



**Town of Whitingham
Office of the Selectboard**

MINUTES OF MARCH 13, 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 13, 2019 at 7:30pm in the Selectboard Office of the Municipal Center, 2948 VT Route 100, Jacksonville, VT.

Selectboard members present: Robin Kingsley, Wayne Wood and Wayne Corse.

Others present: Gig Zboray, Selectboard Office Administrator; Almira Aekus, Town Clerk; Stanley Janovsky, Road Commissioner. Residents: Butch Jillson, Greg Brown, Phil Edelstein, Dana Dix, Allan Twitchell, Leon Corse, Marshall Dix, and Craig Hammer.
Mike Eldred, Deerfield Valley News

Call to Order. Additions or Changes to Agenda

Robin Kingsley called the meeting to order at 7:29pm. There was one addition to the agenda – to review and approve for posting a Notice of Vacancy for the seat vacated by Keith Bronson on March 11, 2019.

Hearing of visitors for concerns not on the agenda no comments

Accept resignation of Wayne Wood from position of Lister

Vermont Statute rules that a Lister shall not also serve as Selectboard member. Wayne Wood was elected to the Selectboard on March 5, 2019 therefore it is necessary that he resign his position as Lister. **Wayne Corse made a motion to accept Wayne Wood's resignation as Lister, seconded by Robin Kingsley, all in favor.**

Annual reorganization:

- **Appointment of positions**

SELECTBOARD CHAIR

2020

Wayne Wood made a motion to appoint Robin Kingsley to serve as chair, no second is required, all in favor.

SELECTBOARD VICE CHAIR

Robin Kingsley made a motion to leave the Vice Chair position open until there is a five member board. All in favor.

After review, a motion was made by Wayne Corse for the Selectboard to appoint the following positions, seconded by Wayne Wood, all in favor (the gray *italics* positions were appointed in a prior year).

FIRE WARDEN

Allan L. Twitchell (appointed 7/1/18) Term expires 6/30 2023

TREE WARDEN

Adam Buursma 2020

TOWN HILL COMMITTEE

Keith Bronson, Steven P. Betit, Seth Boyd
and Aysha Peltz 2020

MEMORIAL DAY COMMITTEE

Dana Dix 2020
David Farrington 2020
Craig Hammer 2020
(Dana Dix had suggested adding Dave Farrington and Craig Hammer, the Selectboard agreed)

EMERGENCY MANAGEMENT DIRECTOR

Wayne Wood (appointed 02/14/18) Term expires 03/11 2020

E-911 COORDINATOR

Marylee Putnam 2020

WINDHAM REGIONAL COMMISSION REPRESENTATIVES

Jenepher Burnell and Kristine Sweeter 2020

HEALTH OFFICER (State appointed)

Gig Zboray Term expires 10/31 2019

DEPUTY HEALTH OFFICER (State appointed)

Jenepher Burnell Term expires 10/31 2019

DOG WARDEN / ANIMAL CONTROL OFFICER

Daniel Hollister (Robin Kingsley noted that Dan does a great job) 2020

ZONING AND FLOOD PLAIN ADMINISTRATOR

Gig Zboray 2021

LEGAL COUNSEL

Fisher & Fisher Law Offices 2020

LEGAL NEWSPAPER

Deerfield Valley News 2020
Brattleboro Reformer (alternate)

PLANNING COMMISSION

Bradford Lackey 2020
Peter Barus 2021
Phil Edelstein 2020
Kristen Breeden 2022
Linda Donaghue 2022

ZONING BOARD OF ADJUSTMENT

<i>Scott Reed</i>	2021
<i>Lyman Tefft</i>	2021
<i>Troy Felisko</i>	2020
<i>Craig Aekus</i>	2020
Dana Dix	2022
Marshall Dix	2022
David Dumaine	2022

HOUSING REHABILITATION COMMITTEE

Linda A. Donaghue and Donald McKinley	2020
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ECONOMIC DEVELOPMENT GROUP

Gretchen Havreluk	2020
Jenepher Burnell	2020
Phil Edelstein	2020
Kyle Frey	2020

- **Department liaisons**

Robin Kingsley feels the best way to handle liaisons is that the Board as a whole stay on top of it. Wayne Corse agreed that there should be no special liaisons, it should come back to the board. If there is a crisis it should go to the Chair of the Selectboard. Wayne Wood noted that each Selectboard member should each make an effort to make contact with each department.

- **Meeting day and time**

Discussion regarding changing the day and time: Changing the day is not feasible due to payroll concerns. Wayne Corse suggested 6:30. Greg Brown thinks 6:30 might bring more citizens. **Robin Kingsley made a motion to change the Selectboard meeting time from 7:30 to 6:30pm starting with the April 10, 2019 meeting, seconded by Wayne Wood, all in favor.**

- **Set the bond amount**

Certain officers and employees must provide a bond conditioned on the faithful performance of their duties. These include road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the Selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. 24. V.S.A. § 832. VLCT PACIF provides coverage to its member municipalities that meets the statutory requirement for bonding but is technically not a bond. **A motion was made by Wayne Corse to set the bond amount at zero. Motion amended to include “noting that \$500,000 is covered by the VLCT policy”, seconded by Wayne Wood, all in favor.**

- **Annual review and adoption of Guide for Meeting Procedure**

Gig will change the time of the meetings to be 6:30pm starting April 10th, 2019. **A motion was made by Wayne Corse to adopt the Guideline for Meeting Procedure for the Whitingham Selectboard with the change of time from 7:30 to 6:30pm starting April 10th, 2019, seconded by Wayne Wood, all in favor.**

Ratify the posting of Notice of Vacancy that was posted on March 1, 2019

Allan Twitchell resigned from the Selectboard at the end of the February 27, 2019 Selectboard meeting. State law provides that the Selectboard must give notice of the vacancy by posting such notice within ten days of the creation of the vacancy in the town clerk's office and at least two public places in town. 24 VSA § 961(a). The Notice of Vacancy was posted on March 1, 2019. **A motion was made by Wayne Wood to ratify the action of posting the Notice of Vacancy on March 1, 2019, seconded by Wayne Corse, all in favor.**

Consider an appointment and/or special election to fill Selectboard seat vacated on February 27, 2019

Pursuant to 24 V.S.A. § 963 **Wayne Corse made a motion to hold a special election by Australian Ballot on May 7, 2019 with petitions due April 1, 2019 at 5pm to fill the two vacant Selectboard positions and the Library Trustee.** Discussion: Wayne Wood questioned the recommendation to appoint a Library Trustee. The crowd expressed that it should go to election also. Wayne Wood expressed his concern with having only three Selectboard members, that a unanimous decision is necessary for every decision. By appointing a fourth member until the election it would enable a tie-breaker if there was a dead lock. Robin Kingsley expressed his concern that something could happen to one member and then there would be only two and the State would take over. At town meeting a recommendation was made that there be an election. Wayne Wood noted that this is a different situation now that we have two empty seats. At town meeting we only had one empty seat. Almira Aekus noted that the board could appoint any one member to sign the Warrants if there is not a quorum present at a meeting before the special election.

A recommendation was made that if an appointment is made it should not be someone who is planning to run for election. Robin Kingsley personally feels that if they appoint it should be someone who is interested in the position. More discussion followed. It was eventually agreed that Selectboard information will be forwarded to the current Selectboard members and to those who filed petitions to have their name on the ballot. That way the two who win seats will be up to date on Selectboard information.

Wayne Corse would like notice in the newspaper that we are taking petitions, Mike Eldred will include the information in his article in the Deerfield Valley News.

Back to the motion to hold a special election by Australian Ballot on May 7, 2019 with petitions due April 1, 2019 at 5pm to fill the two vacant Selectboard positions and the Library Trustee, seconded by Wayne Wood, all in favor.

Discussion about what was the remainder of the Selectboard terms. Both vacant seats expire in 2020. Robin Kingsley asked where this election would be held, Almira answered that it would be held at the Municipal Center.

Review and approve Notice of Vacancy for seat vacated on March 11, 2019.
Consider an appointment and/or special election

Gig will update the Notice of Vacancy. **A motion was made by Wayne Wood to allow Robin Kingsley to sign the Notice of Vacancy and Special Town Meeting and post it as soon as possible, seconded by Wayne Corse, all in favor.** Mr. Leon Corse noted that he thinks it should be called a “special election” not a “special town meeting”. *VLCT confirmed that it is a town meeting.*

Consider an appointment and/or special election to fill vacant Library Trustee seat:

As discussed above, this position will go to special election.

Junk at 7849 VT Route 100

The issue of junk and junk vehicles accumulating on the property of Lindsey Rae Dix at 7849 VT Route 100 in Whitingham was discussed at the February 13, 2019 Selectboard meeting. At that time, it was agreed that the Health Officer would write a letter asking for removal of the junk or to screen it so that it cannot be viewed from the road or the neighbor’s property. The letter was mailed February 14, 2019 and allowed 30 days to respond. The 30-day response period ends on March 16, 2019. A letter was written for the Selectboard to sign offering another 30-day response period to be sent by certified mail.

A motion to sign the letter regarding junk at 7849 VT Route 100 was made by Wayne Corse, seconded by Wayne Wood, all in favor.

Office of Listers – next step(s)

At Town Meeting 2019 Article 2 passed to eliminate the office of Town Lister in accordance with 17 V.S.A. § 2651c(b)(1) and replace it with a professionally qualified assessor/firm. According to statute once the vote is passed the office of lister is eliminated in 45 days. However, the office of Listers is currently one member. Jenepher Burnell did not run for reelection and Wayne Wood had to resign because he won a seat on the Selectboard. Howard Dix wrote a memo recommending the town use NEMRC for the short term. Wayne Corse questioned how quickly this decision needed to be made. Almira Aekus will dig out information for further discussion at the March 27, 2019 meeting. In his memo Howard Dix also asked questions about the clerk position which can also be answered at the next meeting.

Mr. Wood agreed that NEMRC would be a good gap filler. When there is a 5-member board, a decision should be made about which firms to select to request a bid.

Mr. Corse questioned if there is money in the budget to pay for assessor services. Ms. Aekus replied that if necessary, the town can deficit spend but it would only be a deficit in the Listers budget, it would not make a deficit in the General Fund.

Somerset Agreement: Jenepher Burnell had an agreement with Somerset and the Whitingham Selectboard to allow her to use Whitingham computers and software in her capacity as Lister for Somerset. That agreement is now terminated because she is no longer a Whitingham lister.

Wayne Corse made a motion that the Selectboard send Somerset a letter noting that since Jen Burnell is not a Whitingham lister any longer that the agreement is terminated, seconded by Wayne Wood, all in favor. The Selectboard will sign the letter at the next meeting.

Sewer Department, if any

Gig requested that Selectboard members write their availability within the next few weeks on the blank calendar pages in order to have an idea when to schedule an upcoming required meeting with the engineers and state officials.

Gig noted that Dave DiCantio asked if he still had authority to call an electrician to do work required at the plant. Mr. Wood happened to be in the Selectboard office at the time and reviewed the purchasing policy and told Mr. DiCantio that he was authorized to do so if it was under \$1,000. Butch Jillson stated that Dave DiCantio is a level 5 operator and he can go to any plant and run it, he should be allowed to handle the day to day at the plant.

Discussion ensued about the purchasing policy.

Mr. DiCantio contacted the engineers questioning if other parts are needed, should he buy them, or should he wait. The engineers answered that if the parts can wait, he should wait to purchase them until the next phase of the sewer project.

Transfer Station, if any

A main rail has rotted and come apart on the bottom of the compactor receiver box. This was not a repair that Peter Bernard could make. Stanley Janovsky, Jr. asked Gig to call TAM to repair it on March 7th. Discussion ensued questioning if we owned that box, there are many boxes in rotation, how do we know that was ours. *Post meeting note: Gig called Trevor Manse: he indicated that the broken box is indeed ours because it is green and says "Whitingham" on it. The town owns that one compactor receiver box and the boxes used to collect refrigerators and tires.*

Education Funding Litigation, if any

Wayne Corse would like to know when there are any court proceedings. Gig to ask attorneys to come visit the new board after the special election.

Approval of Payables Warrant – March 14, 2019

A motion was made by Wayne Corse to approve Payables Warrant W1938 dated March 14, 2019, seconded by Wayne Wood, all in favor.

Approval of Payroll Warrant – March 14, 2019

A motion was made by Robin Kingsley to approve Payroll Warrant W1937 dated March 14, 2019, seconded by Wayne Wood, all in favor.

Approval of Minutes of February 27, 2019 and March 1, 2019

A motion was made by Robin Kingsley to approve the Minutes of February 27, 2019 and March 1, 2019 as written, seconded by Wayne Wood, all in favor.

Other business / Office Administrator – as needed

Its nearly spring and “training” season. Gig is signed up for:

- Health Officer webinar on March 20th
- Grant writing workshop on March 22nd
- LEOP workshop on March 25th (local emergency operation plan)
- Selectboard Institute on Saturday March 30th
- Town Officers Education Conference on April 11th

There are other Health Officer webinars that Gig plans to participate in.

Mr. Corse questioned how much each seminar was and if she was paid door to door or how that worked. Gig responded that she is reimbursed mileage (at the Federal rate) and her pay is salary.

The previous board felt it was important for employees to get educated as classes became available. Gig questioned if she needed to ask permission to sign up now. Mr. Corse replied that she should brief the board as she is doing now.

Mr. Jillson complained about Town Meeting. He felt people were packed in like sardines and that he could not interact visually with the officials on the podium because there were at floor level. Almira Aekus noted that last year a person fell at the school and could not get back up, they had to slid down the hill to get themselves back up.

Mr. Jillson suggested that the Selectboard coordinate with other towns about the condition of the state roads. Wayne Corse would like a southern Vermont coalition to go up to the state house and put more pressure on them. Robin Kingsley noted that prior Selectboard members had actually ridden the roads with VTrans engineers pointing out the trouble spots. Gig had attended a meeting in Wilmington last year where the VT Secretary of Transportation was in attendance.

A resident emailed to question the legality of Wayne Corse running for Selectboard as this resident felt he was not a full-time resident. Gig referred him to the Town Clerk who runs the elections. Wayne Corse noted that his travel records are documented if anyone wants to see them.

Wayne Corse made a motion that Gig pass out the Purchasing Policy to every purchasing agent/employee that has authority to purchase items on behalf of the town and that those employees sign a document indicating they received a copy of the Purchasing Policy and return it to the Selectboard, seconded by Wayne Wood, all in favor.

Wayne Wood would like the Selectboard to regain the confidence of the town employees, who feel there has been a tremendous amount of scrutiny since before the election. Mr. Wood would like the employees to know that no one’s head is on the chopping block. He suggested that the three Selectboard members go out and meet with the employees.

Marshall Dix spoke in support of not having department liaisons, stating where he is employed it is not working. If the liaison is not available, then there is no one that has any knowledge of the department. It is important for all Selectboard members to have knowledge of all departments.

Wayne Corse would like to send a thank you letter to the four recent Selectboard members and to Jenepher Burnell for their years of service. Gig will write the letters for review and signing at next meeting.

Wayne Corse made a motion that any one sitting Selectboard member (Wayne Wood, Wayne Corse or Robin Kingsley) can sign the payroll and payables warrants if there is not a quorum available at any meeting before May 8th, when there will be a five-member board, seconded by Wayne Wood, all in favor.

Adjourn

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

Robin Kingsley adjourned the meeting at 8:42pm.

Respectfully submitted,
~Gig Zboray

GUIDE FOR MEETING PROCEDURE FOR THE WHITINGHAM SELECTBOARD

A. PURPOSE.

The Selectboard of the Town of Whitingham is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the Selectboard of the Town of Whitingham must be open to the public at all times, except as provided in 1 V.S.A. § 313.

B. APPLICATION.

This policy setting forth meeting procedure shall apply to the Selectboard of the Town of Whitingham which is referred to below as “the body.” This guide shall apply to all regular, special, and emergency meetings of the body.

C. ORGANIZATION.

1. The body shall annually elect a chair and a vice-chair. The chair of the body or, in the chair’s absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the body shall act as chair for that meeting.
2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body do require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the membership of the body in attendance.
6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will be entertained.
7. Any member of the body may request a roll call vote.
8. Meetings may be recessed to a time and place certain.
9. This guide may be amended by vote of the body, and must be readopted annually.

D. AGENDAS.

1. Each regular and special meeting of the body shall have an agenda with each item of business to be considered by the body. Those who wish to be added to the meeting agenda shall contact the Selectboard Office to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in the Town Clerk's office and at the following designated public places in the municipality: Jacksonville Post Office and municipal center hallway. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on the Town of Whitingham website (www.whitinghamvt.org or any domain address it may change to). The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to, change of order or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, postponing or tabling actions, may be made by majority vote of the body in attendance.

E. MEETINGS.

1. Regular meetings shall take place every-other Wednesday at 7:30pm (6:30pm effective April 10, 2019) at the Whitingham Selectboard Office, 2948 VT Route 100, Jacksonville, VT.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to the editor of the Deerfield Valley News; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the municipal clerk's office, on the town website and at the following designated places in the municipality: Jacksonville Post Office and municipal center hallway.
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened and is able to hear and be heard throughout the meeting. If a quorum or more of the body attend a meeting without being physically present at a designated meeting location, the following requirements shall be met:
 - a. At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the body shall publicly announce the meeting and post notice of the meeting in or near the municipal clerk's office and the Jacksonville Post Office, municipal center hallway and on the town website.
 - b. The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

F. PUBLIC PARTICIPATION.

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.
2. At the conclusion of each agenda item, but before any action is taken by the public body at each meeting, there may be a few minutes afforded for open public comment. By majority vote, the body may increase the time for open public comment and its place on the agenda.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
4. Members of the public must be acknowledged by the chair before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.
 - b. Declare a recess or table the issue.
 - c. Adjourn the meeting until a time and date certain.
 - d. Order the removal of the disorderly person(s) from the meeting.

ADOPTED: AS A GUIDELINE BY THE WHITINGHAM SELECTBOARD
on March 13, 2019