

Windham VT Selectboard Meeting Minutes
December 7, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair
Kord Scott, Selectman
Dawn Bower, Various Commissions
Louise Johnson, Meeting House Committee
Kathy Jungermann, Co-EMD
Imme Maurath, Co-EMD
Barbara Jean Quinn
Eileen Widger, Library Trustee

Peter Chamberlain, Selectman
Joyce Cumming, Selectboard Clerk
Marcia Clinton, Health Officer
Tom Johnson, Energy Committee
Barbara Lettenberger
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

- Kord requested the addition of an item to discuss disposal of trees removed from roadsides by the road crew; Maureen agreed to add it under Roads.
- Maureen offered a reminder on the December 11 deadline for submission of LGER grant expenses for COVID-related expenses. Receipts for expenses incurred as well as pro-forma invoices/estimates for work to be completed before December 31, 2020 should be forwarded to Maureen by December 10th so that she can organize and submit the documentation. Kathy S. noted the deadline date. At Kord's request, Maureen agreed to distribute the list of supplies/projects for which grant money was requested.

Approve minutes from November 16, 2020 Regular Meeting and November 22, 2020 Special Meeting

Motion: To approve minutes of the November 16, 2020 Regular Selectboard Meeting and the November 22, 2020 Special Selectboard Meeting as submitted—moved by Maureen—all in favor.

Public Comment

There was no public comment.

Correspondence

Maureen noted that correspondence consisted of machinery equipment catalogs for Kord. Peter asked whether Richard had been checking on materials stored for him under the counter at Town Office; Kord agreed to mention it to Richard.

New Business:

Water Cooler Contract Cancellation

Maureen noted discussion held during the last meeting re: buying a water cooler for less than the cost of renting the water cooler. Maureen shared her screen to show a water cooler she found online at BJ's at a cost of \$160.

Kathy noted that of the 10 or so water bottles in the closet at the Town Office, approximately half are unopened. She feels that since they have sat for some time, the water is not fresh. She suggested cancelling the water cooler contract and buying cases of bottled water occasionally as needed. She anticipates this would be a less expensive option given the limited number of people at the Town Office during the pandemic. Kathy noted that the contract can be canceled at any time.

Motion: To cancel the water cooler contract effective immediately and purchase bottled water by the case—moved by Kord—

Discussion followed. When asked, Mike did not have a strong preference on the water issue. Discussion followed on the idea of cancelling the Town and Garage water cooler contracts (garage contract through Crystal Rock), buying bottled water by the case for the Town Office, buying a water cooler online for the Town Garage (Mike found a cooler available on Amazon for \$95) and taking the water carboys remaining at Town Office to the Town Garage. Kord agreed to discuss potable water consumption at the Town Garage with the road crew prior to purchasing a water cooler for use there.

Motion: To cancel the water cooler contract, keep the remaining carboys til empty, and buy bottled water for office and/or garage as needed in the meantime—moved by Kord—all in favor.

Nuisance Animal Ordinance – numerous complaints of loose dogs on White Road, response from/to Kermit Blackwood, response from/to Erika Van Alstyne

Maureen referenced numerous complaints received re: loose dogs on White Road. Some of the complainants wished to remain anonymous. Mike reported on communication (email and verbal) he had with Jessica Clay, the owner of the two dogs which are the subject of the complaints. Mike sent emails to anyone in Town who registered dogs in 2019 but not in 2020 (including Jessica Clay) to advise them of the need to register the dogs annually. Jessica told Mike that she thought they were registered, but if not, she will register them at Town Office this week.

Kord suggested handling the complaints in a similar manner as the other recent complaints: send an initial letter to the owner advising them of complaints received, along with a copy or link to nuisance animal ordinance, and solicit a response from the owner re: plans to restrain the dogs. In response to a question from Kathy Scott about options available to the Selectboard if the owner doesn't respond, Maureen explained that the enforcement and penalty section of the ordinance would apply. Maureen reviewed that information briefly.

In response to the letters sent by the Selectboard after the last meeting, Mike heard from Erika Van Alstyne, who called the Town Office. Mike subsequently returned the call and left a message; he hasn't heard back.

Brief discussion followed regarding letters sent via certified mail that aren't accepted and how to ensure receipt. Mike explained that letters should be sent both via certified and regular mail; it is assumed legally that the letter was received one way or the other. Brief discussion followed regarding the three letters sent after the last meeting. The letter to Erika Van Alstyne was sent certified mail, however the receipt form was not returned by the Post Office. Maureen agreed to follow up with the Post Office about tracking the certified copy. Maureen will need the postage receipt she forwarded to Kathy in order to obtain the tracking number. Per Peter's request, Maureen will also send a copy of the letter to Erika via regular mail.

The letter regarding the rooster on Abbot Road was sent regular mail. No response has been received. Maureen will send it again using certified mail—return receipt requested.

The letter to Jessica Clay will be sent both via certified mail—return receipt, and regular mail.

It was presumed that the certified letter sent to Wren Watts and Kermit Woods was received because Kord received an email from Kermit but the sequence of events was not certain. Mike reported that a letter was received today at the Town Office from Kermit. Discussion followed on whether to begin the enforcement and penalty phase of the ordinance based on Kermit's email which lacked a clear plan to contain the animals. The return receipt was provided by the post office so the certified letter was definitely received.

Kathy asked whether the letter Mike received from Kermit could be read aloud into the record. Because of its length (10 pages), it was not read aloud but Mike agreed to forward it electronically to the Selectboard members. Maureen suggested holding off on enforcement measures until the Selectboard can review the lengthy written response from Kermit.

Mike asked for confirmation that the ordinance adoption procedure followed the requirements. Maureen replied that the ordinance was discussed and approved at a duly warned meeting of the Selectboard on September 7, 2020, was posted in three public places on September 8, 2020, notice appeared in the Brattleboro Reformer on September 17, 2020, and a 60-day period was allowed for comments from the public, during which only one comment was received. The Selectboard formally adopted the Nuisance Animal Ordinance at a duly warned meeting on November 16, 2020.

Discussion followed on the dogs on White Road. Kord noted that at least one of the complainants cited fear of one of the dogs as a factor, and Kord suggested this may fall under the Vicious Dog Ordinance. Kord agreed to follow up with the complainant(s) to be sure the focus of the complaint was nuisance-related, and not re: an animal considered vicious or potentially vicious. Maureen asked Kord to include the links for online access to both ordinances in his email responses to the complainant(s); Kord agreed. Kord will direct the complainant(s) to file a separate complaint if they wish to pursue the matter under the Vicious Dog Ordinance.

Sheriff/Animal Control Shared Services Discussion

Kord reported that he recently received word from Sargent Robert Lakin that Sheriff Anderson wants to revisit the idea of creating a position for an Animal Control Officer as a shared service for multiple towns. Several other towns had expressed interest when this was discussed a year or two ago, but it was ultimately decided that it was not economically feasible at that time. Based on multiple complaints received from other area towns, Sheriff Anderson wants to revisit the shared services discussion for an Animal Control Officer.

Kord informed the Sheriff that Windham would be interested in participating in the discussion. Participation in the discussion does not constitute a commitment. The Sheriff is planning a Zoom meeting for December 22, 2020 for the purpose of discussion among the Towns that may be interested in participating in a shared services agreement for animal control. Kord plans to participate; Maureen and/or Peter may also join the meeting. Maureen doesn't feel that the meeting would need to be posted in this instance since it is a meeting of another entity (Sheriff's Dept.) in which the Selectboard is a participant.

Local Hazard Mitigation Plan Development – Vt. Emergency Management (VEM) Grant Participation

Maureen noted that Windham's Local Hazard Mitigation Plan (LHMP) expired on November 19, 2020. At Maureen's request, Kord explained that the State of Vermont is in the process of developing a grant application to fund Local Hazard Mitigation Plan updates under FEMA's Building Resilient Infrastructure and Communities grant program. If Windham is interested in applying for funds to update its LHMP, the Town must commit to a 25% match of the total cost of the update; FEMA covers 75%. The 25% Match Certification Form was due by December 4, 2020.

Kord reached out to Jeff Nugent and Alyssa Sabetto at the Windham Regional Commission for assistance since WRC helped in the development of Windham's LHMP which expired. Alyssa explained that if we were interested in applying for the grant, we should contact Stephanie Smith at VEM with any questions and let her know that the Match Certification Form would be forthcoming. Alyssa suggested Windham should apply. WRC is now a contractor for LHMP development and doesn't get involved until responding to a RFP.

Kord contacted Stephanie at VEM and informed her that the Selectboard would meet on December 7 to discuss this and he would get back to her with Windham's decision by December 8.

The total grant amount for LHMP is approx. \$10,150 for an update, of which Windham would be responsible for 25% or approx. \$2,500 in local matching funds and/or in-kind services.

Discussion followed on how much work is involved and whether any alternatives for updating the plan were available such as a DIY approach. In response to a question about how many years the Plan covers, Kathy Jungermann, co-Emergency Management Director, explained that it is a 5-year plan, and Windham's current LHMP is 67 pages in length. Imme, co-Emergency Management Director, explained that she thought the LHMP focused on flood mitigation measures which would affect just 12 residents in Windham. Kord read aloud sections of the Executive Summary describing the LHMP from the VEM website.

Neither Imme nor Kathy J. were involved with the development of the existing LHMP, hence were not aware of the need for an update. Members of the Selectboard were also unfamiliar with Windham's LHMP which may have provided FEMA assistance for the damage caused by the tornado. Adding to the confusion, Alyssa had Windham confused with Winhall whose plan doesn't expire until February 2021. In response to a question from Maureen about the extent to which the Planning Commission may have been involved in developing Windham's LHMP, Tom Johnson said he was aware of an extensive section in the Town Plan having to do with flood plain hazard mitigation. Maureen will follow up with Bill Dunkel. Kord offered to follow up with Stephanie about whether any other alternatives were available.

Kathy J. noted that with a local LHMP in place, Windham would qualify for an increased share when applying for FEMA funds following a disaster. Imme noted that \$10K was a steep price for a small town like Windham. In response to a question from Imme about the \$10K cost, Kord explained that the amount of \$10,150 was what Stephanie cited as the total grant amount. Joyce asked whether Windham's LHMP would be considered an update or a new plan. Kord will ask when he inquires with Stephanie. He will also ask whether all towns are expected to apply for the same grant amount.

HR Service from Paydata (Payroll System)

The need for a personnel policy was brought up again in the course of conducting the road crew performance reviews. Development of a personnel policy has been a work in progress for some time. Kord reported that Kathy S. learned that the Town's vendor for payroll, Paydata, offers HR support services at an additional cost. Kord forwarded links to Selectboard Members on the three levels of service offered through Paydata. Level 3 was more extensive than needed. Level 1 includes Employee Self-Service HR Resources at \$65/year. This option would allow employees to request time off, elect benefits, schedule training, etc. through Paydata. Level 2 includes Self-Service On-Demand HR support to review and create policies at \$240/year. This would include services by a Human Resources professional to develop new policies. Kord noted that Level 2 would be helpful in drafting a personnel policy. He spoke with the owner of Paydata who explained that Paydata can assist with creating an employee handbook which includes the personnel policy. Maureen suggested that the Selectboard members review the information on Paydata's website which Kord forwarded earlier in the day. This will be discussed again at an upcoming meeting. Maureen thanked Kathy S. for her assistance with this.

2021 Budgeting process –Review General Budget and move on to Highway, if complete

Maureen explained that Kathy S. requested a delay in reviewing the General Budget due to errors in the spreadsheet. Kord reported that he and Richard will begin work on the Roads/Highway budget tomorrow. Brief discussion followed on the budget review process.

Old Business:

Siting of the Communications Union District Hub (for high speed internet)

Following discussion at the last meeting about the location for the CUD hub, Maureen recommended going with Dave Cherry's suggestion of placing it near the generator at the Town Office. Neither Peter nor Kord objected, however Kord noted the need to review practical issues such as possible access to power and the location of the septic system. Peter will follow up with Dave to share the Selectboard's preliminary thoughts re: this.

Roads:

Update on "old" 550 Sale and Blower Purchase

Kord reported that the old 550 was sold for \$8,500 as a result of team effort: Kurt and Richard on specs, and Mike on the bill of sale. The intent was to use the proceeds to purchase needed equipment such as a blower to clean out the ditches. Kord noted that the primary company for blower equipment is Buffalo; and HP Fairfield located in Hopkinton, New Hampshire is a Buffalo vendor. He got a quote from HP Fairfield on a Buffalo KB4 Cyclone Blower at \$7,700. An alternative would be a Torrent 2 Tow-Behind Blower available through MTE Turf Equipment Solutions (New Milford, Connecticut) at \$8,118. (See quotes attached.) Kord said that Kurt and Richard expressed a preference for the Buffalo blower at \$7,700.

Motion: To use proceeds from the sale of the Yellow F550 to purchase a Buffalo KB4 Cyclone Blower from HP Fairfield at \$7,700—moved by Peter—all in favor.

Kord briefly reviewed the requirements of the Clean Water Act and additional road maintenance issues.

COVID Contingency Plan

Kord noted communications received from the State re: the need to develop contingency plans for snow plowing if members of town road crews get sick due to COVID during the winter season. He has begun conversations with the road crew and has reviewed information on how other towns are planning for this contingency. One option is to share services with neighboring towns that might be willing to enter into a reciprocal agreement to cover for one another if a storm occurs while road crew employees are sick. This may be a challenge since most towns have only those employees needed to clear its own roads following a snowstorm. Another option might be to use prior road crew employees on a temporary basis. Kord noted that the Townshend road crew drives up Windham Hill Road to plow its road sections i.e. Chase Road, and this might be a potential solution. Maureen also noted that VLCT has a sample mutual aid agreement between municipalities that might be helpful. Kord suggested contacting neighboring towns to gauge interest in considering options. Maureen volunteered to contact Londonderry, Kord will contact Andover, and Peter will contact Townshend.

Employee Evaluation Reports – Sign Letters

Evaluation reports for members of the road crew have been completed. Members of the Selectboard should plan to stop by the Town Office to sign the letters.

Better Back Roads Grant Application – Due December 18

Kord reported that Jeff Nugent of Windham Regional Commission will assist with the Better Back Roads grant application which is due next week.

Disposition of wood as a result of roadside trees cut down by Road Crew (added)

Kord noted that Richard would like guidance re: disposition of wood from trees that the members of the road crew determine need to be cut down along the roadsides. Until now, the wood has been offered to adjacent property owner(s). Recently, large trees were cut down near the Town Garage and a resident asked Richard if he could have the wood. Richard was uncomfortable making the decision. Kord suggested continuing with the current practice of offering it to adjacent property owner(s). If that/those individual(s) are not interested, it would be made available to anyone interested on a first-come, first-serve basis. If no one wants it, he suggests giving it to ANUFF (A Neighborhood United for Fuel). Soft woods which are not suitable for burning as fuel will be brought to the transfer station for disposal.

Kord and Kathy left the meeting to deal with a family emergency at 6:54 p.m.

Payroll/Bills

Joyce noted some discrepancies in the amount of the checks made out to various Social Service agencies. Maureen reported that she had already discussed this with Kathy, and Kathy agreed to pull out those checks. Joyce noted that the check amounts for Grace Cottage, Leland & Gray Education Foundation, Mountain Valley Medical Clinic, Senior Solutions, SEVCA, and Windham County Humane Society reflected the prior year amounts (2019), not what was approved at March 2020 Town Meeting.

Motion: To authorize Kord to sign off on payroll and bills presented for this meeting with the exception of the Social Service Agency checks as noted for 2020—moved by Maureen—all in favor.

Prior to adjourning, Mike reported that Joe Lamson called during the meeting about COVID-related renovations to be done at Town Office. Mike requested confirmation that this was included as part of the LGER grant request prior to informing Joe to proceed with the work. Maureen confirmed that the work was included as part of the LGER grant request she submitted. Maureen explained that the work had to be completed by December 31, 2020 in order to qualify for LGER reimbursement. Mike will get back to Joe.

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:

--Quote from HP Fairfield on Buffalo KB4 Cyclone Blower
--Quote from MTE Turf Equipment Solutions on Torrent 2 Tow Behind Blower