

Windham VT Selectboard Meeting Minutes
August 3, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair

Kord Scott, Selectman

Jo-Jo Chlebogiannis

Dawn Bower, Various Commissions

Louise Johnson, Meeting House Committee

Kathy Jungermann, Auditor

Tom Widger, Meeting House Committee

Peter Chamberlain, Selectman

Michael McLaine, Town Clerk

Joyce Cumming, Selectboard Clerk

Mrs. Pat McLaine

Tom Johnson, Energy Committee

Eileen Widger, Various Commissions

Call to order

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

Additions to Agenda/Announcements/Reminders

- Maureen noted the need to add discussion of an access permit received from Frank Seawright. Maureen forwarded the information to Kord and Peter. Kord agreed to review it and report back if necessary.
- Maureen shared a reminder about the mandate to wear facial coverings while in public indoor spaces.

Approve minutes of July 20, 2020 Selectboard Meeting as amended

Motion: To approve the minutes of the July 20, 2020 Selectboard Meeting as amended—moved by Maureen—all in favor.

Public Comment

Jo-Jo shared a concern about fireworks going off late at night every weekend. Independence Day holiday was a month ago and yet the disturbances continue. She asked for enforcement of quiet rules based on her understanding that the Town Plan provides for a ban against noise from sunset to sunrise. The fireworks are especially troubling for animals. She believes the fireworks are being set off by a particular person on someone else's property. Kord noted that if there is a prohibition against noise in an ordinance, the Sheriff can be asked to enforce it. Maureen agreed to look into the provisions in the Town Plan for enforcing quiet time.

Correspondence

There was no correspondence to report.

New Business:

Tax Sale Properties – insurance

As a result of a suggestion from Peter at the last meeting, Maureen reached out to Pam Blouin at PACIF to inquire about insurance on the 3 properties acquired by the Town at the tax sale. Pam advised that the properties are valued for the Actual Cash Value at the time of loss but in any event not more than the financial interest of the Named Member. Financial interest is the price paid to acquire the property at tax sale together

with any costs incurred to secure and protect the property. Maureen suggested following up with the Listers and Mike McLaine on questions related to the Town's financial interest in the properties. Kathy Scott noted that the only costs incurred were legal fees. Maureen requested the legal fee information from Kathy. Maureen will forward Pam Blouin's email to Kathy for follow up.

Sheriff's Contract

Maureen noted that the Sheriff's Office had sent email correspondence to the previous Selectboard Clerk resulting in a delay in receipt of the information. The amendment (attached) covers the term of the successor contract: July 1, 2020 through June 30, 2021, its effective date: July 1, 2020, and a provision requiring the Sheriff's Office to notify the Town of Windham by November 1, 2020 of contract rates for the following year. The Town is also required to notify the Sheriff's Office by the end of April 2021 (60 days prior to end date) if it wishes to cancel the contract for the following year; otherwise the contract will automatically renew for one year at the contract rates set for that year. All other terms and conditions of the contract remain unchanged. Maureen noted that the budget provides for the same number of hours as in the past.

Motion: To approve the Amendment to the Contract for Law Enforcement Services between the Town of Windham and the Windham County Sheriff's Office effective July 1, 2020 and authorize Maureen Bell to sign the Amendment as the Selectboard's Duly Authorized Agent—moved by Peter—all in favor.

Water Buffalo

At Maureen's request, Peter opened discussion on the water buffalo which was again roaming loose on Burbee Pond Road. Unless the Selectboard adopts a Nuisance Animal Ordinance, the situation with animals roaming will likely continue. Jo-Jo suggested a letter or informal petition to the homeowner. Kord explained that the animal owner did not own the property but resides there with the property owner. Discussion followed on whether the owners were simply irresponsible in allowing the animals to roam or whether it was a conscious decision not to restrain them. Dawn Bower shared her concern about possible animal cruelty based on the water buffalo being tied up on the front porch. The two dogs have been on Dawn's property again a few times over the past week. And the guinea fowl were roaming on Keith Bower's lawn recently.

Members of the Selectboard expressed frustration with the situation and repeated phone conversations with the owners. The Sheriff's Office has also tried talking with them. Dawn felt there was a short period during which it seemed an attempt was being made to comply with requests to contain the various animals, but the effort was not sustained. Jo-Jo suggested offering assistance in containing the animals. Kord explained that the animal owner's objective was to establish a farm but the animals were not being taken care of properly. In a phone conversation some weeks ago, Wren told Maureen that no one showed up to construct a fence as planned. Kord also reported that the animal owner had explored the use of young volunteers interested in learning farming, similar to woofers, but that hadn't worked out. Kord thought penalties specified in an ordinance may get results. Jo-Jo cited safety concerns about animals roaming loose during fall foliage season when vehicular traffic increases. Until an ordinance is adopted, a letter writing campaign may help.

Interim Tax Rates

Maureen opened discussion on information received from the State re: the interim education tax rate. The tax rate information is not quite right and will likely be revised. Kathy Scott would prefer to wait for the final figure to avoid confusion resulting from sending out a tax bill only to have to send a revised bill later. Kathy stated that information she received showed the homestead tax rate at \$2.15 per \$100 which is the same as last year. She anticipated this year's rate should be closer to \$1.79 per \$100.

Kathy suggested asking Ellen to send an email blast to residents and/or ask Vance to post information on the Town website about the inaccuracy and alert homeowners to pay careful attention.

Maureen noted that other towns are allowing homeowners to pay taxes now in full or part if they so choose. Kathy explained that the payments would be held in escrow essentially. She would prefer to wait for more accurate information from the State which is expected within the next two weeks. Tax bills will likely be sent out at the end of August.

Permitting large, outdoor events –what is the procedure?

Maureen inquired if anyone had information on the process to follow in permitting large, outdoor events. Kord explained that in the instance of the Friendly Gathering a few years ago, the event organizers contacted the Town in a request to work out the details such as the hours for the event, compliance standards, stipulations, etc. Jo-Jo commented that some information is available in the Town records in the vault. She also recalled a requirement to have fire and emergency service (ambulance) vehicles and personnel on hand due to the size of the crowd expected; she was not sure if that was a State or Town requirement. While a large, outdoor event has not yet been announced officially, there are rumors circulating. Jo-Jo heard a rumor that a large group might cross over on Town roads past her home onto property adjacent to hers in order to access Meadowsend Timberlands property. She remarked on the need to safeguard the quality of life for residents.

Old Business:

Eliastam fence update

Maureen reported an email received from Becky Eliastam last week stating that Springfield Fence was experiencing problems obtaining the rails that go along the bottom of the ground. A partial shipment was received and the remaining materials are expected to be received by August 7th. The fence company will be in touch with the Eliastams to schedule the installation as soon as the shipment is received.

Animal Nuisance Ordinance

Maureen emailed the reworked ordinance to the Selectboard members for review prior to the meeting. She explained that based on advice from legal counsel, it was becoming overly complicated to combine the nuisance animal and vicious dog information in one ordinance. Bob Fisher suggested adoption of a nuisance animal ordinance and strengthening the existing vicious dog ordinance. Maureen deleted the details of the vicious dog ordinance from the reworked version. Peter and Kord commended her work.

Maureen referenced a question about the removal of the term domestic pet and whether the ordinance was intended to apply to nuisance dogs. A suggestion was made to ask Bob Fisher if the definition of domestic animal includes domestic pets. Peter posed a hypothetical situation wherein someone might attempt to circumvent the nuisance animal ordinance by claiming its giraffe was actually a pet. Brief discussion followed on Maureen's question re: whether nuisance animals were likely to pose imminent danger to anyone. Kord suggested possibly revising the vicious dog ordinance to include vicious animals beyond dogs. Peter noted that the water buffalo may pose a danger to public safety as it grows in size and weight.

Maureen will follow up with Bob Fisher to clarify the direction to take in regulating the various animal issues (dogs, peacocks, guinea fowl, water buffalo, cows, llama/alpaca, donkeys, etc.).

The Meeting House:

Exit Signs – quote from Sparky Electric

Maureen reported that the quote from Sparky Electric (attached) for replacing the old exit signs and emergency lighting at the Meeting House came in slightly below what was budgeted. The quote included replacing all the old nonfunctional units (6) with new combination Exit and Emergency LED Lights at a total cost of \$1,294.00 including labor and materials.

Motion: To accept the quote from Sparky Electric and approve replacing the existing exit/emergency lighting with 6 new combination Exit and Emergency LED lights at a total cost of \$1,294.00—moved by Kord, seconded by Peter—all in favor.

Maureen will contact Sparky and inquire re: scheduling the work.

Roads:

Harrington Road bridge repair

Kord reported that he notified Hill Construction of the July 6th bid award for repair of the Harrington Road bridge. The work has not yet been scheduled and Hill needs to contact the Stream Engineer prior to commencing work. Kord will report back when more information is available. In response to a question about which bridge on Harrington Road was being repaired, Kord and Maureen explained that it was the bridge on the upper part of the road near Glebe Mountain Farmhouse.

Ditching Complaint

Kord forwarded additional information and photos today to Selectboard members about the complaint received from John Boynton. John feels that the Town is encroaching on his property when it does ditching work on Wheeler Road. John complained last year as well.

Kord explained that this section of road, which is narrow, has been an area of focus for Richard over the past two years and that culverts in this area have collapsed requiring additional ditching work this year. Recently, when Richard tried to explain the need for the work, John reportedly got belligerent and wouldn't listen. Richard suggested that perhaps Marc Pickering of V-Trans might be helpful in explaining to John the need for ditching.

Kord went out to look at the work today and he agrees that the road crew is doing what is necessary including work on the opposite side of the road near Rick Weitzel's property. The road crew has also put in 3 or 4 water breaks just past John's property going toward Windham Hill Road. Kord noted that this is a difficult spot to maintain because of a sharp S-curve on a steep section of road.

Kord thought it might be helpful for the Selectboard to write a letter to John explaining that the ditching work was reviewed, it was determined to be necessary, and is being done appropriately to maintain the road. If John is still not appeased, Kord is willing to ask Marc Pickering to review it. Kord will draft the letter on behalf of the Selectboard.

Salt Shed repair update

Kord reported that additional information from the engineer should be available by the next meeting.

Culvert Replacement plan/ditching work – road closures

Kord reported that the road crew is doing a great job. He cited Abbot Road as an example of what a properly crowned, graded, and ditched road looks like. Culvert replacement work on Windham Hill Road is anticipated for August 17 and 18. Sandwich boards will be used to announce the details.

F550 update

Kord announced that the new truck is ready and that Kurt and Ralph plan to pick it up on Tuesday.

Rt. 121 culvert grant

Kord reviewed the grant paperwork again and discussed it with Bob Fisher. Afterward, he felt better about accepting the grant, knowing that there were options to fund the Town's matching contribution of \$100,000.

Kord sent information to the Selectboard members just prior to the meeting explaining the options to come up with the money, including possibly using some or all of the funds received from Jamaica for plowing and sanding the section of West Windham Road in Jamaica. Several other options were also identified. The Town's matching contribution in the first few years is not much. At Town Meeting, funds remaining in other accounts may be considered toward the matching contribution. The Selectboard may also consider including an article for consideration at upcoming Town Meetings over a period of years to set aside dedicated funds for the Town match toward grants.

Kord felt it was important to communicate with taxpayers about how the grant benefits the Town. Maureen also noted that grants are not available every year. Peter acknowledged Kathy's input in the list of ideas to accumulate the Town's contribution amount.

Motion: To authorize Kord Scott to sign the Rt. 121 culvert grant agreement—moved by Peter—all in favor.

Maureen asked Kord to send the signed grant agreement to the Selectboard clerk for recordkeeping. Kord noted that the grant needs to be signed and submitted electronically. Once the State signs it, a fully executed copy of the grant agreement will be returned to the Town.

Flagging certification renewal

Maureen noted that flagging certification is good for 2 years and she and Kord maintain valid certification. However, Ralph's certification has expired. The State has had problems offering courses for certification renewal due to the COVID-19 pandemic. Self-guided e-learning courses are being developed and hopefully will be available soon.

Added item: Access Permit from Seawright

Kord agreed to handle the access permit submitted by Frank Seawright.

Payroll/Bills

Neither Maureen nor Peter received the payroll/bills for approval. Kathy Scott thought Gail Wyman sent the payroll information. Kathy agreed to get the payroll and bills to the Selectboard members tomorrow for review. Maureen asked that the checks not be sent out until the Selectboard has a chance to review the information.

Executive Session – Selling Tax Sale Properties

Maureen asked all remaining meeting participants except Selectboard members to leave the Zoom meeting.

Motion: To move into Executive Session at 6:47 p.m. for the purpose of discussion re: selling tax sale properties—moved by Maureen—all in favor.

Motion: To exit Executive Session and return to the regular meeting at 6:59 p.m.—moved by Maureen—all in favor.

Motion: To get more procedural detail from Town Attorney Bob Fisher as well as the Town-incurred legal fees from Town Clerk Mike McLaine as it relates to the tax sale properties—moved by Maureen—all in favor.

Adjournment

Motion: To adjourn the regular meeting at 7:01 p.m.—moved by Kord—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Amendment to the Contract with Windham Sheriff's Office for July 1, 2020 to June 30, 2021
- Quote from Sparky Electric on Exit Signs at the Meeting House