

Meeting of the Westminister Selectboard

Wednesday February 26, 2020

Westminister, VT Town Hall

Members Present: K. Sheldon Beebe (Chair), Susan Harlow (Vice Chair), Kevin Hughes (Clerk), Toby Young and Craig Allen

Others Present: Russell Hodgkins (Town Manager/Zoning Administrator), Cynthia Stoddard, Paul Harlow (Town Treasurer), Alison Bigwood (Town Clerk) Chuck Lawrence (Road Foreman), David Dupuis, Rita Langle, Jason Smith, Fletcher Proctor, Fran Renaud, Millie Barry (recording clerk) and FACTV

- 1. The Meeting was called to order at 6:30 p.m. by Susan Harlow**
- 2. Adjustments to Agenda - None**
- 3. Acceptance of Minutes - February 12, 2020** - Cynthia Stoddard stated she did not agree with the board interpretation of the Town's reserve fund balance policy suggesting there be clarification from legal counsel regarding when adopting a policy, when the Town had to start following the policy. Cynthia clarified the \$550,000.00 she spoke of at the prior meeting was what was on the Town financial statements as of June 30 as FY 19 unreserved fund balance. In another matter, Susan Harlow clarified there was \$190,000.00 of work remaining on the town hall. The minutes of the prior meeting reflected \$90,000.00. Craig Allen motioned to accept the minutes, K. Sheldon Beebe seconded, the motion carried
- 4. Communications and Public Comments - None**
- 5. Unfinished Business (Discussion/Action) -**
 - A. Formal vote - Brennan contract dated July 3 and signed on December 5. - Information in packet - Susan Harlow clarified the Board did not formally vote to approve the contract. Toby Young motioned to approve the contract as presented in the amount of \$235,625.00. Craig Allen seconded, motion carried. The Manager said some of the contract had been paid. Ms. Stoddard hoped there would be more discussion about the fact that the contract was approved by the TM (Town Manager) with no selectboard approval and without discussion of how the contract would be paid without voter approval. The purchasing policy for the Town stated anything over \$10,000.00 must be approved by the Board. TM explained the third phase was put out to bid May 8, mailing 12 letters to contractors. The sole bid was contractor, Matthew Brennan. The contract was revised on 7/3 with a verbal approval on July 9 without a formal approval. In December the contract was signed by the contractor and TM and work went forward. The Manager stated he did not sign the contract without the board approval only that the approval process was not formal or the contract signed by the board. The discussion by participants was lengthy regarding where the money would come from to pay the contract. Ms. Stoddard reiterated the approval of the contract was not approved by the voters at the annual Town Meeting as was discussed at the prior Board meeting. Ms. Stoddard read from the 2019 Town meeting minutes Mr. Ewald's questions regarding the phase III work and appropriating the funds. Paul Harlow suggested rectifying the problem but not stopping construction work as Ms. Stoddard suggested. Ms. Stoddard questioned the \$100,000.00 that the Board requested to go into the capital improvement fund. This request was voted down two years ago and she cannot locate the

funds in the audit/financial reports. Mr. Harlow questioned the plan for the \$550,000.00 surplus. He stated a percentage of these funds would traditionally be returned to tax payers. Jason Smith expressed his concern regarding signing a contract without a firm plan of where the monies were coming from. Fletcher Proctor stated he was not sure, with the present budget and/or without the Board approval of an article and/or a line item to move money into the capital reserve fund it was not possible to get on the warning for the upcoming Town meeting. Mr. Beebe suggested taking the money needed from the surplus as was originally planned. Ms. Stoddard stated the secretary of state suggested options were to begin a lawsuit against the Board or to exercise her right to vote and not approve the entire budget. She suggested the Board consult legal counsel and the Town auditor to figure out a Solution. She also asked for clarification of the fund balance policy. The Board discussed holding a special town meeting to address the issue of spending the money required for phase III of the Brennan contract. The TM stated he consulted legal counsel and polled the Board (individually) re: options. Legal counsel options were to call a special Town meeting or to spend the money, continuing the construction project and 'take the heat' for spending the money. Mr. Beebe motioned to amend the Brennan contract motion, subtracting \$30,000.00 added for IT (information technology) upgrade, subtract \$63,000.00 already spent from the capital improvement fund from \$235,625.00 (original motion) taking balance of funds from the current surplus as originally planned to complete construction on the Town Hall. Craig Allen seconded for discussion purposes. After further discussion, Toby Young amended the motion to seek approval for the motion made (Beebe motion) at a special Town meeting. As Ms. Young's motion was not seconded, she rescinded her motion. Craig Allen amended the motion to approve taking \$67,000.00 as the auditors reported, from capital improvement fund, asking the voters, at a special meeting, for \$190,000.00 to be used for remainder of phase III of the Town Hall construction project. Kevin Hughes seconded. The amendment (Mr. Allen's) was approved with K. Sheldon Beebe voting 'no'. The amended motion (original motion), replacing Mr. Beebe's motion was approved with Mr. Beebe voting 'no'. In answer to TM question of continuing Town hall construction, legal counsel will be contacted and the Manager will discuss issues with Matt Brennan.

- B. Final Budget - discussion - information included in packet - The TM stated if all articles were approved at Town meeting including Butterfield Library and SeVEDS (Southeastern Vermont Economic Development) the increase for FY21 would be 2.5%. Toby Young motioned to return \$100,000.00 of surplus to tax payers. Craig Allen seconded the motion, motion carried.
- C. Town Meeting - final discussion
- Information changes needed for articles - information included in packet
 - Power Point - 4 topics (final adjustments) - Information included in packet - Craig Allen will talk/answer questions on the sand/gravel pit purchase opportunity - Mr. Beebe will answer questions/talk about the Henwood Hill Road project - Craig Allen will answer questions/talk about the North Westminster Community House and Kevin Hughes will talk about the budget and rate
 - Other Proper Business - Mr. Hodgkins will present information re: Robo call system. Susan Harlow information on assisted living/senior housing, Mr. Hodgkins Broad band, Craig Allen NWCH (North Westminster Community House)

6. New Business - discussion/action

- A. Conservation Commission - payment request - Toby Young motioned to pay conservation commission invoice for expenses related to 2018 Watershed Grant Flood Resiliency Project in amount \$146.51, Craig Allen seconded, motion carried

7. Manager's Report -

- 1. Town Hall - construction update - this item was discussed earlier in the meeting
- 2/3. Assisted Living/Senior Housing update - There will be survey at Town meeting
- 4. Broad Band survey - available at Town Meeting everyone requested to complete. 30% of residents are required to respond to be included in Windham county feasibility study.

- 8. Boards and Commissions** - K. Sheldon Beebe motioned to accept the petition from Naomi Craig to join the Westminster Conservation Commission. Craig Allen seconded, motion carried.
- 9. Other Business** - Rita Langle questioned the Manager regarding his duties as the animal control officer. She said one cat taken from her property to the humane society was chipped, she requested the remaining cats be trapped and transported to the humane society.
- 10. Date of Next Meeting - March 11, 2020** - The TM will warn a meeting of the Board 9:45 a.m. February 29, 2020 before the regular Town Meeting.
- 11. Adjournment - Toby Young motioned to adjourn, Craig Allen seconded, meeting adjourned at 8:20 p.m.**

Clerk

Date