

## Minutes of regular meeting of the Whitingham Selectboard August 2, 2017

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

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The Whitingham Selectboard held a regular meeting on Wednesday, August 2, 2017 at 7:30pm in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

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

Others present: Gig Zboray, Selectboard Administrative Assistant; Stanley Janovsky, Jr., Road Commissioner; resident Lois Brennan of Merrifield Neighborhood Watch Group; State Troopers Anthony French and Tom Mozzer; James Valente and Adam Waite of Costello, Gentry & Valente; Robert Fisher, Attorney; Almira Aekus, Town Clerk; Linda Donaghue, DV News.

### **Call to Order. Additions or Changes to Agenda**

Keith Bronson called the meeting to order at 7:00pm. There were two changes to the agenda: correct #10 to read Approval of Minutes of July 5 and July 19, 2017 and add 11b: Review and sign letter for tax appeal to the Supreme Court regarding parcel ID 10-0544.01. It was noted that due to the attorneys coming some items on the agenda might have to be shuffled.

### **Executive Session**

**Robin Kingsley moved to enter into executive session to evaluate a public employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statues to include Gig Zboray and Stanley Janovsky, Jr., seconded by Greg Brown, all in favor.**

With no decisions made Executive Session was exited at 7:24 pm.

The Selectboard directed Stanley Janovsky, Jr. to have a conversation with Clyde Twitchell, Jr. regarding retirement, offering that he can work 2 weeks before retiring or retire immediately. Clyde has 158 hours of vacation available to him.

### **Hearing of Visitors**

None.

### **Merrifield Neighborhood Watch Group**

Lois Brennan of the Merrifield Neighborhood Watch Group spoke. She asked for support of watch groups on Town website, via word of mouth, at town meeting and that officials touch base with librarian and town clerk. They have a pamphlet they would like the Town to print for them to hand out at Farmers Market or senior lunches, etc. Would like Neighborhood Watch sign posted on the "Welcome to Whitingham" sign. Ms. Brennan noted that watch groups are watching but they also create wonderful bonds between neighbors. The Merrifield Group is ready, willing and able to help others form new groups. Ms. Brennan will be at the Farmers Market and at the senior lunch to hand out pamphlets.

The State Troopers recommend that people record serial numbers of all their devices so that if someone is caught with a tv (or other item) in their car it is easier to get a warrant. Keeping checks in a desk drawer is not the best place.

Safety is of paramount importance. Ms. Brennan suggested ways to get more police presence: grant writing, troopers relocate and town could give a moving bonus (it was noted a police officer from Wilmington just moved into Whitingham), consider contracting with Wilmington for police presence, create "Green Mountain Geezers" to volunteer to patrol (after extensive training and careful selection). She asked that the Selectboard please consider what can be done about the opioid epidemic. There are better ways to deal with addicts than putting them in jail. Look into plans to move forward to be able to get grant funding in the future. Local security: cameras – traffic, trail, home security, etc. are a good measure.

Lois Brennan publicly thanked the Troopers for being passionate, caring, considerate and their presence at this meeting shows that.

Robin Kingsley asked if there is a website to record serial numbers? Troopers responded: No, take photos, record the serial numbers in an email and send it to yourself. Greg Brown asked about coverage: Shaftsbury shifts typically have 2-4 troopers covering 17 towns. Westminster shifts typically have 6-8 troopers. On July 26 a Shaftsbury trooper ticketed a robbery suspect and towed his car. It's a long process to prove who is committing crimes. Greg Brown mentioned that there is a possibility that a homeowner might protect their self with a firearm and a catastrophic event occurs. Trooper French said that just because someone kicks in your door doesn't mean you can shoot them. You must fear imminent bodily harm or death before you can take such action.

There was an article in the August 2<sup>nd</sup> edition of the Brattleboro Reformer about the Merrifield Neighborhood Watch Group.

### **Education Funding**

**Robin Kingsley moved to find that premature general public knowledge regarding the town's tax sale litigation would clearly place the town at a substantial disadvantage if its legal strategy was made public, seconded by Greg Brown, all in favor.**

**Robin Kingsley moved 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, Adam Waite, Robert Fisher and Almira Aekus, seconded by Greg Brown, all in favor.**

With no decisions made executive session was exited at 9:06 pm.

### **Town's tax appeal**

At the July 19<sup>th</sup> meeting the Selectboard authorized Jenepher Burnell, Lister to pursue a tax appeal to the Supreme Court regarding parcel ID 10-0544.01. In order to pursue the appeal a letter and check in the amount of \$295 needs to be sent in. Town Attorney Robert Fisher estimates that the cost of legal fees for this case would be between \$4,000 and

\$5,000 and the case would be difficult to win but there are some points to justify a case. **A motion was made by Allan Twitchell to authorize pursuing the case to the Supreme Court.** After more discussion Greg Brown suggested that a letter be sent to the State Tax Department requesting a different hearing officer for future hearings. **Allan Twitchell rescinded his motion. Greg Brown made a motion to send a letter to Douglas Farnum, Director of the Property Valuation and Review Division of the Department of Taxes to express the Town's disfavor with Hearing Officer Norman E. Wright and request a new officer, letter to be signed by Keith Bronson, seconded by Robin Kingsley, all in favor.** There was discussion that the letter should also include case facts of how often Mr. Wright sided with the taxpayer versus with a town for all his hearings in the last 3 or more years.

### **Transfer Station**

**A motion was made by Karl Twitchell to withdraw from Windham Solid Waste Management District (WSWMD) and start the exit process by signing the letter of intent to include a draft agreement, seconded by Greg Brown, all in favor.** Gig should schedule a special meeting with WSWMD before September 6 to sign the agreement and she should ask Winhall for a copy of their exit agreement.

**A motion was made by Karl Twitchell to set a Special Town Meeting to vote on whether to withdraw from WSWMD on September 6, 2017 at 7pm, seconded by Allan Twitchell, all in favor.**

Cost of Compost was discussed. **A motion was made by Greg Brown to pull out of the compost business until it is more cost effective, seconded by Karl Twitchell, all in favor.** Our garbage goes to New York State for incineration so the state law banning compost from the land fill doesn't seem to apply.

### **Review and approve new town logo**

**A motion was made by Greg Brown to adopt the town logo as presented, seconded by Robin Kingsley, all in favor.** Two versions of the same logo, the one on the right will be used on stationery and business cards, the one on the left can be used on the town trucks and other items.



### **Approval of Payables Warrant – August 3, 2017**

**A motion was made by Robin Kingsley to void check #22827 to the Supreme Court in the amount of \$295 and then approve Payables Warrant W1806 dated August 3, 2017, seconded by Greg Brown, all in favor.**

**Approval of Payroll Warrant – August 3, 2017**

A motion was made by Greg Brown to approve Payroll Warrant W1805 dated August 3, 2017, seconded by Robin Kingsley, all in favor.

**Approval of Minutes of July 5 and July 19, 2017**

A motion was made by Greg Brown to approve the Minutes of July 5 and 19, 2017 as written, seconded by Allan Twitchell, all in favor.

**Other business / Administrative Assistant – as needed**

- a. Whitingham Village Center designation: Approval by the Selectboard is needed to pursue renewal of the Whitingham Village Center designation. **A motion was made by Karl Twitchell to pursue renewal of the Whitingham Village Center designation, seconded by Greg Brown, all in favor.** All board members signed a resolution.
- b. Other: VLCT has completed their review of the Personnel Policy. Gig asked if Greg and Keith would like to meet to go over it. Keith will come in on Thursday to go over it with Gig.
- c. Senior Meals requested early payment of their voted article for funding. The Selectboard OK'd their request.

**Karl Twitchell moved to enter into executive session to evaluate a public employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes to include Gig Zboray, seconded by Greg Brown, all in favor.**

Executive session was exited at 9:43pm.

**Adjourn**

**A motion to adjourn was made by Allan Twitchell, seconded by Karl Twitchell, all in favor.**

Keith Bronson adjourned the meeting at 9:44pm.

Respectfully submitted,  
~Gig Zboray