2019 Windham Town Meeting & School District Meeting Minutes

Windham, VT

March 3, 2020

Having been warned, the legal voters of the Town of Windham met at the Meeting House in Windham, Vermont on Tuesday, March 3, 2020 at 10:00 a.m. The meeting was called to order at 10:01 a.m. by Michael McLaine, serving as duly elected 2019 Town Moderator, pending vote on Article 1. He announced Presidential primary voting open to registered voters until 7 p.m. and outlined the procedure to be followed. He explained that Roberts Rules of Order will govern all aspects of the Annual Meeting except where Vermont law takes precedence. After reviewing the process for moving articles, speaking on a question, and requesting paper ballots, he led the pledge of allegiance. Announcements followed, including information available on the Emerald Ash Borer and Broadband survey. Marcia Clinton, Health Officer, spoke briefly about the Coronavirus and distributed information. Mike announced a Special Town Meeting to be held on April 2, 2020 at 6 p.m. to act on the petition to move from a three-member Selectboard to a five-member Selectboard. Dr. Roger Fox and Elsie Smith spoke briefly about the status of Mountain Valley Medical Clinic.

Article 1: To elect a Town Moderator for the year ensuing.

Motion: To nominate Michael McLaine as Town Moderator for the year ensuring—moved by Russ Cumming.

Motion: To close nominations and have the clerk cast one ballot for Michael McLaine as Town Moderator—moved by Walter Woodruff.

Vote: Michael McLaine was elected Town Moderator.

Mike McLaine asked Maureen Bell to serve as parliamentarian during the Annual Meeting.

Article 2: To see if voters will accept the Town Report prepared by the Auditors.

Motion: To accept the Town Report as prepared by the Auditors—moved by Carolyn Partridge, seconded by Kathy Scott.

Discussion followed. Ernie Friedli presented a rationale against accepting the Town Report due to errors, omissions, and lack of explanations. He noted a year-end balance on December 31 of $1.9 million as shown on page 15 of the annual report, while the municipal budget is approximately $800,000. Russ Cumming explained that the balance is necessary to allow the Town to continue operating until the municipal budget is voted on in March and taxes are collected in October. The Town operates on a calendar year (January through December), and the school operates on a fiscal year (July 1 through June 30). Ernie cited the absence of a cash flow report which he feels should be included as part of the annual report. Imme explained that the information on page 15 is required by the State as part of the report even though the information is largely irrelevant. Discussion followed on detailed information listed on pages 16 through 21.

Motion: To call the question and end discussion—moved by Alison Trowbridge, seconded by Kathy Scott. Motion carried.

Vote: Article 2 passed as written.

Article 3: To elect the following Town Officers:

Selectman—3 year term (Kord Scott-incumbent)

Motion: To nominate Kord Scott as Selectman for 3-year term—Walter Woodruff.

Motion: To close nominations and have the clerk cast one ballot for Kord Scott as Selectman—moved by Michael Simonds, seconded by Joyce Cumming.

Vote: Kord Scott elected Selectman for 3-year term (2020-2023).

Lister—3 year term (Alison Cummings-incumbent)

Motion: To nominate Alison Cummings as Lister for 3-year term—moved by Russ Cumming, seconded by Heath Boyer.

Motion: To close nominations and have the clerk cast one ballot for Alison Cummings as Lister—moved by Walter Woodruff, seconded by Chris Cummings.

Vote: Alison Cummings elected Lister for 3-year term (2020-2023).

Auditor—3 year term (Imme Maurath-incumbent)

Motion: To nominate Imme Maurath as Auditor for 3-year term—moved by Sally Hoover, seconded by John Hoover.

Motion: To close nominations and have the clerk cast one ballot for Imme Maurath as Auditor—moved by Walter Woodruff, seconded by Mary McCoy.

Vote: Imme Maurath elected Auditor for 3-year term (2020-2023).

Constable—2 year term (Joe Lamson-incumbent)

Motion: To nominate Joe Lamson as Constable for 2-year term—moved by Kord Scott, seconded by Kathy Scott.

Motion: To close nominations and have the clerk cast one ballot for Joe Lamson as Constable—moved by Walter Woodruff, seconded by Joe Monroe.

Vote: Joe Lamson elected Constable for 2-year term (2020-2022).

Delinquent Tax Collector—1 year term (Erin Kehoe not running)

After a few nominations were declined, Mike McLaine explained that this position must be filled before Town Meeting can conclude. In the event there is no candidate willing to serve, Maureen noted that the position automatically goes to the Constable.

Motion: To nominate Paul Wyman as Delinquent Tax Collector for 1-year term—moved by Kathy Scott, seconded by Joe Lamson.

Motion: To close nominations and have the clerk cast one ballot for Paul Wyman as Delinquent Tax Collector—moved by Walter Woodruff, seconded by Kathy Scott.

Vote: Paul Wyman elected Delinquent Tax Collector for 1-year term (2020-2021).

Town Agent—1 year term (Michael Simonds-incumbent)

Motion: To nominate Michael Simonds as Town Agent for 1-year term—moved by Kathy Scott.

Motion: To close nominations and have the clerk cast one ballot for Michael Simonds as Town Agent—moved by Walter Woodruff, seconded by Mary McCoy.

Vote: Michael Simonds elected Town Agent for 1-year term (2020-2021).

Windham Center Cemetery Commissioner—5 year term (Alan Partridge-incumbent)

Motion: To nominate Alan Partridge as Windham Center Cemetery Commissioner for 5-year term —moved by Heath Boyer.

Motion: To close nominations and have the clerk cast one ballot for Alan Partridge as Windham Center Cemetery Commissioner—moved by Walter Woodruff, seconded by Colin Blazej.

Vote: Alan Partridge elected Windham Center Cemetery Commissioner for 5-year term (2020-2025).

West Windham Cemetery Commissioner—5 year term (Abigail Pelton-incumbent)

Motion: To nominate Abigail Pelton as West Windham Cemetery Commissioner for 5-year term—moved by Peter Newton.

Motion: To close nominations and have the clerk cast one ballot for Abigail Pelton as West Windham Cemetery Commissioner—moved by Walter Woodruff, seconded by Alison Trowbridge.

Vote: Abigail Pelton elected West Windham Cemetery Commissioner for 5-year term (2020-2025).

North Windham Cemetery Commissioner—5 year term (Eileen Widger-incumbent)

Motion: To nominate Eileen Widger as North Windham Cemetery Commissioner for 5-year term—moved by Lynn Behrendt.

Motion: To close nominations and have the clerk cast one ballot for Eileen Widger as North Windham Cemetery Commissioner—moved by Walter Woodruff, seconded by Ellen McDuffie.

Vote: Eileen Widger elected North Windham Cemetery Commissioner for 5-year term (2020-2025).

Library Trustee—5 year term (Chris Dunkel-incumbent)

Motion: To nominate Chris Dunkel as Library Trustee for 5-year term—moved by Carolyn Partridge.

Motion: To close nominations and have the clerk cast one ballot for Chris Dunkel as Library Trustee—moved by Walter Woodruff, seconded by Mary McCoy.

Vote: Chris Dunkel elected Library Trustee for 5-year term (2020-2025).

Article 4: Shall the voters authorize the Town Treasurer to collect current taxes?

Motion: To authorize the Town Treasurer to collect current taxes—moved by Howard Ires, seconded by Carolyn Partridge.

Vote: Article 4 passed as written.

The Town Meeting was recessed at 10:45 a.m. in order to conduct the School District Annual Meeting.

**Windham School District Annual Meeting**

Article 1: To elect a Moderator for a term of one (1) year.

Motion: To nominate Michael McLaine as School Moderator for a term of one year—moved by Carolyn Partridge, seconded by Howard Ires.

Motion: To close nominations and have the clerk cast one ballot for Michael McLaine as School Moderator—moved by Walter Woodruff, seconded by Kathy Scott.

Vote: Michael McLaine elected School Moderator for a term of one year.

Article 2: To act on the report of the Auditors.

Motion: To act on the report of the Auditors—moved by Carolyn Partridge, seconded by Alison Trowbridge.

Discussion followed on the audit report. Joyce Cumming questioned whether action on this item was appropriate given that Laurie Garland, Chief Financial Officer at Windham Central Supervisory Union (WCSU), had not had a chance to review the report as of the evening prior. Carolyn Partridge stated her assumption that the Town auditors (not the WCSU) had conducted the school audit. The Moderator asked whether the Town auditors were prepared to speak to this. Imme Maurath, Town Auditor, explained that the Town auditors do not conduct the school audit and she assumed the audit was conducted by the Supervisory Union. Walter Woodruff suggested putting the question on hold until a later date. Colin Blazej asked about whether it could be added to the April 2 Special Town Meeting. Maureen noted that the School District would need to warn a Special Meeting for April 2 to be held in tandem with the Special Town Meeting. The Moderator explained that a motion to postpone to a time definite would require a second, is debatable, and subject to amendment.

Motion: To postpone action on the report of the auditors to a time definite—moved by Walter Woodruff, seconded by Kathy Scott.

Discussion followed. Kathy Scott acknowledged that while the audit was done, Laurie Garland of the WCSU did not have a chance to review the auditor’s report. Kathy noted that the cost of the audit was approximately $5,500 and she felt it was important to allow time for review. Carolyn noted the need for an Emergency Meeting of the school board in order to warn the Special Meeting.

Motion: To call the question on postponing action on the report of the auditors to a time definite—moved by Walter Woodruff, seconded by Kathy Scott. Motion carried.

Vote To postpone action on the report of the auditors to a time definite. Motion carried.

In response to a question from Antje about conducting an emergency meeting of the school board at this point, Mike McLaine explained that it was not included in the warning and could not be added. Carolyn suggested including it as part of Article 6 (To transact any other business that may legally come before this meeting).

Article 3: To elect all other officers required by law to be elected at the Windham School.

School District Treasurer—1 year term (ending 2021)

Motion: To nominate Kathy Scott as School District Treasurer for 1-year term—moved by Antje Rupert, seconded by Peter Chamberlain.

Motion: To close nominations and have the clerk cast one ballot for Kathy Scott as School District Treasurer—moved by Walter Woodruff, seconded by Colin Blazej.

Vote: Kathy Scott elected School District Treasurer for 1-year term (2020-2021).

School District Director—3 year term (ending 2023)

Motion: To nominate Carolyn Partridge as School District Director for 3-year term—moved by Antje Rupert.

Motion: To nominate Russ Cumming as School District Director for 3-year term—moved by Peter Chamberlain.

Bob Bingham requested voting by paper ballot which was supported by more than 7 voters. Mike McLaine explained the process for voting. Beth McDonald requested an opportunity to hear from both candidates. Both candidates spoke briefly before voting commenced.

Vote: Russ Cumming was elected School District Director for 3-year term (2020-2023) by a vote of 66 to 44 (total of 110 ballots cast).

Article 4: To compensate the School Directors $750 each as included in the proposed School Budget for 2020-2021.

Motion: To compensate the School Directors $750 each as included in the proposed 2020-2021 School Budget—moved by Howard Ires, seconded by Antje Rupert.

Vote: Article 4 passed as written.

Article 5: “Shall the voters of the Windham School District approve the school board to expend $535,075 which is the amount the school board has determined to be necessary for the ensuing fiscal year?” It is estimated that this proposed budget, if approved, will result in education spending of $24,855 per equalized pupil. This projected spending per equalized pupil is 16% higher than spending for the current year.

Motion: To approve the school board to expend $535,075, the amount determined by the school board as necessary for the ensuing fiscal year—moved by Antje Rupert, seconded by Alison Trowbridge.

* Antje Rupert, Windham School Director, requested an opportunity to address the voters.
  + Last year, opposition to merger included asking Newfane, Jamaica, Townshend and Brookline to vote against Windham joining; and extension to 6/30/20 on prior vote to close WES, sell it to the town, and tuition students out.
  + Significant budget increase for second year led to the creation of an ad-hoc committee to research factors driving the increases and explore possible options to reduce taxes.
  + Deficit from 2019 of approx. $93,000 due to increased expenses such as $10,000 additional (beyond $16,000 budgeted) for regular education pre-K, $54,000 additional pre-K Special Education expense, $10,000 increase in health insurance, legal fees of $1,500, and $1,800 shortfall in expected revenue. After applying surplus funds of $29,466 against deficit of $92,947, a deficit of $63,481 remains and is included in the FY21 proposed budget.
  + Board has considered all options including merger, tuitioning students out, school choice, etc. but is not sure if any other schools have capacity to accept Windham students.
  + If school closes, tax rate would be reduced slightly but at the cost of closing the school which cannot reopen because it doesn’t meet building code requirements.
  + School needs to plan replacement for teacher retiring in June, hence the need to get this budget approved. Board will work hard this coming year to come up with better solution.
  + Heath Boyer spoke as member of the ad-hoc committee (not speaking for the committee).
  + Russ initiated an examination of the tax situation which led to formation of ad hoc committee; members are not elected or appointed; simply a group of residents across socio-economic spectrum who agree that taxes have become intolerable and a solution must be found.
  + Some budget increases are not discretionary and are responsible for per pupil spending beyond the excess spending threshold for which we are penalized. By itself, the penalty constitutes approximately 1.5% of the tax rate.
  + Relief may be realized through legal redress and/or lobbying for adoption of the weighting study.
  + A detailed budget review meeting is scheduled for March 9. Subsequent meetings will be scheduled as needed to determine the future of WES.
  + Spreadsheets and budget comparisons from year to year will be forwarded to the webmaster for posting on the Town website.
  + Leigh Merinoff has heard from many concerned residents who cannot afford tax increases. She asked if there is a way to help people pay taxes in the short-term so they don’t leave town.
  + Crystal Corriveau spoke about how she has advocated keeping her grandchildren at Townshend Elementary. She is not comfortable advocating for close of WES but has to do what is right for her family.
  + Dan Reilly thinks the tax system is broken. The school system can’t be fixed if we can’t fix the tax situation. People are moving away from Windham. Vermont is one of 14 states which taxes Social Security making it difficult for retirees.
  + Kathy Scott noted that unfunded mandates are responsible for excess spending and penalties. With 19 students, our budget would need to drop to $356,000 to avoid penalties. Of that, almost $280,000 is not discretionary leaving approximately $84,000 for salaries, transportations, telephone, electricity, etc.
  + Ernie Friedli would prefer a separate meeting to allow more time for discussion of the school budget which has increased 18% over the past two years.
  + Lisa Beshay believes that families won’t move here if there is no school; WES is best for her family.
  + Kermit Woods took a more philosophical approach to the issue comparing boomers to generation x to millennials, etc.
  + Bill Dunkel spoke as member of the ad-hoc committee, retired educator and school administrator.
  + He has always voted to support the school budget—this is first time questioning the budget. The tax burden is unsustainable and more time is needed to consider options.
  + Still not convinced to close the school. Some data shows minimal or no impact on taxes while other data shows significant impact on taxes.
  + Voting down the budget, not to protest the School Board, but to protest the State’s unfair policies which penalize taxpayers for excess spending while one of the factors in the excess is the cost of State-mandated health insurance coverage for school employees.
  + We all agree on the need to provide a good education at a reasonable cost. The school board and ad –hoc committee will continue to work together toward this goal.

Motion: To call the question and end discussion—moved by Vance Bell, seconded by Nate Kehoe. Motion failed.

* + Carolyn Partridge noted that if the school closes, it will not negate our responsibility to provide pre-K special education services. She believes the weighting study will benefit Windham by increasing our equalized pupil count. She encouraged voters to go to Montpelier and testify at the Senate Education Committee Hearing on March 11. (Room 11 at the State House, 4 – 6 p.m.) Even if legislation passes, it will take 1 or 2 years. Current projections show the tax rate will decrease in a few years and then rise again in 2024. There is nothing that will substantially reduce the tax rate at this point. She also asked for support of H.B. 661 to fund pre-K special education at the same rate as K-12.
  + Debbie Greene and her brother-in-law plan to attend the Senate Education Hearing Committee Meeting on March 11.
  + Joe Pawelczyk feels budget should be voted down to send a message to Montpelier. We can’t continue to kick the can down the road—we need change.
  + Russ Cumming noted that Windham is 1 of just 7 towns in the excess spending category. Our per-pupil spending at $24,855 is $6,098 over the threshold amount of $18,756. The excess amount is doubled as a penalty ($6,098 x 2 = $12,196) and then added to the threshold amount ($18,756 + $12,196) meaning we need to raise $30,953 in taxes for each student. He feels the penalty should not apply if excess spending is due to unfunded State mandates.
  + Jim McCandless, non-resident, was accorded an opportunity to speak. His wife and son are teachers and he suggested we get together with the other towns which are penalized and pursue legal recourse.
  + Ernie Friedli suggested using the existing revenue to fund expenses until June or July when the State notifies us of our tax rate.Antje responded that we cannot wait until June or July as contracts must be signed in April.

Motion: To call the question and end discussion—moved by Mary McCoy, seconded by Howard Ires. Motion carried.

Bob Bingham called for vote by paper ballot which was supported by 7 or more voters.

During the tallying of the votes, Bill Dunkel addressed the voters as a member of the Energy Committee and explained the Window Dressers program which provides inexpensive energy-efficient storm windows. Windows are measured and custom-made using pre-cut, pre-drilled frames in an assembly-line process. Residents receive training and participate in the ‘community build’ event which would likely be held in November if sufficient residents are interested in the program. Measurements would be taken over the summer. If interested, please contact Bill or sign-up.

Vote: Article 5 failed. Yes: 43 No: 57 (entrance checklist: 99 exit checklist: 100)

A recess was called at 1:35 p.m. for lunch.

The meeting reconvened at 2:25 p.m. The Moderator reminded voters that the School District Meeting was still underway.

On behalf of the ad-hoc committee, Heath Boyer announced that the school budget will be reviewed again on March 9 at 4 p.m. at the school. Anyone interested is welcome to participate. The school budget will be voted again at a Special Meeting to be warned.

Article 6: To transact any other business which may legally come before this meeting.

Carolyn reported that the School Board met over lunch break and scheduled a Special Meeting to act on the Auditor’s Report for April 2 at 6 p.m.

The School District meeting was adjourned at 2:31 p.m.

**Town Meeting Resumed**

Article 5: Shall the voters appropriate $148,276 for the General Fund?

Voted 2019: $180,556 (When adjusted to reflect the removal of $30,000 for the Fire Company—see Article 9 – as well as the addition of $300 that was voted as a separate article for The Collaborative, which is now part of the General Fund, the comparable figure is $150,856)

Motion: To appropriate $148,276 for the General Fund—moved by Kathy Scott, seconded by Carolyn Partridge.

Victoria Silsby, representative from The Collaborative, spoke briefly about The Collaborative which recently celebrated its 20th anniversary, and thanked the voters for their support.

Vote: Article 5 passed as written.

Article 6: Shall the voters appropriate $482,520 for the Winter and Summer roads? (Voted 2019: $497,084)

Motion: To appropriate $482,520 for the Winter and Summer roads—moved by Colin Blazej, seconded by Russ Cumming.

Vote: Article 6 passed as written.

Article 7: Shall the voters appropriate $90,000 for Repaving and $15,000 for the Bridges and Large Structures Fund? (Voted 2019 $90,000 for Repaving, $15,000 Bridges/Large Structures)

Motion: To appropriate $90,000 for repaving and $15,000 for the bridges and large structures fund—moved by Colin Blazej, seconded by Carolyn Partridge.

Vote: Article 7 passed as written.

Article 8: Shall the voters appropriate $30,000 for the New Road Machinery Fund? Voted 2019: $60,000 (We will apply $39,522 from 2019 Roads Budget surplus to this fund.)

Motion: To appropriate $30,000 for the New Road Machinery Fund—moved by Russ Cumming, seconded by Kathy Scott.

Discussion followed. Phil McDuffie inquired regarding how the appropriation amount is determined each year; is there a spreadsheet listing each piece of equipment and its viable life span? Kord responded yes, there is a draft equipment replacement schedule listing expected life of machinery. In response to follow-up questions from Phil, Kord reported that the replacement value of all equipment (grader, loader, large plow truck and the F550) comes to $750,000 - $1,000,000; that $60,000 annually is greater than expected because the fund is in “catch-up” mode after several expensive repairs/replacement costs in recent years; the F550 is next to replace and quotes have been obtained for a new truck and extended warranty for better trade-in value.

Vote: Article 8 passed as written.

Article 9: Shall the voters appropriate $30,000 to the Windham Volunteer Fire Company? Voted 2019: $30,000 (as part of General Budget)

Selectboard Chair Maureen Bell presided over the question as Michael McLaine is a member of the Windham Volunteer Fire Company.

Motion: To appropriate $30,000 to the Windham Volunteer Fire Company—moved by Carolyn Partridge, seconded by Bob Kehoe.

Vote: Article 9 passed as written.

Article 10: To transact any other business that may legally come before this meeting.

* + Russ Cumming inquired about status of the Meeting House. The Windham Congregational Church will quit-claim its rights to the church; paperwork is being drawn up and closing is anticipated by next week.
  + Jerry Amsden mentioned photos on display in the entry which include his grandfather who owned a pew in the church.
  + Ginny Crittenden explained that information on the Emerald Ash Borer is available in the back of the room and encouraged everyone to take and share the information.
  + Carolyn Partridge offered a brief legislative report. Representative Matt Trieber has resigned and accepted another position; candidates are being considered.
  + Bill Dunkel inquired about testimony on March 11 at the State House and what residents can do to be most effective. Carolyn explained that anyone interested in testifying should arrive by 2:30 p.m. with remarks limited to 1 – 2 minutes. The weighting study assigns more weight (i.e., each student will be counted as more than 1) to ELL students, students in poverty, students in sparsely populated areas, and students attending schools with less than 100 students. It could mean that our current count of 18 equalized pupils would increase to 24 equalized pupils.
  + Ellen McDuffie addressed the assembly about information she distributes via email to keep residents informed. Please let her know if you are not receiving the emails but would like to, or you are receiving the information but want to be removed from the list.
  + Colin Blazej thanked Richard Paré and the members of the road crew for all their hard work.
  + Jan Wyman announced that the new fire truck is on display across the street. She invited anyone interested to attend meetings of the Windham Volunteer Fire Company which are held on the first Thursday of each month at 6 p.m. at the fire house.

Motion: To adjourn the 2020 Annual Town Meeting at 3:04 p.m.—moved by Carolyn Partridge, seconded by Vance Bell. Motion carried.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael McLaine, Town Clerk

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Maureen Bell

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Peter Chamberlain

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Kord Scott