

Windham VT Selectboard Meeting Minutes
August 17, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair	Peter Chamberlain, Selectman
Kord Scott, Selectman	Michael McLaine, Town Clerk
Joyce Cumming, Selectboard Clerk	Vance Bell, Energy Committee
John Beagan	Dawn Bower, Various Commissions
Ginny Crittenden, Conservation Comm.	Dave Crittenden
Sally Hoover, Auditor	John Hoover, Library Trustee
Betsey Huffman (Riley)	Mrs. Pat McLaine
Louise Johnson, Meeting House Committee	Tom Johnson, Energy Committee
Kathy Jungermann, Auditor	Sarah Peck
Carolyn Rubin	Jeff Rubin
Todd Hindinger, Heritage Engineering (6:30 pm)	

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 the following items:

- Discussion and possible action on the access permit submitted by Frank Seawright and Nancy Tips (Maureen suggested including under Roads);
- Follow-up from Trooper B re: animal cruelty complaint on Popple Dungeon Road (Maureen suggested including under Old Business); and
- Review and possible action on response to John Boynton's complaint re: ditching (Maureen suggested including under Roads).

Maureen offered a few announcements:

- Maureen noted that the road mowing was completed and it looks great.
- Maureen also offered an update on the status of Tater Hill Golf Club which will not re-open. The property is for sale but has not been listed yet (asking price unknown). The lawn area around the clubhouse will be maintained but the greens and fairways will not be mowed to discourage use of those areas.

Approve minutes of August 3, 2020 Selectboard Meeting

Motion: To approve the minutes of the August 3, 2020 Selectboard Meeting as presented—moved by Maureen—all in favor.

Public Comment

There were no comments from the public on topics other than those on the agenda.

Correspondence

Maureen noted that correspondence continues to be light. She received notice from the Vermont League of Cities and Towns that the annual Town Fair Meeting will be held virtually this year. More information will follow.

New Business:

Next Meeting – Sept. 7, 2020 Labor Day (OK with everyone or not?)

Maureen noted that the next meeting falls on the Labor Day holiday. She asked whether the members wanted to proceed in keeping with the Selectboard meeting format of first and third Monday, or if rescheduling the meeting should be considered. Both Peter and Kord confirmed their availability to meet on Monday, September 7th.

Complaints regarding parking at and usage of Hamilton Falls; Letter to Dept. of Forest Parks and Recreation

Maureen reported receiving complaints from many residents over the past few weeks about the traffic on West Windham Road, parking on private property, and destruction of the pools and natural resources at Hamilton Falls. Several area residents have written or emailed Ethan Phelps, Parks Regional Manager, at the Dept. of Forest Parks and Recreation regarding the situation and requested help in managing the influx of visitors engaging in irresponsible, disrespectful and dangerous behavior at Hamilton Falls. In response to a request from John Beagan to have the Selectboard also write to Ethan Phelps, Maureen screen-shared a draft letter requesting that the Dept. of Forests, Parks & Recreation close access from West Windham Road, redirect visitors to the main entrance of Jamaica State Park, and reflect this change on its website. Signage was also requested at the intersection of West Windham and Burbee Pond Roads, along with law enforcement patrol of the area.

Maureen noted that the Town of Jamaica has contracted with the Sheriff's Dept. to have an officer stationed at Hamilton Falls on Saturdays and Sundays from 11 a.m. to 4 p.m. through October 4th. The officer is enforcing parking restrictions by limiting the number of vehicles to the four legal parking spots. Brief discussion followed on whether Windham should use some of its contractual hours with the Sheriff's Dept. to post an officer there for a few hours on a weekday.

Discussion followed on whether access via West Windham Road would also be closed to pedestrians and cyclists or whether the intent was to limit the number of vehicles, and whether to designate specific parking for handicapped and/or emergency vehicles. Lengthy discussion followed with input from several participants.

Kord reported that Alison Trowbridge had contacted Chris Campany at the Windham Regional Commission about posting signs and was re-directed to Marc Pickering of V-Trans. According to Marc, the Town can post any sign it chooses in the Town right-of-way. Marc suggested closing access from West Windham Road at Burbee Pond with a sign that reads "road closed". Discussion followed re: what message the sign should convey. Alison and Pete Newton are willing to work on a sign. John Beagan advised caution in closing the road, citing a lawsuit filed years ago against Jamaica when it tried to close Turkey Mountain Road. Brief discussion followed on parking in the Town's right-of-way and the need for Windham to finalize revisions to the traffic ordinance. Kathy Scott expressed concern about economic impact of excluding tourists.

Maureen will email the draft letter to the meeting participants for review and possible revision. Kord asked whether he should inform Alison to proceed with making a sign after he contacts Marc Pickering about the wording, and whether the Selectboard should check with Jamaica before directing visitors to the Jamaica State Park entrance. After further discussion, Kord agreed to contact Bob Fisher, Town's legal counsel, about whether it has the authority to close the road or not.

Illegal Fireworks

Maureen looked into the issue raised at the last meeting about continued use of fireworks late at night on many weekends. Maureen distributed information from the Vermont Department of Public Safety, Division of Fire Safety (attached). She noted that in Vermont, personal use of fireworks is illegal. Displays of fireworks by trained professionals are allowed with permit approval from the Fire Chief of the municipality/town. Maureen noted that neither John Gordon (Fire Dept. Chief) nor Mike McLaine (Town Clerk and Fire Dept. President) were contacted by anyone requesting a permit for fireworks. Brief discussion followed on enforcement by the State Police. Kord

suggested sending the notice about Vermont Explosives and Fireworks Law to the residents suspected of engaging in the unlawful fireworks displays.

Primary Election Day Re-cap

Peter noted a good turnout at the August 11 primary election and expressed appreciation to the volunteers for setting up the tents, manning the polls, and counting the ballots. Maureen reported turnout was approximately 38% of the 329 eligible voters. Of the 126 voters who cast ballots, 73 voted via absent ballot and 53 voted in-person.

Old Business:

Eliastam fence update

Maureen offered an update on the status of the fence installation at the Eliastam residence. Springfield Fence Company expects delivery of the remaining materials (bottom rails/posts) this week and should be on-site for installation by the end of the week.

Painting of the Town Office

Peter expressed approval of the work done by Pikes Falls Painting in painting the Town Office exterior. He also noted that according to the payroll and bills information from Kathy, the total cost for the project was approximately \$400 over the original estimate.

Added: Animal Cruelty Complaint-Update

Kord reported that Trooper B was in touch to let him know representatives from the Springfield Humane Society will visit the Popple Dungeon Road residence in the near future to investigate the complaint of animal cruelty/neglect of the calves. He hopes to hear back by next week. Maureen has not seen the animals recently. Kord reported receipt of another phone message from the neighbors who filed the complaint initially; he responded and informed them of the status.

In a related topic at a different location, Dawn noted that she has not seen the water buffalo in a while leading to questions about where it might be confined. Maureen suggested it may have been relocated and offered to follow up.

Animal Nuisance Ordinance

Maureen revised the ordinance after getting feedback and suggestions from legal counsel, and distributed it to the Selectboard members and clerk for review. All agreed that the ordinance is close to final draft form. Brief discussion followed on the deletion of the term "domestic pet" from several areas of the ordinance and Joyce suggested it may need to be added back in some places. Maureen feels the term "nuisance animal" could be substituted in some instances as its definition includes both domestic animals and domestic pets. Maureen suggested eliminating the verbal reading of the lengthy ordinance at a Selectboard meeting based on requirements for posting and publishing notice of the ordinance. Maureen will check with Bob Fisher to confirm that this is permissible. Hopefully, the Selectboard can approve the ordinance at its next meeting after one last set of revisions.

The Meeting House:

Lift Test

Mike McLaine forwarded email communication he received from Accessibility Systems about the need for a certification test of the lift at the Meeting House. The cost for a CAT1 test is \$249.00. Every 5 years, a CAT1 and CAT5 (full load test) are required at an additional \$200 for the weights—this is due next year. Maureen noted the need to factor this expense into the budget for the Meeting House. Kord asked whether anyone uses the lift. His

understanding was that it was installed due to an individual's personal agenda and wondered whether the Meeting House Committee felt it was worthwhile keeping and maintaining. Dawn noted that it was installed at least 10 years ago and agreed it has not been used much. Maureen reported that she contacted Sparky Electric to inform them re: approval of the exit/emergency lighting repairs; they were pleased with the order confirmation.

Roads:

Added: Access Permit from Frank Seawright /Nancy Tips

Kord stated that he and Richard reviewed the site. Richard offered a suggestion that would allow Frank to avoid culvert work if the access location was moved; Frank was not interested in changing the location. Kord recommended approval.

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

Added: Response to John Boynton's complaint re: ditching

After a review at the last meeting of John Boynton's complaint about ditching being performed on Wheeler Road, Kord drafted a letter of response for review by the Selectboard. All agreed that it was an appropriate response to the complaint.

Motion: To authorize Kord to sign the letter on behalf of the Selectboard and mail it to John Boynton—moved by Peter—all in favor.

Joyce agreed to mail the letter once it's signed by Kord.

Harrington Road bridge repair

Kord reported that he has not heard from Hill Construction regarding the schedule for the Harrington Road bridge repair.

Culvert Replacement plan/ditching work –road closures

Kord noted briefly that the new truck came in and the road crew has been using it for culvert replacement. There are some issues that will require returning the truck to the body company for follow-up. Richard is keeping a list of those issues. The yellow truck is still in use since it has the chloride tank installed. Chloride is being applied to gravel roads now and more chloride will need to be ordered. Joyce noted the need to apply chloride on Old Cheney Road which saw a significant increase in traffic and road dust due to the closure of the southern part of Windham Hill Road.

Kord reported that the culvert replacement was running ahead of schedule. In addition to the culverts replaced at southern end of Windham Hill Road, one culvert was also installed at the north end by Harrington Road. The work will resume near Corn Hill Road tomorrow and the road will be closed and impassable. Kord has contacted several residents affected by the closure and advised those who must travel to leave prior to 7 a.m. Kord noted that "road closed" warning signs posted by neighboring towns (Londonderry and Townshend) were helpful. The culvert replacements should be completed by Tuesday and may come in under budget, though Kord noted that the culvert near Jo-Jo's is one of the deepest and will likely be more time-consuming to replace. Work is being done at an hourly rate.

Complaint re: ditching on Rt 121 between Windham Springs and Glebe Mountain Roads

Mike forwarded a message from a resident on Route 121 stating that the ditch from Glebe Mt. Road to Windham Springs Road was filled with dirt and had not been cleaned out in 3 years. Brief discussion followed on the need for driveway culverts at some residences where driveways may have been installed prior to the access permit policy.

Kord referenced a property on Windham Hill Road in need of a driveway culvert. Brief discussion followed on driveway culverts being in the Town's right-of-way, and the long-range issues with establishing a precedent if the Town installs the culvert. There is also the matter of public safety caused by ice on the road. Brief discussion followed on the Town's philosophy/policy with regard to culverts. Kord shared Walter Woodruff's belief that it's the owner's responsibility to install the culvert initially, and the Town's responsibility to maintain it. Kord will ask Bob Fisher about driveway culvert policies in other towns. In the meantime, Kord will ask Richard to ditch in the area which should help.

Salt Shed repair update

Kord explained that Todd Hinderger of Heritage Engineering issued an initial finding last month on the easterly concrete wall of the salt shed which was deteriorating as evidenced by the wall bowing outward and cracks visible in the southeast corner and the outside of the wall. If not addressed, the concern was that the wall's movement will take the structure with it. The initial solution proposed by Pete Newton was a concept that included adding several individual buttresses to the outside of the easterly wall to shore it up. Todd felt the concept was reasonable and would benefit the wall in the short-term. While shoring it up with concrete buttresses or a build-up of soil on the easterly side would provide a temporary solution, Todd considered how it might be done better. Addressing the easterly wall alone would not tackle the whole problem. Whereas the easterly wall shows the problems more clearly (backfill is higher on the other two walls), all three walls share the same construction and Todd explained that a permanent long-term solution would need to be more comprehensive in addressing all the walls.

Todd participated in the meeting and explained the engineering design options he developed to address a more permanent solution to the structure's deterioration. Todd put forth 4 repair approaches: cast-in-place concrete gravity retaining walls outside existing walls, cast-in-place concrete cantilever retaining walls inside existing walls, cast-in-place concrete cantilever retaining walls outside existing walls, and precast gravity retaining walls (concrete waste blocks) outside existing walls. He also provided elevation drawings depicting all 4 repair approaches, and cost estimates. Cost estimates were provided for each approach based on repairing all 3 walls at once or proceeding in stages and initially repairing the easterly wall in phase 1. He also listed some of the pros and cons associated with each approach. (See attached.)

As strategies for repair of the east wall were being investigated in the spring, the need for roofing structural support repairs was also noted. Diagonal gussets from the side walls to the trusses were originally proposed. Todd thought that this approach might break the trusses, noting the need to consider how the building handles wind. Todd proposed a solution for addressing wind loads on the structure by installing a series of steel beams bolted vertically to the concrete walls, which would extend up to the roof trusses. The beams will be attached to a new framing system at the truss level to provide a means of distributing the wind loads to the new bracing system. Because the wind bracing system will not aid in strengthening the existing concrete wall system, any walls that are not repaired will still be subject to movement and continue to damage the wooden structure. The cost for the bracing system was also estimated in two parts: one for all 3 walls at the same time, and the other for initially addressing the easterly and southerly walls.

Kord contacted Todd shortly before the meeting with follow-up questions on whether to knock down the existing structure and rebuild; whether the structure is worth saving; and how long repairs can wait. In response to the question about waiting, Todd noted that every inch of movement makes the structure more susceptible to tipping over and possibly damaging the shed addition and its contents. In the meantime, Todd suggested reducing the height of the sand piled against the structure as a mitigation strategy. Maureen lost the connection briefly at 7:00 before trying to re-join by phone but the microphone was not working and she couldn't be heard. While waiting for Maureen to reconnect, brief discussion ensued regarding the cost to replace the structure with a new building. Todd noted that in addition to the cost of new construction, there are additional costs for demolition and removing the wood and concrete, and foundation costs would be monumental. In his opinion, Todd said it would cost less to repair the existing structure. If the building was not functional and a bigger structure was needed for larger trucks, ease of loading materials, storage of greater quantities at possible cost-savings, etc. it might make sense to build new. He also cautioned against the use of a fabric structure because of its fragility and the need for a much larger footprint.

Maureen reconnected to the Zoom meeting at 7:12 p.m. Todd noted that the cost estimates were pre-final design and actual costs won't be known until the approach is decided and bids are submitted.

Brief discussion followed on funds available in the Town Garage M&I account of approximately \$88,000. All four repair approaches are expensive (\$81K to \$108K not including the wind bracing system estimated at \$25K). Kathy suggested other money might be available to put toward the cost. Kord wants to look into availability of grants and whether grant monies were available for repairs vs. new construction. The Selectboard needs time to review the information and options in greater detail. Brief discussion followed on the risks of the shed collapsing this winter. A temporary risk mitigation strategy would be to buttress the east wall and limit the amount of sand stored. Kord suggested it may be possible to order smaller loads and more frequent deliveries of sand. Kord agreed to review options and brainstorm with Pete Newton and the road crew.

Rt. 121 culvert grant update, if any

Kord reported that the grant was submitted; an e-signature fully executed copy was received in return (attached). Kord noted that the first step would be issuing a request for proposal; a Municipal Project Manager will also need to be hired. Kord will reach out to Peter Pochop for assistance with the process.

Payroll/Bills

Kathy sent out an amended summary of payroll and bills including the additional cost for painting the Town office building and the school payment. In response to a question about Kurt being listed as a vendor, Kord explained that the expense was for the rental of Kurt's equipment to perform roadside mowing twice this season, once for chervil and once for parsnip. The cost of labor was included in payroll.

Mike McLaine informed the Selectboard that he submitted a claim to the insurance company for the amount of the bill from Consolidated Communications. PACIF confirmed receipt but hasn't been in touch. In the meantime, CMR (collection company for Consolidated Communications) continues to contact the Town office re: the payment status. Kathy offered to follow up with PACIF in the morning. Mike will forward the email he received from PACIF to Kathy.

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

Kathy noted receipt of the July quarterly payment of approximately \$19K.

Adjournment

Motion: To adjourn the regular meeting at 7:28 p.m.—moved by Maureen—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Vermont Explosives & Fireworks Law
- Heritage Engineering letter dated August 17,2020 re: Salt Shed Structure-Options to Consider for Rehab & Repairs
- Route 121 culvert grant fully executed