

**SELECTBOARD MEETING  
December 17, 2020**

Present:        Julia Andrews                                  Callie Hamdy  
                    Bill Cleary                                         John Roberts  
                    Allison Hope    Greg Barrows  
                    Nanette Rogers

Guests:        See attached

The meeting was called to order at 6:00 p.m. The meeting was held via Zoom. All attendees attended remotely.

**CHANGES TO AGENDA**

Removed Step 2 Step 2 Community Wastewater Engineering Agreement and added 2020 Grand List Errors & Omissions under Discussion, added Authorization to pay invoices before next Selectboard meeting to Treasurer.

**PUBLIC COMMENT**

There was no public comment.

**VICIOUS DOG HEARING**

The hearing is in response to a complaint filed against a dog, Moose, owned by Ben Haskell, who was not present, regarding incidents on December 2, 2020 and December 9, 2020.

Allison recused herself since she was personally impacted by the dog running at large. She will be speaking as a member of the public.

The board discussed how they would proceed without the offender present. Julia described the situation as she knows it. There is a dog in town owned by Ben Haskell who has been running at large two times that we know of. The first time that it happened, the dog killed three chickens and the second time that it happened was a week later and it killed another chicken and harassed horses (there has not been a formal complaint regarding the horses). The dog is not licensed with the Town. Julia clarified that in the Dog Ordinance, a vicious dog can also be classified as one that goes after livestock and pets.

Allison Hope, a victim of the dog, was present. Allison received a text from her neighbor that a black and white pit bull he did not recognize had taken off across the road with one of her chickens. She went out and scooped up the chickens she could find and saw the remains of her other deceased chickens. An hour later she got word from the town office that the woman that lives on the corner of Route 128 and Osgood Hill Road had picked up a dog matching the description in the middle of the road. The resident took the dog to the vet to get it scanned for a microchip. The dog did not have a dog tag but did have a metal choke collar. Allison took a picture of the dog and her neighbor confirmed this was the offending dog that attacked her chickens. She also talked to Ben Haskell's uncle who had called the Town to let Westford know it was Ben's dog.

The following Wednesday Allison saw on Front Porch Forum that somebody posted that a dog was running around on Old #11 Road and Covey Road and said dog matched the same

description. Allison called Ben again about his dog who was running at large a week later and still unregistered with the Town. Last weekend Allison heard from Noreen Pigeon that the same dog had killed her chicken on Dec. 9<sup>th</sup> when it was running at large. It also used her house's dog door to harass Noreen's dogs.

Noreen and George Pigeon were present. Julia offered her condolences to Noreen regarding the pet chicken. George came home about 1:00-1:30 on the 9<sup>th</sup> and the black and white dog was in the yard running around with his dogs and tried to jump into his truck. It seemed friendly and lost. He heard the town truck stop shortly after nearly colliding with the dog. Later in the afternoon the dog entered an outbuilding where the Pigeon;s have a chicken coop. George discovered their chicken which was killed. The dog didn't eat the chicken but had torn through the chicken wire of the coop in two spots to kill it. Not only was the coop in the back of their house, but it was in a woodshed structure. What was horrible for the Pigeons is they thought their neighbor's dog did it, but it turned out to be this dog. If that dog comes on their property again, there is going to be an issue.

To Noreen, this just points to the lack of concern with the owner of the offending dog. Bill asked if the owner offered to make reparations for the dead chickens and was he apologetic? George called Ben and left a message but never received a return call. It was never about reparation, but George doesn't want it to happen again. The coop also was destroyed and it was a nice coop. Allison replied that on the Dec 2<sup>nd</sup> incident that the uncle, Steve Haskell, had offered to pay, but they don't seem to care much. Allison thinks if the dog hasn't been licensed, if they can't be bothered to show up to this meeting, it says a lot about how they feel. Noreen had spoken to a veterinarian and apparently this dog has been known to do this before. So, what will happen next? Will it be a chicken? Or a young child?

Julia asked Nanette if any license has been issued? Nanette confirmed no, they did not license the dog as they said they would. Julia explained that the Twpn has fined the Haskells for their dog's offenses and made the request that the dog be licensed. It just doesn't seem like anything is going to really be resolved by the Haskells. They are not at the meeting to try and remedy the situation or plead their case, nor have they tried to register their dog or pay their fine. Julia is an animal lover and hates to escalate things because it makes her sad for the dog, but if a third offense were to happen the Town would be responsible for impounding the dog.

Noreen has a protective dog who is now older. She is worried that if her dog were to go after the pit bull and the younger dog kills her dog Noreen will go after that pit bull herself. Julia is not sure if we can just take the dog based on how the ordinance is written. Allison explained that in past vicious dog hearings, the Selectboard required the dog owner have the dog leashed outside the house with a fenced in property and the dog had to be licensed. The Selectboard in the past has had interim measures prior to removing the dog from the owner. Julia agreed, a very clear part of the remedy is demanding the dog be leashed because that would solve all the problems, but she also thinks it's worth putting that if there is a third offense that we will impound the dog. Noreen agreed that the requirements are good, but she doesn't think that it will mean anything to the owner based on their previous known behavior.

Bill thinks something strongly worded in that direction is appropriate but thinks that leashed is not broad enough, a run or under voice control would also be appropriate. Julia pushed back because many people think their dog is under voice control when it is not. This is a situation where a dog has twice within a week killed chickens. Bill agreed that language on a leash or

use of a run would be appropriate. He feels leash only language is difficult in the winter. Nanette added that Ben needs to be notified that if the dog is impounded, he will have to pay the fine, confine the dog to the owner's property, and license the dog prior to it being released to him.

Noreen asked what could be done if after everything the dog continues to make issues in town. Julia responded we could adopt the dog out or if it is a much worse situation than chickens, it could be put down, but she feels that is very much a last resort situation. Where she is sitting, she is hopeful it will not happen again, but she is not feeling the most confident in that statement. Having a person's dog impounded can be useful. They can pay their fines and get the dog back or they could say, "I'm not paying the fines" and then they don't get the dog back.

Bill said if the dog gets impounded, we will hold another meeting about what the terms for releasing the dog to the person are and making sure the situation doesn't happen again prior to release. Noreen was appreciative of the offer. Noreen's only concern is she doesn't want another animal or a person to get hurt and she agrees that it is a good next step. Julia also agreed.

Nanette will draft a letter with the terms laid out for Ben. She will send by mail and email.

#### **MINUTES**

Allison Hope made a motion to approve the December 3, 2020 minutes as amended, seconded by Bill. Motion passed: 3-0.

Bill Cleary made a motion to approve the December 10, 2020 minutes as amended, seconded by Allison. Motion passed: 3-0.

Bill Cleary made a motion to approve the December 14, 2020 minutes as amended, seconded by Allison. Motion passed: 3-0.

#### **ROAD SCHEDULE**

The Road Foreman, John Roberts, discussed the December 4 – December 17, 2020 Road Schedule. Allison made a motion to approve the Road Schedule, seconded by Bill. Motion passed: 3-0.

#### **CONCEPTUAL COMMUNITY WASTEWATER SYSTEM**

The Selectboard had a week to read and understand the documents presented at the Special Selectboard Meeting last week. The only thing that jumped out to Julia was the presented timeline. One thing that made an impression on Julia is that the Planning Commission had a robust plan on how to move forward on paying for construction, but she doesn't know if the Town has a plan for the ongoing maintenance costs and that is going to have to be ironed out because those costs are not small. Even if the Town gets 100% loan forgiveness in grants to build, it's not the whole story. Allison reiterated that Melissa Manka, Planning Coordinator, has explained that we are not committed to anything at this point.

Allison agreed that the wastewater would be useful to the Library, Pigeon property, Town Office and store, but she feels that the economic engines of the comparable municipalities were much larger than Westford and had much more industry and many more residents.

Julia thinks we need to talk to the other communities of similar size who have gone through wastewater projects like this to see what their experience has been. Bill explained that around 40% of the properties around the common have no area for a replacement septic system, so this is a valuable project to those property owners. Allison wondered if Bill thinks these property owners will hold off on signing on until their systems fail. Bill agreed and thinks that people with the space for a replacement area will be likely to put the money into a singular wastewater system for their property themselves.

Bill thinks that Stone Environmental is being generous in their assumption of how many property owners will want to hook onto a public system. Everything still leaves a lot of questions for him. Julia also thinks that the other side of that coin is that there are several properties, many owned by the Town, that are in a very precarious situation regarding septic. It's a serious situation and community wastewater is a solution that is needed for the town center to continue as is let alone grow. That being said, she wonders is this over engineering a solution. This is an enormous amount of money for a generous 41 hookups.

Bill thinks something that would have been useful would have been a doomsday worst case scenario regarding the project. That way we can explain, for example: if the town office septic fails here is what would happen. This should be presented to all those potential hookups not just for the town properties. Allison thinks that is a good reminder that no choice is always a choice, understanding the cost of not choosing is an important cost to understand since it could change people's minds. This is going to be an interesting conversation to have with the public. Bill was reminded of another Vermont town in that recently had to have a bond vote to build a brand new \$5-million-dollar town office. Maybe Westford's worst-case scenario would be finding new property to be able to use for a town office.

Nanette asked for clarification regarding the property near the White Church that had been looked at. George said a system could be put in, that information has been widely shared on the Q&A, but from his understanding there are challenges there too. There's a lot of ledge to get behind the White Church/Common Hall. On top of that, the cost to put that system in would be solely beared by the Town. Meaning the municipality is putting in a wastewater system for themselves and not for taxpayers; there are no grants available for that. So, the cost of the system for the town office, library, the common hall and potentially the red brick that would be another item.

Bill says knowing there is no grant money for that situation is very helpful. Julia steered the conversation back to the task at hand but felt the detour had been important noting they need to get the engineers what they need. George would like to reiterate what Melissa had written, that if there are comments the Planning Commission would like to get that back to the consultants to get that in the document before going to the state. That keeps conversations moving. At some point we'll have to make a decision if the Selectboard, Planning Commission and interested parties feel like we should continue to move forward with this. The Planning Commission is open to this; they have a lot to do on the community engagement side.

Julia commits to sharing comments with the community and with the engineers. Allison made a motion to approve the PER and environmental information for submission to the state pending the addition of updates that addressed the comments that Julia will forward them on behalf of the Selectboard, seconded by Bill. Motion passed: 3-0.

Seth Jensen was present and explained the PER includes time for Stone Environmental to have conversations with property owners to explain their options regarding the project and feels that question needs a lot of attention and that it also ties into the operating cost. People need to be using the system to pay for the operating costs.

In Mark Letorney's opinion he feels option 4, with pretreatment is best because it will extend the life of the system. We don't want to go back to controversial public hearing so the only way this would go before the Town is if a lot of grant funding is secured. We are going to mostly do this with grant money, with minimum impact to the taxpayer, slowing the process down and funding while maximizing grant potentials.

Seth reminded everyone that regarding the "doomsday" scenario is what we have tried well before going for a system like this to find smaller potential fixes to the emergency situation at hand regarding the town property and they have not really worked out. The soils around the town offices would need pre-treatment regardless. Seth is currently working with communities right now that are having those doomsday scenario nightmares right now in their town buildings. Those towns are asking their taxpayers for an incredible amount of money to do what are basically small fixes. Westford has the ability to take it slower and plan much better for crisis. Bill thinks the public outreach will have to be enormous. It has taken him as long as he has been on the board and all the information that has had provided for him to get on board with this project so he thinks there is an uphill climb, but is supportive.

#### **CHITTENDEN COUNTY HAZARD MITIGATION PLAN UPDATE MOU**

Nanette explained the Memorandum of Understanding is straightforward and has to do with updating the Hazard Mitigation Plan for all towns in Chittenden County. Allison was curious how the funds are allocated a percentage regarding the matching costs since the bigger towns have much more money to play with versus a small town like us. We have a \$2,000 match and that's nearly \$1.00 per person, around 6% of the cost. Westford is 1.3% of the total population of the participating jurisdiction. She wondered if they calculated that on population or land mass because it doesn't seem like it is calculated by population. Nanette will look into that. Allison is suggesting we approve, but that we go back to the Regional Planning Commission to find out how those funds are allocated and request they do it by population. Allison made a motion to approve the Hazard Mitigation Plan, but also to ask the Regional Planning Commission to explain how funds are allocated and request funds be allocated by population, seconded by Bill. Motion passed: 3-0.

#### **GRAND LIST ERRORS & OMISSIONS**

The Listers submitted the errors and omissions for the 2020 Grand List. Allison made a motion to approve the Errors & Omissions of the 2020 Grand List as presented by the Listers, seconded by Bill. Motion passed: 3-0.

#### **2021 TOWN MEETING FORMAT**

Nanette explained that the warning for Town Meeting needs to be signed around January 26<sup>th</sup>. That means if the Town is going to change anything, the voters will need to be informed well in advance. How do we want to do Town Meeting? Do we want an in-person meeting? Many towns are switching to vote all questions by Australian ballot, which is what the school did in June 2020 (based on temporary changes to the election laws). The school mailed ballots to all active registered voters. This is costly and funds for this expense were not budgeted. The Selectboard could choose to vote all questions by Australian ballot but send ballots only to those voters who request them.

Julia thinks an in-person Town Meeting seems irresponsible and she is also concerned the school would deny us holding that at the same time as school is in session. Nanette also reminds the Board that the questions on the ballot for Town Meeting are pretty simple. Julia asked Nanette how we would manage if not in person. Nanette explained we could have the public hearing via Zoom. Bill asked what the public outreach to explain to residents that is how its going to be held is done. Nanette explained this is why a decision needs to be made sooner rather than later. We could communicate in a variety of ways. Bill asked how many people typically attend Town Meeting. Nanette replied anywhere from 100-150 max.

Allison made a motion that for Town Meeting 2021 we transition items normally voted on in person to Australian ballot and not hold an in-person Town Meeting this year and we are not changing protocol for absentee ballots; ballots will be mailed only to those who request one, seconded by Bill. Motion passed: 3-0.

### **CORRESPONDENCE**

Bill was contacted by a resident who received a zoning violation. The person lives on a stretch of road where there was a zoning violation issued earlier this year already. The properties in this stretch are limited due to topography. The violations were issued because the property owners had things within the Town right of way. The properties were built well before zoning and weren't well thought out, some have steep slopes in the back with no back yards and no front yard. Bill would like to put it on a future agenda to be discussed because there are at least two residents who have had violations issued due to these limitations., or Bill could attend a Planning Commission meeting to ask them about the situation and to address it.

Allison is inclined to send the resident back to Kate since she is the one who issued the warning. Bill feels like it's an ongoing issue for that stretch of road. Nanette explained that after issuing the first violation, Kate had talked about encouraging the Planning Commission to set up a different zoning district in that area to change the setback issue. The Planning Commission needs to be made aware of it, but some of the residents could also contact the Planning Commission. Kate has been in touch with Melissa and the Planning Commission. Allison asked if this is the type of conversation that is similar to what was talked about with the Strobbridge situation? She imagines this could be lumped in with that. Bill said he can reach out to George and have a conversation. Julia wants to proceed in mind that we don't want to go against what Kate is doing in a public way because we are all on the same team, she knows that's not his intention and Kate and Bill have had a conversation regarding that.

### **COMMUNICATION**

There were no communications.

### **FY'22 BUDGET WORKSHOP**

Bill noted that it looks like the draft budget reflects a 1.6% tax rate increase and asks if that is correct, adding that the goal of lowering the municipal tax rate does not seem to be going well. Nanette pointed out that the draft budget is very close to what was budgeted for the current year. Not knowing if there is a surplus from FY'20 that can be used to reduce the amount to be raised by taxes is what is affecting the tax rate. Allison pointed out that if \$20,000 is used to reduce the amount to be raised by taxes, it will offset the amount budgeted for an assessor. Bill wanted to go through the different line items and look where the Board could make hard changes.

Bill asked Greg about the Brick Meeting House and the Common Hall. They've asked for money, but there is nothing going on in those buildings. Does the operating cost go down when not in use? Greg confirmed yes, but they are not bringing in revenue and there are still costs associated with the building such as electricity and heat. Bill reiterated that it is nothing personal, he is just trying to get costs down in this budget as much as he can. He anticipates that the coming year will be a difficult one financially for residents.

So far, there does not seem to be more delinquent taxes than normal. However, considering COVID-19 unemployment benefits are ending soon this may change.

**ACCOUNTS PAYABLE & PAYROLL WARRANTS**

Greg went over the accounts payable and warrants. The Selectboard members will come into the office to sign.

**AUTHORIZATION TO PAY INVOICE BEFORE NEXT SELECTBOARD MEETING**

Allison made a motion authorizing Greg and Nanette to submit invoices for payment before the next Selectboard Meeting, seconded by Bill. Motion passed: 3-0.

**EXECUTIVE SESSION**

Bill made a motion to enter Executive Session at 8:25 p.m. to discuss personnel, seconded by Allison. Motion passed: 3-0. People in attendance were Julia Andrews, Allison Hope, Bill Cleary and Nanette Rogers. The Board exited Executive Session at 8:34 p.m. No action taken.

**ADJOURN**

The meeting adjourned at 8:34 pm.

Respectfully Submitted,

Julia Andrews, Chair  
Selectboard

Callie Hamdy  
Assistant Town Clerk

**GUEST LIST**

George Lamphere  
Buddy Meilleur  
Dave Lavallee  
Lee McClenny  
Noreen Pigeon  
George Pigeon  
Seth Jensen  
Mark Letorney



**TOWN OF WESTFORD HIGHWAY DEPT.  
ROAD SCHEDULE  
December 4, 2020 – December 17, 2020**

Work to be done

- Plow and sand when needed.
- Continue to cut brush.
- Continue to patch potholes.

Work completed

- Graded a section of Brookside Rd., a section of Woods Hollow Rd., sections of Old Stage Rd., and a section of Huntley Rd.
- Filled pot holes on Old # 11 Rd., the North end of Woods Hollow., Old Stage Rd., Chapin Rd., Rollin Irish Rd., Maple Tree Ln.,
- Cut brush on Osgood Hill Rd. and Old #11 Rd.
- Sanded and salted several times.
- Repaired the screen.

Approved at the 12/17/20 Selectboard Meeting.