

Windham VT Selectboard Meeting Minutes
July 1, 2019 Regular Meeting

Present:

Maureen Bell, Selectwoman
Hal Wilkins, Selectman
Mary Boyer
Russ Cumming, Lister
Bill Dunkel, Planning Commission
Tom Johnson, Energy Commission
Kathy Jungermann, Auditor
Kathy Scott, Treasurer

Kord Scott, Selectman
Dawn Bower, Various Commissions
Ginny Crittenden
Joyce Cumming, Selectboard Clerk
Mike McLaine, Town Clerk
Louise Johnson, Meetinghouse Transition Committee
Keith Jungermann, Meetinghouse Transition Alternate

Call to order

Maureen called the meeting to order at 6:30 p.m.

Additions to Agenda/Announcements/Reminders

Russ Cumming said he was pleased with the commencement of milling on Windham Hill Road. Maureen commented on the paving schedule which includes a hiatus in July during which the necessary culverts can be replaced before paving is resumed in August.

Act on minutes: June 17, 2019 Regular Selectboard Meeting

Motion: To accept the minutes of the June 17, 2019 Regular Selectboard Meeting as presented—moved by Maureen—all in favor.

Public Comment

- Mike McLaine provided an update on the cow issue on Popple Dungeon Road. Constable Joe Lamson has continued to receive complaints regarding the cow eating gardens on neighboring properties. Discussion followed on jurisdiction over agricultural animals and creating a nuisance ordinance. Kord noted that Abagale Van Alstyne told Sargent Lakin she would install a fence to confine the cow; to date this has not been done. A two-week deadline was suggested for the fence. Mike will forward relevant email communication to the Selectboard members. Hal agreed to draft a letter to the Van Alstynes regarding the issue.
- Bill Dunkel noted that the Planning Commission will meet on July 2 at 6 p.m. to craft new language for Section 201.5 of the Zoning Regulations to protect resources and specify that any development within the Resource Protection Overlay Areas is conditional. Once the Planning Commission completes its revisions, the proposed Zoning Regulations will be forwarded to the Selectboard for a public hearing.

Discussion followed on whether zoning regulations should address farm animals and who has authority in such matters. Kathy Scott suggested checking with the Department of Agriculture. Bill suggested including it as part of public safety policy. Mike McLaine provided the relevant reference in the law re: cattle, fines, impoundment, etc. Kord agreed to look into it. A suggestion was made to review

nuisance animal ordinances adopted by other towns in anticipation of adopting a similar ordinance in Windham to permit enforcement by the sheriff.

New Business:

Move Selectboard meetings to 5:30 p.m.

Maureen opened discussion on the notion of changing the time for Selectboard meetings from 6:30 to 5:30 p.m. Kathy Scott supported the change citing the possible benefit of avoiding conflict with school events beginning at 7 p.m. Maureen noted the need to amend the Selectboard Rules of Procedure which outlines the time for meetings. Discussion followed on including notification of the change in the next News and Notes publication to inform interested parties.

Motion: To change the time for Selectboard Meetings to 5:30 p.m. effective following the next publication of News and Notes which will include notice of the change, and amend the Selectboard Rules of Procedure accordingly—moved by Kord—all in favor.

Lead found in water at Windham Elementary School – should we test other Town buildings?

Maureen noted an email received from Marcia Clinton, Health Officer, regarding lead found in the water at the Windham Elementary School during a routine water test recently. Additional testing will be conducted. Maureen solicited feedback on the notion of testing other Town buildings such as the Town Office which may share a well with the school. Kord will research whether the School and Town Office share a well. Brief discussion followed on a testing contractor Kord knows and the requirements for testing.

Lowell Lake State Park – support for Londonderry Conservation Commission's stance

Hal reported on plans to renovate buildings at Lowell Lake State Park. The Londonderry Conservation Commission is asking for support of its position. It was agreed that the Windham Conservation Commission would issue a letter supporting the Londonderry Conservation Commission's stance.

Old Business:

Zoning Regulations – letter to homeowners impacted, set SB hearing date for this and Enhanced Energy Plan, August 19, 2019 @ 5:30 p.m.

Maureen noted earlier comments by Bill re: proposed changes to the Zoning Regulations affecting Resource Protection Overlay Areas to be reviewed by the Planning Commission at its July 2 meeting. Once approved, the information will be forwarded to the Selectboard for a public hearing on the proposed Zoning Regulations and Enhanced Energy Plan to be held at 5:30 p.m. on August 19, 2019. Bill also reported that a letter was drafted to notify affected property owners regarding the changes, provide notice of the date and time for the public hearing, and direct individuals to the applicable pages on the Town website. Brief discussion followed on the timing for mailing the letter as well as requirements for posting notices regarding the public hearing in newspapers.

Bill will prepare a more comprehensive summary of the proposed changes and send it to the Selectboard this week. Discussion followed on whether the Windham Planning Commission was required to notify Planning Commissions in adjacent towns regarding the proposed changes. Maureen did not believe it was necessary as

long as a full summary of the proposed changes is made available 15 days prior to the date of the public hearing. Maureen will check on this.

Motion: To set the date and time for the Zoning Regulations and Enhanced Energy Plan Legislative Hearings to be held on August 19, 2019 at 5:30 p.m. just prior to the regular Selectboard meeting—moved by Maureen—all in favor.

Sheriff's contract – have we straightened out the details of coverage? Possible animal control services

Kord looked into discrepancy noted at the last meeting regarding the number of hours of coverage. While the contract provides for 8 hours per month, it also includes a clause re: adjusting the number of hours based on input of the Selectboard. It was agreed to amend the hours of coverage to 10 per month. Kathy Scott noted the cost of law enforcement services for the past year vs. the revenue collected from traffic fines, noting that the amount of revenue from fines for the last two months is not yet available.

Motion: To amend the contract for law enforcement services (7/1/19 – 6/30/20) to provide for 10 hours of coverage monthly, and authorize Kord to sign the contract for return to the Windham County Sheriff's Office—moved by Maureen—all in favor.

Kord noted that the contract also includes a provision for the Town to designate specific persons authorized to request law enforcement services. Absent such notification, requests for service would only be accepted from Town Administration. It was agreed that the individuals authorized to request services would include Selectboard members Kord Scott, Hal Wilkins, and Maureen Bell, as well as Town Clerk Michael McLaine, Constable Joseph Lamson and Road Foreman Richard Paré. (See attached.)

Update, if any, on the Delinquent Tax Sale and associated legal and law enforcement fees

Mike McLaine reported on the Delinquent Tax Sale held on June 26, 2019. Of the 8 properties originally included in the notice, 5 were ultimately included in the tax sale. Owners of the other 3 properties either paid the delinquent taxes or worked out an agreement for payment with the Delinquent Tax Collector prior to the sale. One property was sold to a private individual and 4 were purchased by the Town for the minimum amount due in back taxes. Michael Simonds served as the Town Agent. Each of the 5 property owners has a period of one year in which to redeem the property for the amount paid at the tax sale plus any fees and associated expenses. Of the 4 properties purchased by the Town, 1 is currently occupied and the other 3 are either abandoned or intestate. Two properties have buildings that have been neglected and could become a liability for the Town if it assumes legal ownership following the redemption period in 2020. Mike also noted that one property was subject to a lien by the Citizens Advisory Committee (CAC) of approximately \$6,000 which would be included in the sale price when the Town sells the property. Kathy Scott reported that legal fees represent 10% of the amount owed, and that fees as well as mailing and advertising costs can be recouped by the Town when the properties are sold. Mike reported that Atty. Bob Fisher's office presided over the tax sale, the sheriff was present, and there were no issues.

Update on Community Values Mapping/VT Council on Rural Development (VCRD)

Hal has not had a chance to meet with Carolyn Partridge yet but hopes to do so next week. He will provide an update in the near future. Following discussion at the last meeting, Kord drafted a letter to Paul Costello of VCRD and emailed it to Hal and Maureen, however neither received it. Kord said the letter is a formality and that Paul Costello is aware of the town's interest.

The Meeting House—Committee Update:

Dawn presented each of the Selectboard members with a copy of the Recommendation by the Meeting House Transition Committee. Dawn commented briefly on the diligent efforts of the Transition Committee in developing a thorough and thoughtful recommendation. Ginny Crittenden provided paperwork to the Selectboard and the Treasurer regarding the finances for the remainder of the term agreed to by the Selectboard and the Church. The Selectboard will review the information provided and report back at an upcoming meeting. Russ offered to share the Recommendation electronically with anyone requesting it. Tom Johnson noted that community feedback will be solicited via an article in the next issue of News and Notes.

Roads:

Paving/Culverts update – do we need to keep count of in-kind hours on culverts project?

Maureen reported that culvert replacement has begun and will resume next Monday. Milling is currently underway. Culverts in areas to be paved will take priority due to the paving schedule. As this is not a grant project, the hours Kord and Maureen spent on traffic control last week do not need to be recorded. Kord noted the amount of work to be done and the impact on the bridges and culverts account. The large culvert project on Route 121 is on hold until the balance of the project expense, not covered by grants, can be secured. Maureen noted that Windham Regional Commission has begun work on the road erosion inventory.

Traffic study results

Maureen opened discussion on the results of the traffic study recently conducted by the Windham Regional Commission at six locations in town (5 along Windham Hill Road and 1 on Hitchcock Hill Road). The study collected data on traffic volume, speeds, and types of vehicles (cars, pickup trucks, large trucks, busses, etc.) at each location over a week's time. Additional studies will be conducted in other locations such as Burbee Pond Road and West Windham Road. The report showed traffic speeds on average at or near the posted speed limit with the exception of the school zone in which the speed limit is 25 mph and the average speed was 34 mph. The 85th percentile speed was 42 mph in this area. The report also showed the number of Class 5 trucks (2 axles, 6 tires, single unit vehicles) traveling Windham Hill Road as between 10% - 12% percent. (See attached.)

PACIF Town garage update

Hal has been in touch with Wade regarding necessary forms. Procedural manuals were provided to Richard. There are just two minor items remaining to be addressed at the Town garage and Richard will see to them in the next few weeks. Hal hopes to have all items closed out for the next meeting. Hal credited Bob Kehoe for his continued commitment to the project.

Roadside mowing status

Kord reported on an agreement to have Kurt begin spot mowing with his equipment at a cost of \$60 per hour for operator and equipment. Kurt was able to mow the wild chervil over 2 days last week. A second spot mowing is anticipated to address wild parsnip within the balance of funds available. Kord will follow up with Diane Newton to arrange to have her survey areas with Kurt.

Municipal Roads Grants in Aid Program (MRGP) letter of intent

Maureen noted that the letter of intent to participate in the Municipal Roads Grants-In-Aid Program needed to be signed and returned. This is part of the Road Erosion Inventory and addresses best management practices to bring connected road segments, including hydrologically connected road segments, into compliance. The letter of intent required an anticipated project completion date for planning purposes and Maureen suggested June 30, 2020 (rather than October 31, 2019). The deadline for receipt of the letter of intent is July 3, 2019 and Maureen will submit it electronically. (See attached.)

Road Crew staffing

Maureen noted that the road crew will be reduced to 2 members with Dan's resignation effective next week. A decision was made to re-evaluate the staffing situation and research how other towns handle road crew staffing before rushing to fill the vacancy. Kord has spoken with Richard and there is no urgency to fill the position immediately. Kord commented that Richard and Kurt comprise a constructive team, but the amount of work will likely require a third member before too long. Hal will collect data from comparable towns including factors such as miles of roads, budget amounts, employee numbers/positions, etc. to be reviewed at the next meeting. In response to a question, Maureen noted that Dan is leaving to accept a position on the road crew in Londonderry which is nearer to his home and family.

Highway ordinance/Town-wide speed limit

Hal spoke with Mike McLaine about registering roads with the Department of Motor Vehicles. The DMV doesn't move quickly and we will need to resubmit the information. Brief discussion followed on the data and anomalies in the Windham Regional Commission's traffic study. More information is needed. Kord suggested checking with the Vermont League of Cities and Towns which Maureen agreed to do. Mary inquired about the status of permits for overweight vehicles and Hal responded that road registration with DMV is required before roads can be posted at 24,000 lbs. limit. Any vehicles above the weight limit would then need to obtain an overweight permit and include a valid explanation for the request. Brief discussion followed on enforcement and notification to the GPS centers.

Red truck repair update

Kord reported that the red truck was sent to a specialized subcontractor to inspect the large hydraulic cylinder which was damaged. A heavy-duty plate was also twisted which may have resulted in frame damage. The extent of damage will be determined once the plate is cut out and the frame can be assessed. Repairs are expected to take up to two weeks. Discussion followed on whether to pursue rental of a replacement vehicle during repairs, but it will likely not be necessary as Richard is away this week and the road crew will be reduced to two members next week.

Brief discussion followed on the roof leak at the Town garage salt shed. Asa Goodband was asked to inspect it and provide a quote on repairs.

Kord also noted an issue with the foundation slab under the diesel fuel tank at the garage causing the tank to move with the retention basin. Footings may be required. A suggestion was made to have someone look at the foundation and determine the next course of action.

Correspondence/Payroll/Bills

Correspondence, payroll, and bills were reviewed. Record Concrete submitted a proposal to move the diesel fuel tank temporarily to the salt shed and replace the concrete foundation. Kord will follow-up on this.

Adjournment

Motion: To adjourn the regular Selectboard meeting at 8:25 p.m.—moved by Maureen—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Traffic Count Summary by Windham Regional Commission
- Letter of Intent to Participate in the Municipal Roads Grants-in-Aid Program
- Contract for Law Enforcement Services (7/1/19 – 6/30/20) with Windham County Sheriff's Office