



**Town of Whitingham  
Office of the Selectboard**

**MINUTES OF SEPTEMBER 6, 2023**

*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 Selectboard Office of the Whitingham Municipal Center on Wednesday, September 6, 2023.

Selectboard members present: Scott M. Reed, Chair; James Weber, Vice Chair; Craig Hammer, and Robin Kingsley.

Others present: Gig Zboray, Selectboard Office Administrator; Stan Janovsky, Jr., Road Commissioner; Brad and Morris Lackey; John and Johanna Robohm; Sharon Furtado, Samantha Yobst, Tina Thurber, residents; Dan Hollister, ACO.

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

Scott M. Reed called the meeting to order at 6:30pm. Changes to the agenda were noted on the meeting copy.

**Hearing of visitors (for concerns not on the agenda)**

None

**Highway:**

**Brad and Morris Lackey to discuss intersection of Gates Pond Road and Butler Brook Road**

Morris Lackey would like to remove the little piece of road directly in front of his house, traffic is going across the triangle because they can't make the turn. His septic line runs under that section of road and his leach field is in the triangle. Mr. Hammer noted that it is difficult for large trucks to navigate that intersection. Brad Lackey mentioned that there is some room to make the corner less sharp. The town highway mileage map from 1930 to present show that road as just one access not a Y. The highway book does not establish that section in front of the house as a town road. The deed talks about "a road", does not say "town highway". Research will need to be done to determine if the portion of road in question is technically a town road, if so, there is a proper procedure to "throw it up" involving a site visit and public hearing. Mr. Robohm questioned how Mr. Lackey suggests making this a safe intersection, right now it is a right-angle turn. No answer was provided, this was just the start of discussion on the topic.

**Review and sign VTrans Annual Financial Plan and Certificate of Compliance**

These documents are required to be filed annually with VTrans. After review, **a motion was made by Robin Kingsley to approve and sign the VTrans Annual Financial Plan and Certificate of Compliance, seconded by James Weber, all in favor.**

**Next steps for highway garage**

The engineer provided an email response that they are working on a report and it should be ready for the next meeting.

Review and approve access permits Mr. Janovsky presented two access permits. One was for access through the Whitingham Fire House parking lot, he didn't do any research yet, so he requested that the board not address this permit yet to allow for time to do proper research.

The second is for Philip Scwab at 704 Streeter Hill, no conditions were set. **A motion was made by Scott M. Reed to approve the Schwab access permit and wait for more information on the Dix application, seconded by Robin Kingsley, all in favor.**

**Animal Control: meet with dog and property owner**

Due to many complaints from neighbors and the number of tickets that had been issued the Selectboard invited Christian Yobst, dog owner, and Sharon Furtado, property owner to address the issue. Mr. Yobst was not available but his wife, mother and grandmother attended the meeting. 20 citations issues, 3 were for unlicensed dogs. The youngest dog is going next week to get a rabies certificate and then both dogs to be registered.

The Yobsts are claiming there are many threats made by the neighbors, threats as such are a civil matter and not a town issue. They are complaining that citations are dated over multiple days and sent in one envelope, not allowing them enough time to contest the tickets.

As a matter of record Dan Hollister presented three complaints of dog barking from Mrs Yobst. The complaints were sent by email so therefore considered "signed" (unlike a text). The board authorized Mr. Hollister to issue the citations.

The Yobsts agree with the tickets for running at large and unregistered dogs. Mr. Hollister personally witnessed two nights of barking, he thinks those tickets should stay.

**A motion was made by Craig Hammer to void all of the tickets except the running at large, the unregistered dogs and the two tickets for barking that Mr. Hollister personally witnessed, AFTER the dogs are registered with the town, seconded by James Weber, three in favor, Mr. Kingsley stepped out.**

The board asked that the Yobsts please keep the bark collars on as often as possible.

Two letters to residents of School Street, addressing a barking issue, were reviewed and signed.

**Sewer:**

Finalize update to EU classifications In order to make the Equivalent Unit (EU) classification rates fairer across the board they were updated to reflect maximum capacity for all and did away with a minimum adjustment of less than 1. The board reviewed the new classification assignments and the new rates and how they reflected on the sewer users. **A motion was made by Scott M. Reed to adopt the new classification rates and sign the document named "New Sewer Charge System Based on a Flat Rate per Equivalent Unit", seconded by Robin Kingsley, three in favor, Mr. Weber abstained.**

Set the sewer rate for 23/24 Based on the new EU rate and assignments adopted above a **motion was made by Robin Kingsley to set the sewer rate for the 23/24 fiscal year at \$1,351.35 per EU, seconded by James Weber, all in favor.**

Review and approve notification letter to sewer users Mr. Weber suggested that the newly signed classification rate document be included on the back of the letter. All approved. The letters should be sent out this week.

Review and sign contract with Simon Operations Services after review, the contract with Simon Operations Services to act as Chief Operator for the two sewer plants for \$8,900 per month, **a motion was made by Robin Kingsley to appoint Scott M. Reed to digitally sign the contract documents with Simon Operations Services for the year beginning October 2, 2023, seconded by James Weber, all in favor.**

Simon Operations will begin covering the plants with their operator license immediately but will provide employee coverage beginning September 19<sup>th</sup> at a rate of \$75 per hour until the contract kicks in.

Ratify hiring of assistant Charles Rinaldi was hired as assistant operator to do the weekday testing until Simon Operations begins services at a rate of \$25 per hour. **A motion was made by Craig Hammer to ratify the hiring of Charles Rinaldi, seconded by Robin Kingsley, three in favor, Mr. Weber abstained.**

Mowing Mr. Weber suggested that a request for bids be advertised for mowing of the two sewer plants. Gig prepared a draft bid document; the board reviewed and approved it. Gig will edit it to make sure clearing of the bank at Whitingham plant twice a year is included, and get it advertised. It was noted that Michael Boyd had been mowing the berm by the river for years.

Flood Hazard Mitigation Gig noted that we did not win an FRCF grant to repair the collapsing retaining wall along the river at Eames Village Park but the state recommended another grant program when it becomes available and has put the project on their list.

The board asked Gig to contact Margo at WRC about the MERP grant (Efficiency VT).

**Approval of Payables Warrant – September 7, 2023**

**A motion was made by Robin Kingsley to approve Payables Warrant #W2410 dated September 7, 2023, seconded by Scott M. Reed, all in favor.**

**Approval of Payroll Warrant – September 7, 2023**

**A motion was made by Craig Hammer to approve Payroll Warrant #W2409 dated September 7, 2023, seconded by Robin Kingsley, all in favor.**

**Review and approve Minutes of August 23, 2023**

**A motion was made by Scott M. Reed to accept the Minutes of August 23, 2023, as written, seconded by James Weber. Three in favor, Mr. Kingsley abstained.**

**Other business** none

**Adjourn**

**A motion was made by James Weber to adjourn, seconded by Scott Reed, all in favor.**

Scott M. Reed adjourned the meeting at 7:49pm. Respectfully submitted, ~Gig Zboray