conditions. The deadline for installation of the fence was extended to August 1, 2020.

### **Highway Ordinance – continuing discussion**

Maureen requested that discussion on this topic focus on the results of the recent traffic study conducted by Officer Lakin. Kord reported that the traffic study conducted by Officer Lakin addressed the two sections of Windham Hill Road which are currently posted at 40 mph. These two sections are referenced as “northern end” and “southern end” and are separated by the school zone which is posted at 25 mph. The traffic ordinance currently in effect provides for a town-wide speed limit of 40 mph unless posted otherwise. Based on the results of the study, it is justifiable to post section(s) of Windham Hill Road at 35 mph. Brief discussion was held re: the speed limit on Burbee Pond Road. Maureen asked about changing the speed limit town-wide to 35 mph. Kord noted that there is some latitude to take additional factors into consideration including the lack of shoulders on the road, number of pedestrians and/or bicyclists, hidden driveways, etc. Kord noted that legal counsel should be consulted prior to adopting a revised highway ordinance.

Kord added that if the posted speed limits are not challenged within a 5-year period following adoption, the posted speeds are final. With regard to a question re: the findings and recommendation for the southern end of Windham Hill Road which seemed to be missing, Kord noted that there were two additional pages which he thought were duplicates and omitted them when sending the information. He will follow up on whether the information on the southern end was provided and not forwarded to the Selectboard members.

### **Letter of appreciation to the people who worked on the revised School Budget**

In preparing a draft letter of appreciation to those involved on the revised school budget, Kord reached out to VLCT to get advice on whether a letter or resolution would be the best way to proceed. Maureen read the suggested wording prepared by Kord and described it as thoughtful. She felt a resolution would be appropriate and volunteered to review the format used in other resolutions.

### **The Meeting House:**

#### **Selectboard Member to join the Committee**

Maureen noted a request from the Meeting House Committee to have a member of the Selectboard serve on the Committee to assist with decision-making. Maureen also announced that Louise Johnson is stepping down as Chair of the Meeting House Committee and that Tom and Eileen Widger have agreed to serve as Co-chairs. After brief discussion, Maureen agreed to serve on the Meeting House Committee.

#### **Sparky Electric to start working on new Exit signs**

Maureen reported that Sparky Electric will review the work required on the Exit signs at the Meeting House after returning from vacation. An estimate should be available in the near future.

Mike McLaine joined the meeting at this point and reported on correspondence received today with a request that it be included at tonight’s meeting. Maureen agreed to add this after discussion of Roads.

## **Roads:**

### **Salt Shed Wall Repair – update**

Kord reported that the engineer was provided with the sketches showing the alternate options to address the failure of the salt shed wall. The engineer suggested digging test pits to review the footings under the wall and determine what is causing it to move. In response to a question from Joyce about how the engineer became involved, Kord explained that Pete Newton and Record Concrete were having trouble getting started on the project as the COVID restrictions eased. They also expressed concern about liability if their recommendations for repairs did not address the problem. In speaking with Everett Hammond, Kord got the name of a structural engineer, David “Todd” Hindinger at Heritage Engineering. At a cost of \$1,000, the engineer agreed to review the plans, conduct a site visit, and provide recommendations on a repair. Richard will be digging the test pits in the near future.

### **Route 121 Culvert Grant Agreement**

Prior to the meeting, Kord forwarded the grant agreement for Selectboard review. He noted some concerns that the availability of federal funding may impact the level of State funding for the grant. The grant award of \$400,000 requires a matching contribution from the Town of \$100,000 to satisfy the total cost of the project, \$500,000. The town does not currently have funding to cover its share of the cost. Originally, the project was estimated at \$365,000 of which approximately \$255,000 was available through a \$175,000 grant and Better Back Roads grant of \$80,000. Kord noted that the federal grant increased the project cost. The Town has the option to borrow \$100,000 and pay back the loan over 10 years at \$10,000 per year. He also noted that the grant requires a Municipal Project Manager for the project. After further discussion, a suggestion was made to have the attorney review the agreement. Kord was under the impression that the Town must respond within 30 days re: acceptance of the grant but that timeframe may have changed due to the pandemic. Kord will follow up with Peter Pochop, Project Supervisor at the State Granting Agency.

### **Culvert Work**

Kord provided an update on the other culvert work to be done. The road crew ordered all the 18” culverts in stock at W-W Building Supply which were quoted at State contractor pricing. The road crew will begin replacing culverts on the unpaved roads beginning tomorrow. Richard and Kord discussed the idea of getting turnkey pricing from P&L, Chaves, and Jared Smith for the culvert replacement work. Kord will report back when pricing is available.

### **Trucks**

Kord reported that the 550 was sent to Twin States for what was anticipated to be a costly repair involving the turbo. The repair was completed at less than \$1,000.

Kord anticipates that Iriquois will have the body for the new truck ready this week.

### **Christiansen Access Permit**

Kord has the original permit submitted by Christiansen. The permit was not originally approved when received in April due to a lack of information provided for the project. Richard met with the contractor and the required information has been provided. Kord recommended that the permit be approved.

Motion: To approve the access permit submitted by Christiansen and authorize Kord to sign the permit on behalf of the Selectboard—moved by Peter—all in favor.

### **Harrington Road Bridge**

Kord reported that one contractor declined to bid on the project. Hill originally submitted a quote for approx. \$12,000. Today, a quote was received from P&L which Kord opened during the meeting. P&L's price was \$33,733 and included poured concrete bridge seats. Kord noted that this section of road is not heavily travelled and the Stream Engineer assisted Hill with the original repair concept to use pre-fabricated concrete blocks and planking. Kord noted that Hill's quote has increased to \$14,375. There is approximately \$30,000 in the bridges account of which approximately \$15,000 has been earmarked for this project. Kord will ask Richard to review the quote from P&L to determine whether there are serious complicating factors to be taken into consideration that warrant the additional expense. Otherwise, Kord is in favor of awarding the bid to Hill.

Motion: To award the bid for repair of the Harrington Road bridge to Hill Construction unless review of the bid submitted by P&L Trucking includes complicating factors that need to be included at additional expense—moved by Kord—all in favor.

### **Correspondence**

Maureen read aloud a letter received from Michael Simonds and Mary McCoy about a communication between Town officials they believed was mean-spirited and accusatory, and requested that the Selectboard establish a policy that stresses the importance of maintaining positive working relationships among Town officials. Maureen was not aware of the issue and was not sure how the Selectboard would go about establishing a policy. Joyce explained that the issue was prompted by frustration over unwarranted criticism by a member of the School Board. Kathy Scott weighed in, saying that neither the Selectboard nor the School Board can set a policy telling people how to feel. She felt that while it was a regretful incident, everyone should just move on.

### **Payroll/Bills**

Maureen did not have any questions about the pay orders. Peter agreed everything seemed okay although it was a lot of money. Kathy assured the Selectboard that the Town was financially stable at present. Peter asked about the cost for signs to change the speed limits in Town. Brief discussion followed.

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

### **Adjournment**

Motion: To adjourn the Regular Selectboard meeting at 7:46 p.m.—moved by Kord—all in favor.

Respectfully submitted,

Joyce Cumming  
Selectboard Clerk