



**Town of Whitingham  
Office of the Selectboard**

**MINUTES OF AUGUST 24, 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 dining hall of the Whitingham Municipal Center on Wednesday, August 24, 2022.

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

Others attending: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Jr., Road Commissioner; Almira Aekus, Clerk/Treasurer; Bart Howes and Joe Berard of Jack Pines Pirates. Dave Munson, Transfer Station Attendant. Dave DiCantio, Chief Sewer Plant Operator. Other attendees on list attached.

**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. Mr. Janovsky was not available at 6:30 so we moved the garage site to be first.

**Hearing of Visitors**

None.

**Discuss town garage site review proposal from engineer**

Brud Sanderson addressed the board noting the history of his involvement in updating or moving the highway garage. His firm gave the town a proposal in March to survey the site to understand what it can handle and to learn where it might be lacking. This would be a first step towards figuring out a plan for a new garage but would not determine the cost.

Mr. Brown noted that we cannot do anything on top because that is a capped landfill. He is of the understanding that the state has already given us verbal approval that an addition on the back of the current garage would be OK.

Mr. Reed noted that the idea is to evaluate the property to increase its use and where another building may be built because the garage is not big enough to fit all the equipment needs.

Mr. Bemis questioned if we would have fewer permitting hoops to go through if we used the same foot print. The answer is yes.

The board would like to discuss this further at a later date.

### **Highway: open sand bids**

Three sand bids were received:

Northeast Paving \$22 per ton delivered

Delta Sand and Gravel \$24.55 per ton delivered

Zaluzny Excavating Corporation \$27.75 per cubic yard delivered

Mr. Janovsky recommends accepting the bid from Zaluzny. **A motion was made by Scott M. Reed to accept the bid from Zaluzny Excavating Corp. at \$27.75 per yard delivered, seconded by Craig Hammer, all in favor.**

### **Review and approve access permit(s)**

Mr. Janovsky recommended the Selectboard approve access permits for Titian Bue on Route 100 now that the access has been completely changed and for Joseph Agrillo on Fowler Road, **Scott M. Reed made a motion to approve the two access permits presented, seconded by Craig Hammer, all in favor.**

### **Jack Pines ATV Club, final decision on new roads in Whitingham they are asking permission to use, potentially adopt new ATV Ordinance**

At our meeting on July 27, 2022, the Jack Pines Pirates ATV Club asked the Selectboard to consider allowing ATV use on the following sections of roads:

- Nate Flynn Road from Lone Pine Road to Kentfield Road
- Kentfield Road from Nate Flynn Road to Burrington Hill Road
- Burrington Hill Road from Kentfield Road to Green Road
- Green Road from Burrington Hill Road to Legal Trail 2 (LT2)
- LT2 from Green Road to Burrington Hill Road (landowner permission to get from LT2 to Houghton Road)
- Burrington Hill Road from LT2 to Houghton Road
- Houghton Road from Burrington Hill Road to Maple Hill Lane
- Maple Hill Lane from Houghton Road to Abbie Morse Road
- Abbie Morse Road from Maple Hill Lane to Holbrook Road
- Holbrook Road from Abbie Morse Road to VT Route 112

The Pirates explained to the crowd their proposed plan to get from Lone Pine Road to the center of Jacksonville. None of these roads would be opened this year or in 2023 because they would need to get permission from Great River Hydro, VTrans and purchase and install lots of signage. They are trying to get the ball rolling now because it is a lengthy process.

Residents asked many questions. David Eade questioned why Lone Pine was originally approved but the rest of the roads listed above were not addressed at that time, he feels it was done in a sneaky manner. Dan Kavanaugh of Holbrook Road asked how the Pirates will assure people are being safe. The Pirates have contracted with Windham and Bennington Country Sheriff's and the Game Warden to police their trail system. Mr. Kavanaugh asked how much wear and tear the roads get. Mr. Berard noted that you see more traffic, but the roads aren't beat up. Of course, there is noise. Martha Phelps read a prepared letter about her concerns with Holbrook Road and safety. Marcia Bruno of Holbrook Road noted there is no

cell service on the road so how can anyone call for help if there is an accident. Mr. Robohm asked for clarification: is the ordinance only for ATVs or does it include UTVs. The state of Vermont defines "All-terrain vehicle" or "ATV" means any nonhighway recreational vehicle, except snowmobiles, having not less than two low pressure tires (10 pounds per square inch, or less); not wider than 64 inches, with two-wheel ATVs having permanent, full-time power to both wheels; and having a dry weight of less than 2,500 pounds (Title 23 §3501). A resident on Route 112 is concerned about the noise from 6am to 10pm. Greg Brown said he has the same concern; he would like to see a 25mph speed limit and noted 8am to 8pm might be a better curfew, he thinks there are ways that we can try to work this out. Mrs. Robohm asked if they are "off road" vehicles then why are we discussing allowing them on roads? The purpose of getting road approval is so the Pirates can then start working with landowners to get permission to use their property. A resident asked how many miles of trail do the Pirates have? Just shy of 40 miles in Readsboro is the answer. A concern about safety on Burrington Hill Road was mentioned. There are a lot of second homeowners and residents in Whitingham that use the Readsboro trails. Ms. Aekus asked if the Readsboro trails have set speed limits. By law they cannot enforce anything under 25 miles per hour. They try to keep the speed limit the same as the road. Mr. Purjes noted that his property is the highest appraised property in the town, if Kentfield Road was a designated ATV road he would not have purchased and improved his property. He is an ATV/UTV/side-by-side rider but he does not want it in front of his door. He will stop paying his taxes, he feels his property value will go down by 80%, he is willing to litigate to get it appraised properly if this is approved. He would sue the town for the reduction in value. A resident asked who can be in the club, is there a class that teaches members the rules and the culture and safety. How many hours of patrol do they pay for? They guessed 60 hours per season, and most are scheduled on weekends. The club likes to work with the residents. Safety training is required for anyone under 16 years of age, other than that the state doesn't require any sort of training. The club will issue reprimands and will even request that VASA pull membership if riders prove they are irresponsible. Ms. Anderson asked the Selectboard what positive aspects do they see coming out of this change? Mr. Munson asked why the Pirates haven't talked to the landowners before asking for the roads. Mr. Howes noted that there is a lot of illegal riding going on, by providing legal trails it will cut down on the illegal rides. A resident asked if there was some sort of back door that the Selectboard could use to pull approval if they don't get the trails on private lands can the roads be pulled. Yes, the Ordinance says the roads can be closed to ATV use at any time. Aaron Perras of Lone Pine Road noted that he allows snowmobiles to use his property, ATV riders recently smashed through the gates and tore up his grass. Mr. Brown noted that the whole ATV proposal hinges on Mr. Perras' property, he suggested the board hold off on any changes to the ATV Ordinance until this gentleman decides what he wants to allow on his property. Mr. Twitchell noted that what the Pirates are doing now is the same thing that the snowmobiles clubs had started doing way back 40 or 50 years ago. He believes they are trying to make the same thing happen for ATVs. Mr. Morse noted concerns for livestock being harassed or worried, if it was a dog, they are allowed to shoot it, if it's an ATV they obviously cannot. Rich Watkins, Game Warden said he has seen a significant improvement in ATV rider behavior since the Readsboro trails became legal.

The Selectboard will take all comments under advisement and decided not to make a final decision tonight.

### **Parks Committee – discuss parking changes at Town Hill**

Parking on the playground side will stay the same but will get paved up to the new stone wall and in front of the building. Parking on the ballfield side will also stay the same but boulders will be placed to block vehicles from parking on the grass. Ballfield side will not be paved. A driveway near the intersection will become more green space. For the larger events they would move a boulder to allow parking on the grass. Deerfield Valley Property Maintenance is working on installing the new playground equipment. Mr. Boyd noted that they didn't budget for the installation of the playground equipment, it might go over their budget.

### **Transfer Station**

Discussion with attendant, consider closing Sundays Sherry Adams asked several questions about the running of the Transfer Station. Mr. Doty is concerned about the trend to increase user fees rather than spreading out the cost on the whole town. Mr. Munson suggested 3 people working under a "Waste Management" budget and be trained to cover each other. The difficulty is that the sewer is technically a completely separate entity. Mr. Munson noted he is willing to continue working at the Transfer Station until October of 2023 (his retirement date) as long as the Transfer Station hours change to be closed on Sunday.

**A motion was made by James Weber to close the Transfer Station on Sundays effective September 11, 2022, seconded by all, all in favor.** Gig will make and/or order signs.

Discuss bags discussion ensued, we will wait on bags. The important factor is to make sure everyone using the Transfer Station has purchased a permit sticker.

### **Sewer:**

Discuss building and equipment values for insurance purposes: We received an email from VLCT saying that the sewer plants did not have values listed on the property schedule for the structures or equipment inside. Gig was perplexed, she found documentation showing they have values. After much back and forth she learned that the septic tanks underneath the buildings are on the property schedules but do not have values attached to them. If we don't attach value now, they will be deleted from the property schedule. **A motion was made by James Weber to add a value of \$25,000 for the septic tank at each sewer plant, seconded by Greg Brown, all in favor.**

### **Discuss employee work assignments**

**A motion was made by Greg Brown to enter into executive session to discuss employee work assignments under the provisions of Title 1, Section 3129(g) of the Vermont Statutes, to include Gig Zboray and Dave DiCantio, seconded by James Weber, all in favor.**

Executive session was exited at 9:51pm

**A motion was made by James Weber to change our Chief Operator position to a salaried position at \$39,000 per year (based on 25 hours per week), eligible for retirement but not medical insurance at this time, seconded by Craig Hammer, all in favor.** The Chief Operator is responsible for following all state requirements to keep the plants operating and to keep his license.

**Approval of Payables Warrant – August 25, 2022**

A motion was made by Craig Hammer to approve Payables Warrant #2308, dated August 25, 2022, seconded by Scott M. Reed, all in favor.

**Approval of Payroll Warrant – August 25, 2022**

A motion was made by Craig Hammer to approve Payroll Warrant #2307 dated August 25, 2022, seconded by Scott M. Reed, all in favor.

**Review and approve Minutes of July 27 and August 10, 2022**

A motion was made by Craig Hammer to accept the Minutes of July 27 and August 10, 2022, as written, seconded by Scott M. Reed, all in favor.

**Other business**

Fuel Oil PreBuy The board gave permission to Scott M. Reed to negotiate and lock in oil pricing for the coming season.

Complaint about Fowler Road The board acknowledges the complaint received.

Fuller Hill Road The vehicles that were parked in the town trail off Fuller Hill have all been removed.

Gates Pond Road junk a complaint was received about the junk piled up on both sides of lower Gates Pond Road, Gig will write a letter for the board to sign at the next meeting.

**Adjourn**

A motion to adjourn was made by all.

Scott M. Reed adjourned the meeting at 9:55pm.

Respectfully submitted,  
~Gig Zboray



AUGUST 24, 2022  
Selectboard Meeting Sign-In

Sherry Adams

Chris Mays

Aaron Peras

ANNAM TWITCHELL

John Robohn

Johanna Robohn

Judy Bernard

Justin Laselva

SETH BOYD

Brud Sanderson

Richard Watkin

BARRY ANDERSON

Tyson Moise

Ewa Kryszczyński

Lois BRENNAN

David Eade

Kenneth Kavanagh

Mary Wright

Kathryn Andersen

Robbi Resek

Dennis M. Jigger Dejnau

Suzanne Strathern

James Strathern

Rodney Bemis

Martha Phyllis

Edna Pines

Dan Pines

Ron Pastore

JOHN DORY

Almira

Alison Crossley

Tristan Roberts

Marcia Bunn

William Hurd

Bert Howes

Joe Berard

Jim White

Carol Hartman

Stanley Janovsky JR

STEVE POLAKOWATSKY

Terry Mose

Steve Mose