Windham VT Selectboard Meeting Minutes

October 18, 2021 Regular Meeting

Via Zoom: In-Person:

Kord Scott, Selectboard Maureen Bell, Selectboard Chair

George Dutton, Selectboard Vance Bell, various positions

Marcia Clinton, various positions Dawn Bower, various positions

Bill Dunkel, various positions

Margo Ghia, Windham Regional Commission

Tom Johnson, various positions

Kathy Jungermann, various positions

Barbara Lettenberger

Michael McLaine, Town Clerk

Barbara Jean Quinn, Social Services Committee

Abby Pelton

Michael Pelton

Ashley Pinger, Windham County Sheriff’s Department

Brent Rakowski, Otter Creek Engineering

Kathy Scott, Treasurer

Gail Wyman, Assistant Treasurer

**Call to Order**

Maureen announced the meeting and called it to order at 5:31 PM

**Additions to Agenda/Announcements/Reminders**

There were none.

**Act on minutes from October 4, 2021 - Selectboard Meeting**

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

**Public Comment**

Please see comments toward the end of the minutes from Abby Pelton who joined the meeting later.

**Correspondence**

There was none.

**New Business:**

**Appoint members of the Social Services Committee: Carlton (Skip) Raymond, Marcia Clinton, Tom Widger, Barbara Jean Quinn**

Motion: To appoint the above-mentioned people to the Social Services Committee – moved by Maureen. Kord and Maureen voted in favor.

Maureen will send a reminder to the Committee members to take their oaths of office with the Town Clerk.

Motion: To have Maureen sign off on the appointment sheets so that all three Selectboard members do not have to sign them – moved by Maureen. Kord and Maureen voted in favor.

George Dutton joined the meeting at this point.

**Old Business:**

**Rt 121 Culvert – Second presentation from Otter Creek Engineering to discuss design alternatives being considered to replace the failed culvert. Purpose of this presentation is to seek input on the project and ultimately select a preferred alternative for further development.**

We are following up on our meeting with Brent and Margo from a month ago regarding the design of the replacement culvert on Rt 121. Options discussed at the last meeting were no-build, a squash metal corrugated pipe (2A), precast concrete box (2B) and an open-bottom arch (2C). At the last meeting, the Board was interested in the arch option and asked for some further clarification of this.

In addition to the original open-bottom arch, we will now look at 2 more options: aluminum arch (2D) and concrete arch (2E), both with proprietary foundation systems.

2C allows for an open, natural stream bottom, as opposed to a system that requires a concrete foundation or metal pipe to be buried. As a reminder, the construction time for an arch system might be longer than the others due to the greater complexity of the necessary form and foundation work.

Due to some clarification from the State and accounting for some costs that were not part of the original estimate, the price for 2C has increased from $312,100 to $387,506, about $75,000 more.

2D open-bottom metal arch with proprietary foundations is $411,094 and 2E open-bottom concrete arch with proprietary foundations is $546,930.

Note that the VTrans process and Federal funding requirements do not allow for specific manufacturers to be recommended, however there are several manufacturers who make this kind of material. Even though these prices seem expensive, they are generally less than having a structural engineer design a foundation system for option 2C.

Kord: Please confirm that these costs are construction costs only – no engineering costs included. Brent: Yes, that’s correct. Otter Creek’s design contract is also not part of these figures. As well, when this project goes to construction, the Town will have to hire a separate construction consultant, as Otter Creek is prohibited from playing that role. They are allowed to do the design, permitting and bidding of the project.

George: Cost increases on 2C – do they apply to other options or not. Brent: No, they are unique to the foundations of the arch itself.

Maureen: So, the structural engineering costs are not included in the price? Brent: No, they are. That accounts for the price increase on 2C. Essentially the price of the engineering is included in the prices for 2D and 2E.

Maureen pointed out that the costs of 2D and 2B the precast concrete box are now in the same range. She asked if it’s correct that 2B is considered the best alternative. Brent explained that for 2B the structural design is not as critical because it has its own foundation. The structural design for 2D is more critical because there is no bottom and the whole structure bears on just 2 points. Brent reminded us that in his opinion the concrete structure is more durable. George reminded us that construction time for option 2B is faster than the others. Brent confirmed that, as the arches have their foundations cast in place which requires time for curing before the structure can be placed. Guesstimate would be a savings of 1-2 weeks. Brent will have to figure out the cost savings and get back to us.

George: All things considered (pricing, construction time, durability) now option 2B seems like the better alternative. Brent offered that he did just complete a project using 2B and he is very confident in this cost structure. He reminded us that there is a 20% cost contingency built into this price. That said, please remember the material pricing has been erratic during the last year or so. Perhaps by the time this project is constructed, pricing will come back down and level out. Brent confirmed that the pricing for 2D and 2E also contain 20% contingency pricing.

Maureen and Kord agree with George on the choice of 2B. Kord questioned total project costs (including engineer costs) estimated by Peter Pochop at VTrans. Brent read the email from Peter in which he estimates the full value of the project with option 2B at $559,526.

Margo will look into that and pointed out that some of the projects she’s been working on this year have come in over budget and grantees have been looking at the possibility of applying for increased grant awards. We might have the opportunity to do this, and we can talk to VTrans about this. She suggests that we speak with Peter about this.

Kord reminded us that the Town’s portion of the project is already $100,000. If it is going to cost us up to 50% more, we have to figure out how to get that done. Given that we would like option 2B and need to figure out the financing, how does this affect the project timetable? Brent reminded us that construction is estimated at spring 2023. Once a design is approved, it will go into concept design and the environmental permitting process which takes about 6 months and brings us to spring 2022. From there we go to final design and right-of-way work, which is minimal, about another 6 months taking us to early 2023, which is a good time to be bidding a project.

Kord questioned Margo about getting a time extension. Let’s talk to Peter about that. Kord wonders if even a small delay might get us to see some cost decreases.

Maureen asked about the archaeological study that was brought up and approved at the last presentation. Brent explained that one of the aspects of the environmental permitting is archaeological. During their initial desktop review, Hartgen Archeological Associates (Putney, VT) determined that there might have been an area of concern and requested to do a site visit. Turns out that there is not an issue and that will be reflected in their report.

**Update on various animal issues with Ashley Pinger, Windham County Animal Control Officer**

* **Unresponsiveness of Erika Van Alstyne to the vicious dog hearing decision and presentation of medical expenses from the victim**

Maureen welcomed Ashley Pinger to the meeting. Maureen expressed her dismay that she hasn’t heard from Ms. Van Alstyne at all since the vicious dog hearing. According to Town Clerk Mike McLaine, neither dog at the Popple Dungeon residence has been registered yet. Maureen asked Ashley how to move forward regarding the hearing, the licensing and the payment of the medical expenses to the victim. Ashley explained that she will serve the fine for the licensing – it has gone on long enough. Regarding the payment of the medical expenses, which is a civil issue and the victim would have to sue to get those expenses paid. Ashley pointed out the victim could use the hearing as documentation but it could prove difficult because Erika was never on video so there is no proof that it was actually Erika speaking.

If Erika doesn’t pay the municipal fines, it could go to court. In the new year, she would have to start the licensing process all over again. Ashley explained to Erika that her dogs could be impounded which results in boarding fees, proof of vaccination and licensing before they could be returned. Ashley commented that she isn’t sure the Humane Society is up to taking these dogs. That is confusing to the Town because we contracted with them exactly for this purpose. Ashley will try to get it all straightened out. Windham resident Abby Pelton chimed in that she used to work with Ashley and that if Ashley needed any help, to just let her know.

* **Letter to Gary Clay regarding Zoey**

Ashley sent the letter to the Selectboard for approval, however Kord and Maureen did not see it yet. Ashley will re-send the letter for our review. When we approve it, she will print it off on letterhead and leave it at the Town Office for the whole Selectboard to sign. When complete, she will pick it up and mail it out certified. If he refuses the mail, Ashley will hand deliver it in the early evening hours with her body cam on so she can verbally relay the information as well.

We can’t discuss it now because it wasn’t warned, but we have had some more complaints about animals, birds specifically, from Kermit Blackwood’s house. We will get that on the next meeting agenda.

**The Meeting House:**

**Veterans Honor plaque has arrived. It will be mounted and work will begin on the garden.**

The rock outside is being prepared (sanded) to receive the plaque. Kathy Jungermann and Imme Maurath have bought some plants and will get started on some of the gardening.

**Roads:**

**Temporary repairs to Wheeler Road**

People are happy that the road is open again. The temporary culvert has been installed, but there are no guard rails yet – waiting for some call backs. Richard originally thought about using the concrete block as barriers but then realized they would be problematic when it comes to plowing snow.

At the FEMA meeting Kord learned that we can be reimbursed for work done as it happens, not just waiting until the end to submit all expenses. Once we “get in the system” we can start to be reimbursed for the temporary repairs.

**Fuel Enclosure**

Kord explained the background on this – there is a half of a concrete septic tank being used as a catch basin in case the tank should leak. Over the years it’s been heaving and lifting up the fuel enclosure. It’s been pushing on the already-compromised salt shed. The lean-to and the septic tank need to be removed and the new plastic containment system, New Pig, which we bought a few years ago needs to be installed. Then we need to rebuild the roof and walls.

We originally were thinking about moving the fuel tank to the other side of the parking lot, for which we would have needed a variance – it would be too close to the road. We got that, but in the meantime, the Road Crew decided they like having the cleared space as a parking area. Since the new system will now be free-standing, there is no advantage to moving it away from the salt shed.

We will have Cota & Cota come to empty the tank. Richard will prepare the site, replace the tank in the new system and get it re-filled. To re-build the enclosure, we’ve only had one interested party, but Kord is concerned about appearances, as it is his son-in-law, Pete McDonald. Pete can the job for $30/hour working with Richard. If he can re-use the original materials, he will do so. Otherwise, we will have to buy new material.

If we approve this concept, Kathy Scott will look into the best way of hiring Pete, either as a contractor or part-time employee. Kord just wants to be transparent about this. Maureen and George are both OK with this and George adds that $30/hour is a good rate.

Motion: To hire Pete McDonald for the job of working with Richard to dismantle and re-build the fuel enclosure at the Town Garage – moved by Maureen.

Comment from Abby Pelton that she appreciates the transparency and is in favor of giving this job to Pete. All voted in favor. Kord will coordinate.

**Winter Roads Policy – any updates needed?**

The Windham News & Notes staff would like to run the policy again in the next issue. Kord hasn’t had a chance to discuss it with Richard yet. Maureen let him know that we don’t need to submit it until the weekend.

**Grant status update, if applicable**

Kathy Scott and Gail Wyman are still compiling costs for several projects. We did get the first reimbursement from the Windham Regional Commission on the Rt 121 project.

**Discuss replacement plow truck pricing, if applicable**

Turns out, nothing to discuss right now.

**Payroll/Bills**

Everything looked in order to the Board. Kathy indicated that she needs some information from George in order to pay him.

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

Maureen was about to move that the Board go into Executive Session, but Abby Pelton asked if she could make Public Comment, since she missed the opportunity at the beginning of the meeting.

Abby indicated that the security certificate to the Town website expired 2 days ago so when people try to access the website they get informed that it is not safe. Vance Bell, who is the webmaster, says that it’s being worked on. In addition, Abby said she’d like to be added to the list of people who receive the Selectboard agendas by email. Vance added that the security certificate that we’ve been using has gotten very expensive and he’s trying to find one that is less expensive.

Abby is also concerned about the ash trees that have been cut down in Town (by Green Mountain Power). She wonders if there has been any effort to have property owners who do not want the wood to offer it others who might. Maureen suggested that Abby be in touch with Ellen (McDuffie) about sending out an email to her extensive list. Maybe connections can be made that way.

**Executive Session – personnel issues**

Motion at 6:46: To move into Executive Session to discuss personnel issues – moved by Maureen. All in favor. Recording was stopped.

Exited Executive Session at 6:55 and resumed recording. Discussed that Kord will look into Cost-of-Living Adjustment (COLA) figures and get started on performance evaluations for the Road Crew.

Our payroll service offered a personnel handbook guidance which proved to be a bust so we will revert back to using guidance from the Vermont League of Cities and Towns (VLCT).

**Adjournment:**

Motion: To adjourn the Selectboard meeting at 6:57 PM – moved by Kord. All voted in favor.

Respectfully submitted,

Maureen Bell

Acting Selectboard Clerk