Windham VT Selectboard Meeting Minutes

September 6, 2021 Regular Meeting

Via Zoom: In-Person:

Maureen Bell, Selectboard Chair Kord Scott, Selectboard

George Dutton, Selectboard Vance Bell, various positions

Dawn Bower, various positions

David Cherry, various positions

Marcia Clinton, various positions

Louise Johnson, Town Meeting House Committee

Tom Johnson, various positions

Kathy Jungermann, various positions

Barbara Lettenberger

Imme Maurath, various positions

Steve Maurath

Ashley Pinger, Windham County Sheriff’s Animal Control Officer

Kathy Scott, Treasurer

Kim Seymour, Proprietor Colonial House Inn, Weston

Winnie Skeates, Dog Bite Complainant

Erika Van Alstyne, Dog Bite Respondent

Gail Wyman, Assistant Treasurer

Paul Wyman, Delinquent Tax Collector

**Call to Order:**

Maureen announced the meeting and called it to order at 5:30 PM

**Additions to Agenda/Announcements/Reminders**

There were no additions to the agenda, but Maureen asked that we pause the regular meeting at 6:30 and skip to agenda item 9, vicious dog hearing, to accommodate all the involved parties, then resume the remainder of the meeting. Maureen will also stop the recording at 6:30 (to make it a manageable video), then immediately resume the recording. There were no objections.

Maureen reported that Mike McLaine asked to remind everyone that the polls are open tomorrow (Tuesday) from 10 AM to 7 PM for the vote on Windham Elementary School. Voters can bring their ballots with them to the polls or drop them in the drop box at the Town Office.

Maureen is attending a VLCT webinar about budgeting and finance on September 15 from

9 AM-12 PM. Kathy Scott asked Maureen to sign her up as well. No one else was interested at this time.

**Act on minutes from August 16 - Selectboard Meeting**

Motion: To accept the minutes of the Selectboard Meeting – moved by Maureen. All voted in favor.

**Public Comment**

There were none.

**Correspondence**

Maureen received an email from Michel Lapointe, USDA-NRCS (United States Department of Agriculture – Natural Resources Conservation Service), on August 23 pointing out that our letter regarding the Emergency Watershed Protection (EWP) program was missing a particular (needed) paragraph. Kord explained that we have not yet submitted the letter – we have until 60 days after the July event, and this will be discussed later in the meeting with Storm Damage Update.

**New Business:**

**Air exchange system for Town Office – Mike McLaine**

Mike couldn’t be here. He explained to Maureen that because there are more and more people coming into the office, this system needs to be fully functioning. Bill Farace had given an estimate on a new motor for the air exchange system. It’s estimated to be $500-1000. Bill warned that might not be the whole problem – a circuit board might need to be replaced. George asked how soon we could get a quote on a replacement unit before we throw a lot of money into replacing this. George will coordinate with Mike. George asked what the requirements are for seeking bids and was told that if it’s more than $1000 the Town needs to get 3 bids, which he thinks is wise. Discussion to be resumed at the next meeting.

**New England Municipal Resource Center (NEMRC) issue with Tax Bills – Kathy Scott**

Kathy Scott has been working with NEMRC regarding some issues with the tax bills. They seem to know what the issues are, but nobody at NEMRC knows how they started. On August 2, after we had approval of the tax rate, Kathy entered it, ran a test and sent it to the State. On Thursday, Kathy and Gail printed the bills and sent them out. On the following Monday, a homeowner noted that the remittance receipt on the tax bill did not reflect the homestead credit, only the full gross amount of the bill. Kathy reprinted the affected bills and sent them out. When they started processing incoming checks, Kathy and Gail realized that payments were off in small amounts, between the computer and what was printed on the bills. They discovered that the General Fund line on the Municipal side was not accurately calculated. Despite a long meeting with NEMRC no one was able to determine how this happened. Another meeting with NEMRC and still no determination. This is a big problem and Kathy is concerned that property owners do not have confidence that the bills are accurate. She and Gail are now calculating these bills by hand and keeping a spreadsheet – some of the differences are high, some are low.

Kathy has found out, in discussions with officials in other towns, that NEMRC lost the contract with the State; it is unclear as to when this takes effect.

Maureen asked for clarification that when Kathy and Gail receive a payment, they manually calculate the rates to check for accuracy and record the correct amounts. Kathy asked that property owners email her at windham.towntreasurer@gmail.com with questions.

**Letter from Chair of the Citizens Advisory Committee (CAC), Marcia Clinton, re open seat**

Marcia has requested that Al McLaine fill the open seat. There were no objections.

Motion: To appoint Al McLaine to the CAC – moved by Maureen. All voted in favor.

**Email from David Cherry regarding updating equipment for Town meetings in the age of**

 **web conferencing**

David thinks that our current equipment for broadcasting larger Town meetings is inadequate. He said it’s difficult to follow along, participate and hear or see other people attending the meetings when one is attending remotely. He feels that Covid won’t be leaving us anytime soon and yet people will not want to attend virtual meetings if the broadcast is not up to par and therefore meetings wouldn’t really be participatory. He also feels that there is a need for moderators at big meetings like the recent School Board meeting, in order to control the chatter on the Zoom call and in the room. Maureen reminded him that the Selectboard has no control over what the School Board does.

Since we are no longer under a state of emergency, the Open Law requirement of having the meeting physically open to the public is back in effect. Kord is at The Meeting House now to ensure we are in compliance with that law. Maureen thought it would be a good idea to have better equipment to handle this – right now Vance Bell is using his computer to broadcast the Zoom part of the meeting.

George thought it would be a good idea to have some kind of portable cart to enable us to move the equipment from one building to another. David thought the set up should include a camera, microphone and video screen to project to individuals at home. Kord reminded us that the Selectboard discussed having a company come in and record the meetings for posting online several years ago but dismissed that idea because of budgetary concerns.

Maureen is friendly with Laurie Kroos, the Pastor at the Congregational Church in Londonderry, where they set up a system similar to what David describes to broadcast services because Covid. She could try to get some information about this. George said he would look into this.

We have Covid funds coming to us – this might be a good way to use some of them.

**Yankee Generator Maintenance Contract**

Kord feels we should go ahead with the contract we just received for $985 for our two generators – at the Town Office and the Town Garage. The company has worked well for us in the past – they are responsive to our needs.

Motion: To sign the contract with Yankee Generator as described above – moved by Maureen. All voted in favor.

**Dog complaint from George Heslin**

We had heard reference to this complaint from Ashley Pinger – she is not present at the meeting yet so we will discuss this later when she joins us.

**Old Business:**

**The American Rescue Plan Act (ARPA) funds – County Funds**

Windham will receive $41,456.35 from the State and $76,923.83 from the County. The total is $118,380.18. We still have plenty of time to use this money, but again, should be thinking about how we will do that. The audio/visual equipment and air exchange equipment for the Town Office may both be approved uses. This will be discussed at the VLCT budgeting and finance meeting next week.

**Rt 30 Transit Study – webinar update from Barbara Jean Quinn**

Barbara Jean attended this webinar a few weeks ago. It was put on by the Brattleboro Development Credit Corp (BDCC). They are conducting surveys to determine feasibility of a bus route from Brattleboro along Rt 30 to Stratton. They understand there may be interest in people taking buses for work, medical appointments, after-school programs, lowering carbon emissions, etc. This is being funded by VTrans, Southern VT Economy Project and Move Over. There would be a fixed route, but there could be deviation of up to ¼ or ¾ miles for pick-up/drop-off. Barbara Jean said the BDCC is interested to find out if people are interested in this. There is a survey at <https://www.surveymonkey.com/r/VTRT30>

Other uses for the service would be connections to/from Amtrak and Grace Cottage. There are also discussions with Neighborhood Connections to look at needs along Rts 11 and 100.

It would be great if there was a pick-up/drop-off at the West Townshend store to better meet community needs. We can ask Ellen McDuffie to send out an email with the information linked to the survey.

Pat McLaine noted that Neighborhood Connections has funding for a van to provide transportation in our area for people without vehicles. They expect to have the van delivered around November.

**Windham Traffic (Highway) Ordinance**

Kord was able to get us the missing traffic study from the Sheriff’s department. Maureen noted that the study was completed 1 ½ years ago. How do we go about making a speed limit change? Kord understands that the study is the first step in the process. VTrans or the Sheriff’s department should be able to guide us in this process. Kord will follow up. Windham Hill Road (WHR) now has 4 different speed limits between West Townshend and Four Corners: 35 mph, drops to 30, up to 40, drops to 25 in the school zone and back up to 40. We’re not clear why the South Windham village is at 30; 25 would be a more logical speed for that area. George thinks 25 is not justified and 30 is reasonable. Kord indicated that the “S” curve by Ed Brown’s house should be considered for lower speed. George thinks there should be more enforcement in the area, but again, thinks 30 is quite reasonable. He doesn’t see any reason why 35 shouldn’t be the speed limit on the rest of WHR, except for South Windham (30) and school zone (25). Maureen thinks 35 would be a good speed.

George asked if 40 mph on the unpaved roads was reasonable. Kord noted that a town-wide speed limit of 40 exists and may need to be changed. Maureen suggested that we should change this to 35 if it is legal. George suggested having a traffic study done on the paved section of Rt 121. Kord suggested that one of the main considerations here is to also establish speed limits to post on the unpaved roads. There are standards for posting signs with speed limits on roads.

Maureen asked about the section on parking of vehicles – section 3a – abandoned vehicles or parked vehicles so as to amount to a nuisance. It reads “between November 1 of each calendar year and November 1 of the following year . . .” should that second date be April 1 or April 30, bringing the meaning of winter to this section.

Kord said he thought the parking restrictions were interesting; we have had some complaints about people parking on the roads and we don’t have an ordinance that covers that. A parking section would be reasonable. Maureen noted that restriction of free passage on the roads would be unlawful. Kord said we should clarify the Vermont laws for this, as he has been told that parking 2 wheels on the road is OK! Maureen thought the fine for towing should be updated - $50 is pretty low.

At this point the recording was stopped and re-started.

**The Meeting House:**

**Need for an outside faucet**

Tom Widger thinks we need an outside faucet. Jon Gordon has some plumbing knowledge – we’ll contact him to prepare a quote. Concern was raised about having a shut off valve inside the building so people couldn’t just come up and use the water for their own purposes.

At this point, we stopped the meeting and skipped to agenda item 9 – vicious dog hearing.

**VICIOUS DOG HEARING DECISION**

**Town of Windham, VT Selectboard**

**Re: Kash**

**Introduction and Procedural History**

1. This proceeding involves a vicious dog complaint submitted in writing by Winifred Skeates of Hancock, NH. The complaint was received by email on August 31, 2021. Per the complaint, on Friday, August 27, 2021, Ms. Skeates was walking with her husband, John Kerrick on Popple Dungeon Road in Windham. They had been dropped off there, as they were participating in an “Inn to Inn” walking tour. Having left the Colonial House Inn in Weston, they were headed to the Inn Victoria in Chester. As they approached 6186 Popple Dungeon Road between 10:00 and 10:30 AM, they saw 2 dogs (one black, one white) drinking from a driveway puddle, 2 children (a boy and a girl) and a woman. The woman shouted to the children that she told them not to let the dog out. The white dog, who we now know is Kash, circled Ms. Skeates, lunged at her and bit her hand. When Ms. Skeates yelled to the woman that the dog bit her, the woman responded by saying that no, it didn’t. It was at this point that Ms. Skeates held up her hand that was dripping with blood and said that yes, it did bite her.

The same dog was now circling Mr. Kerrick and the woman shouted at him to stand still, which he did. The woman and children were trying to get the dog to come to them – it had no collar on. They eventually were successful in rounding up the dog.

The woman from the property said nothing else after denying that the dog bit Ms. Skeates – she didn’t ask if Ms. Skeates was OK or offer to provide first aid. The couple kept walking down the road and tended to the wound with their own first aid kit.

Upon reaching their destination in Chester, the Innkeeper had them report the incident to the Chester Police, erroneously thinking the house was in Chester. It took a while until they got to the proper party, Michael McLaine, the Windham Town Clerk. He explained the process of filing a vicious dog complaint to the Selectboard. They also spoke with Windham Health Officer Marcia Clinton who was eventually able to find out about the dog’s vaccinations.

On their way home, Ms. Skeates and Mr. Kerrick went to the Urgent Care Center at the Cheshire Medical Center in Keene, NH to have the wound examined and treated as well as to get Ms. Skeates a tetanus shot. She was waiting to hear about the dog’s possible rabies vaccination before starting treatment for that.

Ms. Skeates has health insurance, but it will not cover the entire cost of her treatment. She is considering asking Kash’s owner, Erika Van Alstyne, to cover those costs.

Some photos and some of the medical provider’s notes were included with the complaint.

1. On September 2, 2021 notice of this vicious dog hearing was emailed to Ms. Skeates and on September 3, 2021 notice of this vicious dog hearing was emailed to Ms. Van Alstyne, the owner of Kash.
2. On September 4, 2021 public notice of this vicious dog hearing was posted at the Windham Town Office, the Windham Fire Company, the Windham Meeting House and on the official Town website.
3. Present at the hearing held on September 6, 2021 via Zoom and in-person at The Meeting House were the following:

Maureen Bell, Selectboard Chair

Kord Scott, Selectboard Vice-Chair

George Dutton, Selectboard member

Marcia Clinton, Health Officer

Winifred Skeates, complainant

Erika Van Alstyne, respondent and owner of the vicious dog

Ashley Pinger, Windham County Sheriff’s Animal Control Officer

Kim Seymour, Proprietor of Colonial Inn House

As this hearing was part of a regularly scheduled Windham Selectboard Meeting there were numerous other attendees.

**RELEVANT ORAL TESTIMONY**

Rules of Procedure for Windham Selectboard Vicious Dog/Wolf Hybrid Hearings were read by Maureen and agreed to by both parties. Maureen proceeded to read the complaint.

Ms. Skeates, the complainant, then referred to the written account and said that summed it up. She had nothing further to say at this point. The Selectboard was then allowed to question her. George asked if Ms. Skeates had learned the rabies vaccination status of the dog; she had, and it seems the dog is up to date on this. They both said that they were pleased by this information.

Ms. Van Alstyne, the respondent, said she got Kash inside and went back outside only to realize that Ms. Skeates and Mr. Kerrick were already gone. Ms. Van Alstyne was going to ask if Ms. Skeates wanted a cleaning solution or a band-aid. She said she saw the wound and it was not dripping with blood. Her cousins were outside by the road (Ms. Van Alstyne was cleaning her car) and she thinks the dog may have felt threatened by the couple walking by. She is very sorry that this happened.

Ms. Van Alstyne just today, finished building a fenced-in area for the dog(s). She can email us pictures. This way it won’t have to be loose to do its business. Ms. Van Alstyne also said that if the Selectboard will get her a copy of Ms. Skeates’ medical bills, she will pay for them.

Since the Town of Windham has no record of Kash being licensed, Maureen asked about this. Ms. Van Alstyne said she is working on that and will take care of it tomorrow. She asked the amount (we think $12/neutered dog) and time the office is open (6-10 AM on Tuesdays). Maureen reminded her that the Town Clerk will need the rabies vaccination certificate.

Ms. Pinger asked how big and where the fence is. Ms. Van Alstyne responded that it is about 20’ x 30’ x 4’ high and is located about 5’ from the door.

Ms. Seymour expressed concern about her ongoing house guests. They are currently being dropped off beyond Ms. Van Alstyne’s house, at Christmas Tree Road, but wonders what assurances there are, that the dog can’t get out. Ms. Van Alstyne responded that she doesn’t know how it would be possible for the dogs to get out as she will be with the dogs when they are in the fenced-in area. She will not put them in there and leave the property.

When asked how the dogs will get to the fenced-in area, Ms. Van Alstyne said that she will walk them on a leash, open & close the gate and then make sure the dogs are back in the house before she leaves the property.

Ms. Pinger suggested putting “coyote rolls” on the top of the fence. These are designed to prevent a dog or coyote from getting in or out of the fence. Ms. Van Alstyne said she will look into that.

Ms. Skeates said she is concerned that the dog didn’t have a collar on. Ms. Van Alstyne confirmed that she has new collars for the dogs.

Ms. Skeates said that she hasn’t gotten the bill for her medical care yet but will send it to Maureen, who said she will turn it over to Ms. Van Alstyne.

Kord asked Ms. Pinger if she thought we were headed in the right direction; she thought so. She doesn’t think, at this time, there is any reason to remove the dog. There has just been this one incident and it was not severe. She continued to say that we will have to keep an eye on the dog. When Maureen asked if the Selectboard should be monitoring the situation, Ms. Pinger said she will be doing that, showing up unannounced and checking in with Ms. Van Alstyne.

There were no other questions or comments so Maureen explained that the Selectboard would be closing the proceedings of this final hearing. The Selectboard will go into Executive Session to deliberate and come out to make their findings public. The Selectboard must let Ms. Van Alstyne know their decision within 7 days by certified mail.

Motion: To close these proceedings and enter into Executive Session either at the end of the regular Selectboard meeting or at another time – moved by Maureen. All in favor.

Since Ashley Pinger left the Zoom meeting immediately following the vicious dog hearing, we could not go back to the dog complaint from George Heslin. George Dutton suggest that we ask Ashley to attend the next regular Selectboard meeting to discuss this. Kord said he would be meeting with Ashley tomorrow and would report back to the other Selectboard members.

At this point, we resumed the rest of the Selectboard meeting, picking up with agenda item 7.

**Roads:**

**Storm Damage overall update including Wheeler Road**

Kord received a call from Marc Pickering (VTrans) confirming that there will be a FEMA declaration for Vermont from the July storm. Preliminary damage assessment was high enough that the State could request it; we expect that the official notification from FEMA will come at the beginning of October. Regarding Wheeler Road, there is another way out of the area. We haven’t received any proposals yet for temporary repairs to the road. VTrans has 40 feet of 6 x 8’ squashed culvert (not round, squashed like an egg) that can be used for a temporary repair in the area. Kord spoke to a stream engineer who has given us the “thumbs up” for using that culvert in the temporary repairs. We are waiting for proposals to do that work now. Marc Pickering will deduct the cost of the culvert from State Aid for Transportation. Kord expects to have pricing information by our next meeting so that road can be temporarily fixed by winter. It is clear from the preliminary damage assessment with FEMA that temporary repairs to open the road can be paid for. There will have to be a Town contribution but details of that are not yet known. We will have to cover the cost of the repairs upfront before FEMA moneys are made available, possibly up to a year later.

Other Clean Water Act work has been done on White Road, Mercy Lane and Hitchcock Hill. We are in the process of filing for grant reimbursement for this work. On the damage from the December storm, the work is 95% complete. Road crew is doing a nice job. They continue to do the stone-lined ditches to prevent water erosion by capturing silt and sediment caused by water running through the ditch. We have had a number of significant rain events and the benefits to this prevention method are visible.

**2010 truck replacement discussion**

Kord indicated that it’s costing the Town a lot of money to keep the truck on the road. The bed has holes in it. Kord is looking into the budget numbers and replacing the truck. Also need to look at the bigger equipment replacement plan for all major equipment. Leases for the loader and grader are almost finished, which means that we will own them outright. The bigger plow truck might be difficult to replace as they are not always available. Anecdotally George mentioned it had taken him 5 ½ - 6 months to replace a large truck recently. Kord will talk with Richard about the long-term plan for equipment. On behalf of the auditors, Pat McLaine expressed concern about high expenses earlier this year (nearly $15,000 spent in February, March and April) and suggested the priority should be on planning ahead. Kord said that most of that expense was due to a damaged head gasket. Richard likes the truck but has changed his mind because of the rather extensive body deterioration. Steve Maurath said he is concerned about waiting too long to replace equipment. Maybe something can be found that is only a year old, or so.

Maureen announced that the engineer from the Rt 121 culvert project will join us at the next meeting. At the first meeting in October, the Brattleboro Development Credit Corp will give us a presentation.

**Payroll and Bills:**

There was no payroll today because of the Labor Day holiday. Everything looked in order for signing. Bravo to Kathy and Gail for their hard work.

Motion: To approve the bills and have Kord sign off on them for the Selectboard – moved by Maureen. All voted in favor.

Motion: To go into Executive Session at 7:23 PM to deliberate on the Vicious Dog hearing – moved by Maureen. All voted in favor.

Exited Executive Session at 7:28 PM and issued our decision on the Vicious Dog hearing.

Motion: Contingent upon the Respondent registering her dogs, her taking the dogs from door to fence on a leash and overseeing them in the fence is a solution to the problem at this point. Also, the Respondent agreed to pay out-of-pocket medical bills for the Complainant.

**Adjournment:**

Motion: To adjourn the Selectboard meeting at 7:30 PM – moved by Kord. All voted in favor.

Respectfully submitted,

Maureen Bell

Acting Selectboard Clerk