



**Town of Whitingham  
Office of the Selectboard**

**MINUTES OF OCTOBER 5, 2022**

*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, October 5, 2022.

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

Others attending: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Jr., Road Commissioner. Almira Aekus, Clerk/Treasurer. Kathryn Anderson, Mary Wright, and Andrea Arnstein residents. Tyler Lederer, DV News. Kristine Sweeter, Librarian.

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

Scott M. Reed called the meeting to order at 6:33pm. Changes to the agenda were noted on the meeting copy.

**Hearing of Visitors** Kristine Sweeter informed the board about the library's plans for Halloween. The board approved of "trunk or treat" at the Municipal Center lot. She questioned if the Library were to order a fold out changing table if Peter Bernard could install it in the bathroom, yes.

**Board of Health Hearing: 568 VT Route 112**

Open hearing Scott M. Reed declared the hearing open.

Hear report of Health Officer The Board of Health members are all very clear about the ongoing problems at 568 VT Route 112. They all reviewed the Notice of Intent. Ms. Arnstein had a copy of the Notice of Intent with her.

Hear from others Ms. Arnstein noted that her dad is living in Windsor VT now. Tarps over the camper have been removed, she would like to move the tarp as cover for a walkway from the shed to her car. Ms. Zboray said that would not be allowed. Ms. Arnstein said she rented a truck to clean up the garbage. She found that porta potties are \$140 per month and asked if she could have one on the property. The answer is no. Ms. Arnstein admitted that she is living in the shed on the property; she currently brings her human waste to a Brattleboro gas station to dispose of. At one site visit we found water being pumped up out of the river. Ms. Arnstein said that was to allow the shower to work but claims it never worked. Pumping water out of the river is illegal.

After all questions were answered the hearing was closed.

Close hearing The hearing was closed at 6:52pm.

Deliberative session The board decided to hold deliberative session after the bulk of the Selectboard meeting is complete.

Health Order decision to be made after deliberative session.

**Highway** nothing tonight

**Sewer**

Review Equivalent Units chart/discuss/make changes as needed

After a meeting several months ago with RCAP Solutions to help us determine EU rates for the newer businesses in town Mr. Weber found the biggest take away was that all buildings should be billed for capacity to serve, rather than the number of students/workers in the school/building. Much discussion ensued about new potential equivalent units, maximum capacity and meters.

No decisions were made, the board will consider Mr. Weber's presentation over the next two weeks.

**Transfer Station**

How to block access to TS in winter when chain is down

Discussion ensued around a security curtain, garage door, plywood, etc. The board feels that people will probably leave their garbage when the dump is closed anyway. Scott will check with his garage door company. Discussed possibly installing a camera for the illegal dumping.

Hazwoper coverage Dave Munson is not interested in taking the training, he is retiring in one year or sooner if we can find a replacement.

Dog kennel Can we get rid of the dog kennel? Ms. Aekus noted that WAGs built it. Gig should call Joanne Borbeau to say we are going to remove it, see if they want it.

Repost job opening Gig questioned if we should repost the Transfer Station attendant job opening. Mr. Kingsley noted that we should notify Ms. Herzig explaining our need for a new attendant, and that if she is willing and capable of coming back the job is hers. Gig will send a letter to ask if she would like to meet with the board in person or via zoom.

Empty Connex box Mr. Janovsky questioned if the Connex box that was previously used as the swap shop but is now empty could be moved to the side of the salt shed for storage of highway equipment/supplies. The board agreed.

Out of town business use by local resident Mr. Munson questioned if he was to accept trash (mostly boxes for recycling) from a business located out of town but owned by a town resident. The board said no, the garbage/recycling of the business should go to the appropriate town.

Rates Mr. Weber questioned that the prior setting of the transfer station permit fee and the punch card price was calculated with the inclusion of us providing bags and now wants to adjust the rates. Discussion ensued. It doesn't make sense to adjust the rates now, many people have already purchased permits and punch cards. We are not certain how the budget will work out; expenses could still rise. The board decided to leave the fees set as is for a year.

**Discuss potential use(es) of ARPA funds**

Topic tabled until next meeting. Gig noted that she submitted the VTrans Environmental Mitigation grant application with the updated cost estimate of \$1,147,000 which requires a 20% match of \$229,400.

**Appoint "issuing ticket official(s)"**

Dan Hollister, as our Animal Control Officer is registered with the judicial bureau to issue tickets, this appointment is just for clarity that he may issue tickets on behalf of the Selectboard for matters other than animal control, only at the request of the Selectboard. **A motion was made by Robin Kingsley to appoint Dan Hollister as the Whitingham Issuing Ticket Official until the next annual reorganization meeting, which allows him to issue tickets for matters other than Animal Control only at the order of the Selectboard, seconded by James Weber, all in favor.**

**Appoint members to Deerfield Valley CUD**

The appointment year for membership in the CUD doesn't coincide with our annual appointments made each year in March. We need to reappoint our Whitingham representatives to the CUD. **A motion was made by Craig Hammer to reappoint Phil Edelstein as Whitingham Representative to the Deerfield Valley CUD with Keith Thompson and Lauren Fitzpatrick as alternates, for a term of one-year, seconded by Robin Kingsley, three in favor, Mr. Weber opposed.**

**Insurance: review and approve property schedule**

It's time for the annual review of the insurance property schedule. We recently added a value of \$25,000 each for the septic tanks under the two plants. The board reviewed the scheduled and accepted it with no changes.

**Determine posting of reimbursement of GRH legal fees**

The town has been reimbursed \$12,396.23 for most of our expenses for legal fees to fight the Great River Hydro tax appeal through to the state level. Ms. Aekus questioned if the board wanted to put those funds into the litigation fund or post as a revenue. **A motion was made by Robin Kingsley to put the \$12,396.23 into the litigation fund, second James Weber, three in favor, Mr. Hammer abstained.**

**Approval of Payables Warrant – October 6, 2022**

**A motion was made by James Weber to approve Payables Warrant #2314, dated October 6, 2022, seconded by Scott M. Reed, three in favor, Mr. Kingsley abstained.**

**Approval of Payroll Warrant – October 6, 2022**

**A motion was made by James Weber to approve Payroll Warrant #2313 dated October 6, 2022, seconded by Robin Kingsley, all in favor.**

### **Review and approve Minutes of September 21, 2022**

**A motion was made by Scott M. Reed to accept the Minutes of September 21, 2022, as written, seconded by James Weber, all in favor.**

### **Other business**

**Review and sign letter of support for Southern VT Economic Zone** When Laura Sibilia attended the last meeting, she requested that the board issue a letter of support for a Southern Vermont Economic Zone to help in creating such a thing at state and federal levels. The board doesn't feel strongly that such a zone will have any great direct benefits the town but decided to support it. **A motion was made by James Weber to approve the letter of support and appoint Scott M. Reed to sign it, seconded by Robin Kingsley, all in favor.**

**Lifetime warranty for new hot water heater** A new hot water heater was installed in the Municipal Center this week, do we want a lifetime warranty on it for a cost of \$150? A new unit cost about \$1,400. Personally, the board members would not do it, so they decided not to for the town.

**Policing report** we were billed two times for an officer to go to the school to do a training and the board questioned why we were being billed to deliver paperwork on behalf of Mass State Police. The intent of our contract with Wilmington PD is that we pay for emergency coverage and patrol coverage.

### **Deliberative Session**

**A motion was made by James Weber to enter into Deliberative Session to discuss the Health Order, seconded by Scott M. Reed, all in favor.**

Deliberative session was exited at 8:40pm.

### **Health Order**

The board discussed correspondence from the town attorney about what options are available for the Health Order.

The board agreed that the Orders will be (1) that the property must be vacated within 10 days (by October 16, 2022) unless the house is made habitable, and all sewer connections are contained within the basement of a heated house, (2) that the sewer connection to the travel trailer must be completely dismantled and the trailer removed from the property within 10 days (by October 16, 2022) and (3) that the order shall remain in force until terminated by the Whitingham Selectboard.

**A motion was made by Scott M. Reed to approve and sign the Health Order with the orders listed above, seconded by James Weber, all in favor.**

### **Adjourn**

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

Scott M. Reed adjourned the meeting at 8:48pm. Respectfully submitted, ~Gig Zboray