

**Windham VT Selectboard Minutes
February 3, 2025 Regular Meeting
Held at the Schoolhouse and on Zoom**

Present at the Meeting House

Kord Scott, selectboard chair
Mary McCoy (Mac), selectboard clerk
Michael Pelton, selectboard
Bill Dunkel
Alden Wicker

Present on Zoom

George Dutton, selectboard	Cathy Edgerly Fales
Will Dodger, Imerys CEO	Kate Quarella
Eric Danner, Imerys attorney	Phil McDuffie
Bob Fisher, town attorney	Barbara Jean Quinn
Sean Reese, site owner	Tan Bronson
Grace Glynn, Fish & Wildlife	Imme & Steve Maurath
Maureen Bell	Frank Seawright
Pat McLaine	Becky Phillips
Gail Wyman	Ellen McDuffie
Jim McCandless	Abby Pelton
	Bea Eliastam

1. Start Recording and Call to Order -- Kord called the meeting to order and started the recording at 5:31 PM.

2. Additions/deletions and/or changes to agenda – There were no changes to the agenda.

3. Updates and discussion re potential donation/nominal purchase of Trout Meadows property on White Road – Kord began by showing a map that clarified the location of the property in question. Eric Danner explained the situation and Imerys proposal. Imerys is no longer in the mining business and has filed for bankruptcy. Since they stopped their talc mining here in the 1980s, they have been responsible for controlling any drainage from the lake that fills their former mining pit. Now, they need to determine who will control that drainage and what will happen to the 75 acres they used to own that are now owned by the Reese family.

Imerys proposes to buy the land back from the Reeses and donate the real estate to Windham, which would then be responsible for the drainage. The town could use the land however we want. The cost of the site's maintenance would need to be determined, as well as the environmental conditions. There is an urgency for these factors to be determined, as the land needs to be transferred by the end of April. Imerys has set a process for an evaluation to determine those factors, and they are willing to provide a subsidy to the town until those costs can be put into the town budget. George suggested a payment of \$100,000, based on Imerys' estimate that it costs them about \$10,000 annually to maintain the overflow equipment and monitor the situation on the ground. Eric said a payment could be negotiated once all the facts are known.

Discussion followed. Eric said the \$10,000 they spend on various operating expenses, includes utilities (electricity, phone, and auto moderating) plus the costs of their sending someone to Windham to inspect the property. There are costs related to permit renewals for the drainage system. Also, maintenance, including cutting the grass, replacing equipment, and maintaining the pump shack. Pipes were installed in 2011 that have a lifetime of 50-100 years. There is no fund to pass onto the town for future expenses.

As far as he knows, there are no environmental concerns. He is unaware of any contamination, as the cleanup process in the 80s was successful. A Phase 1 examination of the land by the Ranboll Group is underway to test the water and soil. If any problem is found, a Phase 2 examination will be conducted with drilling and will include testing the runoff downstream. Eric does not expect any contamination will be found, as the past remediations

were successful to make the land and lake appropriate for recreational purposes.

A Phase 1 study was done 20 years ago that he will send to the town. He said some arsenic had been found in the water in that study, but it was at the same level as in nearby bodies of water, and the treatment for the arsenic made no sense as the arsenic level was below the drinking water standard. That requirement to treat for arsenic was later removed. The current Phase 1 study will determine if there is any contamination now, and the town will be informed of the results. Eric will ask the Ramboll Group to get water samples from various levels of this deep lake (around 150 feet deep) and to look at the sediment at the bottom of the lake. Kord will inspect the condition of the culverts in White Road which can be impacted by runoff. Eric asked to receive any other concerns.

Grace Glynn said the area has an important botanical environment that supports two rare plant species. A state-endangered rush on the lake is protected by state law, and any harm to these plants would be a violation of state law unless an applicant obtains a Takings permit for unavoidable damage to the plants. The very rare (S1) fern scattered atop the tailings pile is not protected under Vermont's Endangered Species statute. However, this very rare species is protected under Section 248. Bill said Windham's Energy Committee had considered putting a large solar project there. Grace said any utilities project, including solar, would be legally required to coordinate with Vermont Fish & Wildlife to protect this species. If the town acquired this parcel and sought to install a solar array on the tailings pile, then the town would be required to work with the State Botanist to reinventory this plant population and avoid and minimize impacts to them. The fern likes to grow in open areas. (See attached map.)

Other concerns included the cost of insurance. The Reese family now pays that, and Sean will let the Selectboard know the cost. Kord said the VLCT looked at the location and their underwriting department is reviewing the situation now. They estimated \$500-\$1200 per year for dam coverage. Michael said he also spoke to the VLCT folks, and they told him it was a low risk site, and the lake was not a concern. Proper signage could explain any risks. The camper now on the land can be removed, if the town doesn't want it.

If the town does not accept the offer to receive the land, Imerys will look for another owner. They have not considered the U.S. Dept of Fish and Wildlife, which now owns the land on Glebe Mt. called the Conte Preserve. Imerys has talked to land conservation groups, but they were not interested. Imerys prefers to give the land to the town, and their time constraints require immediate action to meet their April 30 deadline.

This land could a recreational area. It has been used for swimming, boating, and fishing. Windham has no other experience in owning recreational land, and other towns have experienced problems due to owning recreational land.

Bob advised that we consider the information provided this night and the results of the Ramboll studies and determine how owning the land would benefit the town compared to the responsibilities involved.

Next Step: Continue to gather information and discuss possibilities.

4. Announcements – There were no announcements.

5. Act on the minutes from the January 20, 2025 selectboard meeting

Motion: To approve the January 20, 2025 selectboard minutes; George moved, and all agreed.

6. Public Comments – There were no comments.

7. Correspondence – Kathy Griffin asked the Selectboard to contact Townshend regarding the condition of Windham Hill Road in that town.

8. Payroll/Bills – There was no payroll or bills to approve.

9. Staff Reports with Discussion and Possible Decisions

A) Grant Strategist – Cathy reported that the Municipal Energy Resilience Project (MERP) funds for the Meeting House have been received by the State and are safe from Pres. Trump’s freeze on them. The Brattleboro Development Credit Corp. (BDCC) is gathering ideas from town folks on the future of the schoolhouse. They facilitated a meeting on 1/23, and a second meeting will be on 2/5 at 12:30 at the Meeting House. (Lunch will be provided.) Ten individuals have already sent ideas to her. A summary of the information gathered will be presented at Town Meeting before the vote on the schoolhouse. After February, the Vermont Rural Council on Development (VRCD) will conduct a feasibility study of the schoolhouse’s possible uses. Cathy has sent them background information about Windham. There will be two meetings to present the results.

B) Auditors – Pat said they are waiting for some information, but with or without that info, the Town Report will go to the printer the next day (2/4/25). They are still waiting for more information to finalize hiring a professional financial auditing company. Michael said Cynthia Stoddard from NEMRC who helped prepare the 2025 town budget told him our auditors were among the finest she has ever worked with.

C) Meeting House – Maureen reported that Tom Widger will be the new treasurer since Imme, who held that job, left the committee. Tan Bronson has expressed interest in being on the Meeting House Committee. He has already participated in their meetings and efforts related to the Meeting House.

Motion: To appoint Tan Bronson to the Meeting House Committee. Kord moved, and all agreed.

Maureen said the auditors’ reports will give them a clear idea of the money they have to work with. They want to begin with the improvements to the electrical wiring situation in the kitchen. Michael said the Selectboard voted earlier to address that need with the \$3500 from the sale of the exhaust hood. Cathy said there could be other funds from the MERP grant that could be used for anything other than appliances. Maureen said they have looked at rental agreements from other towns, and liked the ones from Dover, Wardsboro, and Wilmington. She was going to ask Bob for his input, but he may be the attorney for these towns, so he may have reviewed and approved them. Kord will contact him. The display case of the outside of the building where agendas are posted is in bad condition. The glass is gone, and anything posted there is not protected. Kord will ask Pete McDonald to do a temporary fix. Cathy said anything on the front of the building needs to meet the approval of the Bruhn Historic Preservation Trust.

Next Step: Make temporary repairs and then decide whether to renovate or replace the broken display case with a premade one or one specially built.

D) Planning/Energy – Bill said the Planning Commission will meet on Tuesday 2/11 and finalize revisions to the regulations for recreational vehicles. Previously, RVs could not be parked on property for more than 90 days without having a wastewater permit. This is a problem for people who park their RVs on their land when not traveling or staying elsewhere. The revised reg says if an RV is occupied for three consecutive weeks or more than 60 days per year, it needs a septic permit. Otherwise it is unregulated. A public hearing on the Friendly Gathering will be held on 2/25 regarding their request for a conditional use permit. A notice has been sent to all neighbors in Timber Ridge and nearby area. Bill also said the Window Dressers will be here again this autumn with the goal of making or repairing 200 windows.

E) Town Clerk – Ellen said petitions had been received for all offices. Bea Eliastam is running for Town Clerk, and Courtney Roth is running for Town Treasurer. Ellen is working

on the Australian ballot which will go for printing before the 2/12 deadline. People can get the ballots ahead of time, or they can vote at Town Meeting.

10. Preparations for Town Meeting

A) Discuss public forum of candidates for office – Ellen said she thinks the WCO will conduct a meeting for voters to meet the candidates, to be held at the Meeting House before Town Meeting.

B) Discuss logistics for the day – Ellen is deciding where to put a voting booth for electing town officers during Town Meeting. It will probably be in a corner in the back of the sanctuary. Michael clarified that the fire marshal has set 225 as the maximum number of people in the sanctuary and 150 in the room below. It was agreed that only one camera will be needed from BCTV, as all in attendance will be in the sanctuary. Michael suggested having two groups of volunteers, one to set up and one to close. Ellen said the WCO hasn't discussed hosting the lunch that day, but she hopes they will continue this tradition. She will get bottles of water. She will also make nametags. Abby asked if there could be childcare again this year. **Next Steps:** Kord will ask for an officer from the Sheriff's Dept. to attend. George will contact BCTV. The Selectboard will recruit volunteers for opening and closing.

11. New Business

A) Subrecipient Annual Report due to Dept of Finance and Management – Kord said he and Imme met and reviewed what is needed for this report.

B) Update on highway data for the biannual FHWA-536 report due 2/14 – This is an annual meeting with VTrans. Imme wants to attend, and Kord will let her know when it will be.

C) Decide who will write the next Selectboard Report for the WN&N – Michael will draft it and Mac with proof it.

12. Old Business

A) Update on State Ethics Liaison – George volunteered at the last meeting to fulfill this role. Ellen will coordinate this with the new Town Clerk. Michael reported that our liaison will respond to reports related to Windham.

Next Step: Ellen will look for the information she has received about telling the state who our liaison is and give the info to George.

13. Adjourn meeting and stop recording.

Motion: To adjourn the meeting at 7:23 PM. George moved, and all agreed.

**The next Regular Meeting is scheduled for
Monday, February 17, 2025 at 5:30 PM**

Respectfully submitted,
Mary McCoy (Mac), selectboard clerk
Approved February 17, 2025