

WESTMINSTER, VT SELECTBOARD MEETING

Wednesday, April 27, 2022

In Person at Westminster Town Hall and remote via FACT TV

Selectboard Present: Jason Perry (Chair), Kevin Hughes (Vice Chair), Katrina Hamilton (Clerk) and Craig Allen

Staff Present: Pauline Blake (Town Clerk), Alison Bigwood (Interim Zoning Administrator/Interim Town Manager), Chuck Lawrence (Road Foreman), Cassandra Pedigo (Interim Treasurer), Millie Barry (Clerk)

Others Present: Cole Streeter, David Major, Molly Banik, Paul Banik, Brendan Pedigo and 1 person for FACT TV - by remote: Michelle Gallagher and Alice Caggiano

- 1. Call to Order:** The Chair called the meeting to order at 6:30 p.m.

Information to access a future meeting remotely is available on the FACT TV Facebook page, the Town of Westminster website or by contacting the Westminster Town Hall

- 2. Adjustments to Agenda:** None

- 3. Acceptance of Minutes:** April 13, 2022 and April 19, 2022 - Craig Allen motioned to accept the minutes of April 13, 2022 as printed. Katrina Hamilton seconded motion, motion carried 4-0 voice vote. Mr. Allen motioned to accept the minutes of April 19, 2022 as printed, Ms. Hamilton seconded, motion carried 4-0 by voice vote

- 4. Communications and Public Comments:** Cassandra Pedigo said she was friends with a neighbor adjacent to the former Westminster motel and noted the six foot barricade fence being put up. The neighbor believes according to property lines, the fence is two feet off his property. She added the fence went up in the absence of a zoning administrator. Mr. Perry said the Board was aware of the issue and believed it was a Development Review Board (DRB) matter. Alison Bigwood added the owner had submitted a permit for the fence 4/27/2022. Prior to the meeting, she sent a letter stating the former zoning administrator had given the owner permission to put up a sample of the fence he wanted to erect. Chris Potter (copied on the letter) requested Ms. Bigwood send a certified letter stating further work on the fence was tabled for the time being, what was there was okay for now until the DRB could meet. Ms. Bigwood said she would visit the property. Mr. Allen said if the owner did not stop putting up fence, the Board could issue a cease and desist order to be served/enforced by the sheriff's department. Mr. Perry added he had visited the property, noted three pins in the ground and did not believe the pins were over

The property line. He added there was a process to follow and the Board would continue with the process.

In another matter, Cole Streeter said it was **not** correct if a road was very muddy emergency personnel could not access a property. The fire department would get to someone's property in the case of an emergency no matter the road condition. The road foreman communicates with emergency personnel regarding poor road conditions and if a loader or skidder was required they would utilize whatever equipment was needed in an emergency situation.

5. Unfinished Business (Discussion/Action) -

A. Conflict of Interest Policy - update from 2010. (Policy included in packet) - Kevin Hughes said the last time all members of the Selectboard had signed the policy was 2010. Mr. Hughes asked to revisit the document after a reasonable amount of time to review the policy and gain input from the community. Mr. Hughes read Article 2 of the policy and continued to Article 5 regarding disclosures and how these were made. He believed there was a loophole, limiting the disclosure requirement for a person sitting on a Board. In reality, if a person sits on a Board, anyone was obligated to point out something not appropriate another person was doing if they knew about it. A person cannot take off a public office 'hat', changing the 'hat' to a citizen to nullify the conflict of interest. The conflict still exists no matter a citizen or public officer. He recommended taking a close look at the policy, for the elected Board members to sign the policy (when they joined the Board) to act in the best interest of the Town and to ask anyone with a possible conflict to disclose the conflict be it an individual or group. The Board agreed to have legal council review the policy, to send to those in attendance at the meeting and review in a month. Mr. Hughes added he found it strange professional services were not included in the policy to be bid but bidding for contractors was in the policy. Mr. Allen said in the past there was a policy committee and that financial gain was critical. Cassandra Pedigo noted if job/service contracts were not advertised, small businesses were not being given the opportunity to bid. Molly Banik added any board member had to be careful regarding any possible financial gain from being part of a board and sometimes in small towns this was not taken seriously enough. Mr. Allen added updates were needed from VLCT (Vermont League of Cities and Towns) and State of VT on procedures for email bids and designated persons receiving bids. He added due to equipment availability/shortages, it was important to figure how to verify competitive prices/bids. Mr. Lawrence noted he spent a considerable amount of time meeting the procurement policy guidelines.

B. Chart of Compatible Offices - discussion - Tabled

C. List of Appointments - Mr. Hughes said due to the appointment of a temporary/interim Town Manager/Zoning Administrator he believed the ad hoc

committee formed to discuss duties of a temporary financial administrator could be disbanded until a committee was required again. After discussion, the Board agreed to research duties of a Sign Control Administrator, advertising the Windham Regional Planning Commissioner position and Health Officer duties and responsibilities. The Chair confirmed Mr. Streeter was not interested in the Health Officer position as part of Emergency Management. Paul Banik said he would be tentatively interested in the Health Officer position depending on duties and responsibilities. Ms. Bigwood will contact Chris Potter regarding responsibility of the Cemetery Commissioner. David Major suggested a list of positions be available or noted for residents at Town Meeting.

D. Appointment of Interim Treasurer - Process - Mr. Hughes said at the time he was the Chair of the Board when Paul Harlow resigned as treasurer and it was the Board's statutory requirement to appoint an interim Town Treasurer. In a series of events, the Town Manager, the banker, a member of NEMRC (New England Municipal Resource Center) and a member of the board had assumed the process of the role. Mr. Hughes was not aware of this. At the time, he believed the Board was not in compliance with their legal responsibility and was required to appoint an interim treasurer. In the interim (at a Selectboard meeting) he asked if anyone was willing to accept the role and Cassandra Pedigo agreed to assume the role. Though the Board limited the appointment to two weeks, they did not have the authority to limit the term only to make the appointment interim/temporary. After the meeting, the Town Manager and a selectboard member resigned. He noted the last legal day of the former manager's employment was April 12. Ms. Pedigo said from her research with the SOS (Secretary of State) the board had the authority to appoint and unappoint a treasurer for any reason. The Board is not allowed to dictate/define the role of the position. Her understanding (after she agreed to take on the position), was she was legally responsible for any wrong doing while serving as treasurer. She was frustrated by the lack of information provided by the former Town Manager requesting more clearly defined roles and responsibilities of the position. Mr. Hughes said as the Chair at the time, he took full responsibility for not being aware the former treasurer was resigning and about the events that happened at the Town Hall with four people on the day in question. He said these things were his responsibility and he was sorry. He believed the Town was moving into a new future and to rectify the situation was agreeable to everyone. Mr. Allen noted he was signing checks but did not know what a token was and the person signing checks should not be a Selectboard member.

Mr. Major believed the situation was being taken too seriously, the town treasurers he knew were not financial people, the position was more a citizen 'look out'. He believed the Selectboard should appoint a willing person to look at monies going in and out, an honest person that cares about the Town. Ms. Pedigo noted in a letter to the Board, she had made an appointment of Pauline O'Brien as assistant treasurer and this was not honored. Pauline O'Brien said in a conversation with the former

town manager she had agreed to be the Treasurer until March 2023, before Ms. Pedigo was appointed. Mr. Allen acknowledged the former manager told him know Ms. O'Brien was agreeable to the position until the next election and added at that time, the Board could not act without a formal letter from Ms. O'Brien. Other Board members apologized as they had no knowledge Ms. O'Brien had agreed to the Town Treasurer position. Ms. O'Brien confirmed she did not accept the assistant treasurer position. Mr. Allen suggested asking present Town Hall staff their thoughts and to honor their opinion and discuss the position/responsibilities at the next meeting. It was important the Selectboard make the correct decision as the treasurer, clerk etc. all worked together so that from now to March everyone could cooperate and get along. Paul Banik said tabling the decision delayed the decision further. In answer to the Chair question, Ms. Pedigo said she felt the Board wanted her to assume the treasurer responsibility without telling her what the responsibilities were. Mr. Hughes said it was important to start over to be sure State of VT rules/statutes were followed. He said he had apologized for his part in that day, the Board was working toward best practices, working together effectively and efficiently. He said policies were not followed on a particular day and wanted to be sure this did not happen again. Katrina Hamilton said her information from VLCT (Vermont League of Cities and Towns) was that the Board had appointed Ms. Pedigo, she was the treasurer until the next election in March 2023. Ms. Hamilton moved to support the appointment of interim Town Treasurer Cassandra Pedigo until the election in March 2023. Mr. Hughes seconded the motion, the motion carried 4-0 by voice vote.

E. Town Meeting Discussion. (Warning included in packet) - David Major (moderator) and the Board reviewed the warning for the Annual Meeting April 30, 2022 discussing Board members moving specific articles. Mr. Banik questioned Mr. Major regarding removing an article from the warning. Mr. Major said an article could be amended, tabled etc. after being moved.

6. New Business: (Discussion/Action) -

A. Vermont DEC (Department of Environmental Conservation) Wetlands Program - Grant Permission - Information included in packet - The Board reviewed a communication from Charlie Hohn requesting to conduct a survey/ecological inventory of two wetland areas in Westminster, one in the town forest northeast of East Putney Brook and a beaver wetlands parcel adjacent to the Fire District #3 station near Wright Way. The Board agreed they would like more information regarding the request. This request is tabled for the present time.

B. Cemetery Deed - Mr. Hughes motioned to adopt the deed for Matthew C. and Carol L. White, section E row 2, grave 65 in Westminster New Cemetery. Mr. Allen

seconded, motion carried 4-0 voice vote.

- C. Executive Session - Mr. Hughes motioned to move to executive session after ‘other business’ on the agenda to discuss a contractual matter. Ms. Hamilton seconded, motion carried 4-0 voice vote.

7. Boards and Commissions:

Mr. Banik read a letter from James Matteau congratulating Ms. Bigwood on her work resolving ARPA (American Rescue Plan Act) accounts. Mr. Banik confirmed Mr. Matteau was the back bone of the committee. He continued the meetings were not well attended by committee members and hoped members could communicate regarding meetings. The 4/26/22 meeting was canceled due to a power outage and the next meeting will be mid-May, to be determined. A suggestion (by a resident) was been made to upgrade the Morse Brook swimming pool. Mr. Allen said the pool was privately owned by the recreation committee. A second suggestion is to use monies toward a new Town Garage facility. Mr. Banik said the guidelines state any expenditure the Town would normally make in any given year is acceptable.

- 8. Other Business:** Ms. Bigwood noted it was important to locate the second Town banking token issued by Mascoma Bank and to resolve, in the near future, those on the Town bank accounts. Mr. Allen confirmed he had signed paperwork at Mascoma Bank but was not given a token.

In another matter, Ms. Bigwood said she had received grant paperwork requiring a signature by the Planning Commission. She will bring the information to the next meeting.

In another matter, the Chair noted a welcome packet for new residents/visitors to the Town containing Town information put together by Pauline O’Brien.

9. Date of Next Meeting: May 11, 2022

The Board moved to executive session at 8:11 p.m. and returned to regular session at 9:36 p.m. There was no action taken. Mr. Hughes motion to adjourn, Ms. Hamilton seconded, meeting adjourned by 4-0 voice vote.

Clerk

Date