

Windham VT Selectboard Meeting Minutes
September 7, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair
Kord Scott, Selectman
Dawn Bower, Various Commissions
Tom Johnson, Energy Committee
Keith Jungermann
Carolyn Rubin
Gail Wyman, Asst. Treasurer

Peter Chamberlain, Selectman
Joyce Cumming, Selectboard Clerk
Louise Johnson, Meeting House Committee
Kathy Jungermann, Auditor
Diane Newton
Kathy Scott, Treasurer

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 discussion re: the dam by Ernie Friedli's residence on Burbee Pond Road (Maureen agreed to add under Roads).
- Maureen inquired re: the start of the school year. Kord reported that school begins tomorrow, September 8th and he will drive the school bus again this year.
- Maureen asked Kord to speak briefly about the Everyone Eats program (Imme joined the meeting a few minutes later). Kord noted that the program is getting good response in some areas around the State and he hoped that spreading the word would increase local participation. The program is funded through the Coronavirus Relief Fund and supports restaurants that have been negatively impacted by COVID-19. Imme noted the dual benefit of feeding the community while supporting local businesses.
- Maureen thanked Kathy Scott and Gail Wyman for their efforts in getting the tax bills out.

Approve minutes of August 17, 2020 Regular Selectboard Meeting and August 31, 2020 Special Selectboard Meeting

Motion: To approve the minutes of the August 17, 2020 Regular Selectboard Meeting as submitted—moved by Maureen—all in favor.

Motion: To approve the minutes of the August 31, 2020 Special Selectboard Meeting as submitted—moved by Maureen—all in favor.

Public Comment

There were no comments from the public.

Correspondence

Maureen reported no correspondence received as of Saturday.

New Business:

Payroll Deferred Tax Option

Maureen asked Kathy Scott to report on the payroll deferred tax option. Kathy explained that PayData (Town's payroll vendor) is advising its clients not to participate in the program due to confusion regarding the guidelines. One issue in question is whether deferment applies to both the employer's and the employee's contributions to Social Security or just the employee's share. Kathy noted that participation in the program is an employer's decision and is not up to the employees. She also noted that federal employees have no choice and must participate. Maureen asked whether the employees can opt out even if the employer chooses to opt in; Kathy explained that the guidelines are sketchy at present and hopes to get more information in the near future.

Imme commented that the program was a bad idea because employees may think they're getting more money and not realize that they have to make up the deferred amount (contribution to Social Security not deducted from payroll during September to December) along with their regular contribution during January through April 2021.

LGER (Local Government Expense Reimbursement) Grant

Maureen noted that she submitted the application for funding through the Local Government Expense Reimbursement Grant totaling approximately \$2,300 in expenses related to COVID-19 such as supplies and cost of sanitization. The grant covers actual expenses from March to September 4 (deadline for grant submission) and anticipated expenses from September 5 through December 31. All receipts must be submitted by December 15.

Dog Complaints – Hitchcock Hill and Burbee Pond Roads

Maureen mentioned hearsay information she received about a dog chasing people on Hitchcock Hill Road; a letter of complaint may be forthcoming. She also received verbal complaints about the dogs on Burbee Pond Road chasing pedestrians and cyclists. Keith Jungermann shared a recent incident involving these two dogs walking down the middle of Windham Hill Road recently and expressed concern for the animals' safety. He noted that the dogs are sweet-tempered and like to follow pedestrians. He also observed visitors in the neighborhood examining the dog's tags to determine who owned them. Dawn reported that the dogs have been on her property as well and she noticed that recently they've continued to travel further along the other end of Burbee Pond Road. Brief discussion followed regarding the same resident's goat which was seen roaming near Hamilton Falls. Maureen will send the resident another copy of the vicious dog ordinance because the dogs should not be loose, regardless of the animals' temperament.

Popple Dungeon Road Wandering Cow Concern

Kord offered an update from Trooper B regarding the cow situation on Popple Dungeon Road. The Humane Society representative investigated the matter and found that the small cow was malnourished due to intestinal worms. The owners were directed to have the cow treated by a veterinary tech within two weeks and submit proof of treatment. A follow-up visit will be conducted this week. Kord also received another call about the cow wandering and eating vegetables in a neighbor's garden again.

Special Town Meeting Adjournment

Maureen noted that a Special Town Meeting was scheduled for September 15, 2020 to vote on the petition question of whether to change from a 3-member Selectboard to a 5-member Selectboard. This issue was originally slated for a vote in early April but was adjourned until September 15 due to COVID-19. Maureen spoke with the Secretary of State's office and was advised against proceeding with the meeting as scheduled. Their

recommendation was to adjourn it until the next annual Town Meeting in March 2021. The State is expected to issue guidelines for conducting the regular annual Town Meeting. In response to a question from Joyce, Maureen explained that the September 15 meeting would be held with a minimum of participants. Maureen suggested that she and Peter participate as they did in April. Maureen will check with Mike McLaine re: his availability on September 15. Maureen left word with the lead petitioner last week as a courtesy.

Old Business:

Eliastam Fence – Final Update

Maureen reported that she was informed by Becky Eliastam that the dog has been given away and is no longer in Windham. No further action is required by the Selectboard per advice of legal counsel. In response to a question from Kord about whether the fence was installed, Maureen explained that she took a drive to review the status and did not note any progress on the fence installation last week so she contacted Becky Eliastam and Springfield Fence Company. Becky responded; Springfield Fence did not. Maureen has informed the neighbors who were relieved to hear the news, though Maureen Fitch doesn't think her dog will ever return to that trail.

Hamilton Falls – Situation Update and Access Discussion

Maureen noted a correction to her statement at the last meeting that the Town of Jamaica was paying for the Sheriff's Department to post an officer at Hamilton Falls on the weekends—it is actually being paid for by the Dept. of Forests, Parks and Recreation. Maureen offered Diane Newton a chance to comment on the situation. Diane reported that a meeting has been arranged with representatives from Forests, Parks and Recreation (FP&R) for September 18, 2020 at 10:30 a.m. at Hamilton Falls. Diane is hoping that FP&R will agree to eliminate any parking for the falls on West Windham Road and notify visitors that access is solely through Jamaica State Park. Diane asked whether the Selectboard agreed with not allowing any parking and Maureen and Peter both feel it would resolve the issue. Brief discussion followed on signage at Burbee Pond Road and West Windham Road. No sign has been posted yet. FP&R will suggest or determine wording for any signs that might be posted. Public safety is a valid legal rationale for closing access to the falls. Diane will contact Rescue, Inc. and Jamaica Fire Dept. for their input; she requested contact information for Windham's Fire Dept. Maureen will forward contact information for Mike McLaine, Windham Volunteer Fire President, and John Gordon, Fire Chief. Hopefully, having Jamaica and Windham on the same page will make FP&R's role easier. Diane also hopes that FP&R will agree to remove information from its website regarding access to Hamilton Falls and Jamaica State Park from West Windham Road. Brief discussion followed on how COVID-19 was responsible for the increase in visitors, the difficulty in practicing social distancing at the top of the falls, and the closing of several other local recreation sites.

Trooper B update – Animal Cruelty Concern

This discussion took place earlier as part of the Wandering Cow on Popple Dungeon Road (see page 2).

Animal Nuisance Ordinance – Ready to Adopt

Maureen distributed the latest revision of the Nuisance Animal Ordinance (see attachment) prior to the meeting with a few minor revisions from Joyce. Kord and Peter agreed that it should be adopted. If adopted today, the 60-day time period for public input can begin. Maureen reviewed the requirements for posting notices in the newspaper, on the Town website, and at the Town Office. Maureen verbally outlined the ordinance and summarized it article by article.

Motion: To adopt the Windham Nuisance Animal Ordinance—moved by Kord—all in favor.

Maureen will sign the ordinance and leave it at the Town Office for the other members to sign. She will also post an announcement in the paper, post the ordinance on the Town website and post a copy at the Town Office. Maureen will send a copy to the Town Constable for review.

The Meeting House:

Committee Meeting Update

Maureen reported that the Meeting House Committee met last week and decided to remove the spare key to reduce the number of visitors to the building during the pandemic. Several residents still have keys and can help others who request access. A sign will be posted at the Meeting House with information on whom to contact for access (Meeting House Committee, Selectboard, Library Trustees, Emergency Management). Maureen offered to make the sign and post it. Imme reported that mice have been rampant at the Meeting House lately and Maureen Fitch is helping to get the situation under control. Maureen Fitch has also cleaned the building and she should have a key.

Maureen called Accessibility Systems to schedule the lift test and is expecting a call back from Bob Weber to schedule the work. Maureen also noted that State grant funding is available for structural repairs on historical buildings, but that insulation expenses do not qualify under that grant. Grant availability will be reviewed again next year. In the meantime, the Energy Committee may be able to assist with the insulation project. Kord offered to share links on some grant funding; Maureen requested he send the information to Tom and Eileen Widger. Vance also had information re: preservation grant funding. Lastly, Maureen reported that she has not heard whether Sparky Electric has performed the exit/emergency lighting repairs; she will follow up.

Roads:

Harrington Road Bridge Repair Update, if any

Kord has not yet heard from Hill Construction regarding the schedule for this work. Kord will follow up with them. Maureen noted the need to move the "Road Closed" sign back to the top of the road to inform drivers that the road does not go through.

Salt Shed Repair – Review Plans

Kord provided Richard with copies of the engineer's suggestions for repair of the salt shed. Richard will discuss the options with Kurt and Ralph. So far, they have eliminated the repair strategies involving stacking blocks on the outside of the concrete walls because of the space that will be lost. Until funds are available for a long-term repair, the consensus for the near-term is to order smaller volumes of winter sand and stockpile the sand away from the side wall to minimize pressure.

Salt Shed Repair – Grants/Financing

Kord has begun to research grants available through USDA and found a small State Rural Development grant for which the repair may qualify. The application period has ended for this year and he will look again next year. He will follow up on grants with Joel Perrigo at V-Trans, with whom he has been in touch re: the Rt. 121 culvert project. Kord will also look into Water and Environmental grants which might apply because of the stream at the site and the increased concerns re: water run-off. Kord noted that Newfane and Marlboro have secured grants to replace their salt sheds. Storage solutions for salt have become more sophisticated in light of environmental concerns. Peter asked Kord whether the road crew has expressed a preference for either repair strategy involving supports inside the concrete wall (salt storage space would be reduced) or supports outside the concrete wall (shed space would be reduced). Kord responded that supports inside the existing wall would be the preference and more frequent deliveries would be ordered in smaller amounts.

Town Garage site – Prep for Salt Shed Work

Kord advocated using the money currently available in the Town Garage M&I account toward moving the fuel tank and constructing a lean-to on the salt shed side of the garage. He noted that the Town has already purchased the PIG containment device for the fuel tank but has not yet installed it. The most logical place he felt was across the parking lot from its current location which would require removal of pine trees. This would allow Town trucks to park parallel to the road to refuel. Kord will prepare a sketch of the new site proposed for the fuel tank/containment system and send it to the Alison Cummings (Town Zoning administrator) for review and approval. He suggested also sending information re: the lean-to as a potential project. Maureen expressed a preference toward moving the fuel tank to the back of the building rather than the front to make it less visible. Kord replied that with the office trailer in the other corner, there would not be enough room to place the fuel tank there. In addition, that area is also used to stockpile material.

REI (Road Erosion Inventory) Work/Grant Update

Maureen asked Kord to report on the Road Erosion Inventory and asked Kord about the hay bales in the recently ditched areas alongside roads. Kord explained that the hay bales serve as water breaks to prevent further erosion. He went on to say that when the ditches are not deep, seed is applied and the grass helps to maintain the ditches. In other areas, rip rap is needed to prevent run-off in hydrologically connected segments of road. Kord noted that David Cherry was upset initially about the ditching near his home but now that the grass has grown, the work is not as obvious. Kord also noted that the ditches near Dawn Bower's home would be stone-lined. Ditching should be a regular maintenance practice. Ernie Friedli has expressed concerns about Burbee Pond filling in from soil erosion in areas adjacent to the streams feeding the pond and road culverts feeding into the pond. Rip-rap is used to minimize the erosion along with another strategy called a check dam.

Kord reported briefly on grant funding to support the Road Erosion Inventory (REI). Labor costs can be applied in addition to equipment and material costs for reimbursement through the grant. He also mentioned that Jeff Nugent has shared information on the option to buy more materials such as rip rap, culverts, etc. prior to the October 15 deadline. Richard has met with Jeff and will meet again to review areas eligible for reimbursement, and how much to allocate for labor vs. materials. Richards's preference is to buy as much material as possible with the grant. Maureen offered a reminder that the Road Erosion Inventory is a State mandate, not a Town initiative; and the REI was conducted by the Windham Regional Commission.

550 Iroquois Body Rework/Additions Review

Kord noted that the new 550 is a nice truck, he has driven it and likes it. There have been a number of issues with the truck body that need to be addressed and Richard has been keeping a list. The truck will need to go back to Iroquois for issues such as the storage box which was included in the quote but not installed, the rear brake/turn lights which are obscured by the tailgate sander, etc. Kord noted that any invoices received are being held until the issues are resolved.

Rt. 121 Culvert Grant Update, if any

Kord noted the need to start work toward determining a Municipal Project Manager for the Rt. 121 culvert repair. He received a link with information regarding how to proceed with the process. Everett Hammond may be interested in bidding to serve as the Municipal Project Manager. He will report back. Maureen offered to schedule a special meeting if necessary.

Driveway Culvert Policy

Maureen stated that she thought the Town had a policy re: driveway culverts but has not been able to locate it. She offered to look at what other towns have for a driveway culvert policy. Kord noted an email he received from the Town Attorney which he will share with the other Selectboard members regarding the impact on ditches, run-off, etc. With so many driveway culverts in Town, this is an issue that needs clarification.

Added: Dam near Ernie Friedli's residence

Kord noted repeated concerns voiced by Ernie Friedli about the filling in of Burbee Pond. Kord cited the culvert at West Windham and Burbee Pond Roads as largely responsible. That culvert needed to be replaced as part of the REI. Kord reached out to Jeff Nugent to discuss stream quality issues and the impact of run-off, and whether there are grants to address these issues. There is no program to dredge a pond. A representative from Windham Regional Commission is willing to visit and review the situation again. Peter is also willing to join Kord in meeting with a WRC representative. Kord noted that there is no funding currently available for remediation of existing culverts, but funding is available for culverts which were placed in the wrong location initially and are causing problems as a result.

Payroll/Bills

Kathy Scott forwarded information on payroll covering two pay periods and the most recent check-run. Peter inquired about an option to include stipend payments in either the August 24 or September 7 checks. Kathy explained that the payroll checks have not been received yet and those checks will be available on Thursday due to the holiday. There were no other questions.

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 meeting at 6:58 p.m.—moved by Peter—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

--Windham Nuisance Animal Ordinance