

Windham VT Selectboard Meeting Minutes  
October 5, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair	Peter Chamberlain, Selectman
Kord Scott, Selectman	Joyce Cumming, Selectboard Clerk
Thomas Barnosky	Judy Barnosky
Mary Boyer	Dawn Bower, Various Commissions
David Cherry, CUD Representative	Bill Dunkel, Planning Commission
Louise Johnson, Meeting House Committee	Tom Johnson, Energy Committee
Kathy Jungermann, Auditor	Pat McLaine
Imme Maurath, Auditor	Barbara Jean Quinn
Kathy Scott, Treasurer	Gail Wyman, Asst. Treasurer

**Call to order**

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

**Additions to Agenda/Announcements/Reminders**

David Cherry provided an update on the status of the initiative to bring broadband to Windham. The project is proceeding and polling will be conducted to determine feasibility. The Deerfield Valley Communications Union District has a budget of approximately \$118K and a business plan was recently developed. A webinar to discuss the business plan is scheduled for 6 p.m. on October 7<sup>th</sup>. David will ask Ellen to send an email blast to share the information along with the Zoom link so anyone interested may participate in the webinar.

Maureen reminded everyone that the general election ballots have been sent out and asked everyone to either mail their completed ballot in a timely manner or deliver it to the secure drop-off box at Town Office.

**Approve minutes of September 21, 2020 Regular Selectboard Meeting**

Motion: To approve the minutes of the September 21, 2020 Regular Selectboard Meeting as submitted—moved by Maureen—all in favor.

**Public Comment**

Mary Boyer offered an update on the status of the Veteran's Memorial project. The foundry used by Bronze & Granite of Greencastle, PA was shut down which led to a delay. Another vendor was identified and the plaque should have shipped last week. Once received, it will be checked for accuracy. In the meantime, landscaping and site plans are proceeding. Russ Cumming has offered two large stones to be used for mounting the plaque and a bench for visitors. The plaque will be placed at the Meeting House on an angle facing Windham Hill Road. The area in front of the Meeting House where the firethorn bush is located will be cleaned out and the two large old lilac trees will be removed. Pea-stone will be used for a path from the parking lot to the plaque and bench. The Vermont Garden Club has generously offered to provide landscaping for the site. Richard has offered to perform any necessary excavation work. Arrangements are being made with the shipping company to have the plaque shipped to the Meeting House.

Kathy Scott added to Mary's report by explaining an unanticipated glitch in the project. The original vendor chosen to produce the plaque went out of business. The money (approx. \$3,700) generated mainly through donations was lost. Community members absorbed the loss and restored the lost monies through additional donations. Kathy suggested using Town funds, such as interest received, to reimburse those community

members. Mary expressed gratitude for any help the Town might be able to offer, which was not expected but would be appreciated. Mary also requested that the minutes reflect that the Committee is most appreciative of all the support received from the community.

Motion: To request that the Treasurer develop a plan for reimbursing community members for the money lost to a failed vendor, and report back to the Selectboard at the next meeting—moved by Kord, seconded by Peter—all in favor.

### **Correspondence**

Maureen noted two items of correspondence received: the work order from Accessibility Systems to perform the CAT1 test on the Meeting House lift; and a notebook from Alison Trowbridge containing information, letters, and photos citing concerns re: environmental impact, safety, parking and traffic at Hamilton Falls. Maureen will scan the information and present it at the October 19 Selectboard Meeting.

### **New Business:**

#### **Barnosky Homestead Late Fee**

After welcoming Tom and Judy Barnosky, Maureen stated her belief that they were assessed a homestead late fee because the homestead location was not specifically listed on the homestead filing form submitted by the Barnoskys, which resulted in the State denying the claim and assessing a penalty. Tom Barnosky explained that the form was submitted in a timely manner but the State requested additional information re: income which was subsequently sent. Whether it was the result of not specifying the homestead location or the income information, a late fee penalty of \$951 was assessed. Maureen asked Kathy Scott for clarification on whether the Town or the State assesses the penalty and what recourse, if any, is available. Kathy explained that the State assesses the late fee, but the Town has discretion to not charge the penalty and wouldn't need to assume the fee. In response to a question from Tom Barnosky about whether the Selectboard can provide relief from the late fee, Peter stated that the Selectboard has the authority to waive it. Monies collected from late fees go to the Town, not the State.

Motion: To waive the Barnoskys homestead late fee penalty of \$951—moved by Maureen, seconded by Peter—all in favor.

Tom and Judy Barnosky expressed appreciation to the Selectboard. Kord asked about a process to document the waiver; Joyce will send the pertinent section of the minutes to the Town Treasurer as documentation to approve waiving the late fee. Maureen will email the minutes to the Barnoskys.

#### **Budgeting Process—Appropriations/Auditors/Selectboard (Listers, Zoning & Planning – October 19<sup>th</sup> meeting)**

##### **Appropriations:**

Kathy noted that the Abbot Fund was an investment fund to be split between the South Windham Church and the now-defunct Windham Congregational Church. **The fund is budgeted at \$12 annually.**

County Taxes increased by almost \$900 this year; Kathy suggested budgeting \$8,500 (\$1K over the 2020 budgeted amount of \$7,500). She explained that the bill for County Taxes is received in January and due in June. Brief discussion followed re: the impact of COVID-19, and whether the State will hold some tax rates. Kathy can call the County Clerk to try to get a forecast. A suggestion was made to increase the budget for this line item to \$9,000. It was noted that the County Tax rate was based on population, and since the County population has increased due to COVID-19 relocations, the County Tax rate will increase.

The Library Annual Stipend was budgeted at \$500 in 2020; Fiber Optic at the Library was budgeted at \$700 in 2020. John Hoover was not participating in the meeting; a suggestion was made to level fund these areas for the present time until Kathy can follow up with the Library Trustees (John Hoover, Chris Dunkel, Cindy Kehoe, Eileen Widger & Maureen Bell). This account will be re-visited.

Meeting House Maintenance and Insurance was removed from the Appropriations Account and now exists as a separate entity in the budget.

Transfer Station was budgeted at \$15,393 in 2020 but came in lower than anticipated at \$14,161. Kathy feels that the lack of activity at the Transfer Station will likely keep this line item from increasing. A suggestion was made to fund this line item at \$15,000 for next year; if necessary, it can be revised in December when the bill is received.

VT DEC Watershed Exp. was budgeted at \$900 in 2020; nothing has been expended for this line item. It was Kord's impression that this line item was tied to the Road Erosion Inventory and the MGRP. Maureen will follow-up with the Windham Regional Commission.

Vt. League of Cities & Towns was budgeted at \$1,523 in 2020 but came in slightly higher at \$1,584. Kathy suggested a modest increase to \$1,600 in 2021.

Windham Regional Commission was budgeted at \$1,000 in 2020; no billing has been received this year. Maureen will inquire re: this when she contacts WRC re: the DEC Watershed line item.

Kord suggested the need to establish a separate fund for grant matches or develop a reserve account. Maureen and Kathy will discuss this in the near future.

Auditors:

Mileage was budgeted at \$175 in 2020. On behalf of the auditors, Kathy Jungermann requested level funding this and all line items for the auditors next year.

Payroll was budgeted at \$2,500 in 2020; Kathy Scott noted that this line item is over-expended by \$118 as of September 30, 2020. Kathy Scott explained that this line item was budgeted at \$3,000 in 2019, but it was decreased to \$2,500 in 2020 based on a surplus balance at year-end in 2019. Kathy Scott suggested restoring it to \$3,000 or increasing it to \$3,500 for 2021. Kathy Scott felt that the budget for this line item should be increased to \$3,500 given the amount of work to be done including quarterly catch-up, year-end, and budget work for 2021. Imme unmuted and stated her opinion that \$3,500 wasn't needed; Imme agreed to budgeting payroll at \$3,000 for 2021.

Employer Fica/Medicare was budgeted at \$207 in 2020. A minimal increase to \$220 for next year should cover the cost for 2021.

Seminars/workshops was suggested for level funding at \$180 in 2021.

Printing was budgeted at \$450 in 2020. Brief discussion followed on the number of annual reports printed and whether the count was accurate. Based on the small quantity of last year's annual report on hand at the Town Office, a correct number is being ordered. Kathy Scott suggested a nominal increase to \$500 for next year to cover a few extra reports for residents who moved to Windham as a result of the pandemic. Imme will call Bradshaw Printing to request a price hold in order to stay within the budget.

Selectboard:

Contracted services—Zoom—was not budgeted in 2020; an expense of \$99 was incurred for 2020. This expense will be reimbursed by the LGER grant this year. A suggestion was made to budget \$125 for Contracted Services—Zoom—in 2021.

Education & Seminars was budgeted at \$300 in 2020. A suggestion was made to level fund it for 2021 to cover new member training.

Legal Services was budgeted at \$1,500 in 2020. Only \$150 has been expended year-to-date. Brief discussion followed on the infrequent billing for legal services, which when received typically covers a multiple-month time period. Everyone agreed that billing on a more regular (timely) basis would be preferred. The invoices include a subject line and Kathy is comfortable that billing is accurate, though it is frustrating to track expenses under different departments over a multiple-month time frame. Kord will inquire with Bob about the current balance owing, billing frequency, and budget amount for 2021. Kathy suggested budgeting \$2,000 for legal services next year; this line item will be revisited.

Mileage was budgeted at \$200 in 2020. No expenses have been incurred year-to-date. A suggestion was made to level fund this line item for 2021.

Payroll for Selectboard was budgeted at \$7,500 in 2020. A suggestion was made to level fund this line item for 2021.

Payroll for Selectboard Clerk was budgeted at \$3,375 in 2020. Year-to-date expenditures for this line item total \$2,209 with a balance of \$1,166 remaining as of September 30. Kathy suggested budgeting \$3,500 for this line item next year to cover any additional meetings, tasks, etc.; this line item will be revisited.

Employer Fica/Medicare was budgeted at \$832 in 2020. This should be budgeted at 8 percent of the department's payroll budget, once determined, for 2021.

Public Notices is covered under the Town Office budget.

Bill Dunkel inquired about the budget process for the Planning Commission which is scheduled for the October 19<sup>th</sup> meeting, and whether it would be helpful if he submitted a formal written request prior to the meeting. Alison Cummings will be asked to provide the budget request for Listers and Zoning. Kathy confirmed that she sent a working copy of the budget request form to each department head with the schedule for budget review.

**Old Business:**

**LGER (Local Government Expense Reimbursement) Grant clarification and update**

Maureen reported that she misspoke at the last meeting when she said that LGER grants were capped at \$3,300. That amount, \$3,300, is the minimum threshold for applying to FEMA. LGER grants are capped at \$25 per resident. Windham has approximately 400 residents which equates to a cap of \$10,000. Maureen also reported that the deadline for grant submission has been further extended to October 15, 2020. Windham has been approved for LGER grant funding of \$2,300 so far, and can augment its application for additional funding.

The ventilation system at the Town Office was inspected and an estimate for necessary repairs is expected shortly. This expense would be covered under the LGER Grant as it relates to COVID-19. Maureen suggested purchasing additional PPE supplies and noted that receipts can be submitted now for reimbursement (no need to wait). Some PPE supplies, such as hand-sanitizer stations are back-ordered and may not be available for purchase before the December deadline.

Kathy Scott noted that the Town Office was very busy today and she feels a Plexiglas divider at the counter, whether temporary or permanent, is needed. She noted that Peter, Gail, Imme, and herself were there working today in addition to visitors who stopped in for dog licenses, transfer station punch-cards, payment of tax bills, etc. She feels that since grant funds are available and the deadline has been extended, the Town should apply for additional funding for a Plexiglas divider. Kord suggested that the office modifications requested by the Treasurer (quiet space to handle payroll and bills separate from the front of the office where visitors stand) should also be applied for under the grant. He will draft a budget for the office modifications in the next few days to be submitted by the October 15<sup>th</sup> deadline.

Peter agreed that October is a busy month at the Town Office due to absentee ballots, tax bills, and the various day-to-day inquiries and business matters. He also noted that the floor is not marked for 6-foot separation of visitors, and it is impossible for visitors to pass safely while entering and exiting. Perhaps, visitors should be required to wait outside until allowed in.

Brief discussion followed on the discussion held at the last meeting re: whether the Town can apply on behalf of the Fire Department for LGER grant money to cover PPE supplies; Maureen reported that the Town is not allowed to apply for funds on behalf of the Fire Department, but the Fire Department can submit its own grant application. Pat McLaine agreed to work with Mike and Jon on a separate LGER grant application for WVFD.

#### **Animal Complaints on Burbee Pond Road continue to come in**

Maureen opened discussion on the nuisance animal situation with a report that the roaming goat which was spotted at Hamilton Falls before wandering to Ball Mountain Dam, and then Townshend dam, is now secured at home in Londonderry.

Kord noted that he received another call about the animal situation on Popple Dungeon Road. He is encouraging residents to read the proposed Nuisance Animal Ordinance and offer comments.

#### Burbee Pond Road:

Kord again stated his opinion that the nuisance animal situation on Burbee Pond Road has improved based on his experience driving the school bus past the property twice daily. Dawn and Peter disagreed, instead confirming that the problem still exists in a 'feast or famine' manner where there are sometimes no animals roaming in the road while at other times many are loose.

Maureen noted that she spoke briefly with Kermit about the issue and asked him to call her when he was able to discuss it further; he did not call her back. In their brief discussion, Kermit claimed that all the animals were penned up and that he had or was in the process of purchasing two neighboring properties to house the animals. Peter reported that Property Transfer forms were not on file at Town Office to confirm this.

Bill Dunkel agreed that it was inaccurate to say that the situation on Burbee Pond Road was under control. Bill wrote a very direct email to Kermit and Wren and referred them to the Nuisance Animal Ordinance. He also warned that if his property continues to be used as a barnyard annex, he would file a formal complaint.

#### Popple Dungeon Road:

Tom Widger expressed frustration with neighbors on Popple Dungeon Road and the amount of trash scattered throughout the yard which is attracting wild animals. Coyotes have been observed on camera and cats in the neighborhood have gone missing. Kord explained that there are no laws in Vermont that regulate maintenance of personal property.

Brief discussion followed on public health concerns. The Town Health Officer wrote a letter to the residents but nothing changed. Eileen Widger is frustrated with the situation. The Health Officer tells her to contact the Selectboard; the Selectboard tells her to contact the Health Officer. A suggestion was made to contact the County Health Officer or State Health Officer.

Kord noted that he had not heard back from Trooper B about the animal cruelty complaint (malnourished calf) at this same property on Popple Dungeon Road. Trooper B was more responsive initially but she has not responded to his attempts at follow-up. Kord requested Trooper B provide him with the name of the Humane Society contact so he can follow up directly; he has not received that information from her as of yet.

The Selectboard is sympathetic to frustrations expressed by residents as it too is stymied in attempts to get these situations resolved. Maureen will follow up with Marcia Clinton and also offered to contact the Game Warden, Kyle Isherwood.

#### Burbee Pond Road:

Discussion reverted back to the nuisance animals on Burbee Pond Road. Dawn is concerned about animal excrement in streams that feed Burbee Pond. Dawn is also concerned that the dumpster at this property is overflowing and will attract rats and wild animals.

Kord relayed that Keith Bower had contacted the Environmental Protection Agency re: possible contamination of the area's streams and ponds. Dawn noted that he is also concerned about possible well contamination since the animals are using an area near the well on his property. In addition to the barnyard animals, the dogs regularly visit neighboring properties and leave excrement.

Maureen noted that she intended to review the Vicious Dog Ordinance for the leash law component but had not yet done so. She will follow up on this.

#### **Trooper B update – animal cruelty concern**

This was discussed earlier under Animal Complaints (see above).

#### The Meeting House:

Tom Widger reported on a recent Meeting House Committee meeting. They are in the process of getting a second bid for insulating under the building, but Tom was not able to get into the basement. He also looked at the closet housing the bell, and found there is nothing to prevent heat loss in that space. He suggested installing an insulation board which should help a little. He still needs access to the basement.

Brief discussion followed on the closet and the need to clean up the mess. Imme had offered to clean out the closet. Maureen explained that some of the stuff in the closet is summer camp-related. Dawn discussed the issue with Ginny Crittenden but Ginny doesn't see the need to address it now. Dawn will contact Cindy Kehoe about the camp supplies. Tom wants just to move the tables out so he can review the insulation.

Dawn heard from Carolyn Partridge today and they had a brief discussion re: the insulation under the floor. Dawn was told by Carolyn that Bill Koutrakos and other residents installed insulation under the floor years ago, only to find that the Preservation Trust required that it be removed. A Preservation grant paid to have it restored to its previous uninsulated condition. This would have occurred sometime around 1998. Tom Widger will email Carolyn Partridge for more information. Kathy Scott suggested that Ernie Friedli would be another good source of information re: the Meeting House.

Bill Dunkel recalled a conversation he had with Pete Newton about how the insulation that was installed sealed off the air-flow and caused condensation. Bill suggested that the energy audit conducted at the Meeting House a few years ago would provide good photos of the area. Tom Johnson has the energy audit and agreed to share the information with Tom Widger. Tom Widger is also planning to install batten upstairs to seal off the area at the elevator once the elevator work is done.

### **Elevator Update**

Last week, Peter Chamberlain met with the mechanic from Accessibility Systems. Maureen explained that the mechanic performs testing to prepare the lift for an elevator inspection. When the inspector came out in February, the necessary preparation hadn't been done. The inspector gave a 90-day deadline to get the CAT1 test performed. The deadline wasn't met, and the inspector padlocked the lift.

When Peter met with the mechanic last week, they needed to get approval from the inspector to remove the padlock and do the work. Approval was granted and the CAT1 test was performed. The mechanic also noted that the batteries (2) are original and are no longer performing to specs. The batteries need to be replaced at a cost of approximately \$125 each (\$250 total). The elevator is due for a CAT5 inspection in January, at which time the batteries can be replaced.

Kathy Scott suggested that the elevator maintenance is not necessary since no one uses it. Brief discussion followed on ADA rules and regulations for public buildings and the potential liability for any injury sustained as a result of not having a functional elevator.

### **Heating System/Fuel Supply –this should be checked**

Kord reported that Cota & Cota inspected the boilers and performed any work necessary for this year. Kord suggested getting a fixed-price annual contract for heating system maintenance at the Meeting House. He recommended using the same contractor at all Town-owned buildings. Fuel was last delivered to the Meeting House in February. The building is not being utilized currently except for weekly meal distribution and the upcoming general election in November. Imme noted that while she limits the time for meal distribution to an hour or less, the building still needs to be maintained at a minimum temperature of 45 degrees to prevent pipes in the kitchen and bathrooms from freezing.

Discussion followed on the storage area under the stairs. Imme noted that the folding tables purchased by WCO in the recent past are getting damaged due to the excessive amount of materials crammed in there. Imme volunteered to move the old wooden tables to the shed at the back of the building. She wants to organize the space and is willing to do the work, promising not to throw things out but just separate camp supplies from voting materials, etc. Eileen and Imme will work on it and Tom Widger is willing to assist.

Kord stated that the insurance inspector visited the Meeting House today and a list of recommendations will be forthcoming. Most of the issues noted were items that the Town and Meeting House Committee are already aware of. Kord also reported that the fire extinguishers need to be serviced; he suggested using the same service contractor used for the Town Office.

One unanticipated item that came up during the inspection was the possible need for an Ansul system (kitchen fire protection system) because the 8 stove burners (2 stoves) exceeds the threshold for residential kitchen use, qualifying the kitchen as commercial. The inspector made note that no commercial events are currently planned at the Meeting House. If this changes in the future and the building is used for food preparation for large crowds without a fire suppression system, the Town would be taking a big risk if a fire were to occur. Kord does not expect the list of recommendations to include the need for an Ansul system at this time.

**Roads:**

**Harrington Road Bridge Repair Update**

Kord sent photos to Maureen and Peter noting the progress of the bridge repair project. Retaining walls and structural steel work has been done but the decking has not yet been installed.

**Salt Shed Repair Update/Reconfiguration of the Garage Yard**

No progress has been made re: a more permanent repair of the salt shed. The engineer's proposals to address the structural issues were shared with Richard and Kurt. Because of the expense involved, this work will be postponed until funding can be identified. The plan for the immediate future was simply to buy lesser quantities of sand and store it in the middle of the shed in order to reduce the pressure on the wall. The road crew floated an idea to Kord recently about using pre-cast blocks to build a retaining wall behind the garage in order to store the sand there. They estimate that approximately 1,000 yards of sand can be stored outside in this way. Other towns stockpile sand supplies outside over the winter. Kord noted that the sand sometimes freezes when stored outside but that problem also exists in the salt shed because the entrance faces north. The cost to set up the pre-cast retaining wall would be approximately \$3,000. There is sufficient money in the Town Garage Maintenance and Improvement account to cover the cost.

Motion: To approve spending \$3,000 to build a pre-cast retaining wall behind the Town Garage to store sand—moved by Kord, seconded by Peter—all in favor.

Kathy Scott expressed appreciation for the way in which the road crew works cooperatively with the Town and is willing to brainstorm alternate solutions to problems.

Kord noted that he has been encouraging the road crew to identify equipment no longer being utilized that can be sold. Any money collected from the sale of unused equipment can be put back into the operational budget for the purchase of needed equipment. The yellow truck will be offered for sale at \$8,500 with the intention of using \$6,000 of the proceeds to purchase a blower to clean out the ditches.

**REI (Road Erosion Inventory) work update**

Kord noted that the REI work is done for this year. He and Kathy will sit with Richard on Wednesday to work on the grant reimbursement request. They intend to apply for the maximum amount possible by the October 15 deadline. In speaking with the Windham Regional Commission, Kord believes that the work done to date exceeds the threshold.

**Rt. 121 Culvert Grant Update, if any**

At the last meeting, the Selectboard approved the Windham Regional Commission to serve as the Municipal Project Manager for the Rt. 121 culvert project. The WRC must submit its qualifications to V-Trans for approval. No one anticipates any issues obtaining approval as WRC has served successfully as Municipal Project Manager in other towns. Once V-Trans reviews the WRC's qualifications and grants approval, the Town can proceed with signing an agreement with Windham Regional Commission.

**Driveway Culvert Policy thoughts**

Kord didn't have anything further to offer on the driveway culvert policy. He forwarded to the road crew the information Maureen distributed at the last meeting. He requested that this topic be kept on the agenda for further discussion at upcoming meetings.



**Payroll/Bills**

Kathy explained an error made by a new employee at PayData which would have resulted in a payroll check being issued to an unintended recipient. Kathy noted that the error was quickly identified and corrected. She also explained an error that would have resulted in exorbitant stipend checks. This too was caught in time. Lastly, she explained two additional checks added to the check run earlier in the day.

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 7:46 p.m.—moved by Kord—all in favor.

Respectfully submitted,

Joyce Cumming  
Selectboard Clerk