

Windham VT Selectboard Meeting Minutes
January 4, 2021 Regular Meeting

Present via Zoom web conference:

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| Maureen Bell, Selectboard Chair | Peter Chamberlain, Selectman |
| Kord Scott, Selectman | Joyce Cumming, Selectboard Clerk |
| Dawn Bower, Various Commissions | David Cherry, CUD Representative |
| Pat Cherry | Russ Cumming, Lister |
| Bill Dunkel, Planning Commission | George Heslin |
| Sally Hoover, Auditor | Louise Johnson, Meeting House Committee |
| Tom Johnson, Energy Committee | Kathy Jungermann, Auditor |
| Barbara Lettenberger | Imme Maurath, Auditor |
| Mike McLaine, Town Clerk | Barbara Jean Quinn |
| Carolyn Rubin | 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

There were no additions, announcements or reminders.

Approve minutes from December 21, 2020 Regular Meeting (revised), December 17, 2020 Special Meeting, and December 29, 2020 Special Meeting

Maureen noted the need for a correction in the December 21, 2020 Regular Meeting minutes to reflect that the Treasurer suggested waiving reimbursement for diesel fuel used by the school and fire department, and the Selectboard agreed to it. Maureen noted that in retrospect, the reasoning was faulty and that funds in the municipal budget cannot be used for school expenses. Maureen requested that the record reflect that even if the Selectboard wished to waive the expense, they cannot.

Motion: To approve minutes of the December 21, 2020 Regular Selectboard Meeting (revised) with the correction noted—moved by Peter—all in favor.

Motion: To approve minutes of the December 17, 2020 Special Meeting and the December 29, 2020 Special Meeting as submitted—moved by Maureen—all in favor.

Public Comment

Dawn Bower inquired whether the Roads Policy prohibits snowplowing contractors from pushing snow into the Town roadway. Kord explained that it is prohibited and the contractor should be advised accordingly. Dawn noted that it has not happened previously but the driver sent by her contractor may have been new or perhaps pushed the last load of snow into the road when departing her property.

Correspondence

There was no correspondence.

New Business:

Fisher & Fisher –Explanation of legal charges listed as Education Funding

Maureen asked Kord to explain the legal expenses incurred as a result of his seeking advice from Bob Fisher re: education funding. Kord explained that during the Ad Hoc Committee meetings in the spring, a point was made that the Town might have grounds to sue the State of Vermont re: the education funding formula. Because he had access to the Town Atty. as a member of the Selectboard, he reached out to the Bob Fisher to determine if the Town had any recourse options. Unfortunately, legal billing is months behind and he didn't realize that \$6,800 in legal charges was incurred as a result of his inquiries. Kord hoped the tax sale issues were responsible for a greater percentage of the charges, but that wasn't the case. He noted that the Ad Hoc Committee consisted of a diverse group of residents and characterized the meetings as very constructive. He noted that Act 60 and Act 68 factored into the issue and that the education funding formula will likely continue to be an issue going forward. He apologized for letting the bill get out of control and not setting expectations with legal counsel at the onset. Kord acknowledged his responsibility in the issue. Brief discussion followed on regular monthly reviews of spending across the various budget departments. In response to requests from Russ, Kord agreed to share the memo prepared by Atty. Fisher as a result of his research into Kord's questions. Russ thought the expense should be borne by the school district. Kord explained that in contacting Bob Fisher, he was approaching it from a Town perspective, and that the School Board had its own attorney looking into issues from the School perspective. Imme noted that the auditors were not aware of the expenses because the invoice was 9 months overdue and she feels the attorney is partly responsible. Maureen explained that Kathy and Kord spoke with Fisher & Fisher and explained that the Town needs to receive more regular timely invoices. Kord noted that Fisher & Fisher typically only invoices small towns once a year. Although Atty. Fisher was pushing back on the request for monthly statements, he agreed to provide quarterly billing statements in the future. Imme agreed that quarterly billing statements would suffice. Discussion followed on the Town vs. School responsibility for the expense. Kord did not view it as a school issue. Imme also requested a copy of the end-product memo from Atty. Fisher. Kord thought he circulated it previously but agreed to do so again.

Department of Taxes – 2020 Equalization Study Results

Maureen asked Russ to speak about the letter received from the State of Vermont Department of Taxes on the 2020 Equalization Study Results (attached). The equalization study requires that the Listers provide information annually re: real estate sales and their respective appraisal values. Russ explained that the State analyzes property values each year and compares appraisal values with sales prices. He noted that real estate prices in Windham have increased approximately 5% from 2019 to 2020. Russ spoke briefly on the Common Level of Appraisal (CLA) which impacts the homestead and non-homestead education tax rates. He explained that a Common Level of Appraisal (CLA) of 100 or greater indicates that the appraisal value is greater than the sales value. A CLA of less than 100 indicates that the sale price is greater than the appraised value. Windham's CLA for 2020 is 97.83% (.9783), which is in keeping with a 5% increase in real estate values, and the education tax rate will increase accordingly for next year.

Old Business:

Town Meeting 2021

Maureen explained changes for Town Meeting in March. The Selectboard moved to adopt Australian balloting for 2021. Printed ballots will be prepared, and registered voters can request an absentee ballot through the Town Clerk. Ballots must be available by February 10, 2021. The Meeting House will serve as the polling place on March 2, 2021 for anyone wishing to vote in person. The petition requirement for candidates interested in

running for office has been waived for 2021 but candidates must submit a consent form to the Town Clerk by January 25, 2021. An informational meeting will be held prior to Town Meeting day. Maureen suggested holding the informational meeting on the Saturday prior to Town Meeting (February 27, 2021) at 1:30 p.m.; Peter and Kord agreed with the date. The informational meeting will be a meeting of the Selectboard held on Zoom, but Mike McLaine has agreed to moderate it. In response to a question from Imme about announcing the changes, Maureen explained that it will be addressed in the Selectboard's Report section of the Town Report. The warning for the informational meeting will also be posted around Town as is typically done for any Selectboard meeting. A suggestion was made to include information in the next issue of News & Notes, if it's not too late. Kord asked how many people could participate in a Zoom meeting; Maureen explained that her/Town Zoom account allows for an unlimited number of participants and that meeting time was also unlimited—however the recording time is limited to 2 hours. She has tried without success to contact Zoom to determine how to change the recording limit. Discussion followed on possibly holding more than one informational meeting. While this is technically permissible, the VLCT does not endorse multiple informational meetings. Maureen noted that the auditors have requested receipt of any information to be included in the Town Report no later than January 15, 2021. In response to a question from Kord, Maureen explained that the School Board will need to hold a separate informational meeting on school district issues. Russ explained that the School Board will schedule its informational meeting for March 1, 2021. The meeting will begin at 4 p.m. to discuss School Board business and then recess for 1 hour at 4:30 for the informational meeting portion. At approximately 5:30, the School Board business meeting will resume if any unfinished items remain. This schedule will allow Superintendent Bill Anton and Chief Financial Officer Laurie Garland to be available for any questions that come up during the School Board informational meeting. Bill and Laurie have another commitment following at 6 p.m. Maureen suggested perhaps delaying the start of the March 1, 2021 Selectboard meeting to 6 p.m. to avoid conflict with the School Board meeting(s).

Update on animal complaints

Maureen opened discussion on the 3 animal complaints, 2 of which are ongoing, that the Selectboard has been addressing. Maureen explained that the Selectboard had hoped to rectify the problems by sending letters and requesting compliance from the animal owners, but there has been no constructive response. The next step is in issuing municipal complaints (tickets). The Sheriff's dept. has been contacted and Officer Lakin is assisting. Kord provided an update on where things stand at present. Maureen compiled all the complaints, photos, documentation that the Selectboard has received and this information was provided to Officer Lakin along with copies of both the Vicious Dog Ordinance and the Nuisance Animal Ordinance. Officer Lakin wants to be sure that if tickets are issued, the case won't be overturned in court if it gets to that point, similarly to motor vehicle violations.

Officer Lakin called on Kermit Blackwood today, served a warning, set up timelines for compliance, and made it clear that tickets will be issued going forward if complaints continue. The two dogs at Kermit's residence are not registered; Kord informed Kermit to contact the Town Clerk re: dog registration. Kord explained that there will be an expense for Officer Lakin's involvement, noting that the contract with the Sheriff's department provides for hourly rates. Kord doesn't believe there will be a charge for the time Officer Lakin spent over the weekend in becoming familiar with the issues. No tickets have been issued as yet. Discussion followed on the 20 or so ducks that were seen roaming loose on Burbee Pond earlier in the day; Kord stated that Officer Lakin will not pursue complaints involving ducks or chickens because it is an agricultural issue. However, if the birds are evidenced going onto someone else's property or crossing to the other side of the road, Officer Lakin will intervene. Dawn noted that the birds have been on her property and have crossed the road previously. Discussion followed on the Nuisance Animal Ordinance which covers a wide variety of animals including several fowl species.

Kord noted that Officer Lakin is planning to visit with the other animal owners for which complaints have been received, i.e., dogs on White Road. The Selectboard feels that this approach will produce results.

Windham County Sheriff's Office – Animal Control Officer update

Kord offered an update on the Zoom meeting that Sheriff Anderson organized for the purpose of discussing hiring a part-time Animal Control Officer (ACO) as a shared service among a few towns. Other towns dealing with similar issue include Newfane, Dummerston, Putney and Westminster; each of these towns had a representative participating in the Zoom meeting held on December 22nd. The Sheriff is proposing dividing the cost of the service among the participating towns based on population. In this case, Windham's would pay up to \$2,500 per year. Kord is in favor of pursuing the ACO as a shared service through the Sheriff's Dept. and budgeting for it accordingly. Joyce, who also listened in on the Sheriff's meeting, noted that the representative from Dummerston explained that they would not be able to commit to the shared service agreement due to financial considerations. And that while \$1,843 was the contribution amount cited for the smaller towns during the meeting, the Sheriff's proposal provides that Dummerston, Newfane and Windham be charged \$2,278 while Putney and Westminster would pay \$7,973. Both Putney and Westminster expressed a willingness to contribute \$7,400 or \$7,500. It is unclear whether the proposal is viable from a financial perspective without Dummerston's participation. Kord noted that with fewer towns participating, the number of hours may be reduced, which in turn would reduce each participating town's share of the cost. Brief discussion followed on using the revenue raised from fines to offset the contribution amounts from the participating towns. Maureen noted that fines range from \$50 for a first offense to \$100 for a second offense, and \$150 for third and subsequent offenses. David suggested that the fines should be structured to cover the cost of the shared services agreement. Kord explained that any revenue generated through fines would go to the Sheriff's Dept., but that it would likely result in an offset in each town's share of the expense. Kord noted that additional expenses, such as legal fees, may be incurred as a result of court challenges.

George Heslin asked how the shared service agreement would affect the current situation. Kord explained that the Sheriff's Dept. would hire a part-time deputy with animal control experience as an Animal Control specialist whose job would be to investigate the complaints, issue warnings, tickets, etc. Robert Lakin is a law enforcement officer but not an animal control specialist. George noted that if the arrangement prevents just one resident from being bitten by a dog, it is worth the expense as a safety mechanism for all residents. Peter weighed in on the cost for Windham's participation in the shared services agreement, which he feels could be offset to a large degree by the revenue generated through fines, similar to the way revenue is generated through traffic violations.

Complete 2021 Budget; Meeting moved to Thursday, January 7 @ 9:30 a.m. but will discuss the following:

- **Article asking for Selectboard Member Increase—must account for potential \$5,000 salary in budget**
Maureen explained that the petition received to increase the Selectboard from 3 to 5 members would require an additional \$5,000 to be added to the General Budget (\$2,500 per Selectboard member paid annually). Maureen noted that advice from the VLCT is to budget for it. If the article is not approved, the money will be part of the year-end surplus used to reduce the following year's budget total. In response to a question from Imme re: when the additional members' terms would become effective if the article is approved, Maureen explained that in voting by Australian ballot if the article is approved, the Selectboard could either appoint the 2 additional members immediately or hold a special election to fill the additional seats.
- **Correct plan to get reimbursed for fuel expenses by WES and the Fire Company**
Maureen explained that while she and the other Selectboard members were in agreement with not billing the school district or the fire company for reimbursement of fuel expenses, this is not allowed. Kathy explained that she just sent an invoice to the Windham Elementary School for its share of approximately \$1,429 in fuel used during 2020 (Jan-Dec). She also billed the Fire Company for its 2020 fuel at \$68.42.

Brief discussion followed on the school budget for FY22 which reflected a FY20 total expense of approximately \$584 for fuel. Kathy explained that she typically invoices the school twice a year (December and June) for fuel usage, and invoices the fire department once annually. Kathy explained that the \$584 was the amount billed in December for the first half of the school year (July 1, 2019 through December 30, 2019); she did not bill the school in June for the second half (January 1, 2020 through June 30, 2020). Russ asked where the mileage sheets previously kept at the school were being stored; Kathy explained that they are now being kept at the Town Garage. Russ requested an opportunity to review the mileage sheets, which Kathy agreed to provide at her convenience, noting that it will need to wait until after January 15th due to budget work currently underway. Russ also requested a copy of the invoices for fuel reimbursement; Kathy agreed to provide copies of the invoices for the December 2019 billing as well as the December 2020 billing.

- **Transfer Station –update on costs**

Kathy explained that she contacted Esther Fishman in Londonderry to request information on the Transfer Station expense for 2021. Esther originally told Kathy to budget approximately \$31,000 for next year, more than double the \$14,100 expense for 2020. Kathy called around to get information on what towns that belong to a different solid waste group pay annually. (The Londonderry Solid Waste Group serves the towns of Londonderry, Peru, Weston, Landgrove and Windham). She learned in speaking with Bob Spencer in Brattleboro that the Windham County transfer station includes 18 member towns, and that their solid waste stations are set up differently. She requested and received their budget to see what each member town pays. Kathy said that after speaking with Bob Spencer, he must have called Esther Fishman, who then called Kathy again and told her to budget approximately \$25,655 for next year, before finally saying she didn't know what the cost would be for 2021 (presumably less). Kathy currently has it budgeted at \$26,000 for next year, and hopes to get the final figure before January 10th.

Brief discussion followed on the charter that LSWG members signed and whether it is still in effect or may have expired; Mike McLaine is researching this. Kathy also explained that in the past Windham used to have 2 representatives (volunteer positions) on the LSWG, but no longer does. Alan Partridge served as one of the reps from Windham years ago, and Kathy said that Alan feels strongly that Windham should have representation on the LSWG. She believes he is willing to represent Windham again if member towns still have representation at the LSWG. Kathy will request from LSWG the complete budget and calculation of the per capita expense which Windham's bill is based on. Brief discussion followed on the lack of revenue generated from recycling some items such as mixed paper, compost, etc. as well as the increase in punch card rates for residents to dispose of trash at the transfer station. Kord noted that smaller waste districts (fewer member towns) pay more than other waste districts with a larger number of member towns. Brief discussion followed on the possibility of switching membership to another waste district.

Roads:

Recent Storm Damage update

Kord explained that just about every road in Windham sustained damage as a result of the Christmas Day storm, including substantial damage to a section of Route 121 just down from his home. Richard took photos and documented the damage as suggested by V-Trans. Richard toured around town with a V-Trans rep to review the damage. Kord said Richard was slightly apprehensive that some of the damage would be attributed to a lack of maintenance but that was not the case. Kord believes that Windham qualifies for emergency reimbursement of repair costs based on the threshold of \$22,000. He feels confident that Windham will get reimbursed for approximately \$30,000 based on FEMA standards which Kord said are conservative. While he has not received written approval as of yet, he does anticipate it will be approved and reimbursed based on actual repair costs.

Payroll/Bills

None of the Selectboard members noted any issues with the payroll and bills presented by Kathy for approval.

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

Adjournment

Motion: To adjourn the Regular Meeting at 7:08 p.m.—moved by Maureen, seconded by Peter—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

--Letter dated 12/23/20 from State of Vermont Dept. of Taxes re: 2020 Equalization Study Results