

**Town of Whitingham**

**Office of the Selectboard**

**MINUTES OF DECEMBER 5, 2018** as corrected 12/19/18

*These Minutes shall be accepted into the public record (with any corrections noted) at a future meeting of the Whitingham Selectboard.*

The Whitingham Selectboard held a hearing and then a regular meeting on Wednesday, December 5, 2018 at 7:30PM in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

Selectboard members present: Keith Bronson, Chair; members Allan Twitchell, Karl Twitchell, and Robin Kingsley.

Others present: Gig Zboray, Selectboard Office Administrator**;** Leon Corse, resident attended the hearing. Attorneys James Valente and Adam Waite attended executive session via telephone at 8pm.

**Call to Order**

Keith Bronson called the meeting to order at 7:30PM.

**Public Hearing on updated Town Plan**

Keith Bronson opened the public hearing by reading the warning and then asked for public comment.

Mr. Leon Corse has 3 comments regarding the Town Plan:

On page 64 he would like a recommendation 2.2 added to say “Whitingham should become a designated “right to farm” community”. The reason he would like this added is because while working his farm Mr. Corse hears complaints about moving the cows on the road which he has done since the 1960’s; about spreading manure and when they move their machinery. Mr. Corse indicated he would be happy to draw up a proposed way to proceed with the “right to farm” adoption, for now he would like it as a recommendation in the Town Plan.

Mr. Corse noted that the map on page 79 is a little incorrect. Some of the land that is in the rural residential district is actually conserved land. The map in the plan is in error but Gig showed Mr. Corse the correct zoning district map. On page 61 the first paragraph mentions two generational farms but there are actually three. The Allen/Reed Farm should be noted.

Keith Bronson closed the public hearing at 7:44pm.

**Open Selectboard Meeting, Additions or Changes to Agenda**

Keith Bronson opened the Selectboard meeting at 7:44 pm. There were no additions or changes to the agenda.

**Hearing of Visitors**

Michael LaRiviere of Aldrich Road sent an email to the Selectboard on November 20, 2018. He purchased property on Aldrich Road on April 29, 2010. Aldrich Road was discontinued following legal procedure which started in 2009 and was finalized February 10, 2010 in accordance with Vermont statutes. Mr. LaRiviere is complaining that he cannot safely use his home in the winter months because he cannot privately, affordably, adequately and

safely maintain the road to his property. He is fearful that when emergency services are needed, they will not be able to reach his property. He states that he understands the town is legally within its rights not to provide services. He complains that the town discontinued the road at the expense of him and his abutter. The legal process to discontinue the road began and was final *before* he purchased the property.

The Selectboard reviewed his email and after discussing the situation concluded that there is no action they can take other than advising Mr. LaRiviere to contact VAST if he has a problem with their groomer throwing snow on his plowed right of way.

A letter was drafted to Mr. LaRiviere. **A motion was made by Robin Kingsley for Keith Bronson to sign the letter, seconded by Karl Twitchell, all in favor.**

**Adopt the updated Town Plan**

**A motion was made by Robin Kingsley to adopt the updated Town Plan with the following corrections/additions:**

* **Under the Economic Development section:**
* **The first paragraph mentions two farms that have been run for generations, there are actually three – the Allan/Reed farm should be mentioned on page 61.**
* **add a recommendation under Policy 2 to say Whitingham should become a designated “right to farm” community (recommendation 2.2 on page 64).**
* **~~The map on page 79 (Proposed Land Use) should show the current zoning district map.~~** (As amended on December 19, 2018)

**effective immediately, seconded by Allan Twitchell, all in favor.** Mr. Corse will research the process to become a “right to farm” community.

**VOSHA update**

Keith Bronson and Gig Zboray attended an informal conference with a VOSHA representative on November 9th. After a short discussion the fines originally levied were lowered (highway fine lowered from $1,663 to $1,000 and the sewer fine was originally $2,217 and was eliminated completely). The payables warrant of November 8th was corrected to reflect the changes of payment due to VOSHA. A town employee is required to take a 10-hour online OSHA training course. Jennifer Herzig completed the class on November 30th and a copy of her certificate was sent to VOSHA.

**Sewer Department**

The Vermont State Revolving Fund loan agreement documents arrived. The Sewer Department will be borrowing $69,436 to pay for engineering services related to the 20-year evaluation of both sewer plants. There is 0% interest and 0% administrative fees. $37,718 will be forgiven. The first payment of $6,943.60 will be due 5 days prior to December 1, 2023. **A motion was made by Robin Kingsley for Keith Bronson to sign the Loan Agreement, seconded by Allan Twitchell, all in favor. A motion was made by Robin Kingsley to approve and sign Exhibit C (General Obligation Note Certificate of Registration) and Exhibit D (Resolution and Certificate) of the loan agreement, seconded by Allan Twitchell, all in favor.**

Thirty manholes were inspected by the engineers on November 14th. There is some attention needed but Dave didn’t think any major issues showed. We have a tele-conference with the engineers and state representatives on Friday, December 14th at 10:30am (required meeting because engineers are at 30% completion of their evaluation).

We also have a grant audit tomorrow morning to cover the Sadawga plant study grant but mostly the Asset Management Plan grant. The AMP is not yet final. Charles Goodling of Dubois & King is scheduled to attend the grant audit to explain why is so far behind schedule.

Generators during the recent power failure Dave DiCantio had to manually turn the media in the RBC units to keep them moist. We contacted the engineers to add generators to our upgrade plan. Gig is looking into grant opportunities to possible install generators before the construction phase of the sewer upgrades.

David Ranslow – decided that his sewer increase was too much and that he would only pay an amount similar to what Brattleboro and Bennington charge. He made a payment of $175 towards his bill of $379.97 and marked his check “paid in full”. Gig consulted with VLCT and they recommended that we return the check by certified mail stating that it is not full payment and request a new check. Marylee Putnam, sewer bookkeeper, will return the check.

**Transfer Station** per our SWIP requirements we are required to hold 4 Household Hazardous Waste events in the calendar year 2019. The event held on October 6, 2018 only had about 25 participants at a cost of $7,308.54. A letter was written to the Vermont DEC Waste Management Division to request a waiver from the required 4 events to hold one event per year. **A motion was made by Robin Kingsley for Keith Bronson to sign the letter to the State of Vermont to request a waiver from Household Hazardous Waste requirement of 4 events per year, seconded by Karl Twitchell, all in favor.**

**Education Funding Litigation**

James Valente and Adam Waite phoned in at 8pm. **A motion was made by Robin Kingsley to find that premature general public knowledge regarding the town’s education funding litigation would clearly place the town at a substantial disadvantage if its legal strategy was made public, seconded by Karl Twitchell, all in favor.**

**A motion was made by Karl Twitchell to enter into executive session to discuss education funding litigation under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes to include Gig Zboray, James Valente and Adam Waite, seconded by Robin Kingsley, all in favor.**

With no decisions made, executive session was exited at 8:49pm

James Valente indicated that no further funding will be required to finalize the case, even if it goes to the Supreme Court.

Keith Bronson spoke with Ann Manwaring who indicated that the Wilmington Selectboard would like to support Whitingham with the lawsuit. It is not appropriate for Wilmington to join our case. Ms. Manwaring suggested that she could contact other towns to drum up support and perhaps file an amicus brief. Ms. Manwaring also said that she would contact Vermont Digger to find out why they are not covering our case.

**Approval of Payables Warrant – December 6, 2018**

Gig Zboray noted that the payables warrant includes a check for $360 for holiday bonuses for 12 town employees ($30 each). **A motion was made by Karl Twitchell to approve Payables Warrant W1924 dated December 6, 2018, seconded by Allan Twitchell, all in favor.**

**Approval of Payroll Warrant – December 6, 2018**

**A motion was made by Robin Kingsley to approve Payroll Warrant W1923 dated December 6, 2018, seconded by Karl Twitchell all in favor.**

**Approval of Minutes of November 7, 2018**

**A motion was made by Robin Kingsley to approve the Minutes of November 7, 2018 as written, seconded by Karl Twitchell, all in favor.** There was no meeting on November 21st.

**Other business / Office Administrator – as needed**

Gig would like a Selectboard member appointed to sign warrants if it becomes necessary to cancel a regular meeting due to inclement weather. **A motion was made by Robin Kingley to appoint any one Selectboard member to sign warrants if a Selectboard meeting is cancelled during the winter of 2018/19, seconded by Allan Twitchell, all in favor.**

A newsletter will be mailed out in January listing elected positions available, town report availability, etc.

Almira will begin working on the budget once we get the final audit report, she asked if the Board would like to offer 2.7% pay raises to all employees to coincide with the Consumer Price Index? The board discussed the fact that the town will be paying a 4% increase in medical insurance. They suggested that Almira include a 2.5% increase in the draft budget she will prepare for the December 19th meeting.

**Adjourn**

**A motion to adjourn was made by Keith Bronson, seconded by Robin Kingsley, all in favor.**

Keith Bronson adjourned the meeting at 9:05pm.

Respectfully submitted,

~Gig Zboray