



**Town of Whitingham
Office of the Selectboard**

MINUTES OF MARCH 27, 2019

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 regular meeting on Wednesday, March 27, 2019 at 7:30pm in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

Selectboard members present: Robin Kingsley and Wayne Wood. Wayne Corse attended via Skype.

Others present: Gig Zboray, Selectboard Office Administrator; Almira Aekus, Town Clerk; Stanley Janovsky, Road Commissioner; Howard Dix, Lister. Residents: Craig Hammer, Seth Boyd, Scott Reed, Phil Edelstein, Jenepher Burnell, Greg Brown, Laurie Brown, Lyman Tefft, and Marshall Dix. Mike Eldred, Deerfield Valley News

Call to Order. Additions or Changes to Agenda

Robin Kingsley called the meeting to order at 7:29pm. There were three additions to the agenda; under Listers – review and sign letter to terminate agreement with Somerset; under other business – review and sign letters of appreciation and ICS 402 training.

Hearing of visitors (for concerns not on the agenda)

Almira Aekus apologized to all the candidates seeking a Selectboard position because she realized that they will need to submit new petitions indicating which vacant Selectboard position they are seeking at the May 7th special election.

Review and sign Warning for Special Town Meeting

A special Town Meeting (election only) will be held on Tuesday, May 7, 2019 to elect two Selectboard members to fill vacant seats and one library trustee. **Wayne Wood made a motion to sign the Warning, seconded by Wayne Corse, all in favor with Robin Kingsley casting his vote.** Gig will post the Warning as legally required.

Sewer Department, delinquent account # J36-C

A Jacksonville resident has written several letters saying he has no running water in his home. He has indicated that he is only willing to pay \$350 per year for his sewer connection based on calling Brattleboro and Bennington to find out what their sewer billing rates are. The Whitingham Sewer Department cannot compete with the economy of scale that Bennington and Brattleboro benefit from. Brattleboro has about 3,500 connections and Bennington about 3,815. In comparison, for both plants we only have 132 connections.

Sewer delinquencies are handled in a similar manner as property tax delinquencies and would be handled by the delinquent tax collector. This property will eventually end up in a Tax Sale. Robin Kingsley suggested making sure the sewer bylaw is being followed.

Annual Fire Department Appointments

A motion was made by Wayne Corse, to follow the recommendation of the Fire Department to fill the positions for a term of one year as follows:

- **FIRE CHIEF** - Stanley Janovsky, Jr.
- **FIRST ASSISTANT CHIEF** - Michael Stevens
- **CAPTAINS** - Dennis Pike, 1st and David Briggs, 2nd
- **LIEUTENANTS** - Sheldon Dix, 1st and Marshall Dix, 2nd
- **CHAPLAIN** - vacant
- **TRAINING OFFICER** - vacant

Seconded by Wayne Wood, all in favor with Robin Kingsley casting his vote.

Review and approve annual liquor licenses

A motion was made by Wayne Wood to approve the renewal of liquor licenses for Jacksonville General Store, Honora Winery, First Stop, and two for Spoonwood Cabin Creamery, seconded by Wayne Corse, all in favor with Robin Kingsley casting his vote.

Office of Listers, next steps:

Almira Aekus came to the table to offer a packet of information.

Item 1 in the packet: Jenepher Burnell provided a task list that she thinks can be handled by the administrative employee (lister clerk).

Item 2: An assessor services agreement was provided by NEMRC. In the early discussions with NEMRC an estimate of \$15,000 per year was provided. Readsboro uses NEMRC for the same services we are looking for and had a contract with them for \$4,500 per year. They found that was too much and now they pay an hourly rate of \$85 per hour for an assessor, \$145 per hour for a senior assessor, plus travel. Estimate of 2 days for field work, 5 or 6 days for grievances, and lodging the grand list. Updates throughout the year would probably be performed by Howard Dix. Current balance in listers budget is approximately \$11,000. NEMRC wouldn't start billing us until July 1st. The current budget balance could support the switch over to NEMRC.

Item 3: Great River Hydro Agreement will expire on April 1, 2019 (2018 tax year). Cy Bailey, Senior Property Assessor for the State of Vermont recommended leaving the assessment as it has been. The state will be doing a reappraisal of the power company when they feel the numbers are out of whack. Before the reappraisal in 2012 the value was assessed at \$34,580,000 versus \$58,000,000 now. Greg Brown noted that the other caveat of the lower value agreement was that the power company provided funding towards the school (the school user fee, which it no longer provides).

Item 4: Job description from Readsboro for the part-time Assessor Clerk position so that we have an idea for the future. They pay \$18 per hour. Howard Dix currently earns \$17.49 per hour.

Item 5: A calendar type of to-do list she acquired from Cy Bailey.

Almira Aekus indicated that there is time to wait to allow a full board decision on or after May 8th so there is no need to sign a contract with NEMRC tonight. Almira noted she doesn't want the Lister work to fall through the cracks.

Jenepher Burnell offered her services, at no cost to the town, to help Howard Dix with the technical end, to answer questions and be of guidance. She would not be doing any assessing or providing an input on value.

Howard Dix thought it might be tight if the town waited until May to hire NEMRC to handle the grievances. He thinks the Selectboard should make a decision at the April 10th meeting. Almira suggested the board members read all the information she provided, ask her any questions they might have and be prepared to make a decision at the next meeting.

Wayne Corse noted that there is not enough time to put this out to bid because there are deadlines looming.

Robin Kingsley questioned if the contract end date of June 2020 would be a problem. Howard Dix thought end of December would be a better time to switch over from NEMRC to another firm if one is chosen from the bidding process next year.

Robin Kingsley tabled this decision, it will be discussed again and hopefully a decision made at the April 10th meeting.

Listers – Review and sign letter to terminate agreement with Somerset

A motion was made by Robin Kingsley to sign the letter to terminate the agreement with Somerset that had allowed Jen Burnell to use the town's computer and program(s) to work as lister for Somerset, seconded by Wayne Wood, all in favor. Jen Burnell is no longer a Whitingham Lister, so the agreement automatically terminates, this letter just serves to notify Somerset. Jenepher Burnell mentioned that NEMRC will probably have to come down and get Somerset's information off the town computer(s).

Meet the Candidates

Approximately two weeks before the March 2019 Town Meeting a resident has suggested a "meet the candidates" event but there was no date where all the candidates were available. Robin Kingsley has suggested we hold an event for the candidates running in the special election on May 7, 2019. A date of Tuesday, April 23rd was suggested to allow the newspaper to get an article in the paper before election day. After discussion the date was finalized, and the time set at 7pm, location set for the Municipal Center. Mr. Corse questioned if the Selectboard would run it or if Leon Corse, town moderator, should run it. Ms. Aekus will contact Leon Corse.

Almira Aekus suggested a "meet the candidates" night when the Selectboard holds their annual meeting to answer questions about the town report.

Education Funding Litigation, if any

Gig has heard from the attorneys that they are available to come to the May 8th Selectboard meeting to update the new board on the status of the case.

Discuss zoning fines

Gig explained that Seth Boyd attended the Planning Commission meeting on March 20, 2019 to state that he feels the Zoning Administrator should issue fines against the property owner of 732 Sadawga Lake Road. Gig informed him that she has no legal means to issue fines. She had contacted the project manager and the engineer several times and they are well aware of the local zoning issues. Gig also reported the property to the state Shorelands Protection office who in turn reported it to the Wetlands Division for review. It was discussed at a prior Selectboard meeting and agreed to wait for the state reviews to be done before taking any local action. Gig has been Zoning Administrator for the town since 2013 and issuing fines has never come up. Copies of all approved permits are posted on the board in the Clerk's office and provided to the Planning Commission. She has found that working with property owners in a friendly manner brings them into compliance without fines. Gig has written an agreement, as suggested in the Zoning Administrators Handbook, to send to the property owner stating that the local zoning issues will have to be dealt with after the state has finished their reviews. The property owner should sign the agreement and return it to Gig. The agreement letter was reviewed by John Bennett of the WRC and by Brad Lackey, chair of the Planning Commission.

Mr. Corse questioned some of the wording of the agreement. Mr. Corse also questioned if mentioning the measuring discrepancies will open up more issues. Gig will run the letter by the Planning Commission at their work session on April 3rd.

Mr. Boyd commented that there are several zoning violations and "we as a town" have not even notified them yet. Gig responded again that yes, she has been in contact with the project manager and the engineer many times. We had all agreed that we would wait to address the situation until the state has finalized their reviews. They are fully aware. Mr. Boyd was provided a copy of the agreement letter.

Mr. Kingsley questioned why this zoning issues was again being discussed at a Selectboard meeting when we have a Planning Commission and a Zoning Board of Adjustment. Gig explained that at the Planning Commission meeting last week Mr. Boyd and several others were firm that fines should be issued. Gig does not have legal authority to issues fines, that authority would need to come from the Selectboard.

Transfer Station – Review and sign HHW Collection Events contract

The Selectboard has written letters to the state Waste Management Division of ANR and to the Governor requesting an exemption from the requirement to hold four Household Hazardous Waste (HHW) events per year. Both requests were denied. The state is now using some common sense and allowing the town to hold the scheduled May collection event as a two-day affair with the first day supervised by Wayne Wood, EMD for the town. They are allowing this as long as we submit Transfer Station recertification documents to cover collection of HHW in the "Canaan method". The town of Canaan Vermont offers four HHW events per year, as required, they store the waste collected on site from the first event in the spring through the fourth event in the fall and before cold weather it is all hauled away by a vendor. For 2019 we will have to pay for two collection events but in 2020 we will only have to pay for one. This will save the town a significant amount of money. 2019 is a transition year as we work to get all our documents created and then approved by the state. The contract is for two events, we set the limit of each event at \$7,500 for a total of \$15,000 for the calendar year.

A motion was made by Wayne Corse for Robin Kingsley to sign the HHW contract with Clean Harbors for two events in 2019 for a total of \$15,000, seconded by Wayne Wood, all in favor.

Highway Department, if any

Stanley Janovsky came to the table. Truck 1 has a hole in the oil pan. The oil pan alone, without labor, is \$1,300. The truck is currently at Stateline for the repair. The backhoe is having the bushings replaced in the front axle and changing the steering hydraulic lines, the highway crew is doing that job in house. It should be back together tomorrow.

He and the Selectboard had a prior plan to put 3-phase power into the highway garage. The current compressor broke about 3 weeks ago so they got a new compressor (not motor) just to get by but intend to buy a new one with 3-phase power, which will be much better. Mr. Janovsky talked to JC Electric, they provided a quote of \$13,000 to convert over to 3-phase, to put in a new panel and clean up the electrical mess in the newer half of the garage (there are quite a few 100-amp panels). He will also get a price from Swan Electric. A 3-phase drill press was purchased last year in anticipation of the new electric service. Rod Bemis had suggested that only one pole would be needed because there is already 3-phase at the Transfer Station. Stanley questioned how many more quotes he should get?

The mud is “not too bad yet”. Some of his crew is dragging tonight because it is supposed to freeze up overnight. The crew will probably be working over the weekend as well.

Mr. Janovsky had a few questions about the purchasing policy. Under major purchases, it states “all purchases over \$3,000, except as related to the Highway Department” but there is apparently no other mention of an amount for the Highway Department. Mr. Janovsky suggested that the board review the policy and clarify it at the next meeting. He is not willing to sign a paper saying he understands the policy when the policy is not clear. He also suggested that repairs to equipment needs a higher amount. Some equipment repairs can be over \$10,000. Are repairs considered a purchase? Do repairs need to go out for bid?

Marshall Dix noted that where he works repairs and parts don’t count for going out to bid, it is only actual purchases.

Robin Kingsley noted that he feels that a repair company would offer professional services which don’t need to be bid. He also noted that the amounts need to be updated; for example, \$1,000 doesn’t buy much.

Mr. Corse suggested that the policy be looked over and edited with there is a full board.

Mr. Janovsky informed the board that the fire department needs to have their 4-inch hose tested, they have about 6,000 feet of hose and it will cost about \$1800. It must be certified and done. Discussion ensued and it was decided that this falls under repairs, no bidding necessary.

Robin Kingsley read a portion of a commendation letter that was written to the Selectboard praising Stanley Janovsky, Jr. for doing a great job.

During Maple Festival there was a power outage. It affected a user of the Municipal Center. There is a manual transfer switch to get the Municipal Center running off the Fire House generator. Stanley Janovsky recommends installing an automatic transfer switch in the

Municipal Center. Mr. Corse asked Stan if he would get a rough estimate. He said he would. Mr. Janovsky also mentioned that a few windows in the Municipal Center need to be replaced.

Approval of Payables Warrant – March 28, 2019

A motion was made by Robin Kingsley to approve Payables Warrant W1940 dated March 28, 2019, seconded by Wayne Wood, all in favor with Robin Kingsley casting his vote.

Approval of Payroll Warrant – March 28, 2019

A motion was made by Wayne Wood to approve Payroll Warrant W1939 dated March 28, 2019, seconded by Wayne Corse, all in favor with Robin Kingsley casting his vote.

Approval of Minutes of March 13, 2019

A motion was made by Robin Kingsley to approve the Minutes of March 13, 2019 as written, seconded by Wayne Corse, all in favor with Robin Kingsley casting his vote.

Other business / Office Administrator – as needed

At the March 13th meeting Wayne Corse suggested sending “thank you” letters to the previous Selectboard members and to Jenepher Burnell. **A motion was made by Robin Kingsley to sign the letters as written, seconded by Wayne Wood, all in favor with Robin Kingsley casting his vote.**

Reminder beginning with the next Selectboard meeting on April 10th all Selectboard meetings will **start at 6:30pm.**

The Windham Regional Commission is hosting an “ICS 402: Emergency Training Session for Senior Town Officials” on April 16th in their office in Brattleboro at 2pm. The training will cover Incident Command and an overview of emergency response. Understanding the process of emergency preparedness, response, and recovery is critical. Gig is planning to attend. It is open for Senior Town Officials if any one is interested in attending. Wayne Wood noted it is a really informative class. Wayne Corse may attend but needs to check his schedule.

Greg Brown mentioned Bill H439 which would double the tax on heating oil and other fuels. He was hoping the board would discuss it and contact our representatives. Wayne Wood noted that if we were interested, we should contact the Governor not our representative. Craig Hammer mentioned that he spoke with John Gannon who is in favor of the bill. Mr. Hammer did try to contact the Governor today to say he is opposed. Right now, the tax is 2 cents per gallon, they want to raise it to 4 cents. It passed the house but did not get enough votes to pass a governor’s veto. **Wayne Wood made a motion to write a letter expressing that the Selectboard is opposed to this bill. The letter will be reviewed by Selectboard members via email and then Robin Kingsley is authorized to sign it on behalf of the Selectboard, seconded by Wayne Corse, all in favor with Robin Kingsley casting his vote.**

Seth Boyd commented that he thinks the agreement that the Zoning Administrator wrote is perfect.

Adjourn

A motion to adjourn was made by Robin Kingsley, seconded by Wayne Wood, all in favor.

Robin Kingsley adjourned the meeting at 9:12pm. Respectfully submitted, ~Gig Zboray