

Windham VT Selectboard Meeting Minutes  
February 18, 2019 Regular Meeting

Present:

Maureen Bell, Selectboard Chair	Kord Scott, Selectman
Bob Kehoe, Selectman	Keith Jungermann
Kathy Jungermann, Auditor	Dawn D. Bower, Various Committees
Bob Bingham	Vance Bell, Planning Commission
Peter Chamberlain, Treasurer	Kathy Scott, Asst. Treasurer
Tom Johnson, Energy Commission	Louise Johnson
Hal Wilkins, Conservation Commission	Russ Cumming, Lister
Joyce Cumming, Acting Selectboard Clerk	

Call to order & Additions to Agenda/Announcements/Reminders

Maureen called the meeting to order at 6:30 p.m. Vance Bell announced that a hearing on the Enhanced Energy Plan and Zoning Regulations is scheduled for Tuesday, February 26, 2019 at 6:00 p.m. Maureen announced an addition to tonight's agenda to provide an update on the request for FEMA funding due to damage caused by the November storm. Vance announced that he would attend the Floodplain meeting on Wednesday.

Approval of final minutes

Maureen moved to approve minutes of February 4, 2019 minutes with correction. All were in favor.

Public Comment

Bob Bingham asked about the American Community Survey and questioned whether it's a scam.

Re: collection of delinquent property taxes, Bob Bingham remarked that the delinquent tax collector is doing a good job but wondered whether the delay was due to the town attorney. Bob Kehoe explained that the town attorney currently has 14 cases of delinquent property taxes in the process of collection. Delinquent taxes do not affect property taxes of those homeowners not in arrears; the amounts (debt) are allocated to an unassigned account. Kord will discuss with the Town Attorney, Bob Fisher. Russ shared his observation that the notice of tax sale, when published, motivates the property owners to pay delinquent taxes. The previous tax collector took a different stance, preferring to avoid or delay the tax sale process.

New Business:

**Conservation Commission outlining proposed Community Values Mapping Project**

Hal Wilkins, Vice Chair of the Windham Conservation Commission, reported on the Conservation Commission's collaboration with Monica Pryzperhart of the Vermont Fish & Wildlife Department to conduct workshops for residents and town officials aimed toward identifying places and qualities of Windham that residents value most, i.e., environmental, land use/preservation, recreational, social, educational, etc. The first workshop is a mapping exercise that asks residents to share what they value

about living in Windham; the second will be a more formal workshop facilitated by Monica. Information on these workshops and The Nature Conservancy's recent purchase of 3500 acres on Glebe Mountain can be found on the Town website.

The Conservation Commission will meet next on February 19 at 7 p.m. to discuss this Community Value Mapping project as well as the Lowell Lake State Park project, the Nature Conservancy's purchase of the McGraw property on Glebe Mountain, and a field trip to Frank Seawright's residence and the Forest and Wildlife Management Plan. Brief discussion followed on the Lowell Lake project, including renovations and cost of restoring cabins, boat ramp repair, etc., in conjunction with the Londonderry Conservation Commission and surrounding towns. Hal was encouraged to share the Conservation Commission's regular meeting schedule (i.e., third Tuesday at 7 p.m.) with Ellen McDuffie for inclusion in the News and Notes meeting notices.

### **Establish Work Week for Road Crew**

Maureen read the clause in the Town Personnel Policy (Section 6, Hours of Service) which provides that "the normal work week (for employees in positions under its jurisdiction) shall be established annually by the Selectboard in accordance with the annual budget" and identified the need for the Selectboard to establish the normal work week for the Town Road Crew. Kord moved that the normal work week for the Road Crew shall be Monday through Sunday. Bob Bingham referenced the Garcia decision and the question of whether overtime status (1.5 x regular pay) begins after 40 hours per week or 8 hours per day. Bob also cautioned about possible financial implications for Towns which allow employees to accrue excessive comp time (in lieu of overtime pay) over the course of their employment which, if not used, must then be paid out at the rate of pay in effect at the time of separation. Kord reported that he has been working with VLCT, which bases its recommendations on the Fair Labor Standards Act. He also reported that road crew members are paid a two-hour minimum when called out to work beyond their normal work schedule. Following discussion, Maureen called for a vote on the motion by Kord that the normal work week for the Road Crew shall be Monday through Sunday. All were in favor.

### **Equipment Replacement Schedule**

Kord requested discussion on the need to develop a plan regarding vehicle replacement. As impetus, he cited the current need to replace the 550 truck and past occasions when multiple town equipment vehicles faced repair or replacement simultaneously. Kord has a draft plan which he will share with the Selectboard in the near future. He suggested keeping this item on the agenda until a vehicle replacement plan is developed and approved. Bob suggested various benchmarks, such as mileage, hours, or warranty expiration to use in determining the schedule for replacement. The goal is to develop a plan and include a line item in the budget for the annual apportioned cost so that the funds for a replacement are available when the expected life of the vehicle is reached. Bob suggested discussing with Kurt Bostrum, Road Crew Member, how other towns handle vehicle replacement. A suggestion was also made to include reference to the vehicle year in the budget/town report. Maureen agreed to keep this item on the agenda for further discussion until a vehicle replacement schedule/plan is approved.

### **Paving Project Discussion**

Kord reported on budget funds of \$257,000 for road paving, with a possible additional \$70,000 in State aid available. The goal is to accumulate a significant amount in order to address the 6 ½ miles of road to

be addressed. Kord would like to keep this item on the agenda for further discussion at future meetings. Kathy Scott questioned whether the motion at town meeting to appropriate funds for repaving was in perpetuity or specifically for one year. Kord responded that it should be addressed annually. Kathy reported a balance of \$18,000 in the bank for the 1<sup>st</sup> quarter of 2019. Brief discussion followed on whether funds are held in a designated interest earning account and whether a higher yield might be obtained by using a Certificate of Deposit with a longer term.

#### Old Business:

#### **Summer Camp at The Meeting House**

Maureen referenced correspondence from Ernie Friedl received at the last meeting about whether the Windham Community Organization might be interested in providing future funding for the summer camp. Maureen reported that she reached out to the officers of the WCO, and was told that WCO is not interested citing insurance liability among other factors. Maureen agreed to respond to Ernie on this matter to allay concerns re: lack of response. Kathy Scott suggested contacting the West River Community Project to determine if they might be willing to fund the summer camp going forward.

#### **Highway & Bridge Restrictions-update**

Kord reported on inaccurate information he reported previously, clarifying that the road rating for local roads is 24,000 lbs. (not 80,000) and the rating for state roads is 80,000 lbs. Windham has not updated its road rating since 2014 and needs to update this information on the State website every few years in order to enforce overweight vehicle permit violations. Information updated now will be valid through 2021. Bridges also need to be updated. Kord has name of a contact at DMV who will serve as a resource. He wants to keep this item on the agenda for future discussion.

#### **Meeting House-update**

Kord followed up on action at the last meeting designating him to research the acquisition of the Meeting House by the Town if the Town does not already own the building as well as the land. Kord spoke with Bob Fisher, Town Attorney, who suggested using local resources such as the Stevenses to research the ownership issue, and others such as Dawn Bower and Dave Crittenden about issues relating to historical context and how things evolved. Kord suggested gathering information from as many people as possible to reduce the amount of time the attorney needs to commit to it. Discussion followed on information related to the Meeting House which was taken from the Town Office vault and moved to the Meeting House vault, and whether that documentation is still in the Meeting House vault or subsequently removed or discarded. Brief discussion followed on the development of the Transition Committee and residents who have expressed a willingness to serve or offer ideas, as well as whether the legal aspects of ownership need to be established first or whether the committee members might brainstorm informally pending a final determination regarding the legal aspects.

#### **Road Crew- tree marking**

Kord reported that the Road Crew has been using ribbon to mark trees in town that need trimming or removal in anticipation of spring and summer work. A suggestion was made to include an article in News & Notes to inform residents of this matter.

### **Personnel Policy & Job Descriptions – update**

Kord reported that a representative from VLCT will be coming to Windham next week to review our Personnel Policy and Job Descriptions. Richard Paré, Road Crew Commissioner, will join Kord at the meeting to discuss use of VLCT templates as well as the Garcia decision regarding overtime.

### **FEMA – Update**

Kord updated the Selectboard re: efforts by Peter Chamberlain and Kathy Scott to gather information related to the total expense incurred by Windham in addressing damage from the November storm. Based on initial estimates, Windham County did not qualify for emergency assistance based on the threshold for damages established by FEMA. There is an opportunity to appeal the decision if adjusted numbers are submitted by towns in Windham County and documentation supports the threshold of damages was attained.

### Correspondence/Payroll/Bills

Correspondence, payroll and bills were reviewed and approved as necessary.

### Executive Session to discuss legal issues and personnel issues

Maureen moved to go into Executive Session to discuss legal issues and personnel issues at 8:10. All were in favor.

Kord moved to exit Executive Session at 9:20 p.m. All were in favor.

In the case of the diesel spill violation, Kord moved that the Selectboard accept the State's counteroffer as presented to the Selectboard in the draft document from Vermont Agency of Natural Resources and that Kord continue to work on writing the "diesel spill procedure" so that it can be submitted to the State within their expressed timeline. All were in favor. Maureen will correspond with Bob Fisher, Town Attorney, to determine next steps.

Bob moved that Kord guide Richard Paré, Road Commissioner, through the employee evaluation process so Kurt Bostrum, Road Crew Member, can receive his 90-day employment review. All were in favor.

Maureen moved that the Selectboard adjourn the meeting at 9:30 p.m. All were in favor.

Respectfully submitted,

Joyce Cumming  
Acting Selectboard Clerk

Attachments:

Windham Conservation Commission letter re: Glebe Mountain and Community Values Mapping