

Windham VT Selectboard Meeting Minutes  
November 2, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair	Peter Chamberlain, Selectman
Kord Scott, Selectman	Joyce Cumming, Selectboard Clerk
Dawn Bower, Various Commissions	Keith Bower
Bill Dunkel, Planning Commission	Louise Johnson, Meeting House Committee
Tom Johnson, Energy Committee	Kathy Jungermann, Auditor
Imme Maurath, Auditor	Pat McLaine
Carolyn Rubin	Kathy Scott, Treasurer
Eileen Widger, Library Trustee	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**

- Kord requested the opportunity to add a brief status update on the MRGP application; Maureen agreed to add this as the last item under discussion of Roads.
- Kord also requested an opportunity to report on a phone call received about the animals on Burbee Pond Road; Maureen agreed to add this under discussion of the Nuisance Animal Ordinance.
- Maureen noted that minutes and videos of all Selectboard meetings are posted on the website within 5 days of the meeting.

**Approve minutes from October 19, 2020 Regular Meeting, and October 23, 2020 Special Meeting**

Motion: To approve minutes of the October 19, 2020 Regular Selectboard Meeting, and the October 23, 2020 Special Selectboard Meeting as submitted—moved by Maureen—all in favor.

**Correspondence**

Maureen reported that no physical correspondence had been received.

**Public Comment**

- Bill Dunkel reported that the Planning Commission recently developed a 1-page summary outlining requirements for property owners on new construction and/or alteration of an existing building. Bill sent the summary to the Selectboard members for their review. If the Selectboard approves the summary, he will send it to the webmaster to post on-line and ask the Town Clerk to make hard copies available in the Town Office. Bill noted that Jeff Wheeler, who will be resigning from the Planning Commission, was very instrumental in developing the summary.
- Kathy Scott noted that of the \$2.4M billed in property taxes, all but approximately \$115K has been received. The outstanding \$115K represents approximately 60 parcels; payment from 5 to 10 of these is expected this week. As long as the payment is postmarked by October 31, payment is considered timely. Kathy expects to be able to forward a report to the delinquent tax collector in the next week or two.

## **New Business:**

### **Weiskopf Homestead Late Fee**

Maureen explained the circumstances under which she believes Don and Debra Weiskopf were assessed a homestead late fee of \$323.58. They are requesting that the Selectboard waive the fee based on a mix up involving tax forms, their closing date of June 29 and the April 15 deadline for filing the homestead form. Kathy Scott explained that the tax bill was mailed out using an incorrect zip code which caused a delay in receipt of the bill. The Weiskopfs have paid the tax bill in full including the late fee. Imme noted that the filing deadline was extended to July 15 and it was her understanding that as long as filing occurred by July 15, no late fee would be assessed. Kathy Scott noted that this year the filing deadline was extended further (to October 15). Kathy noted that regardless of when a property owner files the homestead form, the late fee is still applied if payment is late. Brief discussion followed.

Motion: To waive the Weiskopfs' homestead late fee and issue a refund in the amount of \$323.58—moved by Maureen—all in favor.

Noting that Carolyn Rubin had joined the meeting, Kord offered a belated public comment to update everyone on the status of the lilac tree removed from the Meeting House which has been planted at his property. He thanked Imme for her assistance.

### **Town Meeting 2021 in the age of COVID-19 and Act 162**

Maureen reviewed information received from VLCT on legislative approval of Act 162, which allows municipalities that normally vote from the floor to use Australian ballot for the Town Meeting 2021 due to COVID-19. The legislative body must vote to approve this option. An informational meeting, which can be held remotely, must be held prior to Town Meeting. Additionally, this temporary law also lifts the requirement to collect voter signatures in order to include on the ballot the name of a candidate for local election in 2021.

### **County Sheriff's Rates for 2021**

Maureen received a letter from the Windham County Sheriff's Office re: the contract for next year. Kathy stated her understanding that the rates would remain the same as last year (\$52 per hour). The contract was not included with the letter.

### **2021 Budgeting process –Treasurer, and Update to the Library request**

Maureen shared the screen so viewers could see the spreadsheet as Kathy reviewed the Treasurer's budget request for 2021 (see attached). The contracted services line represents the cost of payroll processing. To date, \$1,382 has been expended of the line item budget of \$1,800. With 5 or 6 payrolls to go before year end, Kathy feels this would be adequately budgeted at \$1700. Legal expense is \$61 over budget (2020 budgeted amount was \$0) due to a conversation Kathy had with the Town Attorney re: the tax sale. She suggested moving the charge to the Delinquent Tax budget. No money was expended for mileage this year. Kathy originally requested nominal funding for mileage next year, but later said that no money was needed for this line item. The spreadsheet showed a request of \$100 for mileage next year. She requested level funding the Asst. Treasurer's salary at \$8,000 as well as the Treasurer's salary at \$21,534.

Kathy expressed discontent with the method of compensating the delinquent tax collector (\$1,500 was paid in 2020). Kathy explained that it's difficult for the delinquent tax collector to keep track of the hours spent on phone calls, emails, etc. and she believes Ernie and Erin who both served as DTC in past years would agree.

Kathy would also like to see this line removed from the Treasurer's budget and established as its own department since the Treasurer has no authority over the DTC. Kord and Peter agreed.

Brief discussion followed on the notion of changing the compensation for the DTC to a percentage of the penalty and interest charges. Brief discussion followed on when and why the method of compensation was changed to an hourly rate. Imme offered to review the Town Reports to determine when the current method became effective.

Kord suggested contacting VLCT for guidance on delinquent tax collection and DTC compensation. Maureen will contact VLCT. According to Kathy, the State allows an 8% penalty to be assessed on the first day after taxes are due.

Fica can remain as is until a decision is made re: compensation. Kathy noted that the charge of \$506 for Seminars/Workshops (budgeted amount for 2020 was \$0) was due to the need to work with a Quickbooks specialist. She requested \$400 for Seminars/Workshops next year (the spreadsheet showed \$0 requested for Seminars/Workshops in 2021). Kathy announced that the total Treasurer's budget request for 2021 was \$35,508 (\$200 increase over 2020). The spreadsheet showed a total request of \$35,208 (\$100 less than 2020).

Discussion followed on the subject of grants. Several individuals worked on different grants this year depending on what was most appropriate, i.e., the Town Clerk worked on the grant for the voting ballot box, Maureen worked on the grant for COVID-related expenses, the Treasurer and Asst. Treasurer worked with the road crew on the Road Erosion grant, etc. Kathy feels that the potential value of a grants administrator would outweigh the expense. She is not advocating for immediate creation of this position but would like the Selectboard to consider designating a grant administrator. She is not sure whether remuneration is required, but thinks that a person or persons should be designated responsible for grants.

Discussion reverted to the subject of legal expenses and whether some money should be budgeted in various department budgets for department-specific legal counsel as it is done currently. Kathy suggested that legal budget funding should be combined in one account with the Selectboard responsible for approving requests for expenditures. Maureen expressed some hesitation with this change. She noted that the department heads had a better idea of what legal expenses might be forecast based on the projects being undertaken and/or planned. As an example, she cited legal expenses associated with the Planning Commission's work on the Town Plan. She felt the Planning Commission understood the extent of anticipated legal expenses better than the Selectboard would have with respect to the Town Plan. Kathy said she felt out-of-her-depth in trying to anticipate legal expenses. Kathy expressed concern about the possibility of someone with a "bee in their bonnet" racking up a large legal bill. She also noted that legal expenses already incurred are months behind in billing.

Kord agreed that the authority to seek advice from legal counsel at Town expense should not be extended to everyone, but he doesn't want to be the person responsible for overseeing legal expenses for all other departments either. All members of the Selectboard agreed that this needs to be discussed and reviewed further before any changes are made.

### **2021 Budgeting Process—update to the Library request**

It was noted that the Appropriations budget can be reduced by \$700 for fiber optic service since the Town is now responsible for 100% of the costs for the Meeting House.

Budget review by department will continue with Town Clerk and Town Office at the next meeting, with Public Safety and Social Services to follow at the subsequent meeting. Brief discussion followed on the procedure for soliciting budget requests from department heads and the submission of budgets for Selectboard review.

## **Old Business:**

### **LGER (Local Government Expense Reimbursement) – Start processing receipts**

Maureen noted that receipts for any expenditures covered by the LGER grant could be submitted for payment.

### **Nuisance Animal Ordinance – public comments**

Maureen noted that Keith Bower had submitted comments on the Nuisance Animal Ordinance. In his letter, he expressed appreciation to the Selectboard for its efforts in adopting the ordinance so that everyone is entitled to the peaceful and quiet enjoyment of their home and community. He also noted one section of the ordinance which he felt was too broad in scope and might be construed differently by some members of the community. The ordinance which was adopted by the Selectboard on September 7, 2020 is due to take effect on November 7, 2020. Discussion followed on the ordinance and Keith's concerns that an offending property owner could take advantage of a possible loophole. Keith joined the meeting by phone and suggested either striking that section or re-wording it to make it more specific. After further discussion, the Selectboard agreed to share Keith's concern with legal counsel.

Kord noted a separate verbal complaint received from another neighbor on Burbee Pond Road about the dogs roaming loose. This neighbor was fearful of the dogs which had him trapped in his garage recently. Kord explained to the caller how to access the Nuisance Animal Ordinance as well as the Vicious Dog Ordinance. Kord also provided the caller with the contact information for the owner of the dogs.

Bill Dunkel doesn't feel the dogs are vicious but he understands that they can seem intimidating. He has witnessed the dogs growling and barking while roaming loose. Keith recounted similar behavior by the dogs. Chris Dunkel had to yell at the dogs earlier in the day. Kord noted that if the dog is deemed to be vicious or potentially vicious, the Selectboard can take action under the Vicious Dog Ordinance if a formal complaint is filed.

Brief discussion followed on a photo received showing the water buffalo roaming loose and dragging a rope with a 40 lb. dumbbell attached. The animal had crossed the road and was grazing on the opposite side with the rope and the dumbbell sitting in the middle of the travelled section of Burbee Pond Road. Kord agreed to contact the Sheriff's Office on the safety issues presented by the weight in the middle of the road. Bill noted that while raking leaves on his property recently, he came across the dumbbell which he assumed had fallen from a passing vehicle, not realizing it was being used as a restraint measure (albeit unsuccessfully).

### **Animal Cruelty Concern—discussion with Town Attorney**

Maureen contacted Atty. Fisher for his opinion on whether the Selectboard should contact an investigative reporter about the animal cruelty concern for the calf/calves on Popple Dungeon Road. Atty. Fisher advised against the Town contacting the press. He noted that there is nothing to restrict a private citizen from contacting a reporter about the matter. Maureen spoke with the individual who initially proposed the idea of involving a news reporter.

In the meantime, Kord tried to follow up with Trooper B at the State Police barracks but she has not returned his call. He also called the Humane Society and was told that the manager was out on extended medical leave.

Maureen hadn't seen any animals lately on Popple Dungeon Road; Kord reported seeing goats in the road recently.

### **Londonderry Solid Waste Group (LSWG)—sign off on the Implementation Plan**

Maureen explained that the Solid Waste Implementation Plan was presented and reviewed by Esther Fishman at the last meeting. It was not officially approved at that time due to confusion over the approval process. Maureen suggested moving to approve it now; Kord and Peter agreed.

Motion: To approve the LSWG Solid Waste Implementation Plan as presented by Esther Fishman on October 19, 2020—moved by Maureen—all in favor.

Maureen signed the plan and agreed to leave it at the Town Office for signatures by Peter and Kord.

### **The Meeting House:**

#### **Report on October 29th Monthly Committee Meeting**

Maureen offered a review of the discussion held at the most recent meeting of the Meeting House Committee. Maureen spoke with Atty. Bob Fisher recently who confirmed that anyone can hold fund-raising events to benefit the Meeting House. Bob filed the paperwork with the IRS but hadn't heard back yet re: the 501c3 status for the Friends of the Meeting House. He will contact Pete Newton to determine whether Pete has been informed re: approval.

Discussion followed on possibly getting an exterminator to resolve the mice situation at the Meeting House. Imme offered to be more vigilant in keeping the issue under control, and Maureen Fitch has been assisting in this regard. At Tom Widger's request, some traps were placed in the sanctuary area upstairs as well. Tom W. has some ideas for fund-raising which he will present at an upcoming meeting.

Maureen asked Louise Johnson to report on the discussion re: insulation. Louise noted that the Energy Committee, the Friends, and the Meeting House Committee all had something to say regarding the issue of insulating the Meeting House. Tom Johnson noted the issue with moisture in the crawl space under the building was a result of prior attempts to insulate. He believes that an insulation contractor could install a decent vapor barrier to resolve the moisture issue. Pete Newton wants to focus on the need to regrade on one side of the building where water is currently entering.

Eileen Widger explained that the building was originally constructed on a dry stone foundation which allowed it to flex with the earth. The dry stone foundation was later replaced with a cement block foundation which restricted air flow and caused moisture to condense. To remedy the moisture issue, the dry stone foundation was re-installed because the structure must be allowed to breathe. Eileen noted that Carolyn Partridge has a contact with the Historic Preservation Society in Montpelier who is willing to conduct a site visit and advise us. Everyone agreed on the importance of having all the groups involved on the same page. Maureen asked Eileen to reach out to Pete Newton and the Friends.

### **Roads:**

#### **Sand bids—Report on October 23 Special Meeting**

At Maureen's request, Kord summarized the structural issues with the salt/sand shed which will require significant repair. Because funding is not available, a determination was made to address the problem in the short-term by storing sand outside in an enclosure made from pre-cast concrete blocks which can hold up to 1,000 yards of sand.

Kord re-capped the Special Meeting held on October 23 to review bids received from 3 vendors: Eastman Sand & Gravel, Hunter Excavation, and Hill Construction. After reviewing the pricing and quality of the material, the bid was awarded on 10/23/20 to Eastman Sand & Gravel for sand with added 3/4" stone at \$15.20 per yard delivered or \$11.00 per yard if picked up. The material quality from Hunter Excavation was nice, but at \$18.00 per yard the cost would increase by an additional \$5K - \$6K over the course of the winter season.

#### **Notice of Delay of Town Highway Grants from VTrans, but not Town Highway Aid – FY21**

Kord reported that due to concerns over expected shortfalls in State revenue as a result of COVID-19, the State has delayed Structure and Highway Grants for one year. The Town's place in line for receiving the grants of approximately \$175,000 each will be secure until the funding is available. In the meantime, the Legislature has approved \$7M to be distributed to towns as a one-time payment. The amount received will be based on the number of miles in each town. For Windham, this means approximately \$86,000 in addition to the quarterly State Aid for Transportation payment the Town receives. This funding is expected to be received any time now.

#### **Added item: Municipal Roads Grants-in-aid Program (MRGP) Reimbursement**

Kord reviewed the work done by the Treasurer and Asst. Treasurer in preparing the request for reimbursement of expenses associated with the Road Erosion Inventory. As presented previously at the October 19 Regular Selectboard meeting, labor expenses for the road crew came to \$3,946, equipment expenses totaled \$6,150, and the cost of materials was \$7,569 for a grand total of \$17,665 in expenses. Of this amount, \$9,390 will be reimbursed. Kord expressed appreciation to Kathy and Gail for submitting the reimbursement request and associated documentation i.e., vendor invoices, time sheets, etc. Peter and Maureen joined Kord in thanking Kathy and Gail.

#### **Payroll/Bills**

Maureen noted a payment to Accessibility Systems of approximately \$769 and questioned the amount. She was told that the two (2) batteries in need of replacement were approx. \$125 each. Maureen asked Kathy to hold off on this payment until clarification can be sought. Kathy agreed. Kathy reported that another invoice was subsequently received. Kathy noted that payroll included pay periods 22 and 23. Discussion followed on refund checks to property owners whose taxes were paid or partially paid by their homestead. Kathy did not have the total amount of the refunds available but explained that 12 properties were affected.

Motion: To approve the payroll and bills with the exception of the invoice from Accessibility Systems and authorize Kord to sign off on payroll and bills presented for this meeting with exception of one invoice as noted—moved by Maureen—all in favor.

Kathy offered to scan the bill from Accessibility Systems and forward it to Maureen.

#### **Executive Session – Personnel/Benefits Issue**

Maureen disconnected the remaining Zoom participants except for the Selectboard and paused the recording while discussion was held in Executive Session.

Motion: To move into Executive Session at 6:56 p.m. for the purpose of discussion of a personnel/benefits issue and allow Kathy Scott and Joyce Cumming to attend—moved by Maureen—all in favor.

Motion: To exit the Executive Session at 7:06 p.m.—moved by Maureen—all in favor.

The regular session resumed at 7:07 p.m. No decisions were made in Executive Session.

**Adjournment**

Motion: To adjourn the Regular Meeting at 7:07 p.m.—moved by Peter—all in favor.

Respectfully submitted,

Joyce Cumming  
Selectboard Clerk

Attachment:

--2021 Budget Request--Treasurer