

## WESTMINSTER SELECTBOARD MEETING

Wednesday, March 22, 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, Stephen Major (Vice Chair), and Dan Crocker (Clerk),

**Staff Present:** Millie Barry (Recording clerk) – Alison Bigwood (Interim Town Manager/Zoning Administrator), Chuck Lawrence (Road Foreman), Ben Masure, Jason Benson, Corey Noyes, James DeBell, Robert Hadley and Larry Allen

**Others Present:** Yvette Hendler, Paul Banik, Chip (Willis) Stearns (NEMRC) New England Municipal Resource Center, Chris Potter, Bari Shamas and others not identified.

**1. Call to Order:** Katrina Hamilton, Chair of the board called the meeting to order at 6:31 p.m.

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

**2. Adjustments to Agenda:** Alison Bigwood noted there would be no G., Manger's Report under New Business

**3. Acceptance of Minutes:** Kevin Hughes motioned to accept the minutes of March 8, 2023, Dan Crocker seconded; motion carried voice vote 5-0

**4. Communications and Public Comments:** Bari Shamas, chair of the Planning Commission, said they were working on the town plan. Katrina Hamilton noted a vacant seat on the commission.

**5. Unfinished Business:** (Discussion/Action)

A. Conflict of Interest Policy re-sign – Information distributed at meeting - Kevin Hughes noted under 24 V.S.A. Section 1984 as adopted by the Town of Westminster and the Westminster Selectboard September 14, 2010 (date of the original submission) signed by Toby Young, Craig Allen, Paul Harlow, Peter Barrett and Jeff Ruggiero (**document to be officially entered into the minutes of March 22, 2023 Westminster Selectboard Meeting**). Duly signed December 1, 2022 by Jason Perry, Kevin Hughes, Katrina Hamilton, Craig Allen and Nathan Dugat. (**Amended policy signed December 1, 2022 to be an official document entered into the minutes of March 22, 2023 Westminster Selectboard minutes**). Hughes moved to adopt, March 22, 2023 the exact same document signed December 1, 2022 by Katrina Hamilton, Kevin Hughes and Jason Perry as submitted, under statute to include Stephen Major, and Dan Crocker, (new members of the selectboard). Jason Perry seconded motion. Stephen Major questioned how one would know if they had a conflict of interest, especially an inadvertent conflict a person might not

perceive. Ms. Hamilton said she believed it was the honor system. Hughes noted any member of the selectboard could point out a conflict. A person could disclose a potential conflict of interest with the ability to deliver services or goods without a detriment to the town or a conflict to undermine delivery of services/goods as promised. There was no actual recourse, nothing compulsory to force someone off the board, there could be a public statement or censorship. Motion carried by 5-0 voice vote.

B. List of Appointments – (First Draft) – Information included in packet -

**ARPA** (American Rescue Plan Act) Committee – Katrina Hamilton will serve as the selectboard representative (replacing Jason Perry) and clerk of the committee. Dan Crocker will serve as the ARPA selectboard alternate.

**Conservation Commission** - Stephen Major resigned leaving a vacancy on the commission.

**Development Review Board** -Dan Crocker will be the selectboard alternate.

**Emergency Management Director** - Hamilton noted Peter Smith has agreed to serve as the director.

**Assistant Fire Warden** – Ms. Hamilton will contact Patricia Haas regarding continued interest.

**Planning Commission** – Hughes moved to appoint Seroya Crouch and Richard Crocker to the Planning Commission, Perry seconded. There was no vote. Stephen Major will be the alternate Planning Commission person.

**Road Commissioner** – Hamilton noted statutorily and to meet legal requirements Alison Bigwood was the commissioner until a town manager was hired.

**Town Health Officer** – Alison Bigwood is interim health officer.

**Town Service Officer** – Alison Bigwood

**Windham Regional Planning Commissioners** – will be discussed at the next board meeting.

Stephen Major motioned to approve the changes to the first draft of the Town of Westminster Appointment List as noted. Hughes seconded; motion carried by 5-0 voice vote.

Hamilton noted the town manager hiring committee will be added to the appointment list.

Chip Stearns will begin the process of gathering information for the five-year capital plan.

C. Junk Yard Ordinance Legal Opinion – Hamilton said under current VT law a salvage yard, per Larry Slason (legal counsel) includes outdoor storage of 4 or more vehicles, unregistered for 90 days or more. The owner/operator is required to have a certificate of approved location from the selectboard and an operational certificate from the State Transportation Board. The location and use must conform to local regulations. Westminster’s Ordinances defines a junk yard as outdoor storage of 3 or more vehicles, unregistered for 30 days visible from a public highway. The property on Morse Brook Road does not meet the definition of a salvage yard. As the property owner has volunteered to put up a fence, they are resolving the issue. Ms. Bigwood said the neighbors have requested a permit for the fence. The board agreed the issue

was closed.

D. Hazard Mitigation Plan Survey (Windham Regional Commission) WRC – Information included in packet – Mr. Hughes motioned to table the item to the next meeting and try to have members of the Planning Commission available for discussion. Mr. Crocker seconded; motion carried 5 -0 voice vote.

**6. New Business: (Discussion/Action) –**

A. Chip Stearns Financial Discussion – combining accounts - Information included in packet – Stearns said the information included some of the current public funds and the reality in terms of fiscal responsibility was whether the town should try to get out of this fiscal responsibility as financially it no longer made sense. At the time the fiduciary responsibilities were turned over to the town the amount of money in principle was a meaningful amount of money, generating sufficient value in earnings to meet the obligation provided at that time. For the most recent one detailed on the handout 50 years had passed. The process of holding some of the funds in a separate account at a bank, someone to organize .01 or .02 (one or two cent) journal entries monthly, the only thing changing in the account was the interest, there was not enough money to do anything. He believed legal counsel could be consulted, and the treasurer would draft a letter to probate court explaining the situation. The board would make the decision for each account what would happen with the funds, possibly the total value given to another organization (with the same goals) to administer. The obligation has been met because the long-term commitment from 50 years ago can no longer be maintained with the present funds. In some accounts where the beginning amount was \$5,000.00, today that amount does not generate enough interest to meet the intended purpose. Mr. Major confirmed the funds were used down to their threshold, not invested, or increased. Stearns said for some accounts the town hall is not receiving the bank statement making it difficult to reconcile accounts or to meet audit questions and requirements. He questioned if the trustees of public funds were an active group of three, meeting regularly, setting an agenda, taking meeting minutes and voting to act. He said some accounts did have significant amounts of money but did not meet the threshold of management of \$100,000.00, an amount generating income to meet the purpose. He said the town could legally dissolve the accounts by petitioning probate court. Another choice is to do nothing. In answer to Dan Crocker's question, Mr. Stearns believed Pete Harrison was receiving some of the account statements. Mr. Hughes noted there was about \$152,000.00 in account balances questioning the board's fiduciary responsibility as they were originally established and to have an accurate and clear legal opinion about how the funds can and cannot be used. Stearns noted the funds were the fiduciary responsibility of the town/board by their federal identification, but all funds are totally restricted in some way. Mr. Major noted \$104,000.00 of the approximately \$152,000.00 was designated for the town cemeteries or their operation.

B. Sheriff – In a conversation with Mark Anderson, the Chair said Mr. Anderson would attend

a meeting at a future date. Information from Anderson was Putney would be interested in a shared sheriff department agreement with Westminster. Anderson indicated in the prior agreement with Putney the department had staffing issues, Westminster decreased its budget due to staffing issues and because of the decrease in funding, Putney was utilizing the sheriff two times the amount as Westminster. Hamilton said she believed the board should research other options such as hiring an independent person or possibly police service from the Town of Rockingham (Walpole, NH cannot cover VT). Jason Perry and Kevin Hughes volunteered to discuss cost and a possible proposal with the Town of Rockingham. The board discussed researching the cost of an independent person. Paul Banik suggested adding a constable to the list of appointments to act as a liaison to build relationships with other departments, have a presence in town and research costs of independent coverage. This item will be tabled pending more information.

C. Town Clerk Resignation Acknowledgment – Information included in packet – Ms. Hamilton read Pauline Blake O’Brien’s letter of resignation adding the notice of vacancy has been posted and the selectboard will appoint a town clerk at their meeting April 26, 2023. Mr. Perry motioned to accept the resignation of Pauline Blake O’Brien, Mr. Hughes seconded; motion carried 5-0 voice vote.

D. Faith’s Ford Speed Limit Request – Information included in packet – Ms. Bigwood noted the letter to the VT Agency of Transportation requesting a speed reduction in the section of road in front of Faith’s Ford was to meet Faith’s Ford request. State statute requires speed limits on State maintained highways be set by the VT Traffic Committee. A town’s governing body may request a change in the speed limit by writing a letter. She said the board did not have to agree to the speed limit request to reduce 1.2 miles from 50 to 35 mph (miles per hour) or her letter. The company maintains numerous accidents have happened in front of the dealership. The section of the road from Compass School is 40 mph and increases to 50 at the recycling center then decreases to 35 mph from Harlow Farm stand to a little past the Windham Northeast Supervisory office, increasing to 50 mph thereafter. Ms. Bigwood added the dealership plans to build a new building and the entrance area will be more defined/clearer than at the present time. Mr. Lawrence said State information is a traffic study would be done using an average travel speed in the area and the posted speed limit could increase opposed to decrease. Mr. Hughes requested to close debate and sign the letter. Hughes moved to endorse and amend a letter to decrease the speed on Route 5 in the vicinity of Faith’s Ford (1.2 miles) from 50 mph to 40 mph. Mr. Crocker seconded; motion carried 4-0 voice vote. Stehen Major abstained from the vote.

E. Award Paving (bids) – Information included in packet – Lawrence said Springfield Paving was the low bid. Mr. Perry motioned to award the paving bid to Springfield Paving not to exceed \$198,698.40. Huges second; motion carried by 5-0 voice vote.

F. Town Manger Search Committee Report – Information included in packet – Chris Potter said

the committee met one time composing a long and short version position advertisement for the board's approval. The next step would be to research cost to advertise. Hamilton said advertising with VLCT (Vermont League of Cities and Towns) is free to the town. One other estimate covers the New England area and has national outreach at \$1,000.00 to \$1,500.00. in the Town's chosen newspapers. Potter said other options were Zip Recruiter, Indeed, Craigs List, a SOV (State of VT) governor careers advertising website and Westminster's town website. The committee will research advertising costs. Major inquired what the budget was for the hiring process. Mr. Perry and Ms. Hamilton agreed VLCT did not do much in the last hiring process, the background check was done by an outside firm at a cost of \$300.00, a reduced cost due to circumstances at the time. Mr. Major believed the process would be to advertise generously to find a town manager willing to stay and do a good job. Mr. Potter said the committee discussed finding someone good with people and managerial skills, someone account savvy able to do the financial portion, and or possibly a part time financial advisor and a town manager managing the day-to-day business of the town. He asked, from the board's perspective, was the committee limited to one person or was there a two-part option. Hughes commented he was open to bifurcating the position in a difficult job market. It was essential to have someone with relationship management skills, someone able to work well with others, a good administrator, able to get things done in a timely fashion. The board agreed to advertise for both positions (a more expensive option). Ms. Bigwood noted remaining in the selectmen expense was about \$2,600.00 and the finance officer line \$3,360.00. Mr. Major confirmed one person could be hired and compensated for both positions or two separate people could be hired to comply with the budget. Mr. Hughes moved to approve the advertisement/solicitation for hiring a town manager and or finance director as written. Mr. Perry seconded; approved by 5-0 voice vote. Ms. Hamilton noted to keep the hiring committee moving forward, it would cost \$1,000.00 to advertise with a recruitment agency for one month. Mr. Hughes said the board would look for the funds within the guidelines of the budget to advertise.

H. Road Foreman Report – Chuck Lawrence said the town continued to clean up fallen trees downed in the recent storm. The crew is grading and raking roads. He stated an estimate of gravel loss for 50 miles of road at 15 feet wide, 1" thick was 12,000 yards of gravel at \$12.50 per yard about \$150,000.00. The yearly town budget was \$50,000.00. He said every time there was an event such as the last storm plus environment changes, that gravel was not a renewable resource, the town had to think about the future to keep up with the gravel loss. He added the State is asking towns to post dirt roads in January as well as spring to limit heavy traffic.

I. Executive Session – Mr. Hughes motioned under 1 V.S.A. 313 A Section A 1 A, 2 executive sessions, the first contract discussion being that premature public knowledge would clearly place the municipality (town) the public body, a person or persons involved at a substantial disadvantage inviting the present members of the highway department and the interim town manager. The second executive session, also a contractual matter inviting the interim town manager. On both matters, no action is intended to be taken. Mr. Perry seconded; motion

carried 5-0 voice vote.

**7. Boards, Committees and Commissions:** None

**8. Other Business:** – Mr. Major said the historical society is researching options to raise funds to renovate the ‘Hearse House’ in the Westminster West cemetery. There are two hearses, one in the historical society space and another housed in a local garage.

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

**The board moved to executive session at 8:15 p.m.**

**At 9:39 p.m. the board reconvened regular session. No action was taken.**

**Adjournment:** At 9:40 p.m. Kevin Hughes motioned to adjourn, Stephen Major seconded; meeting adjourned by 5-0 voice vote.

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Clerk

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Date

Minutes composed by Millie Barry 3/24/2023