

WESTMINSTER SELECTBOARD MEETING

Tuesday, June 11, 2024 at 6:30 p.m.

In person at Westminster, VT Town Hall and remote by FACT TV

Selectboard Present: Dan Crocker (chair), Jason Perry (vice Chair), Real Bazin (clerk), Katrina Hamilton and Stephen Major.

Staff Present: Millie Barry (clerk)

Others Present: Russ & Barb Hodkins, Morgan Saxby, Joe & Elaine Bacchiocchi, Alisa Allbee Daigneault, Elaine & David Judd, Paul Guido, Kath Kortge, Beth Anderson, Scott & Christine Durant, Brian & Diane Bousquet, Elaine & Norm Beam, Chris Potter, Sam Potter, Priscilla Allbee, Andy Daigneault, Bryant & Jean Kuhn, George James, Joe Haskell, others present (names/signatures unreadable), and 1 person from FACT TV

1. **Call to Order:** Dan Crocker, Chair of the Board called the meeting to order at 6:30 p.m. Information to access a future meeting using a remote connection (when available) is on the Town of Westminster website or by contacting the Westminster Town Hall. Mr. Crocker reminded people to be recognized by the Selectboard chair before speaking and each person had three minutes to speak.
2. **Adjustments to Agenda:** Jason Perry noted under New Business to move B. to A. The chair noted the adjustment.
3. **Acceptance of Minutes:** May 28, 2024 – Jason Perry motioned to approve the minutes of May 28, 2024 as printed, Katrina Hamilton seconded; motion passed with 3 voice votes (Bazin, Perry, Hamilton) Major abstained due to absence.
4. **Communications and Public Comments:** None
5. **Unfinished Business:** (Discussion/Action)
 - A. Listers salaries - Mr. Crocker noted listers were given a 3.2% increase effective July 1, 2024. As the fiscal year (FY) 2025 budget has been submitted, an increase should be addressed for the next budget year. In answer to Stephen Major's question regarding the lister clerk, Mr. Bordeaux said the clerk will be relevant for FY 2025 and with a pending revaluation, Alison Bigwood will be taking on this role.
 - B. Cab and Chassis bid information: Real Bazin questioned was a seventh truck required if the road crew continued as five members. Mr. Bordeaux said if an additional person was added, the money was budgeted to buy an additional truck. Jason Perry said there were 5 CDL trucks and 2 non CDL trucks. If the crew continued with 5 members or if an additional member were hired, there would be no need for seven trucks. Mr. Major noted (before the present time) a decision was made to buy a new truck and the Board went forward with the bidding process. He believed it was good to respect the process. Ms. Hamilton said if the Board was going to go through the bidding process, instead of wasting the Managers, others in the Town Hall and the highway departments time, to not vote to bid on something especially when the Board had rough ideas of the cost of equipment before the bidding process. Stephen Major motioned to purchase a cab and chassis truck

recommended by the road crew and Town Manager. Katrina Hamilton seconded; Mr. Bazin asked the Manager to answer if there is the possibility of 6 crew members, was it wise to buy a seventh truck. The motion was defeated by voice vote two in favor (Hamilton, Major), three opposed (Bazin, Perry, Crocker).

- C. Body/Hydraulic bid information – Body/Hydraulic would not be purchased without approval of Cab/Chassis.
 - D. Noise Ordinance – Information included in packet – Mr. Bordeaux said the changes/modifications to the ordinance had been submitted to legal counsel for approval. Mr. Major noted Article III C, “Emission of sound in the discharge of firearms when used in accordance with VT Fish and Wildlife laws”, questioning the category specified as the item was vague and a big category of noise. Mr. Bordeaux said VT Fish and Wildlife laws were published by the State of VT. Mr. Crocker said the item was taken from the prior ordinance. Jason Perry motioned to approve the new ordinance as written. Real Bazin seconded; motion passed by voice vote three in favor (Perry, Bazin, Hamilton) and one opposed (Major).
6. New Business: (Discussion/Action) –
- A. Chris Potter, et al – various unspecified concerns – Chris Potter provided information for the Board. He thanked the Board for recently adopting a new conflict of interest policy. He read from information in a packet he brought from the bar association ethics opinion (in part), “a firm engaged as Town attorney is ethically barred from representing other clients in matters against the Town including criminal cases, involving the Town police or matters that might come before the selectmen, zoning board of adjustment or planning commission. Town Attorneys cannot represent clients before the various town boards. To do so would be a clear conflict of interest as there is the potential for an adversarial position whenever a party make application to various Town boards.” Mr. Potter continued, “an attorney as Town Counsel might be aware of certain deficiencies in the town By-Laws having acquired that information by virtue of representing the municipality. It would violate Canon 4 to then use that knowledge against the municipality.” Potter said he was before the Board for a little help with a situation in his neighborhood, as he believed nothing was being done about it. He asked if the Westminster Zoning Ordinance could be manipulated for the benefit of some but not the benefit of others and noted the zoning violations addressed in the packet had been sent to a Brattleboro attorney with no answers. He noted no one seemed to know the weight limits of a neighborhood Town bridge, questioned the Town harassment policy that talked about bullying and believed his neighborhood was dealing with bullying. There were multiple violations to the Zoning bylaws that had not been addressed by either Town Counsel. Mr. Major questioned what the neighborhood/project/problem was. Mr. Potter said he lived on Goldies Road and the neighborhoods involved were Goldies Road, Morse Brook Road and James Road. There was a recent application brought to the Zoning Board for a lot line adjustment now in Environment court. Town Counsel

advised the Town's Zoning Administrator how the matter was to take place and then decided to defend the applicant. Dan Crocker questioned what Mr. Potter would like the Board to do? Mr. Potter said (in part) the town voted the Board in as they believed the Board would do a good job taking care of the Towns' business and to investigate the conflict-of-interest matter. In answer to Mr. Bazin's question, Mr. Potter said they were waiting for the Environmental court decision on the validity of the application and whether it stands. He continued, a phone call and email to Attorney Fisher from the Town Manager, in his opinion, provided no answers. Mr. Bordeaux clarified Attorney Fisher's response that the next stage of litigation would be July or August. Brian Bousquet provided pictures of approximately 40-50 steep acres being clear cut while in the process of litigation by the Environment Court. Trees are hauled out by tractor trailer truck and brush in another area of the property packed by the skidder. Dan Crocker believed if 10 acres were untouched, this was a State of Vermont (SOV) issue. In answer to David Judd's question regarding the condition of the culverts, the Town Manager said he had been in contact with the road foreman and was aware of the issues. Mr. Judd also questioned the noise ordinance noting work began at 4:30 a.m. The Manager said the new noise ordinance containing a time restriction was required to age for 60 days. Mr. Perry agreed there was a conflict issue regarding Town Counsel representation of the applicant and attorney Bob Fisher had not been responsive. Alisa Allbee Daignault questioned how to be appointed to the Zoning Board. At present, there were two non-town residents on the Board, and she felt Westminster residents would be a better fit to represent the Town. She stated she had written to the Zoning Administrator to submit her name as a member. She questioned how to remedy the problem of non-residents serving on a Town board. Jason Perry stated the Development Review Board (DRB) board were appointed by the Selectboard. In answer to the question, "if non-residents voted on a matter was it legal", the Board agreed it was for Town Counsel or VLCT (Vermont League of Cities and Towns) to resolve.

On another matter: Mr. Bordeaux said the Planning Commission had been reestablished and would be working on the Town Plan and he was working on a grant to have a consultant revise the Zoning ordinances.

- B. Peter "Bruce" Murray – Municipal Dissatisfaction – Mr. Murray was absent. Stephen Major motioned to table item Bruce Murray Dissatisfaction until a future meeting. Real Bazin seconded, motion passed by voice vote, in favor (Perry, Bazin, Hamilton, Major)
- C. FY2025 Sheriff Contract – Mr. Crocker noted there was an hourly increase of \$2.00 per hour and the contract was within the budget of \$120,000.00. Stephen Major motioned to allow the Town Manager to sign the new contract for the Town of Westminster with the Windham County Sheriff. Katrina Hamilton seconded; motion passed with 4 votes (Perry, Bazin, Hamilton, Major). Mr. Bazin requested the Manager question the sheriff about their responses to most calls with lights flashing and sirens blaring. Bazin added sometimes the sheriff made it difficult for the fire department to get to the call.

D. Cemetery Wall Contract -

Katrina Hamilton motioned to approve the Town Manager sign and approve the cemetery wall contract with Bazin Brothers. Jason Perry seconded; motion passed by voice vote 2 in favor, (Hamilton, Perry) opposed (Major), abstain (Bazin).

E. Dog License Scofflaws – Information included in the packet – Mr. Bordeaux said as of May 8th there were 202 unlicensed dogs. On May 28, as requested by Ashley Pinger, Animal Control Officer, the clerk’s office sent a letter composed by Pinger to 112 dog owners (some owners have multiple dogs) for a total of 174 dogs. 62 dog owners have responded to the letter. Sam Potter suggested adding to the Town website residents could send information and monies to the Clerk’s office and the registration would be returned by mail.

F. Purchasing Policy update – Information included in the packet – Mr. Crocker said the Town Manager had lowered some limits and changed his title from purchasing agent to chief procurement officer. Mr. Major believed the purchasing policy should be increased for the bid process. Mr. Bordeaux noted basic routine daily purchase amount was reduced to \$500.00, minor purchases to \$500.00-\$2,000.00. The major purchase amount reduced to \$2,000.00. The Board approves anything from \$10,000.00 and above. The Manager will approve purchases from \$2,000.00 to \$10,000.00 as opposed to department head approval. Real Bazin motioned to approve the purchasing policy, Stephen Major seconded; motion passed by 4 voice votes (Perry, Bazin, Hamilton, Major).

G. Town Manager’s Report –

- Manager met with Katrina Hamilton to better understand the Cemetery Commission. He suggested the Board revise the Commission to include two SB (Selectboard) members, two sextons and a community volunteer. Chris Potter noted Mr. Wright and Chuck Lawrence had an agreement regarding maintenance of the Westminster West cemetery. He added, the stones in the cemetery were very old (1700, 1800’s slate and marble) and did not stand up to continual weed whacking. In some cases, the bases of stones had deteriorated and to repair bases and broken stones would be expensive. Mr. Major questioned when the Town would spend the monies to repair the stones. The Manager said Chip Stearns had assured the Manager there was money available under a different heading in the NEMRC (New England Municipal Resource Center) report.
- A bill (S 55) signed by the Governor in effect as of July 1, 2024 requires recording and posting recordings of all meetings of public bodies.
- Pilot Program: The Manager is gathering statistics to present to the Board a pilot program to close the Town Hall on Fridays in July and August. Benefits would be longer hours for the four days the Town Hall is open.
- Town Hall Painting: Job is nearly complete. A dry well was discovered in back of the Town Hall. Stebbins suggested there could be some structural work in the area of the fire escape required in the future.

- Estimates: Received are an estimate for a fuel monitoring system at the highway garage and security cameras at the garage. Also, new signage for the front of the Town Hall as the old signs showed signs of rot.

H. Road Foreman's Report – None

I. Executive Session – None

7. Boards, Committees and Commissions: None

8. Other Business: Jason Perry motioned to approve the sale one burial lot in Section E, Row 3, lot 134 in the Westminster New Cemetery to Christine and Kenneth Cook for \$310.00. Katrina Hamilton seconded; motion passed by voice vote in favor (Perry, Bazin, Hamilton and Major). Jason Perry motioned to approve the sale of two burial lots in Section E, Row 3, grave 132 and 133 to John F. Porter and Delce J. Porter for \$460.00. Katrina Hamilton seconded; motion passed by four votes (Perry, Bazin, Hamilton, Major).

In another matter: Mr. Bazin said after followed a Ruggiero Truck for several miles it appeared recycling and trash were being thrown together in the same bin, not being separated. Mr. Bordeaux noted a truck may have broken down and the collection companies' priority was to get the trash off the street and to dispose.

9. Executive Session: None

10. Date of Next Meeting: Tuesday, June 25, 2024 at 6:30 p.m.

11. Adjournment: At 7:49 p.m. Jason Perry motioned to adjourn; Real Bazin seconded, meeting was adjourned.

Clerk

Date