

## MEETING OF THE WESTMINSTER SELECTBOARD

*Tuesday, July 9, 2019*

### Westminster, VT Town Hall

**Members Present:** Susan Harlow (Vice Chair), Toby Young, Kevin Hughes (Clerk) and Craig Allen

K. Sheldon Beebe was absent

**Others Present:** Russell Hodgkins (Town Manager/Zoning Administrator), Chuck (Charles) Lawrence (Road Foreman), Jessa Westclark, Jack Bryar, Rachael Shaw, David Major, Cheryl Charles, Caitlin Adair, Kathy Kingston, Michael Daley, Tatiana Shreiber, Naomi Craig, Millie Barry (clerk) and FACTV

1. **Call to Order:** The meeting was called to order at 6:31 p.m. by Susan Harlow, Vice Chair due to absence of Mr. Beebe
2. **Adjustment to Agenda:** The Town Manager requested to add under New Business, 6D Assessment of late homestead declaration.
3. **Acceptance of Minutes** – June 26, 2019 – Craig Allen motioned to accept the minutes of June 26, 2019 as printed, Kevin Hughes seconded, motion carried.
4. **Communications and Public Comments:**
  - Jack Bryar – Chair, Windham Northeast Unified School District. Mr. Bryar appeared before the Board to make the Board aware of the obligated meeting of the new district July 15, 2019 at 6:00 p.m. to be held at BFUHS. In addition, Mr. Bryar said it was important to attend the meeting and pass the budget (included in board packet) as the District is a new entity with no working capital. Mr. Bryar stated an appeal was filed at the end of June with the VT Supreme Court. Legal counsel for approximately 35 towns will file an appeal now under review and revision on July 17. David Major said the Westminster Town School Board is staying organized against the advice of the State of VT (SOV) to complete the school audit of prior year and monitor the present appeal. Their next meeting is August 6. Craig Allen questioned sending Town tax bills to include monies for the new District. The TM said the rate for the new School District will not be set in time for the tax bill deadline of August 10. Mr. Hodgkins also stated he had received permission from the Agency of Education and legal counsel to level fund the school tax rate at 1.6388. The Board and TM discussed a clear, detailed explanation be included in the tax bill. Mr. Bryar stated he would reply to all questions regarding the new district and funding at 802-843-2735 or [jackbryar@wnesu.com](mailto:jackbryar@wnesu.com).
  - Kathy Kingston – Discussion on financing a beaver deceiver at Wright Way. Ms. Kingston appeared requesting the Board approve funding for beaver deceiver in Westminster West in a location beside the Fire Station. Skip Lyle has agreed to a price of \$2,000.00 for the deceiver as it will be the first purchased by the Town and a pilot to see how it works. The device is guaranteed by Mr. Lyle for 30-40

years according to Kathy Kingston. Ms. Kingston let the Board know Chuck Lawrence had helped, multiple times to clear the culvert when beaver had plugged it instead of trapping/killing beaver. She added the area included a rich habitat for the beaver and believes the beaver would be there for quite a while. Tatiana Schreiber, Chair of the Westminster Conservation Commission said the Westminster West Village wetland area was important to maintain for flood resiliency and steep slopes. Other Town areas with beaver problems are behind Allen Brother's farm stand and Beebe Road. Craig Allen stated once the Town pays and installs the deceiver the Town is responsible to maintain the deceiver. Mr. Lawrence and the Board discussed the condition of the road and silt/mud in the area. Craig Allen motioned to authorize the TM to pursue a contract with Skip Lyle for a beaver deceiver at 'Wright Way' not to exceed \$2,500.00. Kevin Hughes seconded, motion passed.

- In another matter, Naomi Craig, a resident of North Westminster expressed her interest in joining the Conservation Commission. Ms. Craig will submit a letter of interest to the TM.

**5. Unfinished Business – Discussion/Action:**

- A. East Putney Brook Road – Closure. The TM let the Board know the Putney Selectboard has placed cones enabling people to still drive on the road. He recommended Westminster not act until Putney has made a definite decision about the bridge. This item will be tabled indefinitely.
- B. Treasurer's follow-up policies – item tabled
- C. Phase III – Town Hall Renovation – contract discussion Brennan Contracting – Included in the packet was Brennan's proposed contract. The TM encouraged the Board to read for discussion at the August 14 meeting. Craig Allen questioned the use of ½ inch sheet rock in the contract. He believes all commercial buildings are required to have 5/8 inch for sound and fire purposes.
- D. Mandich Lawsuit – update: The TM read from an email received from the law firm of Bragdon, Baron & Kossayda, P.C. stating a judge had denied Mr. Mandich's motion to dismiss and granted a motion for summary judgment. The judge agreed Mandich had breached the contract. A hearing will be held on August 27 to review and decide the amount of the judgment.
- E. Manager's Evaluation: Item tabled to August 14, 2019.
- F. Possible Purchase of Vibratory Roller: Included in packet was a draft agreement with the Town of Rockingham detailing ownership, use, housing, maintenance and insurance of the roller. The two towns will share the cost of the roller at \$42,500.00 each. Monies for Westminster's share will come from the equipment fund. The final contract and purchase will be discussed at the August 14, 2019 meeting.
- G. Year End Surplus – discussion: The TM let the Board know the \$64,000.00 surplus the SOV previously indicated the Town and School District would receive due to an overpayment is in question. The Town has not received adequate information from SOV and there could be an additional \$15,000.00 owed. The TM said budget information, included in the packet has not significantly changed. Also included in

the packet is an email from Jan Ameen questioning Town Hall repairs and using surplus from FY19 before the financial audit is complete. Ms. Ameen wrote in support of Ruggiero Trash Removal, single versus dual stream recycling and higher processing fees incurred. The TM suggested tabling year end surplus discussion until all information is available.

**6. New Business – discussion/action:**

- A. Set FY20 Tax Rate - The Board discussed at length last year's education tax rate of 1.6388 homestead and 1.5800 non-resident, taking into consideration 1.7353 rate in the proposed new School District budget. Craig Allen motioned to set the 2019-2020 tax rate (to include the school funding) at 2.4411 for homestead and 2.2858 rate for non-resident. Toby Young seconded the motion. Mr. Allen amended/adding to the motion to give the TM authorization to amend the tax rate when firm figures are available. The amended motion carried.
- B. Adoption of **NEW** Road and Bridge Standards - The Manager said the new SOV Town, Road and Bridge Standard report is the same in a different format agreed to in the past by the Town. Craig Allen moved to adopt the new SOV Road and Bridge Standards, Toby Young seconded, motion carried.
- C. Contract discussion - Ruggiero: The Manager read from Ruggiero's present three year contract stating in part: the Town will contribute \$50.00 per ton to dispose of the Town's recyclable materials. This amount will not increase for the three year contract. After discussion, Craig Allen moved to change the recyclable tonnage rate to \$75.00 per ton (\$6,432.00 additional funding) to dispose of the Town's recyclable materials, Kevin Hughes seconded, motion carried.
- D. Assessment Fee for Late Homestead Declaration: Toby Young motioned to assess the penalty resulting from the improper filing of a homestead declaration at 1%. Kevin Hughes seconded, motion carried. Ms. Young believes setting the lowest rate possible as people forget or miss-calculate filing.

**7. Manger's Report:**

- 1. Shady Pines - removing Stanley Kissell mobile home. The mobile home belonging to Stanley Kissell (deceased) will not be passed heirs. The Town holds a lien for back taxes of \$564.53. The Town usually loses the amount of lien when the cost to clean up a mobile home site exceeds the amount of lien.
- 2. Bridges - Goldies and East Putney Brook Bridges have been scraped and new coating applied.
- 3. The Town Manager is away from the office from July 10 to July 12.

**8. Boards and Commissions:** Nothing new to report other than a possible new PC member.

**9. Other Business:** Susan Harlow requested the Board discuss at a future meeting Community Home Improvement Fund. The current balance in the fund account is \$200,000.00. This item will be postponed to the August 28 meeting. In another matter, Toby Young mentioned a leak at the Westminster West Town Hall. The TM believes present stain is from ice/snow back up in the winter, there is not a leak. The stain will require painting. Also, Ms. Young said the "Village Thickly Settled" sign had been

located and believes it is appropriate to put the sign back to its past location. The Manager stated the sign was not legal. When the sign is back, the Board will have to vote to put it back in the past location.

**10. Date of Next Meeting - August 14, 2019**

**No Executive Session was needed for this meeting.**

**11. Adjournment:** The meeting was adjourned 8:31 p.m.

---

Clerk

---

Date

Minutes prepared by Millie Barry 7/10/2019