



**Town of Whitingham
Office of the Selectboard**

MINUTES OF DECEMBER 16, 2020

These Minutes are considered a DRAFT until accepted into the public record (with any corrections noted) at a future meeting of the Whitingham Selectboard.

The Whitingham Selectboard held a regular meeting at 6:30pm in the dining hall of the Whitingham Municipal Center on Wednesday, December 16, 2020.

Selectboard members present: Wayne Wood, Scott Reed, Craig Hammer, and Chris Walling. Phil Edelstein attended remotely.

Others present: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Jr., Road Commissioner; Almira Aekus, Treasurer; Town Attorney Robert Fisher.

Others attending remotely: Richard Lemaire, resident; Mark Hanna and Martin Amlin of Ryder Pond Association.

Call to Order. Additions or Changes to Agenda

Wayne Wood called the meeting to order at 6:35pm reading the remote meeting script. There were a few changes to the agenda since it was posted.

Hearing of visitors (for concerns not on the agenda)

None

Transfer Station: review and sign Electronics Recycling Agreement extension

It's time to renew the annual agreement for collection of electronic items at the Transfer Station. The agreement hasn't changed in many years. Televisions, computers and computer peripherals are collected for free, other items we collect for a fee for and pay a fee to have them removed. **A motion was made by Scott Reed to appoint Wayne W. Wood to sign the annual Electronics Recycling Agreement extension, seconded by Chris Walling, all in favor.**

Discuss contract policing

Chief Murano is trying to schedule a time when his town manager is available to meet with Mr. Wood and Mr. Reed.

Corona/COVID-19:

Town Meeting will look different in 2021 due to the pandemic and the gathering limitations. The safest way to hold town meeting is to put all articles on the Warning onto the ballot and hold remote informational meetings before hand. The Vermont legislature is not allowing remote access to town meeting therefore the Selectboard feels this is the best option for us.

A motion was made by Chris Walling to apply the Australian ballot system for all items on the Warning for 2021 annual town meeting pursuant to Act 162 of the year 2020, seconded by Scott Reed, all in favor.

Broadband:

The FCC reverse auction to fund rural broadband is complete. A total of \$9.2 billion was awarded to vendors around the country.

Consolidated Communications (CCI) was awarded \$674,000 to improve internet at 215 locations in Whitingham based on census blocks and FCC data on where internet speed is slowest in town. The award requires that CCI provide 1GB speed which means CCI will install fiber although the timing is unknown at this time.

Phil Edelstein made a motion to replace Wayne Corse on the DV Fiber CUD governing board with Chris Walling, seconded by Chris Walling, all in favor.

~~~Craig Hammer and Attorney Fisher arrived~~~

**Highway Garage Committee**

Request to approve Engineer's proposal for feasibility study of Twitchell farm property

The Highway Garage Committee met on December 14<sup>th</sup> and decided it was not in the town's interest to pursue a feasibility study of the Twitchell farm at a cost of nearly \$9,000 before the voters approve the purchase of the property. There was also discussion that if we are going to pursue grant funding for the new garage that we should probably put the engineering services out to bid. The Committee does not recommend the Selectboard sign the proposal at this time.

Scott Reed would like a proposed budget from the engineers to give us an idea of what the total cost of the project might be.

Gig questioned if we should we pursue an Environmental Phase 1 inspection before the purchase of the property? Attorney Fisher recommends it.

Review, discuss and approve Option to Purchase Real Estate and Option Term Rider

~~~Mark Hanna and Martin Amlin of Ryder Pond Association joined at this point.~~~

Attorney Fisher disclosed that his firm has worked for the Twitchell's in the past.

Attorney Fisher drew up two purchase documents which were reviewed by the Selectboard.

The Option allows a period of time for the town to do it's due diligence in researching the property and allowing for the results of voting at town meeting before the purchase is finalized. Once the option is signed by the Twitchells they would not be able to sell the property to anyone else. What is not included in the proposed agreements is the right-of-way (ROW) through the property to Allan Twitchell's sugar lot, nor David Twitchell's request for

free use of the Transfer Station. Those items need to be discussed. The ROW should probably only be allowed, if agreed upon, for the use of only Allan Twitchell (called a license) and the ROW not to go with the property in perpetuity.

The current step to take is for the Selectboard to approve and sign these purchase documents and forward them to the Twitchell's for their review and comments.

A motion was made by Scott Reed to sign the Option to Purchase Real Estate and the Option Term Rider for the Twitchell Farm on Town Hill Road as a proposed site for a new town garage, seconded by Chris Walling, all in favor.

Gig asked Attorney Fisher if we can change the name of the fund from "Highway Garage Renovation and/or Replacement Fund" to "Highway Garage Replacement Fund"? Mr. Fisher answered that it can be done by placing an article on the Warning to rename the fund.

Almira Aekus recommended an article to raise and appropriate \$20,000 for the purchase of the property. If the garage fund needs more money then add another article to raise and appropriate more money for the replacement fund.

Highway

Murdock Lane

Attorney Fisher disclosed that he has worked with the Ryder Pond Association on collection matters in the past.

The town received a petition to layout a town road on Murdock Lane. Once the town receives the petition is shall "promptly" set a date for a site visit and a hearing on whether the public good, necessity and convenience will be met by the town taking over the road. The site visit was scheduled for 4pm and hearing at 6:30pm on Wednesday, February 10th, 2021. At the hearing the town and the association will speak for or against the need for the takeover, and the condition of the road (does it meet specifications, what improvements are needed, etc.). Mr. Hammer questioned the feasibility of inspecting the road when it is under a foot of snow. Attorney Fisher said the option to address that problem is to hold the site visit and hearing as scheduled and then continue the hearing to a date specific after the snow melts.

Murdock Lane is "common land" owned by the Ryder Pond Association. Their long-term goal is that all three roads of the Association to be taken over by the town. There is no requirement for the town to take over any or all of the roads in the Association.

Mr. Hammer noted his opposition to the town taking over South Ryder Pond Road with the dam being under it. There are complications and liability issues with the dam, he feels the town should not be made to bear those responsibilities.

Backhoe (and fire truck) updates

The fire truck should be ready in a month or two. The backhoe will ship from the factory in North Carolina on December 22nd.

Uniform Allowance Gig spoke with the owner of The Outlet Store in Greenfield, MA. They are willing to open a corporate account for us to allow our employees with a uniform allowance to purchase uniform items from them as well. **Gig requested permission to set up that account. Craig Hammer made a motion to allow Gig to open a corporate account at the Outlet Store, seconded by Wayne Wood, four in favor.**

AT APPROXIMATELY 7:54PM WE LOST INTERNET, WE TRIED TO RECONNECT AND THEN TRIED TO TEXT PHIL EDELSTEIN TO NOTIFY HIM. AS FOUR BOARD MEMBERS AND THE TOWN ATTORNEY WERE PRESENT THE BOARD DECIDED TO CONTINUE WITH THE MEETING.

Executive Session to discuss Great River Hydro Tax Appeal

At 7:55pm Wayne Wood made a motion to find that premature general public knowledge regarding the town's litigation with Great River Hydro would clearly place the town at a substantial disadvantage if its negotiation strategy was made public, seconded by Scott Reed, all in favor.

Wayne Wood made a motion to enter into executive session to discuss the town's lawsuit with Great River Hydro under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes to include Attorney Robert Fisher, Almira Aekus, and Gig Zboray, seconded by Craig Hammer, all in favor.

With no decisions made executive session was exited at 8:44pm.

At a previous meeting it was decided that Mr. Wood will attend the Great River Hydro mediation in January.

Sewer: discuss what to do about delinquent account and responding to constant letters

The board consulted with Attorney Fisher regarding a constantly delinquent account and the numerous letters we receive from the property owner. Mr. Fisher confirmed that when the next tax sale comes up this account should be on the list.

Budget work for 21/22:

Almira Aekus presented a draft budget for the fiscal year 21/22 which includes a cost-of-living increase of 1.3%. She thanked the board for the generous merit raise they awarded her at the last meeting, she did not ask for it. Mr. Wood reiterated that Ms. Aekus does an excellent job. All town employee wages in this draft budget include a 1.3% cost of living increase except of Mr. Janovsky because he refused it. The board will review the draft budget at their leisure and will work on it more at the next meeting.

Approval of Payables Warrant – December 17, 2020

A motion was made by Craig Hammer to approve Payables Warrant #W2126 dated December 17, 2020, seconded by Scott Reed, all in favor.

Approval of Payroll Warrant – December 17, 2020

A motion was made by Scott Reed to approve Payroll Warrant #W2125 dated December 17, 2020, seconded by Chris Walling, all in favor.

Review and approve Minutes of December 2, 2020

The Minutes of December 2, 2020 were amended after they were posted to include the following information as to why Gig Zboray received a portion of her raise immediately: **The Selectboard feels that Gig has been underpaid for a long time and therefore awarded her half of the increase now to correct that. Her job duties have increased significantly in the last 4 years including overseeing the \$3 million dollar sewer project, overseeing the flood hazard mitigation projects, overseeing the Transfer Station as its own waste district, keeping up to date on the constantly changing health and safety requirements related to the COVID-19 pandemic, responsible for the creation of the new town website and updating it constantly, working with the Highway Garage Committee, among many other responsibilities firmly placed on her desk.**

A motion was made by Craig Hammer to accept the Minutes of December 2, 2020 as amended, seconded by Scott Reed, all in favor.

Other business / Office Administrator – as needed

Acknowledge receipt of letter from VT Land Trust The Selectboard and Planning Commission each received correspondence from Vermont Land Trust regarding a property owner in town seeking to permanently protect a portion of their property from development. The Planning Commission had no objections when they discussed it at their meeting on December 8. The Selectboard discussed and had no objections either.

Accept resignations of Tyson Dix Mr. Dix has been serving as a Cemetery Commissioner and Justice of the Peace. He recently relocated his residence to Halifax and therefore had to resign from the positions. The Selectboard accepted his resignations with regret and instructed Gig to send him a thank you letter.

Dog Hearing follow-up A letter of apology was sent to the bite victim and the dogs were registered on December 15th (4 days after the deadline).

Sewer Survey update As of Tuesday, December 15th we still needed 35 more responses to the survey to equal 72% response rate which is required for funding agencies to accept the Median Household Income of the area. Gig posted a plea on Facebook and on the town website. Dave DiCantio and/or Jennifer Herzig are delivering a second round reminder postcards.

Adjourn

A motion to adjourn was made by Craig Hammer, seconded by Chris Walling, all in favor.

Wayne Wood adjourned the meeting at 9:25pm.

Respectfully submitted, ~Gig Zboray