

Windham VT Selectboard Meeting Minutes
July 20, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair
Kord Scott, Selectman
Joyce Cumming, Selectboard Clerk
Bill Dunkel, Planning Commission
Mrs. Pat McLaine
Tom Johnson, Energy Committee
Richard Paré, Road Crew

Peter Chamberlain, Selectman
Michael McLaine, Town Clerk
Dawn Bower, Various Commissions
Chris Dunkel, Library Trustee (joined late)
Louise Johnson, Meeting House Committee
Kathy Jungermann, Auditor
Rep. Kelley Tully

Call to order

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

Additions to Agenda/Announcements/Reminders

- Kord requested the addition of an item to discuss a complaint of animal cruelty, as well as a complaint re: nuisance animals. Maureen agreed to add these items under the Animal Nuisance Ordinance.
- Kord requested a change in the agenda sequence to address the culvert replacement plan earlier in the meeting in order to allow Richard to participate and leave. There were no objections and Maureen agreed to move the item to the first topic under new business.

Approve minutes of July 6, 2020 Selectboard Meeting

Motion: To approve the minutes of the July 6, 2020 Selectboard Meeting as submitted—moved by Maureen—all in favor.

Public Comment

There was no public comment.

Correspondence

Maureen noted the only correspondence received was from V-Tel dated July 2019. In response to a question from Maureen re: whether an anticipated quote was submitted for work on the exit signs at the Meeting House, Mike replied that it was not.

New Business:

Culvert Replacement Plan (re-sequenced from discussion under Roads)

Kord mentioned that Richard requested quotes on culvert replacement from 4 prospective vendors, 3 of which provided bids (Jared Smith did not bid). Ten culverts need to be replaced on paved roads in town. It was felt that using a contractor would be more cost-effective for this work, and this would allow Kurt and Ralph to focus on replacing culverts on unpaved roads. Hourly rates were quoted for a large machine and a smaller machine. Chaves quoted \$150/hr. for large machine and \$130/hr. for smaller machine. P&L quoted \$130/hr. and \$110/hr. Hill quoted \$160/hr. and \$140/hr. plus \$250 per mobilization charge (equipment delivery/removal).

Chaves also quoted a lumpsum estimate of \$12,900 for 2 days' work. Kord explained that the contractor generally works 10 hrs. per day and he anticipates 1 day spent at north end and 1 day south. The Town is responsible for removal of old fill material not being used. Kord said Chaves would provide fill for under and around the culvert. Richard noted that the fill material to go on top of the culvert would be brought in as needed from the garage. Asphalt patch work is not included in Chaves' quote; Kord explained that the fill will be compacted and that some maintenance, such as adding fill material, will be required from the Town over time until these sections of road are repaved.

P&L provided a lump-sum estimate of \$38,000 for a more complete scope of work including asphalt patchwork and traffic control. Kord noted that P&L is better at ditching, while Chaves has more experience with culverts and can handle as many as ten per day. Kord suggested using Chaves for the culvert replacement work and P&L at an hourly rate for ditching work and clean-up afterwards. Maureen asked how the turnkey price compares to the hourly rates; Richard explained that it equates to roughly 45 hours per machine.

Discussion followed on the need to close sections of Windham Hill Road while the work was being done, and concerns about emergency services such as ambulance calls. It is anticipated that the road won't be impassable for long periods and that the road crew will be available to backfill if necessary to allow emergency vehicles to pass. Maureen asked if anyone had been in touch with Londonderry Volunteer Rescue Squad or Rescue, Inc. Kord agreed with the need to coordinate with emergency services. Richard noted that when work was done on Windham Hill Road last year, Ralph Wyman and Rick Weitzel were notified when the road was closed and when it re-opened. Dispatch was also informed.

Brief discussion followed on posting signs at both ends of the road (Windham Hill Road in W. Townshend and Route 11) to inform drivers of the road closure. Kord contacted V-Trans for information on closing roads but was told there is no formal process to follow and it is presumed common sense will be used. Peter agreed on the importance of advance notification of the road closures to minimize the impact on drivers who may have doctors' appointments or residents who need to travel for work. Richard has advised all three contractors that the anticipated timeframe is first week in August (suggested dates: August 3 and 4). Mike expressed confidence in Kord and the road crew knowing how to handle the work as efficiently as possible, adding that Ralph Wyman is paged if emergency access is needed. The message board can be used to notify residents. Use of an electronic sign, such as those used by V-Trans, was also suggested though availability is unknown.

Motion: To accept Chaves' proposal for culvert replacement work at a cost of \$12,900 for 2 days' work as discussed, and to contract with P&L at an hourly rate for ditching and clean-up work afterwards—moved by Maureen—all in favor.

Interest in 3 Tax Sale Properties

Mike explained that three different parties have expressed interest in the three properties purchased by the Town at the tax sale last year. Mike is not sure if the Town is willing to sell the properties or what the prospective buyers are willing to spend. Mike noted that back taxes on one parcel amount to approximately \$30,000, while another is delinquent by approximately \$10,000, and a few hundred dollars is owed in taxes on the third parcel. All three parcels are less than an acre in size, and two of the three include derelict buildings.

Kord suggested asking Bob Fisher to advise on selling the properties. Mike was aware of a tax sale property selling at public auction in Townshend, but that property was considerably different than these. He agreed Bob Fisher needs to be involved. Mike will provide the details on the three properties to Maureen who will reach out to Bob Fisher.

Insurance Liability for Tax Sale Properties

Brief discussion was held on the Town's insurance liability for the three properties acquired at last year's tax sale. A suggestion was made to include the properties under the Town's coverage through PACIF. Maureen will also run this by Bob Fisher.

Response to letter from Mary McCoy and Michael Simonds

Maureen noted that Mary and Michael's letter was discussed at the last meeting when it was decided that the Selectboard cannot control how people should feel or act, but the method of responding was not discussed specifically. After brief discussion, Maureen agreed to call Mary and Mike.

Old Business:

Letter/certificates of appreciation to the people who worked on the revised school budget

Maureen drafted a letter of appreciation based on the wording Kord provided to thank the ad-hoc committee, school board members, WES staff, and supervisory union staff for their efforts in developing a revised school budget. Kord appreciated the certificates Maureen prepared to personalize the sentiment. He suggested sending them out as soon as possible. Maureen will leave the letters and certificates at the Town Office for signatures. Kathy Scott agreed to assist Maureen in providing addresses for some recipients.

Eliastam fence update

Maureen was in touch with the Eliastams regarding the fence installation. Springfield Fence is waiting for material to go along the bottom of the fence. Best estimate at this point for installation is the last week of July, which would comply with the August 1 deadline for completion. Becky will follow-up with Springfield Fence mid-week.

Animal Nuisance Ordinance

Maureen explained that discussion was not anticipated on the draft ordinance itself but on animal issues and continuing complaints.

Kord reported that a phone message was left at the garage by Susan Gramms (Christmas Tree Road) regarding a complaint of animal cruelty involving the two calves at the Val Alstyne residence. Richard relayed the information to Kord who contacted Officer Lakin. Robert Lakin explained that there is a legal process in place to address animal cruelty, and while the Sheriff's Office can address the complaint, it would be more efficient and cost-effective to contact the State Police. Kord contacted the State Police and was assigned to Trooper B. who shared information on resources available such as County Animal Control Officers. Trooper B. reached out to 2 County ACOs to investigate the complaint.

Maureen referred to a past incident involving a bull being held in a confined space and her understanding that the Town did not have authority in such matters. Kord explained that because there is legislation that lays out a process including training, etc., that the Town doesn't need to be involved. Kord also reported that Beth McDonald went over to look into the situation at the Van Alstynes and she offered to purchase the two calves if, from an economic point of view, the owner could not properly provide for the animals. The owner wants to keep the calves. Beth is willing to take them if it becomes necessary to relocate them. Maureen asked Kord to relay her thanks to Beth.

Kord read aloud a letter sent by Keith Bower to his neighbors, Wren Watts and Kermit Wood. Keith mentioned excrement, viruses, ticks, fleas, etc. as a result of his neighbors' animals roaming on his property and said the situation was not acceptable. He expressed concerns from a health perspective about the droppings left by two dozen animals all over his property, as well as concerns about possible well water contamination caused by the animals' excrement. In addition to the birds, Keith complained that the same neighbors' dog was roaming on his property as he wrote the letter. Based on health concerns expressed by Keith, Kord reached out to Marcia Clinton, Town Health Officer. There is no mechanism for the Health Officer to get involved, and it falls to the Selectboard to resolve the issue. Keith got information from the Agency of Natural Resources (ANR) on contamination, and Kord suggested Keith follow up with ANR. Keith is also offended by the signs posted on his neighbors' property asking drivers to slow down for the birds. Kord explained to Keith that the Selectboard is working on a nuisance animal ordinance but it takes time to refine the details. Kord noted that both Keith Bower and George Badgley have mentioned shooting the animals, and Kord did not advocate violence. Keith may reach out to an attorney.

Kord asked Bill and Chris Dunkel if the situation at Wren and Kermit's had improved. The water buffalo, described by Bill as a playful puppy, followed Chris down her driveway recently. Because the animal is still young, it did not present a danger, and Bill stressed that this was not a formal complaint. He noted that the llama/alpaca has been contained. The dogs, which are not considered dangerous or vicious, are constantly allowed to roam loose. Dawn commented on waking to find up to a dozen peacocks on her property and the mess the birds leave. Many times, there are three peacocks and one of the neighbors' dogs on her property. Peter also relayed a complaint received from another neighbor, Don Beers, about the peacocks and donkey(s) on his property.

Maureen remarked on the need for an ordinance to address these issues. Maureen has had discussion with Kermit and Wren but to no avail. Peter noted that the existing vicious dog ordinance can be used to address the dogs roaming loose. After brief discussion re: how best to enforce the ordinance, it was agreed to have Kord contact Officer Lakin to act in an official capacity in issuing tickets.

The Meeting House:

Committee request for SB to weigh in on closing the building/conduct business by appointment only

Maureen announced that the Meeting House Committee met last week. The Committee is asking the Selectboard to weigh in on possibly closing the building or conducting business by appointment only. It was noted that several residents in Town have keys to the building and a lot of people know where to find a key. As a result, people are going in and out of the building for any number of purposes (books, eggs, etc.). Hard surfaces such as door handles are not being sanitized between visits. Books are also being borrowed and returned though it is unlikely that books are back in circulation immediately upon return. Chris commented that anyone who has a key will not be happy to find it doesn't work any longer. She shared an anecdote about a recent visit to the Meeting House and how she delayed leaving in order to avoid disclosing the location of the key. Louise referred to the two rental/use requests (memorial and family reunion) which have not been approved. Those requests were viewed as notably different from book borrowing due to the size of the groups and the likelihood of out-of-state guests. Chris is hoping to hold a meeting of the Library Trustees in the near future.

Exit sign electrical work to be done

A quote was expected from Sparky Electric on the exit sign electrical work needed at the Meeting House. The quote has not been received yet. Maureen will follow up with Bob when he returns from vacation.

Roads:

Harrington Road bridge repair

Kord reported that he notified the contractor (Hill Construction) of the bid award at the last meeting for repair of the Harrington Road bridge. The contractor will contact the Stream Engineer prior to commencing work. Hill will be in touch with Kord when a schedule is worked out and Kord will report back.

Street signs for Timber Ridge

Maureen noted a concern from a Timber Ridge resident about missing street signs in Timber Ridge. It was suggested that if the Town were ordering any street signs, Timber Ridge could piggy-back its order with that of the Town. Kord explained that the Department of Corrections supplies the signs based on details provided such as street name, whether all letters are to be capitalized or first letters only, etc. and the signs are produced according to State standards. Kord offered to share contact info for Dept. of Corrections to whomever at Timber Ridge would be placing the order once an inventory has been developed. As a private development, Timber Ridge does not need to follow State standards for signs. A board member at Timber Ridge suggested looking at the signs used at Powder Mill and using similar signs.

Salt Shed engineering update

Kord reported receipt of an email from the engineer this afternoon which he forwarded to the Selectboard just prior to the meeting. Neither Maureen nor Peter had a chance to review it yet.

Kord summarized the message content. The engineer concluded, based on results of the test pits which were dug, that the footings are too small/narrow to provide sufficient support. In addition, the backfill material originally used is not stable. Using a tool similar to a stud-finder, he also noted that there is not much rebar in the wall. He feels the structure can be stabilized and suggested several possible ways to proceed. One is similar to Pete Newton's idea, but using dirt for buttresses rather than concrete. Building up the soil on the outside of the structure this way means losing shed space as well as parking area on the Windham Hill Road side. All walls have similar footing problems. Footings under buttresses would need to be large enough to compensate for insufficient footings under walls. Another option is to excavate around the existing structure, install footings to build an inner wall, and anchor the two walls together with rebar, essentially creating a structure within a structure.

The engineer did not suggest tearing down the structure and rebuilding unless the Town is planning to relocate the salt shed to a different location. The structure can be salvaged, but it will involve more than the one wall where movement is visible. He also noted that while the pre-engineered truss system is designed to handle downward forces, it is not designed to deal with forces from side to side such as wind, force from loader, etc. Although the gussets were a creative idea to compensate for the deficiencies of the pre-engineered trusses, he feels a better option to address the problem would be vertical supports. More engineering work at an additional \$1800 is needed in order to proceed in developing plans for repair. Maureen and Peter will review the information in the engineer's email. Kord urged moving forward as soon as possible.

Culvert replacement plan

This item was discussed earlier in the meeting.

F550 update

Kord reported that the new truck is not ready yet. He tried emailing and calling to get more information. He will keep at it and hopefully provide information at the next meeting. The current truck is still running (fingers crossed).

Rt. 121 culvert grant

Kord reviewed the grant with Bob Fisher today who suggested signing it. Kord has reservations about committing to the Town's share of the cost, \$100,000, until a decision is made on how to fund it. Kathy reached out to review payment options with a grant administrator at V-Trans who suggested that the project will likely require paying \$20,000 initially in years 2 – 3, then accruing the remaining \$80,000 later, 3 to 4 years down the road. A 10-year loan to repay \$10,000 per year may not be available. It may be possible to budget \$35,000 per year over the next few years. Currently, \$15,000 is budgeted annually for bridges and culverts. Kord wants a plan for funding the Town's contribution before signing the grant. In addition, the grant calls for hiring a Municipal Project Manager. This project doesn't require a significant amount of labor and time from Town employees to offset the Town's share of the cost. Maureen wants to review the details again. Kord and Richard discussed the need for the work to be done and agree it is necessary. Kord will report back to the Selectboard on the financial considerations.

Payroll/Bills

Mike reported receipt of a bill from Consolidated Communications in the amount of \$3,802.49 for repairs as a result of the power line incident last year. Mike suggested forwarding the invoice to PACIF since the Town's deductible should be less than the invoice amount. Mike agreed to send an email and the bill to PACIF and copy the Selectboard members and Treasurer.

There were no questions on the payroll and bills presented by Kathy.

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

Move into Executive Session re: employment discussion

Motion: To move into Executive Session for the purpose of discussion re: an employment issue at 7:04 p.m.—moved by Maureen—all in favor.

Motion: To exit Executive Session and return to the regular meeting at 7:24 p.m.—moved by Maureen—all in favor.

No decision was made.

Adjournment

Motion: To adjourn the Regular Selectboard meeting at 7:25 p.m.—moved by Maureen—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk