

WESTMINSTER SELECTBOARD MEETING

Wednesday, June 28, 2023 - 6:30 p.m.

In person at Westminster, VT Town Hall/Remote by FACT TV

Selectboard Present: Katrina Hamilton (Chair), Kevin Hughes, Jason Perry, and Stephen Major (vice chair) arrival 6:35 p.m. – Dan Crocker was absent

Staff Present: Chuck Lawrence (Road Foreman), Alison Bigwood (Interim Town Manager) Millie Barry (Recording Clerk)

Others Present: Christopher Morris, Willis Stearns, Louis Blanchard, Tammy Kissell, Lonnie Lisai, Mark Adams and Paul Banik

1. Call to Order: Katrina Hamilton called the meeting to order at 6:30 p.m.

Information to access a future meeting using a remote connection is available on the Town of Westminster website or by contacting the Westminster Town Hall

2. Adjustments to Agenda: None

3. Acceptance of Minutes: June 14, 2023 - Kevin Hughes moved to accept the minutes of June 14, 2023, Jason Perry seconded; motion carried by 3-0 voice vote

4. Communications and Public Comments: Christopher Morris, a School Street resident, appeared to express his concerns regarding people driving at excessive and dangerous speeds on School Street. He believed the speed limit was 25 miles per hour (mph) from Route 5 to Kurn Hattin Road. He stated when the sheriff patrolled, they sat in plain view of the road and people slowed down when the sheriff was present. In a conversation with a deputy, a speed gun is not in the department's budget enabling them to patrol out of view. Alison Bigwood said she had sent numerous emails to the sheriff's department about the speed issue. Chuck Lawrence said the school zone would be painted on the street closer to the start of school in the fall. He and Mr. Morris did not feel the painted lines would deter speeding. Mr. Morris asked if permanent flashing radar signs could be placed on both ends of the street or speed bumps were an option. Lawrence did not believe speed bumps could be installed in a town road. Morris said it was a safety issue for children, animals and pedestrians walking on the road and implored the board to find a resolution. Hamilton said she knew it was a problem and the board would have a plan to address specific issues with the sheriff. Stephen Major said as a board they were in the middle of a project consulting to spend \$120,000.00 approved at town meeting by voters to meet patrol, speed reduction and response to crime. He said the budgeted amount was not enough to build a police department for Westminster. The board plans to approach the sheriff's department with a new contract to request specific things as well continue

conversations about alternatives the board may have.

In another matter: Morris questioned the Town's noise ordinance due to unlicensed dirt bikes and recreational vehicles being on the street and through the woods at all times of the night. He believed they were traveling on private land through the woods to the street. Major suggested being very specific about noise complaints, possibly recording noise on a cell phone, dates, time etc. and if Morris knew the abutting landowners or vehicle owners, talking personally to the owners. Bigwood will notify Morris the date the sheriff will attend a board meeting.

5. Unfinished Business (Discussion/Action) --

A. Year to Date Financials – Information included in packet - Willis Stearns said tax delinquency notices were mailed for more than \$350,000.00 in principle for the current year.

Contingency Reserve Fund – Stearns said previously the board and voters voted to transfer the contingency fund to FEMA (Federal Emergency Management Agency) to cover storm expenses. He requested the Board transfer \$150,000.00 back to the contingency fund. He said this was not cash, it was an accounting procedure. Perry motioned to transfer \$150,000.000 from FEMA fund back to the contingency reserve fund. Hughes seconded; motion carried by 4-0 voice vote.

Equipment Fund – Stearns said equipment purchases were being made from a line in the highway budget. He requested to clear the equipment fund of (\$255.45). Perry motioned to move \$255.45 from the highway fund to equipment fund to clear the account. Hughes seconded; motion carried by 4-0 voice vote.

Bridge Rehabilitation Reserve – Stearns said \$15,000.00 was funded annually to the reserve with a present balance of \$137,036.27.

Retreatment Fund – Balance \$299,581.42 – Stearns said the commitment this year was \$135,000.00. Perry noted no paving was done last year. Chuck Lawrence said \$8,000.00 was used to fill potholes earlier in the year and the plan was to pave and re-mill about four miles this year.

Reappraisal Fund – Stearns said money was put aside for a future reappraisal to assess all properties in town. The State of VT (SOV) funded an amount per parcel (about \$15,000.00 annually) for reappraisal purposes. Hamilton said the last reappraisal was done in 2013.

Capital Improvement Fund – Stearns requested to pool the cash account of \$42,303.21 in the general fund checkbook to eliminate a bank statement. There was money in the general fund checkbook for capital improvements. Stephen Major confirmed tracking amounts to maintain buildings could be accomplished by an accounting process as opposed to a separate account. Perry motioned to authorize the finance department to close the capital improvement fund combining \$42,303.31 with general fund checking on a cash basis. Hughes seconded; motion carried 4-0 voice vote.

Restoration of Records Fund - \$41,479.73 – Stearns said the monies were used at the sole discretion of the town clerk.

Town Garage Fund - \$63,000.00 – Stearns believed these funds were to offset the expense of

replacing the fuel tanks and the money was never moved to the highway fund.

FEMA/Storm - \$152,334.45 – Stearns said the board voted previously to move \$150,000.00 back to replenish the contingency fund.

VT Community Development Fund– Stearns said this fund was used to close Westminster Meats. The value was sent to the SOV and this account would be closed.

Planning Grant – None

Special Account Fund – Stearns noted ‘tricentennial’ in the account information, the amount of \$250.70 had been dormant for three years, he recommended research to know the purpose of the fund.

ARPA - \$541,530.70 –

E-911 Fund - \$1,721.13 – Stearns said the fund had been dormant for three years and typically monies were used to measure streets for house numbers etc.

Emergency Management Fund - \$7,451.71 – Stearns believed the fund was established for VT Yankee management purposes coordinated through the SOV emergency planning.

Recreation Committee - \$771.21 – Stearns said the fund was dormant questioning if the purpose of the funds were for insurance or other expenses at the Westminster pool. Stearns confirmed this was a separate, not a general fund.

Community Improvement Loan Fund - \$950,285.68. Stearns said there were a lot of loans (\$761,306.74) out with no receipt of loan payments. The monies originally came from the federal government for home improvements loaned at zero interest. The loan was paid when the property was sold, or property ownership transferred. He recommended money \$178,978.94, currently in a very low interest-bearing account, be moved to the general fund to simplify accounting. In answer to a question by Kevin Hughes regarding investing the monies to take advantage of 5.19% current interest rate, Stearns said the money could be invested if it was easily accessible, secure, and managed. Stephen Major motioned to close the community improvement loan fund and move to combine with the general fund checking account. Perry seconded; motion carried 4-0 voice vote.

Public Funds – Stearns said the funds listed did not include all bank statements. The ability of the funds to make money or be used for their original purpose was not possible due to the dollar amount of individual funds. Hughes confirmed the funds were restricted and very specific procedures were required for the funds to be unrestricted. He said until there was concrete legal advice regarding each individual account, he would not vote to move any funds.

Long Term Debt – Stearns said the town did not have long term debt.

General Ledger Summary Report – Stearns said by actions taken by the board the contingent reserve fund would be altered before 6/30/2023 from zero to \$150,000.00 moving funds from FEMA storm fund. The equipment fund -\$255.45 will be zero by taking monies from highway fund. The capital improvement fund of \$-14,719.53 will be a positive number due to closing the bank account. The FEMA storm fund would be \$2,334.45 due to \$150,000.00 being moved to the contingency reserve fund. The community improvement loan fund will be owed about \$188,000.00 opposed to \$10,000.00 due to moving \$178,978.94.

BUDGET STATUS REPORT –GENERAL FUND: Stearns noted:

Delinquent property tax: Yet to be collected \$350,000.00

Revenue from State: The town agreed to give the fire district their portion according to the percentage of total tax rate town and fire district. This amount was not compensated in 2024 and will be in budget 2025.

Ordinance Fees: Are municipal fines from SOV paid monthly.

School Treasurer Reimbursement: \$1,000.00 budgeted each year is now part of tax flow process. Stearns suggested not to include in budget 2025.

Interest: \$21,250.00 – Hughes re-stated the monies in the community loan fund of \$178,978.94 would be held in reserve for the loan fund and under his proposal could make \$9,000.00 versus zero interest the prior year. Stearns said the cash could be moved but not spent for anything other than community loan fund.

Selectmen Salaries and Wages: Stearns continued: The board was not paid the second payment in 2022. There will be three payments in 2023 to compensate for the missed payment.

Employee Benefits: \$61,905.00 was not spent due to no full-time town manager/finance director.

Windham Regional Planning: FY (fiscal year) 2022 payment was paid in 2023.

Legal Services: Actual of \$15,737.82 from budgeted amount of \$8,500.00 due to an increase in services provided.

LOC (line of credit) Storm 2021 Interest: \$2,250.00 the line of credit was paid prior to June 30, 2022.

Municipal Building Utilities – Heating Oil: budgeted \$2,500.00 actual of \$4,869.92 due to tank replacement and re-fill of tank at town hall.

Total Expenditures Budget: Budget \$1,146,590.00, Actual \$1,019,844.13 bottom line actual \$-81,372.84 as the town spent more monies than taken in.

HIGHWAY:

Transfer in from reserve: \$63,000.00 monies were not transferred as the funds were associated with expenses from replacement of fuel tank.

State Grant – Other: Budget 0.00, Actual \$77,000.21/USDA Grant Piggery \$92,551.00: Monies primarily spent under road maintenance contracted services budget of \$7,000.00, actual \$154,675.34. Some work done by the highway department (wages and salaries were reimbursed) and not charged to contracted services as well as ‘other contractors’ paid were not charged to contracted services.

FEMA Out: Budget 0.00, actual \$25,000.00 – Lawrence said monies were used for catch basin replacement on Route 121, paving etc. Stearns noted that as the monies were not related to the storm they would not be labeled FEMA. Perry said the monies are part of \$200,000.00 the board voted for the highway department general fund for the repair and maintenance of roads in 2023/2024. The line will be changed to ‘transfer expense.’

Equipment – Building Maintenance: Budget \$15,000.00, actual \$27,402.60 were repairs/renovations at the town garage.

Gas, Fuel, Oil: Budget \$75,000.00, actual \$88,769.99 – the fuel tanks at the town garage were

filled after being replaced.

Fuel Tank Removal: Budget \$78,000.00, Actual \$16,158.36. This project was done in FY 2021, \$63,000.00 was not transferred.

Transfer to Equipment Fund: Budget \$175,000.00, actual \$213,503.29. Stearns noted funds were not actually transferred but debt paid. A truck payment of approximately \$41,000.00 was not paid. This fund will be cleared.

Contingency Reserve Fund: \$150,000.00 will be transferred from FEMA fund by June 30, 2023.

Equipment Fund: With action/motion in meeting the equipment fund \$-255.45 will be zero.

Bridge Rehabilitation Reserve: Actual spent of \$37,074.74 was twice as much as \$15,000.00 transferred in, Stearns believed from Route 121 bridge expense.

Retreatment Fund: Revenue transferred in \$135,000.00, actual spend of \$8,679.51.

Reappraisal Fund: Money is yearly contribution from SOV on a per parcel basis.

Capital Improvement Fund: Interest Income actual \$493.09.

Restoration of Records Fund: Actual \$4,796.00, monies generated from direct fees paid to record documents. There were no expenses.

Town Garage Fund: No activity

FEMA/Storm: Lawrence confirmed the hazardous mitigation grant was \$7,200.00 was used for Westminster Heights Road culvert. Transfer to contingency line will be noted of \$150,000.00.

VT Community Development: \$25.32 Westminster Meats interest income. This account will be closed.

Planning Grant: No activity

Special Accounts Fund: No activity

ARPA (American Rescue Plan Act): Actual \$407,273.03 – Money spent \$205,477.50. Stearns noted in 2022 voters approved appropriating \$25,000.00 for the Westminster Institute elevator. This money was not calculated as part of the tax rate and subsequently it was voted to use ARPA monies for the elevator. Hughes confirmed \$25,000.00 will be returned to the town if the project is not completed.

E-911: No activity

Emergency Management Fund: No activity

Recreation Committee: No activity

Community Improvement Loan Fund: Revenue of \$5,000.00 was a loan payment. Interest \$1,547.67 will increase due to combining \$178,978.94 with other funds at a higher rate.

Public Funds: Interest income for many accounts is less than \$10.00.

6. New Business: (Discussion/Action) –

A. ARPA Application Approvals – Information included in packet (2) – Lou Blanchard said the Westminster Aqueduct Society was private and the committee completely volunteer. The water pipe installed on Grout Avenue was the cheapest material at the time of purchase. Currently two lines (one has been replaced) run in the middle of the road about six feet below the surface. To move the pipes to the side of the road would be to dig about 701 feet. As the water

pressure is low, it is difficult to detect leaks around Grout Avenue and SOV would like the system updated (to raise pressure) at a cost of approximately \$250,000.00. Recent updates costing about \$60,000.00 covered a line contactor and water meters. Currently there is an application for a loan from the SOV for PER (preliminary engineering report) to fix the low pressure, a tank alarm, chlorine injection and for electricity. A new one-inch line could be 160 PSI (pounds per inch). The ARPA request for \$13,500.00 would replace outdated waterline from the Grout to Cote residence. 494 feet to the fire house will be one solid line without splices or connections making the line more reliable. Paul Banik noted the committee notes on the application deemed it a worthy project due to the involvement of the fire department need for water as well as the individual household involved. Jason Perry motioned to approve the water line replacement not to exceed \$13,500.00, Kevin Hughes seconded; motion carried by 4-0 voice vote. As Mr. Blanchard will be away Lonnie Lisai will be appointed to serve as the facilitator of the project. Mr. Blanchard noted a topic for another meeting was a long-term solution for 55 houses currently on the aqueduct.

Chuck Lawrence said the highway departments proposal was for \$7,500.00 for a used asphalt hot box to assist in the maintenance and repair of 20 miles of paved roads in Westminster reducing costs of material and boosting productivity with more efficient, safe practices.

Jason Perry motioned to approve the ARPA application for a used asphalt hot box not to exceed \$7,500.00 Hughes seconded, motion carried by 4-0 voice vote.

B. Possible Dog Ordinance Amendment: Animal Control Ordinance January 2019 included in packet – Stephen Major said there was a distinction between dangerous animals and other animals that could violate the current ordinance and how an animal control officer could approach an animal. He continued as the current animal control officer was very reasonable the ordinance functioned well. He proposed to change the Major said any animal running at large or being unlicensed violated this ordinance and there was not a reason for the sheriff to respond to animal problems as the ordinance was now written. The purpose of the ordinance was to not have dangerous animals in town. Kevin Hughes moved to amend the current animal control ordinance dated January 2019 and strike language in Article V. section A. domestic pets, domestic animal and/or wolf-hybrids to insert dangerous animal running at large causing reasonable fear of bodily injury by attacking or threatening to attack a person, domestic pet, or domestic animal. To amend Article VIII, section A. to strike the language any domestic pet, domestic animal or wolf-hybrid inserting the language dangerous animal running at large causing reasonable fear of bodily injury by attacking or threatening to attack a person, domestic pet, or domestic animal. Jason Perry seconded. Hamilton suggested seeking a legal opinion before changing the ordinance. Motion carried by 4-0 voice vote. Perry motioned to send the proposed changes to the animal control ordinance dated January 2019 to legal counsel for review. Hughes seconded; motion carried by 4-0 voice vote. The Board reviewed the ordinance; what constituted a dangerous animal and processes of enforcement of the animal control officer. Tammy Kissell said her experience was that the animal control officer was not professional, did what she wanted to do and did not follow the procedure as outlined in the ordinance. Kissell also questioned if Westminster received any percentage of fines assessed by

the animal control officer. Bigwood said revenue from the SOV was not designated speeding or animal control.

C. Road Foreman Report: Work continues with road cutouts and cleaning culverts. The oil and tank were removed from the North Westminster Community Hall with the oil transferred to the town garage. Road milling will begin 6/29/2023 in North Westminster and Lawrence plans to have Best Septic inspect the storm drain system to determine the condition of the system. Hamilton said as the highway crew regularly worked Monday-Thursday, the crew is requesting to work Friday, 6/30/2023 in exchange for Monday, 7/3/2023. The Board approved the exchange of workdays.

D. Executive Session – Perry motioned to go into executive session for a personnel contractual matter inviting the interim town manager after other business on the agenda. Hughes seconded; motion carried by 4-0 voice vote.

7. Boards, Committees and Commissions:

Paul Banik noted the new ARPA application form created by the committee to help answer public concerns and make the process easier for the board. The board agreed the new form made the process clear, concise, and coherent for all to understand.

8. Other Business: None

9. Date of Next Meeting: Wednesday, July 12, 2023 at 6:30 p.m.

The board moved to executive session at 9:21 p.m. and reconvened regular session at 9:51 p.m.

10. Adjournment: Kevin Hughes made a motion to adjourn, Jason Perry seconded, and the motion passed unanimously.

Clerk

Date