

Meeting of the Westminster Selectboard

Wednesday, April 26, 2023

Westminster, VT Town Hall

Selectboard present: Katrina Hamilton (chair), Stephen Major (vice chair), Dan Crocker (clerk), Jason Perry and Kevin Hughes

Others Present: Yvette Hendler, Chuck Lawrence (road foreman), Eliot Morse, Jim Comtois, Trevor Whipple (VLCT Law Enforcement Consultant), Franklin Austin (Green Mountain Power Representative)

Call to Order: The Chair called the meeting to order at 6:30 pm

- **Adjustments to Agenda:** None
- **Acceptance of Minutes:** Stephen Major made a motion to accept the minutes of the April 12, 2023 meeting of the Westminster Selectboard, Dan Crocker seconded, motion passed 4-0, Ms. Hamilton abstained as she composed the minutes.
- **Communications and Public Comments:** None
- **Unfinished Business:**

Law Enforcement Discussion: Trevor Whipple, the law enforcement consultant with VLCT, discussed policing options and ideas. He stated that municipalities can, by law, contract with other communities. They will agree to provide a certain degree of service, the town could enter into an agreement to formulate a regional police force, Hinseburg and Richmond are talking about it but otherwise has not been formed in Vermont yet, the default could be a constable. What can we do with a constable? Ms. Hamilton believed that Westminster's constable is appointed not elected. Westminster has not had a constable in almost 20 years per Mr. Major. Mr. Whipple stated that every town should have a constable regardless of their ultimate role because the constable is by default the tax collector if there is no tax collector. If the community has not voted to remove law enforcement authority from the constable, this is a one time vote that would have been done, then the option exists for them to become certified as a law enforcement officer. It would be synonymous with having a one person police force. Because it is a high risk task, there is a legal requirement to adopt at least 6 policies regarding policing but VLCT would recommend the adoption of more, there are 78 potentially policies available to adopt. If a police officer from another town wishes to be the constable for Westminster, the town would need to send a form to the police academy to register, the town clerk would perform this duty. Additional insurance costs are approximately around \$2000 per person per year in addition to your regular workmens compensation insurance. Constabularies have been established within the state, particularly in the Mad River Valley, previously officers, that have been effective. The "back up" available for a constable is typically an informal mutual aid, which could work both ways however constables only have authority in the town they are appointed whereas an officer has authority throughout the state. The Town Manager, Selectboard or whomever oversees personell would oversee the officer or constable. Mr. Crocker

asked if Mr. Whipple knew what other towns paid the constable. Mr. Whipple did not know. Who would be providing dispatch services for a constable? Mr. Major asked if there was any benefit to having the state police office in Westminster. It was unknown if there is or was any agreement made with the state police when they moved to Westminster. In order to form a larger police force the citizens should vote to do so at town meeting. Police departments are a large portion of the town budget, roughly 70% of the budget. You can have a fulltime constable with law enforcement authority and authorize the title of Chief of Police and register with the Vermont Police Academy. This does not cost any more in terms of insurance through VLCT because it is based upon the number of personnel. Mr. Lawrence suggested that it might be a good idea to have multiple towns participate so that if someone goes on vacation or needs help that there are other options available. Mr. Lawrence also asked if the town would receive more funds from fines if the town had their own officer or constable instead of contracting with the sherrif. Mr. Whipple said that there was no difference in how much the town would receive, it depends more on which road the ticket was written on. If it's a town road the money comes to Westminster, if the tickets are written on Route 5 then the money goes to the state. Westminster could establish a relationship with Rockingham and Putney and also contract with the sherriff for some services as well. Multiple communities can create a regionalized community police force but that requires a town vote and takes a couple of years to put that together. Constables could do VIN checks etc and the town could set fees for this service. The bulk of complaints received from the town are speeding. Mr. Lawrence also said that the town posts the roads but there is no way to enforce the posting. The town, or multiple towns could purchase scales to work to enforce the road posting signs. Certainly, the tickets can be contested which takes up time being spent in court. What does the town want the constable to be doing? If they pull someone over and end up needing to make an arrest; where do they take this person? Where do they store the evidence? Could this be done by a neighboring community, the sherrif or the state police? Ms. Hamilton will check in with the State Police regarding if there is an agreement between the town and VSP, how and if they would be willing to work with us if we established a constable? Would they be willing to dispatch for us in lieu of taxes? Ms. Hamilton will also reach out to the sherriff department. Mr. Perry will reach out to the Town of Rockingham regarding services. Mr. Lawrence said that the highway department could help maintain the police cruiser if the board decided to go that route and also maintain and store a speed cart as well. Mr. Crocker will reach out to the town of Putney as well. Ms. Hamilton asked if there was an existing description for a constable? Does the town have a minimum requirement? Mr. Whipple advised that there should be a job description for the constable or officer (as for any employee) to provide some supervisory guidance and that a background check should be performed before hiring. VLCT has a basic job description for a constable that could be shared with the town. If neighboring towns have appointed constables the constables can go beyond town limits if there is an inter-town agreement. An officer would also allow the town to use Walpole to provide services whereas the use of a constable could not. Franklin Austin from Green Mountain Power asked if there any grants available through homeland security for equipment or static deterrents? Could a

camera be placed on a utility pole for surveillance purposes? Some funding is available per Mr. Whipple and will send some information regarding funding available.

- **New Business:**

- **Green Mountain Power Reconstruction Project** – Franklin Austin from Green Mountain Power, the proposed project for 2023 is to replace the existing lines on Back Westminster Road and along Route 121 to the Saxtons River transfer station, with taller poles and stronger lines that are more tree resistant and will decrease the number of power outages. It would eliminate the current cross arm construction on the poles. The intent is to continue this up through the transfer station in Grafton. Mr. Hughes asked if there were any conflicts that may arise between property owners, the state or town as the project progresses. Mr. Austin does not foresee any, the property owners have already been notified of GMP's intent. Mr. Major asked if the older poles could be removed. The older poles can not be removed until Consolidated Communications or Comcast moves their lines. GMP does not have authority to moves their lines and can not exert any authority over them. Mr. Hughes made a motion to approve Green Mountain Powers reconstruction project #188364 along back Westminster road and route 121 as submitted. Ms Hamilton amended the motion to include the authorization that Consolidated Communications of Vermont be authorized to use the same rights to install telephone cables in the same locations. Stephen Major seconded. Motion passed 4-0, Mr. Perry abstained due to possible conflict of interest with regard to subcontracting for Green Mountain Power.
- **Right of Way Work Application/ Permit** – Ms. Hamilton stated that statutorily we are required to have this permit on file. Mr. Perry expressed concern regarding wording in section 4 with work that is performed on the service with the addition of utility pole and eliminate grading, cutting brush, laying gravel and plowing. Ms. Hamilton said that there were requirements statutorily as to what should be included in the permit and we may be limited as to what can be eliminated from the permit per 19 V.S.A 1111. Mr. Perry had concern regarding work on existing driveway. Mr. Crocker suggested that if owners are maintaining an existing driveway that a permit is not needed but if changes were going to be made that a permit should be required. Mr. Lawrence suggested changing the wording but not eliminate the surface work from the permit if possible because changing grade by adding gravel and grading during maintenance would be possible. Mr. Major suggested amending the permit as follows to include the following under section 4: to include excavation, changing grade, changing dimensions, install culverts, installing pipes, installing wires / conduit underground, filling or grading land adjacent to highway, diver flow of water, build a permanent fence, utilize for required parking, utility poles and remove from section 4 the following: grading, cutting brush, cutting trees, laying gravel, resurgacing driveway, winter plowing. Mr. Crocker made a motion to adopt and accept the permit with the above amendments, Mr Hughes seconded, motion passed unanimously.

- **Highway Department Annual Financial Plan Approval** – The selectboard signed the highway department annual financial plan to forward to the state in order to receive state funding. Mr Perry made a motion to approve and sign the annual financial plan as presented. Mr. Hughes seconded, motion passed unananimously.
- **Highway Department Graven and Sand Purchase Discussion** – Ms. Hamilton emailed Chip Stearns regarding the FEMA fund. The FEMA fund is not actually an established fund, it is simply a reimbursement for services and expenses already incurred during the 2021 storm. Mr. Perry and Mr. Crocker received different information from Mr. Stearns. Ms. Hamilton stated that the loan for the 2021 storm has been paid off but that the original funds provided by the town to start the recovery from the storm originated from the highway department budget in the amount of \$200,000 and the contingency fund in the the amount of \$150,000 and that those budgets have not been repaid. Mr. Perry made a motion to move \$200,000 from the FEMA reimbursements to the highway departments for material for the maintenance and improvement of all roads. Mr. Lawrence stated that he is planning to use some of this money to replace the catch basins in Gageville in preparation for repaving Route 121 next year while the bridge is closed and traffic is minimal. Mr. Major seconded, motion passed unanimously. Mr. Lawrence requested creating a line item to track the costs associated with this project.
- **ARPA proposals:** - Mr. Banik, chair of the ARPA committee was not able to attend the meeting. There were 3 proposals that were submitted to ARPA for approval; the security cameras for town hall, the propane heating system for the highway garage and contracting with Municipal Resources Inc, for hiring and recruitment services for a Town Manager and Finance Director. Mr. Banik wrote the following to the selectboard: the ARPA committee unanimously decided to not score all 3 projects with the understanding that all 3 projects are already in play and the selectboard has sole authority to spend or grant ARPA funds which are housed in the generak fund. This does not mean that the committee disagrees with any of the projects or funding. Ms. Hamilton stated that since the seletcboard has previously made motions to start theses projects that we simply need motion for all 3 projects to utilize ARPA funds to complete these projects. On another note Ms. Hamilton received notification from Alison Bigwood that all ARPA reporting has been submitted as required for the previous year.

Town Hall security cameras- Mr Major made a motion to approve use of ARPA funds for countryside lock and alarm to install security cameras at the town office will expenses not to exceed \$6500 . Mr Hughes seconded, motion passed 4-0, Mr. Perry abstained as he presented the proposal to ARPA.

Highway Department heating system – Mr. Major made a motion to apporve use of ARPA funds to purchase and install a new propane heating system from Decamp Plumbing and Heating, not to exceed \$39,000. Mr Hughes seconded, motion passed 4-0, Mr Perry abstained as he presented the proposal to ARPA.

Town Manager / Financial Director hiring committee request for funding – Mr. Hughes made a motion to approve the use of ARPA funds to contract with MRI for recruitment services that may include background checks, advertising, collection and review of resumes, initial interviews and contact of references. Mr. Perry seconded, motion passed 4-0, Ms. Hamilton abstained as she presented the proposal to ARPA.

- **Road Foreman's report** – Mr. Lawrence reported to the board that clean up is still in process from the last storm. There have been complaints of speeding on School St. Mr Lawrence has ordered some school zone signs and he has spoken with Bellows Falls and when they start painting their roadways this season they will come to Westminster and paint school zone indicators on the roadway for Westminster in front of the school in Westminster West and on School street. Mr. Lawrence confirmed with the state that they will be bringing their speed cart either later this week or next and they will start by setting it up at the north end of town on route 5 facing southbound traffic. The states speed cart can only be set up on a state road. They will move it to the other end of town after a few days.
- **Board Committees and Commissions:** None
- **Other Business:** Ms. Hamilton reported that the managers search committee reports that there have been 5 resumes received and that the committee will be meeting again tomorrow morning at 9.

On another note -Jim Comtois said that there is misuse of the Northwest Community Hall. The neighboring houses are parking their vehicles there, a boat and other items. Mr. Lawrence said that a previous selectboard member had given them permission. Mr. Hughes noted that that decision was made by an individual and not the entire board. Mr. Perry asked if a no parking sign were available to be placed there if needed. Mr. Perry will coordinate with Ms. Bigwood regarding contacting the offending parties and have them discontinue their misuse of the Northwest Community Hall parking area.

Storage trailer – Mr. Perry is going to be emptying out the storage trailer that is at the post office next week and will be placing some trash in the dumpster at the town garage. Mr. Lawrence reported that the remainder of the items that were in the storage trailer were placed in the Community Hall in Gageville. Members of the board should investigate if this material is something that should be saved or not, tabled to next meeting.

- **Date of Next Meeting** – Wednesday, May 10, 2023
- **Adjournment:** Kevin Hughes made a motion to adjourn, Jason Perry seconded, motion passed unanimously, meeting adjourned at 8:38 pm