

WESTMINSTER SELECTBOARD MEETING

Wednesday, January 12, 2022

Westminster, VT Fire Department & by Zoom Conferencing

Selectboard Present: Kevin Hughes (Chair), Craig Allen (Vice Chair), Toby Young and Jason Perry – Susan Harlow was absent

Staff Present: Russell Hodgkins (Town Manager/Zoning Administrator), Darlene Kelly (by Zoom), Ben Masure, and Chuck Lawrence (Road Foreman)

Others Present: Fletcher Proctor, David Major, Robert Wickberg, by Zoom Nate Stoddard. Cynthia Stoddard and others not identified.

1. **Call to Order:** Mr. Hughes called the meeting to order at 6:35 PM. The Town Manager brought to the attention of the meeting that FACTV was not present and that calls, and emails were made to make sure that they knew of the venue change to the Fire Station. The Chair made note of this and stated that the meeting was duly warned and posted. He also mentioned that Fact TV was on their way to get the meeting started on Zoom as soon as possible. He continued with the fact that if any items were missed by the public because of this unfortunate event that a request to revisit could be made by the public for future consideration. Information to access a future meeting by remote means is available on the Fact TV Facebook page or by contacting the Westminster Town Hall
2. **Adjustments to Agenda:** Mr. Hughes asked if there were any adjustments to the agenda and hearing none moved to the minutes.
3. **Acceptance of Minutes:** December 15, 2021 – Craig Allen motioned to accept the minutes as printed, Jason Perry seconded the motion, the motion carried 4-0 by voice vote.
4. **Communication and Public Comments** – David Major asked the Chair if he could comment on 5. B which is Town Meeting dates and times. The chair assured him that this would be granted.
5. **Unfinished Business:** (Discussion/Action) -
 - A. Hartley Hill Road - Quit Claim Deed – Robert Wickberg
 - Robert Wickberg stated that he hired Fletcher Proctor (Attorney at Law) to look into the private road section of Hartley Hill because the Town's Lawyer (Larry Slason) had not gotten back to him for seven months. Robert continued that he wanted to ask Mr. Cersosimo to give the Town his Right-Of Way (ROW) that he still owns. Robert stated that in all of the research, Cersosimo owns the road, not Mr. Bonds as has been told to him for years by the Town. Robert then introduced Fletcher Proctor to explain what he had found. Fletcher told the Board that this section of road was a Town Road at one time and was thrown up in 1957 by the Selectboard for the Town of Westminster. Fletcher, with further research, believes this action was done without proper authority as the road still belonged to Mr. Cersosimo who never sold this parcel of land and is the sole Owner of this said parcel (5.4 acres). The bigger picture, Fletcher explained, is that each parcel's deed reads that it goes to the edge of a 50' ROW which he believes is the Hartley Hill Road private section. For the convenience to the Board, Fletcher gave copies of the adjacent property deeds for their records. Fletcher continued with the fact that he has created a Quit Claim Deed for Mr. Cersosimo's heir to the road who is Butch Cersosimo. He is expecting Butch

to sign this giving the Town full ownership of this parcel. When the Town owns it, they can do with it as they please. Fletcher stated that he believes this would be in the best interest of the Town for the future of this road. He recognizes that the Town Manager has some reluctance to this acquisition as Russell Hodgkins stated that the road is not in good shape and would take a great deal of resources to get it back to Town and State spec. Fletcher, in closing, stated that Mr. Bonds is not a Lawyer in Massachusetts and never has been as alluded to.

At this time in the meeting, FACTV arrived and set up the meeting on ZOOM and apologized for the inconvenience. Alex Straddler (FACT TV Owner) told the public that this was his fault. He dropped the ball and please not to blame the Town. Cynthia Stoddard told the Board that she would be calling the Secretary of State on this as she believes it is illegal to start a meeting without the published ZOOM connection when the meeting was posted. Kevin Hughes explained the progression of the unfortunate happenings and explained that her concerns were duly noted and that if any part of the discussion about Hartley Hill needed to be clarified or repeated that he would do this at this time. Cynthia explained that the Town has had two years to get this straight and they haven't yet. Nate Stoddard commented that he attends many meetings of other Towns and that they don't seem to have any problems. Alex explained that Westminster is trying to establish a stable venue for their meetings and this is why they are still a little behind the other set ups that are present in other places. Jason Perry told the meeting that this was the first time in the Fire Station in a while and this is why we had the inconvenient circumstance. He continued that the Board was trying to accommodate the request for a bigger space in these uncertain times. Cynthia responded that these meetings are open to the public and this is not acceptable. Alex again stressed that this was not the Town's fault because calls and emails were made to him and he didn't get to the meeting on time. Kevin Hughes apologized again for the misfortune and stated that every effort will be made to correct any deficiencies that occurred.

The Chair asked Mr. Wickberg if he had anything further. Robert said that it was unfortunate that misinformation led him to this point many years after he requested that this road be claimed by the Town. Robert said he knew Mr. Bonds didn't own the road and I've known for years. "I hope this evidence is now looked at as fact", Robert said. Craig Allen suggested to the Board that all of this research be forwarded to Larry Slason for his review and give him no longer than 30 days to respond. If Mr. Bonds comes after the Town than we would be our legal counsel defending our actions. Robert concluded that any documents received from Larry Slason to the Town be forwarded to him as well. Kevin Hughes told Robert that we will forward Larry's opinion as soon as we get it. Kevin instructed the Town Manager to give this paperwork to Larry Slason and place a 30 day deadline for a response. Fletcher Proctor requested a copy of any response received as well. All agreed.

B. Town Meeting – Date & Time?

The Town Manager told the Board that in their packet was three options for Town Meeting that still needs to be sorted out. With very little discussion, Craig Allen made a motion to hold Town Meeting on April 30th in-person either on the Institute lawn or in the Fire Department bays and have the normal voting be held on March 1, 2022 at the Town Hall. He continued that if the Governor does not allow for Town

Meetings to be moved, then the fall back would be in-person on February 26, 2022 at the Bellows Falls Union High School as usual and resume to voting on March 1, 2022. Toby Young seconded the motion and it passed 4-0. The Town Manger asked if the Board would sign each draft Warning with the different dates at the top for time savings. The Board agreed.

C. 7.29.2021 Storm – Update

The Town Manager told the Board that he has “Good News” that the Town’s first project submitted to FEMA has completed its journey through their multiple stages of approvals and just this week the project was obligated to the State of Vermont which means the State has approximately \$74,100 with the Town of Westminster’s name on it from the Federal Government. The State should forward documents to be signed and then the check should be cut and sent to the Town very soon.

D. Route 121 Bridge – Discussion - Information included in the packet. The Town Manager explained that Toby Young requested this item be placed on this agenda for discussion about the width of the proposed bridge deck replacement. The bridge renovation as proposed will have a three foot shoulder for bicycles and pedestrians as opposed to a four foot shoulder. As the design was decided upon 1.5 years ago and decisions were made based upon cost, flexibility and three foot walkways were larger in comparison to the present structure walkways. Mr. Hodgkins said at the time the decisions about the bridge were made there were two public hearings and that representatives from the Town of Rockingham attended the public hearings.

6. New Business (Discussion/Action):

- A. Highway Mileage Certificate** - Information included in the packet - Mr. Hodgkins said there were no changes in the certificate of mileage for 2022. Mr. Allen motioned to accept the Certificate of Highway mileage for year ending February 10, 2022. Toby Young seconded the motion, the motion passed by voice vote 4-0.
- B. Quarterly Financials Ending December 31, 2021** - Information included in packet - Mr. Hodgkins requested to table this item to the next meeting so the board could review the information.
- C. Draft Audit and Schedule of Deficiencies** - Information included in packet - Mr. Hodgkins said Sullivan, Powers, & Co., P.C. noted two deficiencies in the financial processing of the Town’s budget and reporting. The first deficiency was property tax reconciliation and Mr. Hodgkins said a letter had been sent from Paul Harlow and the Town Manager responding to the item. The second deficiency of general journal entries, Mr. Hodgkins said the response was the Town had recently contracted for more hours of service with NEMRC (New England Municipal Resource Center) so the problem can be corrected. Mr. Hodgkins requested the Board review the draft schedule of deficiencies and contact him with questions. He added Hodgkins a summary of information would be included in the Town Report and the entire report would be available at Town Meeting. In answer to Mr. Hughes question, Mr. Hodgkins

said he and the assistant treasurer (when the treasurer is not available) view all billings before they are published. Darlene Kelly noted there were other recommendations stated in the audit not addressed in the Manager's response. As the budget has been approved, she questioned when recommendations such as school tax billing, a process to reconcile tax bills and time cards being signed by supervisors would be addressed. Mr. Hughes responded when the financial manual was complete, established practices would be in place moving forward. Ms. Kelly believed the recommendations by the auditor stated in the management letter should be fixed sooner rather than later as material weaknesses were a 'big deal' in an audit. Mr. Allen requested the the Board discuss the audit recommendations at future meeting. Mr. Hodgkins said authorization of time sheets was being done and this item would be removed from the final letter. Ms. Kelly noted as part of the process, a Board member should approve the Manager's time sheet. Mr. Hughes said this item would be addressed in the future. Ms. Kelly also questioned journal entries as Mr. Harlow was often not available to post entries and there could be inaccurate financials until the postings are complete. Ms. Young said she believed Mr. Harlow was not interested in the Town Treasurer position in the future and the Town should pursue another qualified candidate.

D. Sign Scope of Service - Sullivan, Powers, & Co., P.C. - Information included in the packet - Mr. Allen motioned to sign the contract for scope of services for year ended June 30, 2021. Jason Perry seconded the motion, the motion passed by voice vote 4-0.

E. Warning Approval - Information included in packet - Mr. Allen moved to approve/post the warning for April 30, 2022 annual meeting as written. If this date is proven not to be legal, the meeting will be held February 26, 2022. Mr. Perry seconded the motion. The Manager said the equipment fund and bridge rehabilitation fund are not included in the warning and the dollar amount for Article five can be changed at a future date as the exact number was not available. Mr. Hodgkins also added, in Article 8 the information did not include the new census number, the old number was used. The population is based on about \$3.00 per person. Nate Stoddard requested clarification regarding Article 5. There was a motion to approve the article as printed, asking how the number would be changed at a future date. Mr. Major said the article would be moved at Town Meeting and someone would amend the article. The motion passed by a 4-0 voice vote.

In another matter, Mr. Major said he believed the school board articles/reports would be verified and available by January 17, 2022. As far as the SOV (State of Vermont) the district is brand new. Mr. Major said the auditor at the supervisory union had discovered a number problems delaying those reports. Mr. Major added volunteers were in short supply and it was important to recognize how valuable volunteering is and for members of the public to be involved.

F. Fiscal Year 2023 Pavement - Mr. Lawrence said there were discussions with the ARPA (American Rescue Plan Act) committee for working on Grout Ave. with the Aqueduct Society for water main replacement and drainage issues, and finally the pavement renewal. This project is a high priority and could possibly receive partial funding. Westminster West from Beebe Road north to the village road was in rough shape as well as Church Avenue and Alden Street in North Westminster.

Mr. Lawrence said he has yet to figure square footage and funding available. Mr. Perry said the paving season would be coming soon and it was important to have numbers and know what the Town could afford to get on schedules. Mr. Hodgkins said they had received information, there could be future infrastructure grants available in the State and the Town was holding off regarding using ARPA funds to see what else might be available. Mr. Perry, Mr. Hodgkins and Mr. Lawrence discussed the structures grant received for Westminster West and how the money was used.

G. Executive Session - Personnel Matter - Selectboard Only - Mr. Allen motioned to move to executive session to include the Selectboard. Ms. Young seconded, the motion carried 4-0 by voice vote.

7. Manager's Report -

1. The Town offices will be closed Monday, January 17, 2022 in observance of Martin Luther King Day.
2. 2021 Equalization Study Results - Information included in packet - The COD (Coefficient of Dispersion and CLA (Common Level of Appraisal) are both in range and adequate to maintain for an additional year and the SOV would not require a town wide re-appraisal.
3. 2021 Deaths in Westminster - Mr. Hughes said it is the position of the Town Clerk and there was almost universal agreement this information not be included in the Town report due to names being subject to theft of identify and other fraud. Ms. Young and Mr. Allen both disagreed, saying the information was available and not to publish information was losing the personal touch in the Town. Mr. Hughes said the Town Clerk and Assistant Town clerk had learned in their meetings and trainings and in discussion with colleagues it was not a good practice to publish individual names. Mr. Hodgkins said this information would not be included in the Town Clerk's report and the words used were, 'highly ill advised' to publish the names. Mr. Hughes confirmed the board had voted previously to publish the names and this vote would not be reversed.
4. Mr. Lawrence has been working with Michel Lapointe, NRCS (National Resources Conservation Service) on a USDA grant. The Town has been approved for a total grant of \$132,563.00 worth of repairs, \$33,141.00 would be the Town's match, \$99,422.00 paid by USDA. Mr. Lawrence said this was for a project on the side Piggery Road and with too many more storm events, the Town could lose the road. Mr. Hodgkins said the dilemma was how to pay for the Town's portion as the grant is for 220 days from date of issue. He added they will apply for an extension due to time to get an engineer bid and bids for the project itself. As these monies are not budgeted it would be necessary to prioritize, waiting on projects not as important as utilizing these grant funds. Mr. Hodgkins said the Board would need to think about the grant and if the Town should pursue it.

8. Boards and Commissions: Mr. Hodgkins read a letter from Nate Stoddard stating he would step down from the Revolving Loan Fund Committee. Mr. Stoddard noted the committee was a big benefit to the residents of Westminster. Mr. Allen moved to accept Mr. Stoddard's resignation letter, Ms. Young seconded the motion, the motion passed by 4-0 voice vote. Mr. Hughes thanked Mr. Stoddard for his service.

9. Other Business: None

10. Date Next Meeting - January 26, 2022 to be held at Westminster Fire Department

Executive session: The Board went into Executive Session, upon coming out at 8:31 PM, the Chair declared no further business was needed this evening.

11. Adjournment: Toby Young motioned to adjourn the meeting, Jason Perry seconded the motion the meeting adjourned at 8:38 PM.

Clerk

Russell Hodgkins (Town Manager) composed minutes through unfinished business C
Millie Barry composed from D forward.

Date

