

MEETING OF WESTMINSTER SELECTBOARD

*Wednesday, October 13, 2021*

**Westminster, VT Town Hall and via Zoom Conferencing**

**Members Present:** Kevin Hughes (Chair), Craig Allen (Vice Chair), Susan Harlow (Clerk), Toby Young and Jason Perry

**Others Present:** Russell Hodgkins (Town Manager/Zoning Administrator), Chuck Lawrence (Road Foreman), Chris Hackett, Adam Grinold, Laura Sibia, Jen Stromsten, Ruth Hassard, Jeanne Bridges, Patrick Moran, Doreen Moran and FACTV. By Zoom Cynthia Stoddard, Nate Stoddard, John Jones, Bari Shamas, Darlene Kelly, Seroya Crouch, Alice Caggiano and Millie Barry, others not identified

1. **Call to Order:** Kevin Hughes called the meeting to order at 6:30 p.m. The meeting was held in person at the Westminster Town Hall and by Zoom conferencing available through FACTV. Information to access the meeting by remote means is available on FACTV Facebook page or by contacting the Westminster Town Hall.
2. **Adjustments to Agenda:** John Jones requested to add under New Business, G - ACCD (Agency of Commerce and Community Development) per October 4, 2021 email, regarding an Economic Development Committee. Mr. Hughes noted the addition.
3. **Acceptance of Minutes:** September 22, 2021 - Susan Harlow motioned to accept the minutes as printed, Toby Young seconded motion, motion passed 5-0
4. **Communications and Public Comments:**
  - BDCC (Brattleboro Development Credit Corporation)/SeVEDS (Southeastern Vermont Economic Development Strategies) Update and Discussion - Information included in packet - Ms. Sibia said SeVEDS and BDCC work together to implement long term economic development strategies for the region. Their programs are largely funded by municipal funds focusing on issues such as work force and work force training, business development and they work within the local schools. Their business assistance program is working with regional businesses to help access planning, funding and session planning. Business resiliency programing (a large part of the work they have done this year) related to Covid and the disruption the virus has caused. A pipelines and pathways program, working specifically with four schools in Windham County so students know about job opportunities in the region if they choose to stay in the area. A number of local seniors graduated with credentials ready to work in Windham County. They have internship programs as well as a recruitment and retention program to help people coming to the region connect to others in the community, to services, civic boards and begin businesses here. Also, Southern VT Young Professionals program to connect folks that want to stay and grow businesses and families in the area. Also, A Community facilities, technical assistance program to improve community facilities such as halls and garages so municipalities can access USDA (United States Department of Agriculture) dollars often available but sometimes difficult to apply for. Another program, Southern VT Economy Project, works to develop capacity as many towns are experiencing similar challenges providing training, service and support for challenges that are limiting growth in towns. A welcoming communities program, focuses on how to have a comprehensive

immigration strategy. Often large employers utilize the foreign born work force. Mr. Grinold said presently 18 communities support the organization representing 82% of Windham County residents. In the past, the organization has not succeeded consistently in Westminster. They are working to help connect with community members so people understand the work they do. He said statements made that their organization did not do work in the Bellows Falls Union High School or connect with folks in the local community are erroneous. They are gathering with Westminster residents to figure out how to make better connections and explain their programs. Mr. Grinold said there were 47 businesses that received 58 PPP (paycheck protection program) loans representing over 600 employees. Although they did not help in every circumstance, Westminster is an employment hub and these employees live regionally being a part of the regional system connecting students to future employment and students to future opportunities. Their staff is willing to answer any questions the selectboard or community members have. Kevin Hughes noted as a taxpayer and fellow citizen, it would be helpful to understand what the organization is doing, what resources are allocated, how taxpayers are targeted for the benefit and what actual results are. He wants to be able to explain to fellow citizens the benefit Westminster is receiving. Westminster resident, Chris Hackett said the board is asking for the tangible side of what the organization does but to also understand the intangible. They may be working with a company in Bellows Falls with those employees remaining in the Town. Cynthia Stoddard said she was a huge supporter of the organization adding this is a regional process, to know how many people in Westminster were helped is very difficult. She questioned using some of the ARPA (American Rescue Plan Act) dollars recently received for an economic development plan in Westminster? Mr. Grinold said they would be willing to discuss with the ARPA committee members' economic development ideas and attend a committee meeting.

- Property on Thompson Road - Trailer - Doreen Moran - Information included in packet - Ms. Moran said a year ago in October a backhoe had leveled property at 66 Thompson Road, a delivery of gravel was leveled, 5<sup>th</sup> wheel trailer was brought in and an electric and water service were installed before someone moved into the trailer. Ms. Moran contacted the Town Hall inquiring about permits and requirements for sub-dividing a property into two living arrangements. On January 6, Ms. Moran received a letter as an abutter to the property, notifying her of the placement of a temporary camper until the owner found suitable housing. Attached to the letter was zoning permit dated December 30, notifying her she had 15 days to appeal the zoning permit. She believed there were two different families living at 66 Thompson Road and questioned the septic. Her opinion was the property was a mess, she has a direct line of sight and it has been a full year since the person moved in.

Jeanne Bridges said Mr. Hodgkins was aware of the happenings on the property. Ms. Bridges said her mother, (Ruth Hassard) was temporarily living in the camper until relatives built a house with an apartment or a tiny home. Prior to the camper being moved to the property, she had notified Ms. Moran of the camper arrival. Three, one ton truck

loads of fill (not gravel) had been brought onto her property, some used to level the area for the camper. Ms. Bridges said licensed individuals had done the work to live in the trailer and required permits were obtained. She believed there was no law against putting a camper on her property. Ms. Bridges said her Mom moved into the camper when her home sold in January 2021. Ms. Hassard said she had received a letter from the Town dated October 12, 2021 reminding her of the permit deadline, January 2022. If she remained longer fees would be \$100.00 per day. Ms. Hassard talked about another letter she received from the Town regarding an altercation with the neighbor, Moran. The letter indicated the matter would be on the Selectboard agenda for October 13, 2021 as Doreen Moran requested immediate action to remove her trailer. Ms. Bridges stated she was not certain why they were there as the appeal date had passed.

Mr. Hodgkins said both parties were correct in their account. He does inspections and said he watched the gravel leveled, it is permitted to bring gravel into a yard and there was no problem parking a trailer in your yard. The septic system was large enough to accept the trailer and the water supply was also acceptable, if inhabited. The permit was issued December 30, 2021 with the expiration to appeal January 15, 2021. The permit was good for one year for Ms. Hassard to find suitable housing. She has until January 15, 2022 to live in the camper trailer and then move out. In answer to Mr. Perry's question, Mr. Hodgkins said it was acceptable to sub-divide an in-town lot through the Development Review Board (DRB). This use was declared a temporary use as she was finding suitable housing. She was given a temporary permit for one year. Ms. Bridges said Ms. Hassard was building a tiny home and this property in Westminster is deeded to her, it is her land. This is a temporary recreational vehicle until her home is built. Mr. Hughes said abutters had the right to know what was happening and reiterated people were welcome to come to the Board and ask questions. Ms. Moran said all work was done before she was notified by the Town. Mr. Hodgkins said the gravel was placed and the camper was moved onto the property, but no one was living in the camper until December 2020. Mr. Hodgkins confirmed anyone can bring fill (create a driveway) and have a camper trailer brought onto their property at any time if it does not cause hindrance of another nature. Mr. Hughes said he apologized for any delays or confusion caused by the Board.

- Planning Commission - Bari Shamas and Seroya Crouch - Information included in packet - Ms. Shamas said they were coming to the Board with a proposal for municipal planning grant. Ms. Crouch noted the grant was from the SOV (State of VT) to assist Towns with technical assistance in the grant application. The application is due in about two weeks. The project cost is \$14,500.00, the grant requested is \$13,180.00. The matching funds from the Town would be \$1,320.00. The Planning Commission is able to supply \$500.00 for two years requesting the Town provide \$320.00 from fiscal year 2022. Funds would be used to update maps, create new maps, seek public input and work with WRC (Windham Regional Commission) staff on requirements for town plans. Also, clerical support is required to format and publish the plan.

## **5. Unfinished Business - Discussion/Action -**

- A. American Rescue Plan Act (ARPA) - Covid local recovery funds update - Mr. Hodgkins said the next meeting was November 4 at 5:30 at the Westminster Institute.

- B. Hartley Hill Road - private section update if any - no updates, there has been no word from legal counsel
- C. Invoice for School District - update - no information available
- D. Collaborative Finance Processing Manual - update - Darlene Kelly said she had typed up seven procedures with step by step instructions.
- E. July 29, 2021 Storm - progress update - Information included in packet - Mr. Lawrence said Davidson Hill and Covered Bridge Road were two places left to be repaired. Bids are due 10/15/2021 for Covered Bridge Road. One other area requiring work is School Street/Heights Road intersection culvert. The culvert is a 5' culvert going under School Street then goes into 30" of concrete. The culvert is very deep. Mr. Lawrence said he was unsure if FEMA (Federal Emergency Management Plan) funds would reimburse the Town for repair of this culvert. Mr. Hodgkins said VTRANS (VT Agency of Transportation) may be assistance with the School Street culvert project as the Interstate 91 side of the road did not have proper drainage. Mr. Jones said he had forwarded an email from WRC regarding a transportation alternative programs grant. He believes this would help with some of the remaining repairs and inquired if the Selectboard was interested in the grant. Mr. Jones will make a contact to seek guidance on the application. Mr. Hughes said the item would be placed on the next selectboard agenda and thanked Mr. Jones for his work.

Mr. Hodgkins noted information in the packet, a summary of storm related expenses. Ms. Kelly suggested using some of the fund balance for the storm expense balance. Ms. Kelly said she personally did not believe the Town needed to borrow any more cash from the line of credit. The Town had \$1,700,000.00 cash in the bank. Some of this money is for other purposes but this was proper fund accounting and it was totally okay to use these funds. Her concern as a taxpayer was how the Town was going to pay back the money borrowed from the line of credit. Jason Perry noted he believed using the fund balance had to be approved by the taxpayers. If money was allocated to a certain place, how did the Town use that money without voter approval? Ms. Stoddard said the emergency fund had \$150,000.00 in it. In the general operating fund, the year ended with about \$354,000.00. This is undesignated surplus. She confirmed the money cannot be spent without voter approval. Whether using the undesignated surplus (cash) or borrowing money to pay the storm balance, the Town is still using undesignated surplus. Using the cash is a natural progression of cash flow. The Town is spending money without voter approval by borrowing money. The Town can borrow money and spend the money or spend the surplus. By using the cash, the Town is not incurring bank interest charges. Mr. Allen said if NEMRC (New England Municipal Resource Center) believes the Town has that kind of surplus, he is comfortable using that money. In answer to Ms. Harlow's question regarding available surplus that may be available at Town meeting, Ms. Stoddard said she did not believe the Town will know how much FEMA will reimburse the Town or when they will reimburse the Town for road repair expenses. Mr. Hughes asked the Board to confirm there was an emergency situation. To make the roads safe, passable and to be sure residents were safe and roads open, meeting a fiduciary obligation to the taxpayers in the Town of Westminster, the Board did everything they needed to do, lacking resources, materials and personal and they were unable to wait 10 or 20 days to go through a formalized process to pick and choose contractors they did not have. The Board acted with immediacy required to preserve property and lives being in a difficult position to get or secure contractors that were not available. The Board, Mr. Lawrence and Mr. Hodgkins verbally agreed. **(Note: Mr. Hughes statement is not verbatim)**

- F. 5-year Capital Plan - update - Mr. Allen said there were three stages to the NWCH (North West Community House) project, insulation, heat and water/sewer. He was in the process of getting estimates. The next phase would be to contact contractors to estimate ceiling replacement, and windows to know the approximate cost to proceed to open the building. Replacement of the kitchen would be an optional expense. Mr. Allen will contact the committee to meet about resources for use of the building.
- G. Fiscal Year 2023 Budget Review - discussion - Information included in packet - Item tabled

**6. New Business: Discussion/Action -**

- A. Executive Session - Mr. Allen motioned to go into executive session after other business on the agenda. Ms. Harlow seconded motion, motion carried 5-0
- B. Possible Adoption of Rules of Procedure for Municipal Boards VLCT (Vermont League of Cities and Towns) - Information included in packet -  
Mr. Hodgkins said the Town Clerk and Assistant Town Clerk had attended a class and rules for boards and municipal committees was discussed. The information is for the Board to read. The item will be tabled to the next meeting. Mr. Hughes noted the information should be reviewed at least every two years to follow proper procedures.
- C. Bidding Process - discussion - Information included in packet from legal counsel - Jason Perry noted he responded to Mr. Slason's email. Mr. Perry, (speaking for himself) said he believed there should be a mandatory pre-bid on site meeting so everyone has the same information. Ms. Harlow confirmed a company could not bid if they did not attend the site meeting. Mr. Hodgkins noted typically, he had not required mandatory site meetings as often 1-2 contractors were lost in the process. Mr. Hughes felt it was a good idea to review the bid process, requesting the item be on the next meeting agenda.  
  
Mr. Jones noted he had information regarding the process when looking for reimbursement from FEMA, to follow federal, state and local processes required to obtain funding. In the instance there was a conflict, the procedure was to defer to the highest entity. Mr. Jones is willing to share information with the board as the process is also part of the bidding process, identifying qualified contractors and following guidelines. This item will be added to the next Board meeting agenda.
- D. Emergency Management Directive - adoption - Mr. Hodgkins noted each town was requested to submit two names to the Regional Emergency Management Committee, the emergency management director and an alternate appointee. The Board approved Mr. Hodgkins designate a person willing to be the alternate.
- E. Cemetery Deeds (2) - Mr. Allen motioned to approve Hannah Shore Powell for two lots, located in section B, row 14, bounded on the east by Crocker, on the south by Vivian, on the north by Mitchell and the west side is empty in the Westminster West cemetery. Ms. Harlow seconded motion, motion carried 5-0

- F. Planning Commission Grant Request - action - Ms. Harlow motioned to approve the fiscal year 2022 Municipal Resolution planning grant. Mr. Allen seconded, motion carried 5-0. Mr. Allen moved to authorize the Town Manager allocate \$400.00 from next year's budget for planning commission grant. Ms. Harlow seconded motion, motion carried 5-0
- G. ACCD - Economic Development Committee - Mr. Jones inquired what the process was, if any, to develop an Economic Development Committee. Mr. Hodgkins requested Mr. Jones forward the original email to him. The item will be put on the Board's next meeting agenda.

**7. Manager's Report:**

- A. Property tax sale is Wednesday, October 27, 2021, 11 a.m. at the Town Hall. At present there are nine properties to be auctioned.
- B. The Town Manager will be out of the office October 28/29, 2021
- C. Veterans Day - November 11, 2021 the Town office will be closed November 12, 2021 in observance of the holiday

**8. Boards and Commissions: -**

Ms. Harlow motioned to appoint Alma Beals to the Conservation Committee, Ms. Young seconded motion, motion carried 5-0. Mr. Perry motioned to appoint Richard Crocker to the planning commission, Mr. Allen seconded motion, motion carried 5-0. Mr. Crocker to serve out the remaining term of former member, Russ Lazarek.

**9. Other Business -**

Mr. Hodgkins noted citizen of the year nominations could be submitted up to deadline of the Town report printing. December 1 would be a good deadline.

Mr. Allen said he believed the signs at the end of Henwood Hill and Covered Bridge roads, **"closed to through traffic"** were a good thing. He believes the Town does not want people to use that road as a short cut to anywhere. Mr. Hodgkins said the bid requests had been sent with a deadline for completing work of June 1, 2022. Mr. Allen added the road should be repaired but to post signs the road was not a through road, use by local residents only.

**10. Date of Next Meeting:** October 27, 2021 at 6:30 PM

**Board (only) moved to executive session at 8:27 p.m.** Upon coming out of Executive Session, the Board Chair declared that no further actions were needed this evening and he would entertain a motion to adjourn.

**11. Adjournment:** At 9:02 PM, Susan Harlow made a motion to adjourn. Jason Perry seconded and the motion passed.

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**Clerk**

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**Date**