

Windham VT Selectboard Meeting Minutes
December 21, 2020 Regular Meeting

Present via Zoom web conference:

Maureen Bell, Selectboard Chair
Kord Scott, Selectman
Dawn Bower, Various Commissions
Becky Eliastam
Louise Johnson, Meeting House Committee
Kathy Jungermann, Co-EMD
Barbara Jean Quinn
Gail Wyman, Asst. Treasurer
Joann Erenhouse (guest) Senior Solutions

Peter Chamberlain, Selectman
Joyce Cumming, Selectboard Clerk
Marcia Clinton, Health Officer
Margaret Mazer
Tom Johnson, Energy Committee
Mike McLaine, Town Clerk
Kathy Scott, Treasurer
Alex Beck (guest) BDCC, SeVEDS

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 items to discuss animal issues, i.e., dogs in North Windham, and another complaint received re: the calf issue on Popple Dungeon Road, and equipment problems encountered during the recent snowstorm.
- Peter announced receipt of a letter from West River Community Project for Social Services funding.
- Maureen noted that Kathy & Gail found an error in the most recent Roads budget spreadsheet and asked to table the budget review for the present time.
- Kord offered a reminder re: an upcoming Zoom meeting at 10 a.m. on December 22 with Windham County Sherriff Mark Anderson and representatives from several other towns to discuss possible shared services of an Animal Control Officer. Kord will attend. Joyce requested the link to the meeting as well.
- Maureen announced that the Meeting House Committee will also meet at 10 a.m. on December 22 via Zoom to discuss the energy issues/programs available through the Vermont Preservation Trust and Efficiency Vermont. Because she will attend this meeting, she is not available for the Sheriff's meeting.

Approve minutes from December 7, 2020 Regular Meeting and December 8, 2020 Emergency Meeting

Motion: To approve minutes of the December 7, 2020 Regular Selectboard Meeting and the December 8, 2020 Emergency Selectboard Meeting as submitted—moved by Maureen—all in favor.

Public Comment

Margaret Mazer of 1230 **Abbott** Road shared her frustration about a prolonged period without internet service (8 days) during which time her pet was in failing health and ultimately had to be euthanized. She described placing multiple calls to Consolidated Communications until a repair crew finally showed up unannounced last Sunday to resolve the issue. She wants the Town to file a formal complaint against Consolidated Communications.

The Selectboard sympathized with Ms. Mazer but were not aware of any authority the Selectboard may have in addressing the issue. After brief discussion Kord agreed to contact Consolidated to make them aware that the Selectboard received a complaint from a resident. Maureen suggested Ms. Mazer also contact the Public Utility Commission. In addition, Alex Beck (Brattleboro Development Credit Corporation) provided Mrs. Mazer with the email address (lsibilia@leg.state.vt.us) for Laura Sibilia, State Representative for Dover and Whitingham, two other towns that struggle with connectivity. Maureen informed Mrs. Mazer of the WiFi hotspot available outside the Meeting House.

Mike McLaine reported a phone conversation with a resident from Rockingham who may be interested in purchasing the Woodburn Road property which the Town acquired through a tax sale. Maureen noted that the Selectboard will need to meet in executive session at an upcoming meeting to discuss this further.

Dawn Bower shared her frustration over lack of phone service for 3 days (December 11 – 14) and her repeated attempts to get Consolidated Communications to send a repair crew. She asked Consolidated to expedite the repair as an emergency since she lives alone. When she requested the opportunity to discuss the issue with a supervisor, she was told no one was available. She was very unhappy with the way she was treated by Consolidated and asked that her complaint also be noted.

Correspondence

Maureen noted correspondence received from Sarah Lang of Brattleboro Development Credit Corporation (BDCC) announcing that the annual submissions process has opened for projects to be included in the Southern Vermont Comprehensive Economic Development Strategy (CEDS). See attached. Alex Beck explained that the CEDS process generates a list of vital projects that address the area's greatest needs. Acceptance of a project indicates that the project is aligned with the region's economic and community development goals. This is helpful when applying for state and federal funding. Projects will be accepted until March 1.

Mike reported that a proposal was received from Cota & Cota for moving the fuel tank. See attached. Maureen will drop it off at Kord's house for signature.

Maureen also noted receipt of a letter from the State announcing a change in the distribution of the annual Certificate of Highway Mileage. See attached. Rather than mailing the certificates, the Vermont Agency of Transportation will be creating accounts for each participating municipality and sending login credentials. Maureen asked Mike to be on the lookout for the email since the email address on file was that of the Town.

New Business:

Senior Solutions – Joann Erenhouse

Maureen welcomed Joann Erenhouse, Community Relations Director for Senior Solutions/Southeastern Vermont Council on Aging serving Windham and Windsor counties. Joann reviewed services and programs offered through Senior Solutions including wellness programs, assistance with applications, case management, home visitors and helpers, health insurance, food assistance and meals on wheels, HomeMeds, etc. Joann thanked the Selectboard for waiving petition requirements as allowed by the State due to the COVID pandemic. She also thanked the Town for its contribution of \$200. Peter explained the role of the Social Services Committee which recommended a contribution of \$200 for 2021 assuming the voters approve the budget in March at Town Meeting. Brief discussion followed on appointing an Advisory Council member from Windham; Maureen agreed to try to identify a resident to serve as a representative from Windham. Program information will be shared via Ellen's list-serve. Maureen thanked Joann for the information presented.

Brattleboro Development --- Sarah Lang

Alex Beck of Brattleboro Development Credit Corporation (BDCC) was participating in lieu of Sarah Lang. Alex explained programs and services available through BDCC, a regional development corporation, which assists start-ups and growing companies to create and retain a flourishing business community in Southeastern Vermont. Southeastern Vermont Economic Development Strategies (SeVEDS) is the planning and strategy arm responsible for regional planning and economic incentives for its participating member towns. Alex explained assistance available during the pandemic which included helping businesses apply for relief through PPP loans and federal programs, outreach and economic resilience webinars, disaster relief assistance, etc. BDCC and SeVEDS are also involved in career education programs in high schools throughout southern Vermont. Brief discussion followed on the Community Facilities Grant available through the USDA which provides grant funding and low interest loans. This could benefit Windham as it struggles to find funding for expensive salt shed repairs at the town garage. Alex shared the email address (rbrown@brattleborodevelopment.com) for R.T. Brown at BDCC and suggested Kord contact him. Maureen thanked Alex for the information.

Confirmation of Approval of Land Records Digitization Grant

Mike McLaine reported receiving confirmation of approval for the digitization grant application he submitted. The initial indexing covered land records for just 10 years. He was able to get all land records from 1790s to present scanned. Land records dating back to 2007 are indexed in NEMRC and available online. The \$800 charge for electronic availability was covered by COVID grant funding.

2021 Tax Sales

Maureen noted that there are a number of properties being considered for tax sale next year. Kathy spoke with Paul Wyman, Delinquent Tax Collector, today, and Paul will be in touch with the Town attorney to review the process. Kathy noted that a consistent standard has to be applied, i.e., number of years in arrears.

Old Business:

H.R. Service from Paydata

Maureen noted that Paydata, the Town's payroll vendor, offers different levels of Human Resource services. After reviewing the options, it appears that Level 2 – HR Support Center with H.R. On-Demand would be the best fit for the Town's needs. This level of service includes H.R. Support Center tools (available in Level 1 at \$65/year) along with access available to one Selectboard member to unlimited consultations with an H.R. professional whenever needed. This option includes assistance in developing an Employee Handbook and Personnel Policy. The cost for Level 2 is \$240 year, and the expense will be incorporated in the 2021 budget.

Town Meeting 2021

Prior to the meeting, Maureen shared highlights of a webinar she attended on Town Meeting 2021 conducted by Elections Director Will Senning of the Secretary of State's Office. At its November 16, 2020 Regular Meeting, the Windham Selectboard voted to adopt Australian balloting for Town Meeting(s) in 2021. Maureen noted the need to make voters aware of this change. An information meeting will be scheduled prior to Town Meeting, most likely on either Saturday or Sunday immediately preceding Town Meeting. Maureen suggested that the School Board hold a separate information meeting because of the difficulty in incorporating two separate entities in one Zoom meeting. Maureen explained the procedure normally used during in-person Town Meetings which involves postponing the Town meeting to conduct the School Meeting and then adjourning the School Meeting to resume

the Town Meeting. Maureen has mentioned it to Carolyn Partridge who will discuss it with the other School Board members. Maureen highlighted some of the pertinent information and dates for Town Meeting:

- Paper ballots must be available by February 10, 2021 for a March 2, 2021 Town Meeting.
- The meeting must be warned no more than 40 (January 21, 2021) and no less than 30 days in advance (January 31, 2021).
- The consent form for candidates must be submitted on or before January 25, 2021. The petition requirement has been waived for 2021.
- Petitions for article questions must be received by January 14, 2021. The only petition received to date is that to increase the Selectboard from 3 to 5 members.
- Questions on the ballot will be worded so that voters answer yes or no.
- On Town Meeting day, Windham Meeting House will serve as the polling place.
- Voters can request by phone, email or letter that an early/absentee ballot be mailed to them. Kathy S. noted the need for a process to record the request and annotate the process. Mike responded that it would be handled the same as early/absentee balloting for the general election held in November.
- Because the State is not providing postage for early/absentee balloting, Mike requested \$200 be allocated for Town Meeting(s) in 2021. This should cover first-class postage to mail ballots to approximately one-third of the registered voters ($100 \times .55 = \$55$) as well as a re-vote if proposed budget questions fail (another \$55) and refreshments for the volunteer election workers.

2021 Budgets – Review, if available

Maureen explained that Kathy S. was not prepared for further budget review at this time. Rather than wait until the next regular meeting on January 4, 2021, Maureen suggested holding a special meeting in the interim. Kathy feels that the budget info may be available by Monday of next week. Maureen suggested scheduling a Special Selectboard Meeting for 10 a.m. on December 29, 2020.

Joyce asked for an opportunity to share her thoughts on the budget development process and the importance of including a thorough accounting of all anticipated expenses including some portion of the Town's contribution for grant matches as suggested by Kord (Route 121 culvert, Local Hazard Mitigation Plan, and Better Roads), along with anticipated contribution toward a shared services agreement for an animal control officer if the Sheriff determines that sufficient other towns are interested in pursuing this option. Funding should also be allocated for vehicle replacement and digitization needs.

She noted that at the December 17th Special Meeting, she was told that the school budget does not include a line item for legal services. She found that it does include a line item, but that the school board has not budgeted for legal expenses—she feels that the school board should budget for its legal expenses, noting prior years' legal expenses. Discussion followed on legal expenses incurred by the Selectboard on school issues in excess of \$5,000 in 2020. She was opposed to allowing the transfer of School expenses to the Town budget and feels that the two should be kept separate in order to reflect the true costs associated with each. While Joyce was referring specifically to legal expenses incurred by the Selectboard through Fisher & Fisher for school issues during this year, Kathy was referring to the legal expense incurred through Atty. Mark Oettinger in 2018 and 2019. Joyce also feels that the school and the fire dept. should be billed as planned for reimbursement of their share of fuel usage, which Kathy previously decided to waive. Kathy said that the fuel usage was never billed back to the school or fire company prior to 2014. Maureen asked her to look into this issue. Discussion followed on the Treasurer's proposal to combine all legal expenses into one budget under the Selectboard and increase total spending on legal services from \$3,800 to \$7,500 (reduced from \$10,000). Joyce feels the increase is excessive and she doesn't see the advantage of this option over having the Selectboard, Planning Commission, Listers, and Delinquent Tax Collector each monitor their own legal expenses. Kathy noted that the Planning Commission was substantially over budget in legal expenses a few years ago. She feels that the Selectboard has the authority to monitor legal

expenses of other Town departments. Discussion followed on the need for departments to inform the Selectboard of anticipated legal expenses before incurring the expense. Lastly, Joyce expressed a preference that the Selectboard review year-to-date spending on a monthly basis at its first monthly Selectboard meeting, quarterly at minimum. At present, YTD spending is only reviewed at Selectboard meetings in the fall in preparation for the subsequent year's budget.

Response from Kermit Blackwood regarding Animal Nuisance Complaint

The 10-page letter from Kermit Blackwood was received at the December 7th meeting and all Selectboard members have had a chance to review it. The Town Attorney was contacted due to concerns over the defiant tone of the letter; he advised that the Selectboard needs to be prepared to enforce the Nuisance Animal Ordinance. Maureen noted that Mr. Blackwood acknowledges the violations in his letter and doesn't offer any attempt at resolution.

Maureen reviewed the Enforcement and Penalties section of the ordinance which provides for serving the animal owner with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The ordinance goes on to say that within the period of time stated, the offender shall permanently cease and correct all violations. Any person who continues any violation beyond the time limit specified in the written notice shall be issued a "Municipal Complaint" (ticket). Fine amounts range in scale from \$50 for the first offense to \$150 for third or subsequent offenses.

Discussion followed on the letter the Selectboard sent to Mr. Blackwood and whether it constituted a warning or a written notice. Joyce noted that the ducks were loose in the road again today and Mr. Blackwood appeared in the doorway but did not step outside when Russ honked the horn to get the birds out of the roadway. She expressed concern over the potential for an altercation if these incidents are allowed to continue based on the threat in Mr. Blackwood's letter. Discussion followed on issuing a ticket for today's violation and subsequent incidents. Photo/video of the violation is available. If Mr. Blackwood refuses to pay the fine(s), a lien can be placed against the property and the matter can be pursued in civil court. A book of tickets is available at the office; Officer Lakin will be asked to serve the municipal complaint to Mr. Blackwood.

The Meeting House:

Meeting with Preservation Trust of Vermont and Efficiency Vermont tomorrow at 10

Maureen announced this meeting under Announcements/Reminders at the start of the meeting. The Meeting House Committee will explore energy saving measures available through the Vermont Preservation Trust and Efficiency Vermont. Louise Johnson announced that the committee is brainstorming a list of projects, big and small, that need to be done at the Meeting House. Peter sought clarification on whether the list focused on interior projects only or whether exterior work was included. Tom Johnson explained that the "Friends" has a list of exterior projects. Kord noted the need for a fire suppression system in the kitchen (Ansul-type) if the building will be used as a meal venue for large groups. This issue came up when the building was inspected for insurance purposes, and a follow-up letter is expected from the insurance company. Other examples of projects include interior painting and motion sensor lights. Anyone with ideas for projects should contact Louise Johnson.

Possible Grant Application for the Library

Maureen offered a brief review on a grant available through Vermont Community Foundation and Vermont Department of Libraries to purchase a computer(s) and printer for the library. David Cherry learned of this grant through his work with the Deerfield Valley CUD. Maureen will submit the grant application by the December 23, 2020 deadline.

Roads:

Covid Contingency Plan

In following up on discussion held at the last meeting, Peter reported that other towns feel it would be better to hire a contractor rather than share employees between towns . Kord noted that towns will have simultaneous need for road crew members following a snowstorm and he agrees that a more viable approach is to hire a contractor with large equipment for snow removal if road crew members are ill. Kord has spoken with Palmer Goodrich (P&L) and has requested a written proposal. Kord noted that Richard will reach out to Chaves and Hunter Excavating for proposals as well.

Better Roads Grant Application

Kord submitted the Vermont Better Roads Grant application which will focus on Road Erosion Inventory work next summer. The grant amount requested was \$20,000, and a local match is required in the amount of \$10,708.15, for a total project cost of \$30,708.15.

Woodburn Road Property – cleanup and use for stockpiling?

Kord related discussions he has had with Richard about stockpiling materials at the Woodburn Road property acquired by the town at the tax sale. This is the same property Mike mentioned that someone may be interested in purchasing. Maureen asked Kord to provide background info for anyone not familiar with the property. Kord explained that the property was purchased by the town for approx. \$10,000 which was owed in back taxes. The property contains a 20 x 30 structure in a dilapidated state. Kord explained that the building needs to be taken down but before it can be demolished an asbestos inspection must be done. Kord reached out to the contact at the State he’s been dealing with re: the fuel tank; he was referred to ANR where a representative told him the asbestos inspection could cost up to \$1,500. He did not have a figure for the cost of asbestos abatement. Kord feels that the town can handle the demolition of the building after abatement if it retains the property. Another option would be to burn the building for fire department training. Jonathan Gordon, Fire Chief is not interested in this option. Maureen suggested that the building could be sold “as is” to the individual who inquired through Mike. Peter agreed with this idea. In that case, the buyer would be responsible for the cost of the asbestos inspection, abatement and demolition. Maureen wants to discuss this further in an executive session at an upcoming meeting after speaking with Mike and the Town Attorney. Kord explained that Richard is not “married” to the idea of keeping the property for stockpiling; it came up in discussion as a possibility.

Harrington Road Culvert Update

Kord again noted that the contractor, Hill Construction, is doing a nice job on the Harrington Road project. Guardrail work is underway and the contractor installed metal netting under the guardrail as an added safety measure. This project should be complete in the near future.

Item added: Equipment problem

Kord reported two incidents which occurred during the recent snowstorm: one involving debris which was left buried under the snow in the right of way and was hit by the town truck; and the other involved damage to the truck when the plow wing hit a tree. In the first instance, Richard will contact the party responsible for leaving debris in the right of way; some assistance may be needed in drafting a letter. The plow wing damage can likely be fixed in-house.

Item added: North Windham dogs and Popple Dungeon Rd. calf issue

No response has been received from Jessica Clay regarding the dog complaints in North Windham. The letter requested a response by December 29th.

Re: the calf and goats on Popple Dungeon Road, Kord received another complaint re: possible neglect/abuse--the calf was seen wandering in search of food. Kord followed up with the State Police and spoke with a dispatcher. A certified letter was sent to the animals' owner, Erika Van Alstyne, which was received based on the return receipt. Brief discussion followed on sending a second letter and specifying it as official written notice of violations. Ms. Van Alstyne and Mike were exchanging phone messages but no direct contact was made. Maureen asked Mike for Ms. Van Alstyne's phone number so she can attempt to make direct contact. Kord repeated that Meadows Bee Farm might be interested in taking ownership of the animals if the owner cannot properly care for it.

Payroll/Bills

In response to a question from Maureen, Kord explained that Delury Sales & Service is a truck parts vendor. With regard to the \$7,000 payment to NEMRC, \$5,000 of it is for the annual license fee which runs from October 1, 2020 through September 30, 2021; and the remaining \$2,000 represents the portal expense. Mike noted that the portal expense was covered in full by a grant this year. He requested that Kathy send him the checks associated with the grant to satisfy the proof of payment requirement; Kathy agreed.

Brief discussion followed re: the contribution to Senior Solutions that Joann Erenhouse referenced. Joyce explained that Senior Solutions should not have received a check from the Town in 2020 since it wasn't included in the Social Services budget this year. Joyce noted that the Windham Community Organization did recently contribute \$250 to Senior Solutions as well as \$325 to SEVCA.

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

Adjournment

Motion: To adjourn the Regular Meeting at 7:51 p.m.—moved by Peter—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Letter from Sarah Lang of BDCC
- Cota & Cota proposal dated December 3, 2020 to move fuel tank
- Letter from State of Vermont Agency of Transportation dated December 8, 2020