

WESTMINSTER, VT SELECTBOARD MEETING

Wednesday, March 23, 2022

In person at the Westminster Town Hall and by Zoom Conferencing

Selectboard Present: Jason Perry (Chair), Craig Allen, Toby Young, Kevin Hughes (Vice Chair) and Katrina Hamilton (Clerk)

Staff Present: Russell Hodgkins (Town Manager/Zoning Administrator, Chuck (Charles) Lawrence (Road Foreman) and Millie Barry (Recording Clerk) and Cassandra Pedigo (Interim Treasurer)

Others Present: Willis (Chip) Stearns, Lawrence Slason, Esq, Paul Banik, June Streeter, Branden Pedigo, Ernie Saunders and 1 person for FACT TV - Nate Stoddard and Fletcher Proctor, Esq. and others not identified by Zoom

- 1. Call to Order** - Jason Perry, Chair of the Board called the meeting to order at 6:30 p.m. Information to access a future meeting by remote means is available on the FACT TV Facebook page, the Town of Westminster website or by contacting the Westminster Town Hall.
- 2. Adjustments to Agenda** - Russell Hodgkins, requested to add a cemetery deed matter under other business. The Chair noted the addition.
- 3. Acceptance of the Minutes** - February 23, 2022 and March 11, 2022. Mr. Hodgkins apologized as the minutes of March 11, 2022 were not in the physical packet. As the minutes could not be reviewed, they will be approved at the next meeting. Craig Allen motioned to accept the minutes of February 23, 2022. Kevin Hughes objected to the acceptance of the minutes of February 23, 2022. Mr. Hughes said he was a member of the board and present at the February 23, 2022 meeting. He continued, he did not see information in the minutes about the lengthy discussion of not to have an immediate vote on a replacement treasurer as is the statutory rule. He said even at the moment he did not believe we were in compliance with that rule. He said at the meeting he had a problem going along with the current recommendation to not have a treasurer appointed by the board. This was a very important piece of information and it was a lengthy discussion. He requested the chair have the minutes amended, requesting the minutes be tabled and to adjust appropriately to reflect more concretely exactly what went on in the discussion. Mr. Hughes said there was a lengthy discussion about what was appropriate and not appropriate about who should be the treasurer as the current treasurer had just resigned.
Mr. Hughes said statutorily they were required to appoint a new treasurer, that is the rule and in fact, no member of the board can serve as an assistant treasurer. Mr. Hughes continued his opinion the minutes were terribly incomplete, not reflecting the discussion and specifically his objection to what was proposed. Cassandra Pedigo confirmed she clearly recalled Mr. Hughes was not comfortable with this, continuing with his opinion. Paul Banik stated he believed there was missing content in the minutes. Craig Allen questioned if item C. under New Business was the section of the minutes to be corrected and detail of the remaining minutes was correct. Mr. Hughes confirmed.

Toby Young seconded the original motion, the motion was rejected by 4-1 voice vote with Ms. Young the dissenting vote. Mr. Hughes motioned to table the minutes of February 23, 2022 so the minutes could be amplified, substantiated and corrected, Mr. Allen seconded the motion, the motion carried 5-0 by voice vote.

To correct the minutes of February 23, 2022 - Item C, Schedule of Deficiencies - The discussion on this item began 29 minutes into the Selectboard meeting. Thirty eight minutes into the meeting Mr. Hodgkins asked the Board how to meet the Town's needs without a treasurer. Mr. Hodgkins asked who would sign checks as the Board/Town searched for a replacement treasurer and continued the search for a financial director/CFO. Ms. Harlow believed the Town was waiting for a job description from NEMRC (New England Municipal Resource Center). Willis (Chip) Stearns said by statute, when a treasurer is unable to fulfill their duties/resigns, the assistant treasurer assumes the duties of the treasurer. For short term, it is to add the Town Manager as a signer on the account, as Mr. Hodgkins is the Town Manager he is responsible for managing budgets, by statute. As there is no one in house to finish payroll/accounts payable and read financial statement, all things done previously by NEMRC, Mr. Stearns will now be doing these tasks. He believed the Town could hire someone with bookkeeping, procedural processing skills and to read and follow instructions. He continued, to pay NEMRC \$110.00 per hour to print checks and do online banking was costly. NEMRC could do bank reconciliation, review financials etc. In the future, the Town of Westminster may look to shift what the role of the treasurer is about. Under the Town manager there may be an administrative assistant and a financial assistant to work under the Town Manager. The charter does not state what the duties and responsibilities of the treasurer are. Mr. Willis said the treasurer could be a 'figure head' for signing checks as electable people are electable, not necessarily qualified. Mr. Hodgkins said Mascoma concurred Mr. Hodgkins be a check signer and one Selectboard member be the second signer. He continued, he and Mr. Stearns would have tokens to do cash payments on line and to complete monthly financial work. In answer to Mr. Hughes question, was anyone on the ballot for treasurer, Mr. Stearns said as there were two years left on the term there was no one on the upcoming ballot. At the next election in November the treasurer position would be put on the ballot to complete the three year term. Ms. Harlow commented, the position would be on the ballot for next March. Mr. Hughes said the treasurer position could not be left open for that long of a time. Mr. Stearns answered the Board could appoint someone until the next election. Mr. Allen commented Mr. Stearns knew what he was looking for and at Town Meeting the Board could let residents know the Town was looking for someone. Mr. Jones asked if there were candidates on the ballot for treasurer and if anyone was interested in either the treasurer or assistant treasurer position. Mr. Allen said there were two years left on the current treasurer term and no one knew the position was open. Mr. Hodgkins said, there had been a couple of people interested that had tried to do the work and the position(s) did not work out. Mr. Hughes commented 'we need to find a treasurer and appoint a treasurer'. Mr. Hodgkins said they were talking about a treasurer position that the Town had to have a treasurer immediately. Mr. Hughes asked where the Town was statutorily; was appointing someone legal, standard practice, best interest? Mr. Stearns said the Board should and can appoint a treasurer for a limited term until such time they can find another treasurer. Mr. Allen was a signature on the accounts temporarily

and at a future meeting there would be an external person that could be appointed as a treasurer. Mr. Hughes confirmed the treasurer did not have to be someone with a financial background, it was an elected person, a disinterested third party, someone without conflicts, a resident, voter, someone to sign checks. Nate Stoddard asked if each check required two signatures and if it was prudent practice for the person that receives invoices, codes invoices to write and sign checks. Mr. Hughes believes this is a huge conflict. Mr. Hodgkins said at present, Kelly Thayer, as assistant treasurer, receives taxes, codes invoices and processes payroll. Mr. Hughes asked to be clear for the record, exactly what the Board was doing. Mr. Allen said before the meeting was over the Board legally should appoint a treasurer for the next two weeks, to appoint Russ Hodgkins as temporary treasurer for two weeks to fill the position. Mr. Steans said the Treasurer was a title, a signer of checks and the Board had to have that position filled. If the Board was to take action to borrow money, the treasurer signs allowing the treasurer title to be filled by a body. Cassandra Pedigo said she was a legal voter in the Town of Westminster, she was accessible and if the board needed someone to be an interim person for two weeks she was available and happy to help. She said she was an uninterested, uninvolved party able to sign things. Mr. Allen clarified the position would be appointed for two weeks. Ms. Harlow said the suggestion was to appoint Mr. Hodgkins as interim treasurer and probably at the next meeting there would be one person interested. Mr. Hughes said Mr. Hodgkins was already the Town Manager and he was not comfortable with Mr. Hodgkins as Treasurer, Paul Banik agreed. Mr. Hughes continued there was a citizen volunteering for two weeks. Mr. Hughes said the suggestion of Mr. Hodgkins sounded wrong and statutorily appointing a citizen was the right thing to do. Mr. Stearns asked if the Board was comfortable authorizing Cassandra to get on the Mascoma accounts as the signer for two weeks? Ms. Harlow said she appreciated the fact Ms. Pedigo was volunteering but was not comfortable with that without references or some sort of background check. Mr. Allen agreed. Mr. Stearns said the concerns were authorization, being a signer on the checks and reconciling accounts. He believed there was no conflict writing the checks/signing the checks, the conflict being reconciling accounts and reconciliation would be done by NEMRC. Two weeks would give the Board time to research someone to be a 'figure head treasurer', a person that has an interest, experience with money and doesn't necessarily have to run payroll or accounts payable. Mr. Hughes asked when someone ran for treasurer, would the Town ask for references? Mr. Stearns said 'no', it was an elected position. Mr. Hughes said the person interested was a citizen of the Town, a taxpayer, if she was running for treasurer the Town could not require a credit report or background check. Mr. Allen said he was happy Ms. Pedigo had volunteered, but usually there would be an opportunity for other people to run against her, and there would be so many days in the process. He had never been in a meeting where someone volunteered and all of a sudden they give someone the authority to be involved with checks. Mr. Hughes said if she was running for treasurer that would exactly be what would happen. Ms. Pedigo said she could go in as a write-in candidate and if there were 27 write-in votes she would be treasurer. Ms. Pedigo continued the Board could ask Cole Streeter or her father for personal references, she was volunteering, was an uninvolved party as she agreed with Mr. Hughes it was a huge conflict of interest. Mr. Jones (for the record) noted she was a member of the WCECD (Westminster Commerce and Economic and Community Development) committee. Mr. Hughes confirmed Ms. Pedigo was known on the WCECD committee and they had someone ready willing and able, was known in the

community, was on the WCECD committee and he believed, she was running for school board, lived in the Town and paid taxes. Mr. Hodgkins said she could not be elected in March, there was no write-in as the treasurer position was not open. Ms. Pedigo said her point was it was that easy to be a treasurer, there was no back ground check, no one was looking for references it was simply an elected position, based on how many people knew her name or wrote her name on the ballot. She said if the Board wanted her credentials, she has passed multiple background checks, had worked in human services for years, she has an education, was a taxpayer, owned property and was known in the community and had a kid in the school district. She was happy to have no access to money, was offering to sign checks, offering to do something helpful as she felt the community was side swiped by not having a treasurer for two years. Ms. Harlow confirmed this was about signing checks, not having access to the bank accounts. Ms. Pedigo confirmed. Ms. Stearns said a concern was the timing of getting checks signed, asking if Ms. Pedigo was available Thursday mornings to sign checks. The purpose of having Russ, (Mr. Hodgkins) be a signer on the account was he was in the office anyway. Mr. Hodgkins asked again who was going to be chipped or given a token so cash management could be done online. Two people were needed for two weeks. Two people were required to hold tokens. Mr. Hughes asked if someone was the treasurer, would that be something that person would be obligated to do, Mr. Hodgkins said, 'yes'. Mr. Hughes said statutorily the treasurer and assistant treasurer had resigned and it was now up to the board to appoint a treasurer. If they appoint a treasurer that person should be entitled to whatever necessary vehicle to get it done for a two week period until a full time treasurer was found. It was noted there was an assistant treasurer. Mr. Hodgkins said Kelly Thayer, as an assistant treasurer, was not authorized to hold a token. Mr. Hughes asked if there was a way to remedy that? Mr. Hodgkins said if the Board was willing to go through the process of having Kelly Thayer tokened, there was no issue. Mr. Harlow said it was not a easy thing to do, signatures were required, it would be done for two weeks, believing it made more sense for Mr. Hodgkins to do it. Mr. Hughes said statutorily, if Cassandra was the interim treasurer and Kelly Thayer was assistant treasurer, there would be four pairs of eyes effectively doing that, was everyone comfortable with Cassandra having access to that information with Kelly Thayer being there as well. Mr. Hodgkins said Kelly Thayer did not want a token and it was a conflict for her to have a token. Mr. Hughes said the treasurer would only have the token when they were in the office. Mr. Hodgkins said the token was specifically in the person's name, it is signed with a special number through the bank. Mr. Allen asked why she (Ms. Pedigo) couldn't be the treasurer and he be allowed to have the token. Mr. Banik said the Board had every right to appoint someone and that was all they were doing by accepting this ladies offer and to have a selectboard member hold a chip. Mr. Hughes asked if the solution was Mr. Allen hold the token and Cassandra to be the interim, appointed treasurer. Mr. Banik continued, if the Town trusted an outside agency, such as NEMRC with a token, he certainly hoped they trusted a resident and selectboard member. Ms. Young said it was two weeks, asking what happened in that time. Mr. Hughes said they had to scramble and there might be someone out there that might want the job. Mr. Stearns asked if the Board was talking about two bank tokens and if the signatures would be Cassandra and Mr. Allen (not Mr. Hodgkins) and Mr. Stearns and Mr. Allen would have tokens? He continued, in terms of authorizations, if the Board chose to appoint Cassandra (Ms. Pedigo) as Treasurer, Mr. Allen as her assistant and to hold a token and to perform online banking for NEMRC, specifically Willis Stearns, to hold a token for

purposes of performing the duties affiliated with the financials until such a time as a formal treasurer and assistant can be placed. Mr. Allen so moved. Ms. Young asked if Mr. Stearns felt this was a solution. Mr. Stearns said this would get the Town where they needed to be to meet the obligation of a treasurer for two weeks. The signers on the account would be Mr. Allen and Cassandra Pedigo. Mr. Allen confirmed they would appoint Ms. Pedigo as interim Treasurer for two weeks and himself as interim assistant treasurer. Mr. Stearns said the token for him would be to do downloads, pay taxes and do online financials etc. The goal would be to get a bookkeeper. The present solution would be for the Town to operate, employees and vendors to be paid and financials done. Mr. Banik said he was struggling with the term CFO, asking if the Town was an incorporation? Mr. Stearns replied it was a title and level of expertise, continuing he was trying to create a financial assistant to the Manager. Mr. Banik said it sounded as Mr. Stearns was trying to create two new positions for the Town asking why they were looking at hiring a bookkeeper. Mr. Stearns said the bookkeeper would do the process of finishing tasks of payroll, online banking and accounts payable, steps that were previously done by the treasurer. Mr. Banik felt if NEMRC was trusted with a chip to look at financials and receive tax payments, Mr. Stearns said he was not receiving anything. Mr. Allen said this would be clearer in two weeks. Ms. Young made the motion to appoint Cassandra Pedigo as interim Treasurer with Craig Allen being the interim Assistant Treasurer, who will hold a token. Mr. Hughes added, Willis D. Stearns will hold the second token - that was the motion. Jason Perry seconded the motion, the motion carried by 5-0 voice vote. **END OF DISCUSSION - FEBRUARY 23, 2022 SELECT BOARD MEETING - SCHEDULE OF DEFICIENCIES - TREASURER UPDATE**

4. Communications and Public Comments

- Discussion with NEMRC (Ernie Saunders and Willis (Chip) Stearns - Mr. Saunders appeared to answer questions. June Streeter stated in a copy of the 2015 NEMRC contract, the contract states it is required to be revised each year. She asked how much the Town had paid NEMRC in 2021. Mr. Saunders said his information showed \$22,000.00 was paid by the Town of Westminster to NEMRC. Cassandra Pedigo asked Mr. Saunders to confirm the Town had paid NEMRC \$22,000.00. Ms. Streeter asked if the 2015 contract was the current contract. Ms. Pedigo requested an explanation as information she was given from the Town office stated \$43,000.00 was paid to NEMRC. Ms. Pedigo asked how long Mr. Saunders had been in business and stated she had a hard time believing he showed up to a meeting with inaccurate numbers. She had requested public documentation and received information indicating \$43,000.00 was paid to NEMRC. Mr. Hodgkins said FY 2022 was an estimate and the numbers given to Ms. Pedigo were given from the budget. Conversation continued between the Board, Mr. Hodgkins, Ms. Pedigo and Mr. Saunders regarding assessment services, other services provided by NEMRC and files and documentation requested. Mr. Saunders noted there was often confusion between budgeted and actual, budgeted numbers were a guideline. Mr. Hodgkins confirmed the amount paid to NEMRC in 2021, listed in the Town Report was \$21,900.00. Mr. Hodgkins apologized to Ms. Pedigo for not being more accurate as he gave her budgeted numbers for 2021. Mr. Saunders noted there was not a lot of accounting knowledge in laymen boards and budgeted and actual numbers were often

confused. He added NEMRC's goal was to have expertise within the Town to perform financial duties. Ms. Streeter asked for clarification regarding NEMRC's security and lawsuits, specifically a settlement of \$30,000.00. Mr. Saunders stated the VT Attorney General had hired a professor from Champlain College to look at NEMRC's security due to information from a business competitor. The things found were immediately tightened, information was better encrypted making NEMRC's system tighter. Even though there was no breach of information found, the cost of having the system checked was \$30,000.00 and the State passed the cost on to NEMRC. Mr. Saunders said he could have hired a cyber-security attorney at a much higher cost to dispute the payment. He decided instead to settle for \$30,000.00. He stated he was convinced NEMRC's system was secure partially because the system had an older language hackers often did not go after. Mr. Saunders added his competitors were very large, he had offers to sell his business but did not want to sell as big companies charged towns seven times what NEMRC charged for services. He reiterated whatever Boards and people representing Towns said had to be true as being untruthful undermines local government. Mr. Stearns said it was his advice to have the Manager be the assistant treasurer on an interim basis until someone was found. Mr. Hughes thanked Mr. Saunders for information he provided focusing on Mr. Saunder's statement regarding true information. He asked Mr. Saunders if NEMRC had a formal training for its employees, stating that his employees treated everyone with respect. He gave Mr. Saunders information on Employee Relationship Training, a new training he believed was important. It was his opinion only - that anyone working for the Town as a contractor or anyone would treat the Board and vice versa with respect and understanding at all times as they represent the taxpayers. Mr. Hughes stated when the Board asked a question, it should not take nine months to get an answer. Mr. Hughes said his question was how monies were used in the general fund and could they use monies in the general fund, believing this was something NEMRC was an expert at, to tell the board legally what they could and could not use as far as the money they have, approved or not approved by the taxpayers. Mr. Saunders said they were not attorneys and could not tell the town what they could legally do. He said his company and personnel did know what best practices were and encouraged their clients to follow best practices. Mr. Hughes thanked Mr. Saunders and NEMRC for their work over many years. Mr. Saunders said he ran his company and accomplished his goals to keep local government local with two words, knowledge and kindness. Ms. Pedigo said the manual she had was clear highway funds and general funds should not be in the same account, questioning Mr. Saunders if he felt it was best practice these two accounts were combined. Mr. Saunders said they really should not be in the same fund. He said laws were different with a surplus in the general fund as the surplus was supposed to go back to the taxpayer when setting the tax rate for the coming year. When it was a highway fund surplus, it can be carried forward. Mr. Stearns commented the funds had been combined until March 22, 2022. Mr. Saunders confirmed NEMRC had recommended the Town separate the two accounts. Ms. Young said she believed Ms. Pedigo was making the situation move and this was good. Mr. Perry said he no longer wanted to assume things were being done, he believed things were pushed along, reviewed and to have conversations with Mr. Stearns to be sure things

are done. Not just financial things but other things as well. Larry Slason, legal counsel for the Town said he had represented municipalities for about 40 years. There is a wide variation between the towns in VT handling the budget, surplus and general appropriation and highway fund appropriations. Some towns still put them together as Westminster has done for a number of years. For attorneys that train in municipal law, this is not unlawful though it may not be best practice. Some towns separate their appropriation article into general and highway fund appropriations. The ultimate goal is to provide transparency and clarity to the voters. Mr. Slason believed Westminster, working with NEMRC and the Board was working hard to do this. It is his consistent advice to ask the voters what to do with surplus whether general fund or highway. If there are questions to never presume you can do what you want with surplus, you go to the voters to ask what they want to do with this surplus and if necessary to hold a special meeting. Mr. Hughes thanked Mr. Slason for all he did for the Town.

- John Jones - Addressing the Board - Information included in packet - Mr. Jones did not attend the meeting. Mr. Perry read a letter of resignation from Mr. Jones resigning from ARPA (American Rescue Plan Act), WCECD committee and WRC (Windham Regional Commission). Mr. Allen motioned to accept and submit into the record that Mr. Jones wanted to resign from the ARPA committee, WCECD committee and the Windham Regional Commission. Ms. Young seconded, the motion carried by 5-0 voice vote.

5. Unfinished Business - Discussion/Action -

- A. Hartley Hill Road - update - Fletcher Proctor - Mr. Proctor hoped to get information on where things were regarding the proposal for the Town to take over the road. He had researched land records putting together an account of how the road was left out when the Hartley Hill Development was done using this information to get a description of the strip of Hartley Hill. He questioned the liability issue discussed in an earlier meeting and had driven over several roads in Westminster and the legal status of these roads that became unmaintained at some point. These were designated as Town trails, with signs 'only authorized vehicles past a certain point' and signs 'no motorized vehicles past a certain point'. The point being if it is no longer a Town maintained road and the Town posts this, anyone driving past this point was driving at their own risk. He wanted to identify the impediments to getting the 50 foot wide strip (private section of Hartley Hill) into the ownership of the Town. He relayed information about work with Jeff Morse, an attorney representing Cersosimo, the Anthony Cersosimo Trust and the current trustee of the Trust being willing to sign off on the deed. Mr. Proctor did not believe a survey would be a big expense to the Town as there was an existing survey done that could be updated. He believed the property had been an issue for a long time, whether private or public it was being used by a lot of townspeople. The ownership would not get any simpler when/if the current trustee passed away. Mr. Slason distributed a packet of information to the Board as a binder of information containing source deeds, documents and historical information. Mr. Slason noted Mr. Proctor had done a tremendous amount of work on the issue. Attorney Slason spoke at length about the Hartley Hill subdivision where the plan of development was to convey to each buyer a right of way over the private section

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of road connecting to the Westminster and Saxtons River end. The right of way shall continue until their heirs and assigns deed the private road to the Town of Westminster at which time the right of ways cease to exist. Mr. Slason has reviewed the deeds Attorney Proctor has provided and confirmed that language uniformly appears. The conclusion is title to that section of private road was conveyed to Cersosimo and Patten, Patten's interest was subsequently conveyed to Cersosimo. Deed research confirms the private section would have been an asset of Cersosimo's estate. Atty. Jeff Morse believes they can trace the asset of road to the Cersosimo Trust. Ultimately, any quit claim deed, giving up any rights you have would name Dominic Cersosimo as Trustee or the Cersosimo Trust. This should be one of the steps the Town considers if they are going to take over the road. The other thing done was look at the warranty deed from Joseph Walsh to Robert Bonds. Mr. Bonds has remained steadfast he did not want the road taken over as a public highway. Research shows when Mr. Walsh conveyed property to Mr. Bonds, he conveyed property in a cumulative deed set forth in separate deeds. Joseph Walsh was conveyed a right of way and he conveyed this right of way to Robert Bonds. In every deed, it mentions conveying a right away between Town Highway 31 and Town Highway 15, not conveying a fee interest. A right of way to use property owned by someone else. Cersosimo and Patten believed they owned that section of road because it had been lawfully discontinued in 1957. The order of the Selectboard, the section of the road that was discontinued at that time is included in the information. At that time, H.W. Karstens, Jr. an owner of property on both ends of the road wanted the section of the road to be private indicating he would maintain the road. He let folks pass through the section, it was approved and notice of closure was sent to adjoining landowners. Information on a lawsuit/ruling by the Supreme Court to reclassify a Town Highway is included in the information. Due to the Supreme Court ruling, if the road was a lawfully created Town Highway, the action of the Selectboard in 1957 had no force and effect. Mr. Slason noted road litigation was nothing he would recommend lightly as it is complex and involved. He does not know if any portion of Hartley was ever lawfully created as a Town Highway. VT Statutes have a very clear process of how you take over and lay out a Town Highway and there is a legal process called dedication and acceptance. In dedication and acceptance a road dedicated by owners can be accepted by the Town and if then maintained by the Town, there is an implied acceptance. If the owner of the road, for example, the Cersosimo Trust dedicates it or quit claims it, the Town accepts the deed and spends monies, it is another way to potentially accept the Town Highway. He continued there may be other ways to do things, even accept the quit claim deed from the Cersosimo Estate, the deed from the Trust would be one step in the process. He recommended a land surveyor review the proposed road description in the deed and compare with the subdivision metes and bounds and survey lines for an opinion if the description provides a roadway of about 50 (fifty) feet in length. Another step Mr. Slason recommended was to proceed as if they were laying out a road following statutes in Title 19, provide notice to adjoining landowners, schedule a site hearing, and to hold a hearing of public good and necessity. Mr. Slason suggested if the Town did take over the road, the Board could discuss the classification of the road, possibly a class four section with two class three sections. A class four highway is maintained as necessary for inhabitants of the community without a binding obligation to maintain all year round. Mr. Hughes thanked Atty Slason and Proctor for their work and information. Mr. Proctor said the

history of Hartley Hill is convoluted, both the laying out and discontinuance. He continued if the discontinuance was defective. He believes something needs to be done to clarify the situation with his belief the worst possible situation is where the Town has legal responsibility for the road situation. Attorney Slason stated he and Attorney Proctor had done their due diligence reviewing the records and believed it was time to resolve the questions. Mr. Allen noted there were other people wanting the Town to take over private roads. Mr. Allen, Mr. Perry and Attorney Slason discussed the classes of roads and maintenance. Attorney Slason told the Board they were not compelled to make an immediate decision as he had provided a good deal of information for review. Mr. Hughes moved to table the discussion, study the information provided and to review at the next Selectboard meeting for further consideration. Mr. Allen seconded, the motion carried 5-0 by voice vote.

C. Appointment List - Second draft - Information included in packet - Mr. Hodgkins noted the information in red were people on the appointment list notified and had agreed to the position. Mr. Allen motioned to make Jason Perry Road Commissioner, Mr. Hughes seconded, motion carried 4-0 by voice vote. Jason Perry abstained from the vote. Mr. Allen noted to contact Christopher Potter to request he be Cemetery Commissioner and Russell Hodgkins the Assistant Cemetery Commissioner. Other additions are Jason Perry will be the Selectboard representative to the ARPA Committee and Kevin Hughes the Selectboard alternate to WRC. Katrina Hamilton is the Selectboard alternate to WCECD committee. Toby Young is the Selectboard Alternate to the Development Review Board, Mr. Hodgkins will continue as the Emergency Management Director and Jason Perry will be the Selectboard alternate to the Planning Commission. Kevin Hughes will be the Selectboard alternate to Windham Solid Waste. Mr. Hodgkins will advertise the Windham Regional Planning Commission vacancy. Mr. Allen motioned to approve the list with corrections noted and a final copy be provided with the corrections. Ms. Hamilton seconded, motion carried 4-0 by voice vote.

Note: Toby Young left the meeting at 8:07 p.m.

D. July 29, 2021 Storm - update - Information included in packet - Mr. Hodgkins told the Board two projects had been obligated meaning the money has been promised by FEMA, allocated to the State but as yet, not disbursed. Projects 4, 5, 6 and 7 were completed and in different phases of the chain of events with FEMA (Federal Emergency Management Agency). The last completed project (East) is about two thirds complete by the public assistance officer. The remaining project, Westminster Heights Road culvert replacement will be a mitigation project. The project will be submitted when the bid is received. No monies have been received. Mr. Hodgkins stated he followed up weekly regarding the timeline of money disbursement. Mr. Hodgkins said he believed some expense for the fire department apparatus would be disbursed and work was on going regarding the stipend.

6. New Business - Discussion/Action -

A. Town Meeting - Discussion - Mr. Allen believed the North Westminster Community Hall

and possibly the Town Garage should be introduced at Town Meeting to discuss with residents. Mr. Banik questioned if the location of the actual meeting could be moved back to the Bellows Falls Union High School. Attorney Slason noted the Town may be able to shift the location with a contact as soon as possible to the Secretary of the State. Nate Stoddard asked to clarify, under Article 10: To transact other business to be brought before the Town of Westminster - how would people know discussion would take place about the Community House of Town Garage. Mr. Allen said it was a discussion, no decisions would be made. Mr. Hughes made a motion to investigate moving the annual meeting from the Westminster Institute to the Union High School April 30, 2022 empowering the Town Manager to contact the VT Secretary of State to be sure of meeting compliance and to be sure the Union High School or other facility was available. Mr. Allen suggested approving the meeting at the Union High School with a contact by the Town Manager to the Secretary of State and Union High School. Mr. Allen seconded, motion carried 4-0 by voice vote. The Town Manager and Selectboard discussed individual members addressing articles for the Annual Meeting.

Article 5 - Mr. Stearns recommended having up to date information available and a financial position known of funds from FEMA being as accurate as possible. Mr. Hodgkins said the information was changing daily.

B. Delinquent Taxes - discussion - Information included in packet - Mr. Hodgkins said there were various individual circumstances such as broken contracts, loss of contact information and two year contracts where people were excellent regarding paying payments or what they were able to pay. One letter has been sent and a second letter will be sent soon. Information will be provided to legal counsel for a tax sale around the end of June. In answer to June Streeter's inquiry, Mr. Hodgkins said at Town Meeting, (many years ago) it was decided it was humiliating to list delinquent tax information. If by January 1st taxes have not been completely paid, names are listed. Mr. Hodgkins noted even though the information is available to the public, it was his error to include the list of delinquencies in the email of meeting documents, the Town did not publish the information by order of the Selectboard. Attorney Slason said someone that owed back taxes could buy a parcel at a tax sale, it was an open process for the general public. Mr. Hodgkins answered several of Ms. Pedigo's questions regarding individual tax owed, Mr. Perry requested Ms. Pedigo contact the Town Manager regarding other questions.

C. New Financial Position - discussion - information included in the packet showing current duty detail in various towns. Mr. Hodgkins questioned if the Board would create their own job description, will NEMRC work with the Town or would the Board create a committee to work on a job description. Mr. Hodgkins said the Treasurer position would not be eliminated but the Board would shrink the demands of the Treasurer, take burden from NEMRC and create a position to do the heavy lifting of the Town accounting. Attorney Slason said many

Towns had voted to have the Selectboard appoint both a Treasurer and Town Clerk. The duties of the respective offices would remain the same as defined by statute. The positions do not have to be elected. A warning would be required at the Annual Meeting to appoint the position using statutory language. Mr. Hughes asked Attorney Slason to confirm if a financial manager position was created it could not impede or take away from the statutory role of the Clerk or Treasurer even if the position were appointed. Mr. Hughes motioned to create a sub-committee using information learned from Attorney Slason to craft the position. Mr. Allen seconded, the motion carried by 4-0 voice vote. Mr. Hughes, Branden Pedigo, Katrina Hamilton and June Streeter volunteered to be on the committee. Mr. Stearns noted. Attorney Slason agreed, there was a huge difference between what was written in statute (the Town must abide by statute) and what VLCT (Vermont League of Cities and Towns) lists as Treasurer responsibilities. Mr. Stearns believed Westminster needed an employee working for the Town Manager to do the 'grunt work' that is required and the treasurer could be anyone.

- D. Conflict of Interest - discussion - Information included in packet - Mr. Hughes motioned to table this item as the information in the policy is extensive and specific. He encouraged fellow board meetings to read and review the policy as of September 14, 2010 and to discuss this item at the next meeting. Mr. Allen seconded, and noted he was part of the conflict and believed he would be assistant treasurer for two weeks. Mr. Hughes said the Town was not in compliance. Mr. Hughes then motioned to appoint Pauline O'Brien as assistant treasurer. Mr. Allen said he understood the Treasurer appointed the assistant treasurer, Mr. Hughes agreed. Kevin Hughes withdrew his motion, Mr. Allen withdrew his second to the that motion. Ms. Pedigo asked to appoint Pauline O'Brien as assistant treasurer. Mr. Stearns questioned if it was a true statement the current Treasurer wished to remove Craig Allen as a signer on accounts and having a token to the bank. Mr. Allen said the Selectboard had to submit an approval to the Mascoma Bank regarding this change. Attorney Slason advised the written detail by statute for Mascoma Bank. Ms. Pedigo stated she would like to re-instate Kelly Thayer as Assistant Treasurer. Mr. Hughes again moved to table item D and E under New Business. Mr. Allen seconded, the motion carried 4-0 by voice vote.

7. Manager's Report:

1. Town Hall Front Entrance - The entrance should be completed next week. Doors and lights are the missing as they are being re-done.
2. ARPA Seminar is April 5, 2022 at 12:30 to go over the 'final rule' and reporting of used funds. Mr. Hodgkins asked Board members to contact him if they wished to attend the seminar.
3. The next ARPA meeting is April 19, 2022 at 6:00 p.m. at the Westminster Institute.
4. Bids are due April 1, 2022 for the culvert replacement on the Heights road at the School Street intersection. Eleven contractors were in attendance at the site visit.

8. Boards, Committees and Commissions - Paul Banik. Chair of the ARPA committee said as a

result of the last meeting that was poorly attended, there was a discussion if received ARPA funds should or should not be put in the Town general fund. He said there were two rules, one 43 page original and a new 150 page rule. He didn't believe members had a good understand of the rules but were thinking the funds should be put in the general fund as there would be less strings attached. The committee has made an initial decision to put the funds in the Town's general fund. Mr. Hodgkins said the State was very clear Towns receiving under 10 million dollars, to open opportunities of spending for the public was a small window of need. Putting the dollars in the general fund opened it up to businesses, persons and projects the Town needs for public good. Mr. Perry said he believed there should be oversight of the funds. Mr. Hodgkins confirmed reporting to the state was very clear and precise. Mr. Stearns and Mr. Hodgkins explained the process, guidelines, reporting and paperwork involved in putting the ARPA funds (up to 10 million dollars) in the general fund. Mr. Banik said the committee believed their purpose was to establish projects for the greater good of the entire Town. He and the committee will do their best to differentiate the first and second ruling, why the committee favors one on the other.

In another matter: Mr. Lawrence noted the Town garage committee had agreed to look at options for a different building and had looked at several different buildings. The committee has learned the corner of the highway department and salt shed is owned by the State of VT. The land and building is valued at \$110,000.00. Mr. Lawrence has forwarded a copy of the deed to Mark Pickering. Mr. Lawrence believed the State would contact the Town with some kind of proposal. There is an open house from 10 a.m. to 2:00 p.m. April 9, 2022. In attendance to answer questions will be an engineer, a master plumber, electrician and members of the committee

9. Other Business - Cemetery Deed - Mr. Allen motioned to grant allotment of 12 spaces to Justin Ruggiero in the New Cemetery for \$1,960.00. Mr. Hughes seconded motion, motion carried 4-0 by voice vote.

In another matter: Mr. Allen noted Jeff Ruggiero had passed away. He was a Selectboard member, involved in the Town as a volunteer and in many ways and had a great sense of humor.

10. Date of Next Meeting - April 13, 2022

11. Adjournment: Mr. Hughes motioned to adjourn the meeting at 9:27 p.m. Ms. Hamilton seconded, meeting adjourned.

Secretary

Date