Windham VT Selectboard Meeting Minutes

February 7, 2022 Regular Meeting

Via Zoom:

Maureen Bell, Selectboard Chair Imme Maurath, various positions

Kord Scott, Selectboard Pat McLaine, Auditor

George Dutton, Selectboard Mike McLaine, Town Clerk & Moderator

Vance Bell, various positions Lee Merinoff

Crystal Corriveau Abby Pelton

Joyce Cumming Michael Pelton

Russ Cumming, various positions Kathy Scott, Treasurer

Bill Dunkel, various positions Eileen Widger, various positions

Louise Johnson, Town Meeting House Committee Tom Widger, various positions

Tom Johnson, various positions Gail Wyman, Assistant Treasurer

Kathy Jungermann, various positions Paul Wyman, Delinquent Tax Collector

Barbara Lettenberger

**Call to Order**

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

**Additions to Agenda/Announcements/Reminders**

Michael McLaine would like the Selectboard to approve the typed ballot for Town Meeting Day. If there are no objections, Maureen would like to add it to the Agenda under New Business.

Pat McLaine requested information on repairs to Town Office HVAC. George asked that the item be added to the next regular meeting agenda.

Maureen noted there was a fire at Erika Van Alstyne’s house over the weekend. The house was lost and they are living elsewhere.

Kord mentioned the Alliance Initiative video on YouTube and suggested it be watched. He recommended the Planning Commission give it some attention.

**Act on minutes from January 17 Selectboard Meeting**

**Motion**: To accept the minutes of the January 17 Selectboard Meeting – moved by Maureen. All voted in favor.

**Public Comment**

Michael Pelton spoke about his “blueprint” for the Town, based on what people in other towns are doing to promote and build their towns. It’s not set in stone. Would like the Selectboard to find interested townspeople to put a plan together for Windham. It can be found on YouTube under Stony Mountain Farm or Alliance Initiative.

Abby said Vance is doing a good job as Webmaster and was curious as to whether or not he is going to continue. Maureen explained it is an appointed position and how those work. The Selectboard typically reaches out to appointees, asking if they’d like to continue while also looking at requests from other townspeople who might want to serve.

Michael Pelton followed up by asking if the Selectboard would reach out and try to set up some exploratory groups. With Maureen stepping down from the Board she didn’t think it was something she should be doing. George said to direct the Planning Commission (PC) to look at this to see if they could act on some the ideas that Mike (Pelton) has. Maureen said the PC is meeting on Wednesday – didn’t know if they could still get it on their Agenda. Kord said he is anxious for people to take a look at the ideas as he thinks they are constructive. Bill said the PC will take a look at it this week.

**Correspondence**

There was no mail correspondence.

**New Business:**

**Ballot for Town Meeting Day**

Mike McLaine is asking the Selectboard to approve the ballot he sent around to us this afternoon. Kord didn’t see any problems. Maureen checked the dollar figures and they were correct.

**Motion:** To accept the ballot that was submitted this afternoon – moved by Maureen. All in favor.

**Town Office/School Generator – Blue Flame**

We got an email from Blue Flame Gas Company in which they submitted a proposal for venting the regulator on the generator which is between the Town Office and the School. Maureen didn’t know if this was solicited or not. Kord said the alarm on the generator was going off. He and Mike McLaine initially thought that was due to an empty tank, which turned out not to be the case. Kord called Yankee Generator. The fairly new, but not under warranty ignition modulator failed again. This is a separate issue from the Blue Flame quote. We own the tank and can use whatever vendor we want. Regarding pricing, on January 18 Cota & Cota quoted $3.35/gallon. Last week, Blue Flame quoted February 1 market price of 3.849. Our first fill would be 2.869. Kathy S suggests that since the first fill is so inexpensive, we take that the next time. No contract is required. For reference, Imme belongs to Irving fuel club, saving $0.10/gallon. Her last fill up was $2.51/gallon. She suggests we get a quote from Irving as our prices seem steep. Kord isn’t sure about the venting issue and thinks we should have another vendor come look at that. Russ pointed out that the advantage to owning your own tank is that you can shop around. The disadvantage is that if you have an emergency, you are at the bottom of the list. Kathy agrees but thinks we only get 1 fill per year at this tank. She is skeptical about entering into a contract based on lower cost when we don’t know when we’re going to need fuel. Kord will arrange for Cota & Cota to take a look at the vent and get back to us.

**Tax Map maintenance contract – CAI Technologies**

Mike sent this to us a couple of weeks ago. We have budgeted for this and so should sign the contract. Kathy indicated that we’ve already paid for the 1st Q.

**Motion:** For Maureen to sign and return the contract to CAI – moved by Maureen.

Do the Listers need this service? Russ indicated that they use the maps all the time, on a regular basis.

All voted in favor.

**Tax Sale Properties, insurance and plans going forward**

Mike has been speaking with PACIF about insuring 2 properties that the Town owns. The quote for the insurance is $230 for both properties. We need insurance for liability.

**Motion:** To insure the 2 properties as discussed – moved by Kord. All voted in favor.

Mike will respond to Denise from PACIF and let her know.

Regarding new Tax Sale Properties – Kathy and Paul Wyman met with Town Attorney Bob Fisher. We have 9 properties that will be up for Tax Sale. They are 3 or more years behind in taxes. Letters will go out to property owners in the next 2 weeks. In-state residents get 9 days to respond; out-of-state residents get 25. After that, notices will be posted for 4 weeks. Then the sales can proceed.

**Logging Discussion - with Planning Commission**

Bill acknowledges there is a lot of logging going on in Town. This has made the PC take a look at the Zoning Regulations. Section 503 Timber Harvesting says 3 things: trees shall not be felled into or across streams and logging debris dropped into streams must be promptly removed; slash will not be left within 50’ of property lines, a Town road or recreation trail, or 100’ from a building; commercial loggers must secure a permit prior to beginning logging operation. The regulations do not say who issues the permit, just that you have to have one before starting. Bill has spoken with John Bennet at the Windham Regional Commission (WRC). He said that the Dept of Forest, Parks, Recreation (FPR) does not want towns to regulate silvicultural practices. That’s their job; when towns try to do it, it gets messy. John indicated that the first 2 parts of Section 503 are regulating silviculture. He further indicated that Windham is one of very few towns trying to regulate timber harvesting. Bill did a little research on 9 neighboring towns. Of them, all have Town Plans and 7 have zoning regulations. Only 2 (Townshend and Winhall) say anything about logging which is basically that surface waters, shorelines and streams should be protected. Section 503 comes from FPR Best Practices Manual, so we’re not contradicting anything they say, just reinforcing it. Regarding securing a permit, Bill has a document that dates back to at least 2007 which has 5 requirements for loggers:

* Site review must be done by PC (this is not currently happening)
* $500 logger’s bond for all commercial logging must be posted (pretty sure it’s not happening)
* Access permit from Selectboard for access on to Town road (doesn’t think this is happening)
* Heavy vehicle permit must be obtained with proof of insurance presented to Selectboard (doesn’t think this is happening)
* Certificate of Insurance must be presented to Selectboard

According to some further research Bill did, any trucks over 24,000 pounds require an overweight permit in Vermont. It’s important to post weight limits and effective dates on our roads to protect them. John Bennett thinks we should check with Gerry Tarrant about the legality of this. The reality is no one is checking on loggers. If there was a problem, there is the possibility of filing a complaint with FPR or the County Forester. The Selectboard has to decide if it’s necessary to check up on logging. Maybe it isn’t necessary. If it’s thought to be necessary, the language in the Zoning Regs needs to be clarified. The PC feels the regulations, as they stand now, are insufficient. Imme would like to meet with Bill and discuss what she knows, concerning the logger’s fund and heavyweight permits. Kathy S thinks it’s in the Town’s interest to know who is logging in Town. The Widgers chimed in that there is a lot of logging going on in their area – mostly the loggers are respectful. They say though, that even though the roads are frozen, they are still being damaged. Russ brought up his concern about damage to box culverts. For instance, when Ernie Friedli’s property is logged, they have to come across the culvert over Burbee Pond Road. Sometimes the trucks can weigh up to 100,000 pounds.

Kord would like to talk to Bill and Imme about this and brought up an example, not of logging but of heavyweight equipment that was transported to the power lines. Because of a State exemption that Chester has, the trucks were routed up Horse Nail Hill and across Popple Dungeon to the power lines. Kord further explained that loggers need a State logging permit as well as a transportation permit in which they must define the roads on which they will be driving, including Town roads. Bottom line is Kord, Bill and Imme will get together to discuss this.

Bill reiterated that the PC will be happy to take another look at this, but it is not their responsibility to set policy for the Town.

Imme recalled a situation with loggers being told by the Road Crew that they could no longer use the roads. Kord pointed out that Richard knows almost all of these operations and though it cannot be our system in the long run, he does keep an eye on them.

**Transfer ARPA Administration and Zoom account to ??**

Kord said that Maureen can transfer administration of these accounts to him.

**Old Business**

**Re-adopt Face Covering Rule for the next 30 days (March 9)**

Covid cases have come down a little bit. Hospitalizations too. There is a lot of at-home testing now so those are not in the State system – something to be a little cautious about. There don’t seem to have been any problems at the Town Office with people abiding with the Rule. Those who work in the Office were giving thumbs up when asked if they wanted to have the Rule re-adopted.

**Motion:** To re-adopt the Face Covering Rule for the next 30 days, until March 9 – moved by Maureen. All voted in favor.

**Information on Town-wide reappraisal – with Russ Cumming**

Russ noted the Common Level of Appraisal (CLA) is calculated based on property transfer data that comes to Lister’s office from Town Clerk. If the property sells, the Town Clerk fills out a document which includes the parcel number, buyer, seller, sales price, Grand List value. Current Grand List values are based upon the appraisal we had done in 2015. Difference between Grand List value and fair market value at which property sold determines the CLA based on a 3-year rolling average. CLA now averages FY 2018, 19 and 20. We have a 3-year average that impacts the next year’s taxes. It will take 2-3 years for reappraisal rates to be equal to the fair market price. The sooner we begin the reappraisal, the sooner we will get close to 100 level and we won’t suffer the Education Tax penalty which is what happens when the Education Tax is over the excess spending limit. That penalty will probably be in effect for the next 2-4 years.

Imme noted that COVID had a lot to do with high prices in Vermont; what happens in the next year or two when prices go down? Russ said Cy Bailey (VT Department of Taxes, Property Review and Valuation) has indicated 22 towns needed to go through reappraisal now. Our CLA is now at 83. Based on 2021, Russ estimated CLA ratio will be 73 – we are still on downward trend on 3-year rolling average basis. The sooner we do the reappraisal, the sooner we get relief. Cost is $105/property, which comes to about $50-55,000. Need updated land schedule for parcels greater than 10 acres. We do not have proper land schedule for the town of Windham, as it wasn’t done by Green Mountain Appraisals the last time.

Michael Pelton said we are experiencing a bubble with real estate market, not inclusive of forestry land. How does that look for us in the future? Russ reiterated that we will get notice from the State in June that we will be required to get a reappraisal; if we don’t get the request in early, we may not be able to get the appraisal done this year. With ~500 parcels, we are considered small, but the other towns will be lining up to get this done as well. Effect of reappraisal won’t be felt for two years.

Kathy Scott pointed out that there is 2-year waiver on the Education Tax penalty now; Russ believes that waiver will be lifted. Kathy questioned if this was a great time to jump in and questioned the costs of Green Mountain Appraisers as they came in $25,000 above their quote in 2015. Allison is talking to some appraisal companies (recommended by Cy Bailey). The cost is $105/parcel from NMRC, for a total of $50-55,000.

Mike McLaine said the appraisal is not an option, it is statutorily required when CLA is below 85% or above 115% or when Coefficient of Dispersion (COD) is above 20%. Our COD is 20.07%. Our CLA is 83.75%. Both of these numbers statutorily require a reappraisal now. Maureen noted proposed budget has $6,000 going into the Reappraisal Fund. Kathy indicated that the fund currently has $40,000. Non-tax revenue can be used in the future to make more funds available for the reappraisal. Re penalty phase for education tax: this was waived for current year and next year, per Russ. Big issue is that our CLA is at 83; it boosts our tax up.

**Motion:** To wait until we get the letter from the State to act on this. We can get quotes from appraisers in the meantime – moved by George.

Russ indicated that the sooner that we get a reappraisal into the sooner we can reduce the CLA. Request that Listers get at least another quote. Russ cautioned that some of the companies are booking for 2025. Michael Pelton expressed concern about reappraising while we are in the midst of a bubble; appraisal levels may go down in 6 months to a year. Russ indicated that our properties are about 20% undervalued right now per COD. On average, Grand List would go up by 20%. There will be reduction in the municipal tax rate with an increase to the Grand List. But for education tax, this will increase if the CLA is lower. Kathy Scott indicated she didn’t think it was fiscally responsible to go for reappraisal until the State sends us a letter. Russ said we will get a letter in June and he advises we be proactive and get a contract signed.

Kord and George voted in favor of the motion – the motion passed.

**Informational Meeting for Town Meeting Day**

**Warning** – Maureen couldn’t get the Meeting Agenda on the screen but described it as opening the meeting, going through the Articles 1-10, asking for any other non-binding discussions and then adjourning the meeting. She will post these around Town tomorrow.

**Ask Michael McLaine to moderate –** since this is actually a meeting of the Selectboard and not a true Town Meeting, Maureen would like to ask Mike to moderate it, as he would a regular Town Meeting. Mike agreed to do so by indicating a “thumbs up”.

**Candidates’ intros –** we’ve always given Candidates 2 minutes to introduce themselves and that seems to work well. Maureen suggests that we continue that tradition.

**Will get assistance during the meeting from Kathy J and Pat M** – acknowledging that Kathy Jungermann will assist with timekeeping (for the video) and letting us know if we miss seeing someone who wishes to speak. Pat McLaine will assist Maureen with the minutes. Thanks to both.

 **Anything else?** Nope.

**The Meeting House**

**Smart Thermostat- Imme Maurath**

The remote start for the heat hasn’t been working for the last couple of months. People have been going there ahead of time to manually turn on the heat before an event. There was a suggestion that we move to install a wi-fi thermostat. Imme and Steve Maurath have an appointment with Cota & Cota next week. They would like an indication of what we think would be a reasonable price to install the thermostat, so they can get it done right away.

George thinks $50-75/hour to install would be reasonable. Imme thinks the units are about $100, so with installation she thinks about $300 would be reasonable. Eileen is concerned about who will be able to access this, as multiple groups use the building. Kord explained that one just has to download the app and have the info to be able to use it. We’re going to stick with $300.

**Roads**

**Truck purchase recommendation and decision**

Kord explained that since the last meeting, details have become clearer. Richard was able to look at Weston’s Western Star truck. Richard also met with the ATG sale rep. Kord put together pricing for the 2 options in the spreadsheet below. Western Star gave us a very competitive price, particularly with the trade-in allowance.



Richard spent a lot of time evaluating them and likes the Western Star better. The recommendation is to go with Western Star.

In terms of financing, between what funds we currently have available, surplus from 2021 and what we hope to pass in the budget, we need an additional $7,312 at delivery. We could borrow from the State fund in the fall. Payment wouldn’t be due until next summer (2023), so we could account for that in next year’s budget. Both vendors feel confident these figures will not change, but Kord just wanted to issue a word of caution that something, somewhere, might come up. In case the budget doesn’t pass at Town Meeting, both vendors are still allowing the contract to be cancelled. Western Star has already put us in the queue and are projecting delivery by early August. Viking would then need another month or 2 for the body work.

**Motion:** To purchase the Western Star truck as described – moved by George. All voted in favor. Kord will move forward with this.

**Update on fuel tank**

The project is 99% finished. The enclosure is up, the tank is in place, the drapes to keep the weather out are also up. A light and a few pieces of trim still have to be installed.

**Update on hydroseeder purchase**

The hydroseeder is scheduled to be delivered on February 9. After that, we can file for grant reimbursement.

**Update on FEMA project**

The FEMA scheduled site visit for the temporary repairs on Wheeler Road was actually done remotely. The inspector was able to determine what he needed. The next phase is for FEMA to come up with an estimate and then compare their figures with our actual costs.

**Update on Chase Road project**

Engineer Everett Hammond has submitted the proposal. Since it exceeds the amount the grant, Kord is talking with Mark Pickering from VTrans to see if can get the grant re-awarded at $200,000 instead of $175,000.

**Update on Rt 121 Culvert project**

The size of the culvert has changed from 16’ to 14’. Kord said our cost estimate hasn’t changed from $140,000. He would like it to be $100,000. Kord reminded us that the figures still have a 20% contingency built in. As we get closer to the installation these figures will likely change.

**VTrans letter**

We received the annual letter from Meghan Brunk at VTrans. Information is usually filled out with her after Town Meeting. Maureen just wanted to check that Kord received the information too. He did and will work with Meghan when she calls.

**Equipment replacement schedule – review draft**

Kord, Kathy and Gail have made some progress on this since the last meeting, but it’s still unfinished. Kord hopes to present it at the next regular meeting.

**Payroll/Bills**

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

**Adjournment:**

**Motion**: To adjourn the Selectboard meeting at 7:34 PM – moved by Kord. All voted in favor.

Next regular Selectboard meeting is scheduled for February 21, 2022 at 7:03 PM

Respectfully submitted,

Maureen Bell, Acting Selectboard Clerk

(With terrific assistance, once again, from Pat McLaine)