

Windham VT Selectboard Meeting Minutes
November 16, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair
Kord Scott, Selectman
Dawn Bower, Various Commissions
Bill Dunkel, Planning Commission
Tom Johnson, Energy Committee
Imme Maurath, Auditor
Pat McLaine
Eileen Widger, Library Trustee

Peter Chamberlain, Selectman
Joyce Cumming, Selectboard Clerk
David Cherry, Deerfield Valley CUD Rep.
Louise Johnson, Meeting House Committee
Kathy Jungermann, Auditor
Mike McLaine, Town Clerk
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 requested an opportunity to discuss possible location sites for a fiber optics hub; Maureen suggested including this under public comment.
- Maureen reminded everyone to stay safe during this uptick in the number of COVID-19 cases in the region.

Approve minutes from November 2, 2020 Regular Meeting

Motion: To approve minutes of the November 2, 2020 Regular Selectboard Meeting as submitted—moved by Maureen—all in favor.

Public Comment

- David Cherry offered a brief update on the Deerfield Valley Communication Union District initiative to expand broadband service. Windham is participating in the DVCUD along with 18 other towns. Several locations have been identified as possible hub sites for fiber optics. The hub will be the size of a refrigerator/generator and can be placed either above or below ground. Ideally, the site would be near a generator. David suggested siting the hub at the Town Office for this reason. David noted that the sooner the site is determined, the sooner plans can be drawn up for fiber optics. Maureen asked what other sites were considered. Brief discussion followed on whether to site the hub centrally in Town or closer to areas not currently served by broadband. David explained that the objective was to be competitive to those areas already served. Kord noted that existing fiber optics currently ends on Windham Hill Road at the Meeting House. David will report back at the next meeting with additional information on siting vs. existing service considerations. Maureen will include this item on the next agenda for action/site approval.

Correspondence

Maureen received a photocopy of the elevator inspection certificate at the Meeting House which is due to expire on January 2, 2021. Maureen has not yet made contact with the service company.

Kord noted that one of the smoke detectors at the Meeting House is significantly out-of-date and he was in touch with the alarm company about replacing it. An invoice was received from the alarm company for monthly/annual maintenance and he requested more information re: the smoke detectors and what is covered under a maintenance agreement. He has not received it yet but will report back when he has more information.

Maureen noted that the Selectboard received correspondence from Kevin O'Shaughnessy requesting a waiver of his homestead late filing fee. Mr. O'Shaughnessy paid the fee of \$253.24 and is requesting a refund as a result of H&R Block's failure to file the necessary forms. Maureen noted that the request was similar to other requests received recently and asked Kathy to explain under what circumstances the late filing fee should be charged.

Kathy explained that homeowners can file Form 144 up until October 15 but a penalty will be applied if not filed by July 15. Kathy receives a NEMRC printout of when homeowners filed. Brief discussion followed on Form 122 and Form 144. Both must be filed if a homeowner wants to be considered for a rebate. A suggestion was made to include an article in an upcoming issue of News & Notes. Kord reached out to VLCT for information. He thought it would be appropriate to share information on homestead filing with residents when they register to vote at the Town Office; the VLCT and Secretary of State explained that nothing is allowed to be attached to voter registration. Kord reached out to Abby Friedman at VLCT to find out how other towns inform residents re: filing requirements, but he hasn't heard back. Kord requested keeping this topic on future agendas for further discussion.

Motion: To waive Kevin O'Shaughnessy's homestead late fee and issue a refund in the amount of \$253.24—moved by Maureen—all in favor.

Lastly, Maureen noted an email received from Jo-Jo Chlebojiannis requesting use of the Town Office property for produce box distribution during the winter months when vehicles are banned from parking on Town roads. Maureen noted that this was permitted in the early spring. Peter agreed with granting the request.

Motion: To allow Jim and Jo-Jo Chlebojiannis to use the Town Office property for produce box distribution this winter—moved by Kord—all in favor.

New Business:

Nuisance Animal Ordinance – complaint of noisy animals

Maureen read a complaint about nuisance animals on Abbot Road, specifically a rooster that crows at all hours of the day and night and is disruptive to sleep. Maureen noted that this is a violation as defined in Article VI, letter (h) of the Nuisance Animal Ordinance which addresses any domestic animal or domestic pet barking, whining, calling or howling in an excessive and continuous fashion so as to disturb the peace and quiet of any other person. Maureen was not sure whether this behavior was normal for roosters. Kathy offered to ask her daughter, Beth, who has roosters. Eileen Widger, who grew up on a farm, explained that crowing in the wee hours of the morning was most likely the rooster's warning to the rest of the flock of possible danger, such as from a coyote or a raccoon. During the day, the rooster is crowing to keep the female birds in line. Brief discussion followed on whether it would be reasonable to ask the animal owner to keep the rooster inside at night or to hood the rooster. Crowing during the day is normal.

Article VII of the NAO provides for serving the owner with a written notice as the first step in enforcement of the ordinance. Maureen agreed to draft a letter. Peter asked Kathy to follow up with Beth as well re: rooster behavior. Brief discussion followed on whether neighbors should discuss these issues amongst themselves as a first step before involving the Selectboard. Peter noted that legal counsel advised against requiring neighbors to discuss complaints once the ordinance is adopted and the Selectboard receives a complaint. Kord noted that he

would prefer that neighbors discuss issues first, but agreed that neighborly discussion was not included in the ordinance based on advice from legal counsel. Maureen will ask Mike for the name of the resident at the suspect property on Abbot Rd.

Zoning Permit Process highlights – taken from the Zoning Regulations

Maureen referenced the 1-page document developed by the Planning Commission which outlines the process property owners need to follow for new construction or additions or alterations to existing buildings. (See attached.) Bill Dunkel noted that the Zoning Regulations is a long and complicated document and the Planning Commission developed the 1-page summary to serve as an easy reference for property owners. He briefly reviewed the steps outlined. With Selectboard approval, Bill will request that the webmaster post it on the Town website, and that copies be made available at the Town Office. The Zoning Administrator will be provided it as well. The Selectboard expressed appreciation to Bill and the Planning Commission members.

Motion: To approve sharing the “New Construction or Alterations or Additions to Existing Buildings” document developed by the Planning Commission by posting it on the Town website and making copies available at the Town Office—moved by Maureen—all in favor.

Town Meeting 2021 in the age of COVID-19: Act 162 – discussion and vote to adopt Australian Ballot for 2021

Maureen referenced guidelines and information received from the VLCT and the Secretary of State’s office re: Town Meeting 2021 which will be March 2, 2021. The legislature has passed Act 162 which allows a legislative body of a town, including those who normally vote from the floor, to vote to use Australian ballot for Town Meeting 2021. Windham does not have any facility that would provide the space needed during the current pandemic to hold an in-person Town Meeting in 2021. Act 162 applies to any Town Meeting, regular or special, in 2021. Act 162 does not specifically address “absentee” ballots; Maureen wants to discuss this with the Town Clerk. Maureen reviewed the information on the VLCT website which was posted in a Q & A format.

- Towns cannot hold Town Meeting including floor voting remotely.
- Informational hearings can be held remotely since informational hearings are meetings of the Selectboard.
- Selectboards must vote to adopt Australian ballot in 2021 at a duly warned meeting (this meeting satisfies the requirement).
- Act 162 temporarily allows towns to hold any meeting in 2021 using Australian ballot.
- The Selectboard must vote to adopt Australian ballot prior to posting the warning for Town Meeting.
- Australian ballot differs from floor voting and paper ballot voting in that it requires a uniformly pre-printed ballot, similar to that used during the November general election.
- An informational hearing must be held on any public or budget question being voted within 10 days prior to March 2 and access to the informational hearing must be provided to the public.
- The informational hearing must be warned at least 10 days in advance of the hearing date.
- The informational hearing can be held remotely via Zoom, GoToMeeting, Skype, by phone, etc. and there is no need to designate a physical location for the hearing.
- Access information must be included in the warning for the informational hearing.
- A candidate for local election does not need to petition to have his/her name included on the ballot. However, Act 162 does not waive the consent form requirement and candidates must still complete the consent form and submit it to the Town Clerk.

Brief discussion followed on possible limitations of a remote informational hearing such as recording time limit of 2 hours on Zoom. A suggestion was made to hold multiple informational hearings. While the hearings must be held within 10 days prior to Town Meeting, they are usually held over the weekend preceding the first

Tuesday in March. Joyce asked about ensuring that everyone had access to the same information if multiple hearings were held; Maureen explained that minutes need to be taken. Bill asked whether candidates for local election may offer speeches during an informational hearing; Maureen will check. Informational hearings on Zoom will be recorded and posted on the Town website, making the information available to anyone who was not able to participate in the live discussion. Pat McLaine noted possible overutilization of remote meeting platforms such as Zoom with many towns holding informational hearings remotely in the 10 days prior to March 2, 2021. A suggestion was made to divide the articles to be voted on over multiple information hearings with specific articles being discussed as warned. School issues may require a separate information hearing. A suggestion was made to have a standard or scripted presentation recorded on school issues which can be hot topics. The last day to post the warning for Town Meeting is January 31, 2021. The auditors' financial report must be distributed no later than February 20, 2021.

Kord asked Mike McLaine for his input as the election official. Mike expressed his opinion against absentee balloting because it would require a month to mail out the ballots and receive the voted ballots back. Since the informational hearing cannot be held earlier than 10 days prior to the Town Meeting and is generally held over the weekend prior to Town Meeting, voters would not have the benefit of the information presented at the hearing(s). He noted feedback re: confusion about the school election ballots which were mailed out separately from the general election ballots. Despite multiple announcements, some residents didn't know the school ballots were being mailed separately and didn't open the envelopes or perceived the additional mailing as fraud.

Mike explained the procedure he anticipated for Town Meeting on March 2 by Australian ballot (but not absentee ballot). Polls would be open for in-person voting from 10 a.m. to 7 p.m. Weather permitting, voting may be held outdoors. In the event of inclement weather, voting would be handled similar to the general election, allowing one visitor at a time into the Meeting House, using one-way traffic flow. Mike said that Chester and Springfield use Australian balloting at Town Meeting, and offered to reach out to the Town Clerks in those towns to inquire about absentee balloting.

Motion: To adopt Australian balloting in Windham for Town Meeting(s) in 2021—moved by Maureen, seconded by Peter—all in favor.

2021 Budgeting process –Town Office, Town Clerk, Town Office M&I (Maintenance & Improvements)

Town Office Budget Request 2021: Maureen shared the screen so viewers could see the spreadsheet as Kathy reviewed the Town Office budget request for 2021 (see attached). Kathy noted a correction to the heading in Column 3 which should be October 30. The total Town Office budget voted in 2020 was \$22,954, of which \$16,626 has been spent year to date for a balance as of October 30 of \$6,328. The total budget request for 2021 reflected a slight increase to \$23,270. Computer Expense & Contracted Services included unanticipated expenses such as COVID related janitorial, Zoom, and QuickBooks update. Kathy suggested budgeting for COVID related cleaning of the office next year since it is uncertain whether a grant will cover it. She included \$2,080 for janitorial service, \$400 for COVID cleaning supplies, and \$300 for general cleaning supplies. She factored in COVID-Zoom expenses of \$750 to install cameras and speakers for the computers at the Town Office or replace the monitors with new units including cameras. She isn't sure how much cameras or speakers will cost and has asked Vance to assist. Kathy asked about computer maintenance by 2 Wired Guys. Mike noted that the contract was not renewed in 2020, adding that Windham has limited needs. Londonderry uses a local guy, Pete Smith, for computer maintenance, and Mike offered to contact him to inquire about rates and services for next year. Kathy budgeted \$1,000 for the NEMRC annual license agreement. Mike noted that the annual support fee was billed at \$3,000 last year and is increasing to \$5,000 for the term from October 1, 2020 to September 30, 2021. Mike noted that the land records, dog licensing, and grand list are all in NEMRC. The spreadsheet showed \$890 spent YTD for this line item (not \$3,000); Kathy will determine from which account the \$3K was paid. She will follow up with NEMRC re: the increase. Records retention was recommended for level funding at \$150 next

year. There was a QuickBooks expense of \$318 this year but Kathy does not anticipate the need for an update in 2021 (\$0 budgeted). Discussion followed on the cost of water (\$279 has been spent YTD). Mike noted that the water company is not anxious to sell its coolers since it profits from the rental agreement (\$300/yr.), but it is possible to buy a cooler from Sam's or Costco at approx. \$150 - \$200 to eliminate the rental expense. The water company will still deliver the water carboys. Water was budgeted at \$200 next year. Website management was budgeted at \$1,100 next year (\$1,077 spent YTD).

Copier expense was suggested for level funding at \$300. Kathy noted that liability property insurance through PACIF may result in a 9% decrease, and this line item could be reduced from \$4,434 to \$4,200 (spreadsheet shows level funding). All other insurance line items were proposed for level funding with the exception of workers compensation which is over-expended YTD; Kathy suggested increasing this line item from \$289 to \$400 next year. Office and cleaning supplies was funded at \$1,000 in 2020 but is over-expended YTD by \$826; Kathy suggested increasing it to \$1,900 for 2021 including COVID related cleaning supplies. It may be possible to reduce this amount if we become aware of COVID relief funding for 2021.

Kathy proposed an increase in postage and delivery costs from \$1,650 to \$2,000. The budget for public notices was proposed for level funding at \$500 in 2021. Utilities reflect a \$500 increase from \$6,500 to \$7,000 (\$1K for electric, \$3K for heating oil, \$500 for propane, and \$2,500 for phone).

Town Clerk Budget Request 2021: Maureen shared the screen so viewers could see the spreadsheet as Kathy reviewed the Town Clerk budget request for 2021 (see attached). Kathy proposed level funding salary line items for Assistant Town Clerk and Town Clerk, along with related FICA expenses. Contracted service-clerk training was budgeted at \$500 in 2020 but \$0 has been spent YTD; Kathy proposed \$0 for this line item in 2021. Line items for mileage and seminars/workshops (\$100 and \$200 respectively) were proposed for level funding. No funding was budgeted for vault reorganization in 2020; no funding was included for this line item next year.

Mike suggested adding a line item for digitization expenses of approx. \$1,800 per year. A grant for \$12,000 covered the cost of scanning the last 5 years (5 or 6 of the 57 Town books) but this represents only about 10% of all the land records. Mike has been scanning all land records received over the past 18 months and these are available in pdf format. All other land records exist only in paper form at the Town Office. Mike explained that title searches require a 40-year search span (back to 1980), and it is not rare to go back even further. He is not suggesting hiring a contractor to scan the rest of the land records but noted that the cost of government related work is expensive and funding should be set aside. This may tie into the restoration fund. Kathy suggested including digitization expenses in a reserve fund. Maureen felt a reserve fund should be used for unplanned expenses, not for costs that are anticipated. Mike noted that in many other areas, land records are available online. There is an expense associated with a NEMRC portal to make digital records available and a separate contract for a pay portal. The cost for copies of digitized records is more expensive. Kathy suggested that the fees collected could be used to offset the cost of the digitization and ongoing expense of the portals. Mike is not sure that the fees collected in small towns such as Windham would cover the costs. Mike suggested allowing 2021 to serve as a trial year to see if the digital system is being used and whether it is worthwhile.

Town Office M&I Request 2021: Maureen shared the screen so viewers could see the spreadsheet as Kathy reviewed the Town Office Maintenance & Improvements budget request for 2021 (see attached). Town Office M&I was allocated \$4,136 (10% of 2019 surplus and non-tax revenue received) at last year's Town Meeting which brought the beginning balance to \$25,813. Expenses this year included the drop box for ballot collection at \$830 (COVID-related expense that will be covered by grant), \$493 for the generator contract, \$3,472 to paint the Town Office exterior, \$1,294 for safety equipment, and \$700 for boiler maintenance contract for 2021 (\$475) and to replace mixing valves. Current balance is \$19,024. A grant application was submitted for office modification, counter barriers, and a wall hand sanitizer station. Maureen noted that COVID grant projects must be completed by year-end. Mike will contact Joe Lamson about the office modifications. Kord noted that the

Town Office insulation project (under floor) is still pending. He has the old quotes from Vermont Foam and Farnum Insulation; he will get updated cost information in the next month or so.

Old Business:

Animal Cruelty Concern – any update from the State Police?

Kord said he hasn't heard back from Trooper B and has given up on trying to get an update on the animal cruelty concern, classifying this as a dead issue.

Roads:

Update on 550 – Registration, Lettering, Stewards/Claremont Ford

Kord noted that the last few details on the new 550 are being addressed. A vehicle registration appointment was made at DMV for November 20. The lettering on the truck will be completed this week. Kord reported that he called Stewart's to make an appointment for a warranty issue and learned that Stewart's Ford is closing at the end of the year. The truck was purchased from Claremont Ford and Claremont will be buying out some of Stewart's business. Kord scheduled the front-end work to be done this week. Kord also reported that an offer of \$6,500 was received for the yellow truck (asking price is \$8,500).

Update on Harrington Road bridge work

Kord noted that progress is being made on the Harrington Road bridge project. Decking is on and the contractor is doing a nice job. Posts are in for guardrails. Work on the ramp will begin in the next week or so.

Update on Salt Shed/Fuel Tank Move/Planning

Kord reported that the concrete block wall has been installed to store sand outside this winter. The first load of sand is being delivered this week. He inquired through VLCT about permitting requirements or restrictions on moving the fuel tank and was referred to Environmental Conservation. He will report back when he has additional information. A dimensional waiver will be needed due to the setback requirement. Bill noted that the garage is situated within the historic district and the setback is 53' from the centerline of Windham Hill Road. The garage is likely within 53' of the centerline of the road. Bill explained that the application for a waiver must follow the same procedure for conditional use review. A public hearing will need to be held as part of compliance with Section 206. Mike explained that the permit application was forwarded to Alison Cummings, Zoning Administrator. Kord will follow up with Alison. In response to a question from Mike, Kord explained that the fuel tank holds 1,000 gallons. Mike noted that the Dept. of Environmental Conservation has rules governing above-ground storage tanks and he will share a link to access the information electronically.

Payroll/Bills

Maureen was not sure if she received the bills. Kathy explained that the list was sent on the 13th. Maureen reviewed her email and found the information. Brief discussion followed on a number of invoices and payments.

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

Executive Session

Personnel/Benefits Issue, Employee Evaluation Prep, and Delinquent Taxpayer Strategy

Maureen asked everyone except members of the Selectboard to leave the Zoom platform.

Motion: To move into Executive Session at 7:34 p.m. for the purpose of discussing personnel issues, evaluation prep, and delinquent taxpayer strategy—moved by Maureen—all in favor.

The regular meeting resumed at 8:19 p.m.

Motion: To cover Richard Paré's town-supplied insurance plan expense through the end of the year while we develop the budget for next year—moved by Maureen—all in favor.

Motion: To allow Kurt Bostrum to rollover any remaining personal time-off left over from 2020 to 2021 while we are revising our personnel policy—moved by Maureen—all in favor.

There were no other decisions made.

Adjournment

Motion: To adjourn the Regular Meeting at 8:21p.m.—moved by Peter—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Planning Commission Summary on New Construction or Alterations or Additions to Existing Buildings
- 2021 Budget Request—Town Office
- 2021 Budget Request—Town Clerk
- 2021 Budget Request—Town Office M&I