

Westminster Selectboard Meeting

Wednesday, June 8, 2022

Westminster, VT Town Hall and remote through FACT TV

Selectboard present: Jason Perry (chair), Kevin Hughes (vice chair), Katrina Hamilton (clerk) and Craig Allen

Staff Present: Alison Bigwood (Interim Town Manager/Zoning Administrator), Charles (Chuck) Lawrence (Road Foreman), and by zoom Pauline O'Brien (Town Clerk)

Others Present: Paul Banik, Molly Banik, Jim Matteau, Jim Lober, Phil Savoy, Buck Adams, Lucas Decamp, Jim Comtois, Chris Potter and 1 person from FACT TV by zoom, Alice Caggiano

1. **Call to Order:** The Chair called the meeting to order at 6:34 pm
Information to access a future meeting using a remote connection is available on the FACT TV Facebook page, the Town of Westminster website or by contacting the Westminster Town Hall.
2. **Adjustments to Agenda:** The Chair added under new business, E. Line of Credit Closure.
3. **Acceptance of Minutes:** May 25, 2022 – Craig Allen moved to accept the minutes as printed, Kevin Hughes seconded, motion carried by 4-0 voice vote.
4. **Communications and Public Comments:** None
5. **Unfinished Business:**
 - a. **Conflict of Interest Policy** – adjustments if any and accept – Mr. Hughes informed the board that he has sent the policy to a lengthy list of people who had shown interest in discussing the policy. He has received 2 proposals; to extend the policy to all employees and contracted workers, not just Selectboard members and that the policy should also include a section regarding the use of duress and creating a hostile work environment. They are working on the language of these proposals and he requested more time to complete this. Craig Allen would like to further discuss Article 6 #2 of the policy as the Selectboard has never had a member leave the room when they have recused themselves from a proceeding. The chair agreed to table this item to a future meeting.
 - b. **Cemetery Wall** – pursue further or hold off – Information included in packet included a quote from Weed Precast for block and material. Chuck Lawrence has spoken with a mason about repairing the existing wall. Chris Potter stated that a request could be made to the ARPA committee for this project. Mr. Potter and the Chair agreed that a public forum should be held to gather people's opinions and to discuss repair options of the wall. Mr. Potter will try to gather the needed information prior to the next selectboard meeting and it was suggested that the next meeting be held at the Cemetery. This item is tabled until a future meeting.
 - c. **Employee Raises** – Mr. Lawrence stated that they have budgeted for raises for fiscal year 2023 and they are all set moving forward at this time. Pauline O'Brien had emailed information to the Selectboard from the State regarding municipal employee wages and their department is also in agreement with what has been budgeted and voted on for 2023. The Chair asked if the listers had been notified regarding this discussion. Alison Bigwood stated that she had received communication from them and that they were all in agreement as well with what had been budgeted for 2023.

6. New Business (Discussion / Action)

- a. **Highway Garage Discussion** – The highway garage building group was informed at Town Meeting that a Special Town Meeting was needed in order to move forward with this process. The other members of the building group present are all professionals in their fields and agree that the building should not be fixed because of the costs associated with repairing the building versus purchasing a new one. Paul Banik stated that the building was 60 years old, had no insulation, the roof leaks, employees are required to come in on weekends and keep the wood boiler going, there is not enough room for the employees to meet and train as a group and that equipment cannot be parked inside the building. A new building could be built on town land at the existing highway department site. The old building could be left standing and used for dry storage for other equipment. Lucas Decamp stated that the bathroom needed attention and was not ADA compliant. There were also issues with the water. Craig Allen recommended waiting until March because the tax rate is already set for this year. He did not feel that we needed voter approval at this time, the group needed approval of the selectboard with concrete numbers to provide a cost to the voters. Molly Banik stated the statute regarding special meetings and expressed that a special meeting gives shows that the town is committed to this project moving forward and that contractors and those working on moving this project forward are not wasting their time. Jim Comtois stated that the fire alarm system was out of date and he would be unable to repair it if it failed as the parts for this system are no longer available. He estimated that it would cost over 10,000 for replacement at this time. There are no strobes or smoke detectors in the break room, the heat detectors are 40 years old. His estimate of 10,000 for replacing the fire alarm does not include the burglar alarm system which is already failing. Phil Savoy stated that a metal building would be most economical for the size that was being proposed but that prices are changing all the time. Mr. Decamp asked how they could get approval for a special town meeting to address this issue and keep the project moving forward. Mr. Hughes is in support of the building project but financing is a concern at this time. Mr. Hughes and Mr. Lawrence have researched and discussed using a bond for funding but that hard numbers would be needed for funding purposes. Mr. Hughes requested more information in writing regarding what the project would look like and why it is needed and numbers for budgeting purposes. Mr. Decamp asked if an architect was needed to draw plans as we have plans from the Town of Grafton's Highway garage that was built recently and that an architect would cost a significant amount of money. The plans that are available for our use would cost over 100,000. Mrs. Banik stated that the group would need money for an architect. Mr Hughes stated that no special meeting is needed to authorize funds for exploratory purposes with regard to this project. Craig Allen stated that the group needs to get cost information to present to voters. The Chair stated that a general contractor was needed, not an architect at this time since there are already plans that the department feels is appropriate for the towns needs. Buck Adams asked the board if rough budget numbers would be appropriate for the town from professionals in their field, not necessarily from a general contractor. Mr Hughes confirmed that a rough budget proposal is sufficient at this time. The Chair requested the proposal in writing including the drawings and

budget. Mr. Lawrence stated that he had approximately 12,000 in the budget that could be used for exploratory expenses for this project. Mr. Hughes also requested a list of deficiencies with the building and the value of the equipment that needs to be protected. Mr. Adams stated that it sounded as if the selectboard wanted a presentation with supporting documentation. Mr. Perry confirmed this statement and that this is the information needed in order to move forward. Jim Lober said that the electrical was not adequate for the current needs of the highway department and will not meet their future needs at all. It is also not up to state code and will cost a lot of money to just get the system up to code but that being up to code still will not make the electrical system in the building be what the department needs it to be. The welder currently cannot be run without the lights dimming. The electrical system is not something that can really be fixed, it needs to be completely re-done. It would cost 10's of 1,000's of dollars and still not be appropriate for their needs. Cost analysis favors the building of a new building. Paul Banik stated that there are also ARPA funds available that could be used for a portion of this project if needed. This item was tabled for a future meeting.

- b. **Annual Review Discussion** – Review of the Towns current accounts. Mr. Hughes requested that this item be tabled until a future meeting.
- c. **Town Managers Report** – Ms. Bigwood has a meeting with Jim Matteau regarding the village ARPA funds on 6/14 via zoom. She and Kelly Thayer are working on processing trash tags and they should be mailed out by the end of June. Ms. Bigwood had also emailed the Windham Regional Commission's Hazard Mitigation Plan to the highway department and the selectboard for review. Mr. Lawrence had responded via email to Margot Ghia regarding some spelling corrections and updating the emergency managers information to Ben Masure. Ms. Bigwood also has a meeting on Friday regarding the Route 121 Bridge work update.
- d. **Executive Session** – The Chair noted that an executive session was not needed at this time.
- e. **Line of Credit Closure** – Mr Hughes noted during the discussion related to the storm damage from 7/26/21 that the volunteers from the Westminster Fire Department were frozen out from reimbursement from FEMA and this issue should be addressed in the future. Mr Perry stated that there had been previous discussion regarding keeping the line of credit open that was obtained in response to the storm damage on July 29, 2021. Mr Perry stated that the selectboard members were signors as individuals on this note and that it should be closed and, if needed in the future, the town can open another line of credit. The protocol for the line of credit was reiterated, that the loan was acquired due to storm damage from July 29, 2021. At a Special Meeting of the Selectboard on 7/30/2021 as noted in the minutes, that the AOT had declared areas of Windham County a disaster and invoked section 306 and authorized the Town Manager, Russell Hodgkins to use funds from the budget to effectuate any purchases necessary for public safety and to restore roads damaged and to report back within the best of his ability what the scope of the cost would be (Exhibit 1). At a special meeting of the selectboard on 8/2/21 it was approximated that 500,000 would be needed, above and beyond the 200,000 that was already available. A bidding process with the banks began as noted in

the minutes from this meeting (Exhibit 2). As a results of the bidding process, rates were obtained from Savings Bank of Walpole, Mascoma Bank and Community Bank (Exhibit 3). When VLCT was contacted about taking out a loan without voter approval the response from Garrett Baxter, the senior staff attorney, it is permissible to borrow in anticipation of the sale of bonds as long as the term is one year or less (Exhibit 4). The details of the damage and project information submitted to FEMA for reimbursement is included in Exhibit 5. Town attorney Lawrence Slason's opinion on the Line of credit note is evidenced in Exhibit 6 which states that the selectboard was acting within Vermont law when acquiring the note. The financing proposal from Mascoma Bank stated a fixed rate of 1% to be repaid in 12 months (exhibit 7). It states that this is not an open loan, it is a term loan of 1 year. It is due to be repaid on 8-13-22. We may prepay the loan per the promissory note received from Mascoma Bank (Exhibit 8). Mr Slason was contacted regarding the liability of selectboard members with regard to the loan as the individuals are all signors on the loan. The board can be held liable if it is not paid off on 8/13/22 (Exhibit 9). Lastly, the flood Loan Disbursement Authorization from Mascoma Bank (Exhibit 10) and line of credit balance as of June 8, 2022 (Exhibit 11). FEMA funds are to be used to pay off the loan. We have received FEMA funds to cover the balance of the loan. Craig Allen made a motion to authorize the Town Manager to pay off the line of credit and to close the line of credit at Mascoma Bank using FEMA reimbursement funds. Mr. Hughes seconded. Motion carried, 4-0 voice vote.

7. Boards Committees and Commissions – None

8. **Other Business** – Jim Comtois asked if the recycling program is a town or state run program. Ms. Bigwood stated that recycling is a state requirement but that the program is contracted and overseen by the town. He is on his 3rd recycling barrel due to container abuse by employees of the recycling contractor. He requests that the Selectboard authorize Ms. Bigwood to deal with issues regarding the recycling program. Ms. Bigwood will contact the recycling contractor to discuss concerns.

In another matter: Paul Banik would like the board to reconsider its position of not appointing a person to fill the open Selectboard seat at this time. Chris Potter agreed with Mr. Banik, especially since we had people who were interested in filling the seat and reiterated that it would just be a temporary appointment under Vermont statute. Mr. Banik stated that the Selectboard had requested letters of interest but then did not take action. Mr. Perry responded that there was discussion regarding appointing someone to the open seat versus letting the voters decide and that the Selectboard was required to post notification about the open seat and request letters of interest but that the Selectboard is not required to take action on those letters of interest.

9. Date of Next Meeting – June 22, 2022

10. **Adjournment:** Kevin Hughes made a motion to adjourn at Craig Allen seconded, the motion passed by voice vote 4-0 and the meeting adjourned at 8:20 pm.