



**Town of Whitingham
Office of the Selectboard**

MINUTES OF APRIL 6, 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, April 6, 2022.

Selectboard members present: Scott Reed, Chair; James Weber, Vice Chair; Craig Hammer, and Chris Walling. Greg Brown attended remotely.

Others present: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Jr., Road Commissioner; Almira Aekus, Clerk/Treasurer; Tyler Lederer, DV News, Bart Howes and Joe Berard of Jack Pines Pirates; Seth Boyd, Parks Committee Chair; and Adam Waite, education attorney. James Valente, education attorney, attended remotely.

Call to Order. Additions or Changes to Agenda

Scott M. Reed called the meeting to order at 6:30pm. Additions to the agenda were noted on the meeting copy. Item order might be changed around depending on who is available when.

Hearing of Visitors

None.

Jack Pines Pirates ATV Club

Joe Berard and Bart Howes of the Jack Pines Pirates ATV Club addressed the board to provide an update. A section of trail was approved by Great River Hydro out behind the dam, allowing a loop from Freezing Hole around to Ruba Drive. They will not be using the original Ruba trail, they will be using a trail near Wayne Corse's land in Whitingham, they asked if they need to apply for an access permit, Mr. Janovsky answered "no". Readsboro closed part of the Tunnel Street trail which crosses the border into Whitingham, they will continue to use the bottom portion of Bosley Hill in Whitingham. Greg Brown asked for updated maps, they will email them next week.

We should add Freezing Hole Road, Ruba Road (10') and Camp Polly Road to the ATV Ordinance.

Discussion ensued around old road/town trails that are now on power company land.

Education Funding Litigation – hear from attorneys

James Valente and Adam Waite addressed the board. The Supreme Court ignored the challenge that the system is unfair across the state and only focused on Whitingham. The decision hinged on the fact that the case didn't show what would change if Whitingham had

more money. It was an unsuccessful attempt and for that Mr. Valente is sorry. The court did not come out and say the funding method is “fair”.

Mr. Waite noted that because there is so much talk about changing the system by the legislature it could have had a bearing on the court’s decision.

The US Supreme Court could not make a decision about the Vermont Constitution, so the case is over. They brought it to the forefront and change is in the making.

Parks Committee – review and approve draft RFP

The Parks Committee prepared a request for proposals for the stonework at Town Hill. Discussion ensued about the open endedness of the proposal. The board reviewed the RFP and approved it for advertising. Gig will put in the Valley News and send it to a few possible contractors.

Highway

Review and approve letter re: East Road

The board reviewed the letter and approved of Mr. Reed signing it.

Review and approve access permit The Delaneys would like a 911 address for the garage which they now use as a business address. The board reviewed and approved their access permit. **A motion was made by Scott M. Reed to approve the access permit for 451 VT Route 112, seconded by Craig Hammer, all in favor.**

Discuss salt shed The highway department got the blocks for the new salt shed, it should be about \$5,000 for the blocks, they will likely build the new shed where the stone pile is now. On top of the blocks they will put up a stud wall with a metal roof. They will need to purchase some trusses. The new structure will be sized to allow four loads of salt to be stored in it .

Discuss engineers proposal for garage Greg Brown made a motion to pass over the proposal. Discussion ensued, no one seconded it. Mr. Janovsky noted that the proposal does not design anything, he doesn’t feel a report of the property is worth \$22,600. He would rather build a new garage on the same spot. Mr. Janovsky noted there is only a small area out back that a garage could go on. Mr. Brown asked if ANR had already approved a metal building addition up to the stream bank without a permit, no sprinkler system. Mr. Janovsky replied, yes. Our options on the site are limited. Putting the money into the existing building seems like a better bet than paying for engineering. The roof is over 20 years old.

After discussion, it was decided that Gig will find the original engineers report for everyone to review.

Discuss Purchasing Policy

Mr. Janovsky asked the board to look over the numbers on the purchasing policy to bring it up to inflation prices. Most every expense for the Highway Department costs so much more now than it did when this policy was adopted. The board agreed that the prices should increase by \$5,000 for each category. Gig will update the policy for adoption at the next meeting.

Review and approve liquor licenses

Ms. Aekus presented the annual liquor licenses; 3 for Spoonwood Cabin and one for 1st Stop. **A motion was made by Craig Hammer to approve and sign the liquor licenses as presented, seconded by James Walling, all in favor.**

ARPA

Discuss formation of an ARPA Committee Gig provided a draft template from VLCT for an ARPA Committee. Such a committee would gather input from the public about possible uses for the town's ARPA funds, prioritize the information and forward it to the Selectboard. The Selectboard is the "ultimate arbiter" on any ARPA expenditures whether we have a committee or not. After much discussion the board determined they will serve as the ARPA committee. Gig will put a note out on Front Porch Forum and other places to ask for suggestions.

Possibly accept ARPA funds as loss of revenue The VLCT highly recommends that towns accept their ARPA funds as "revenue replacement" using the "standard allowance". We don't have to prove loss of revenue, the maximum is \$10M, we are getting \$356+K. **A motion was made by James Weber to accept the ARPA funds as revenue replacement using the standard allowance, seconded by Chris Walling, all in favor.**

Sewer

Discuss/approve tree removal proposals Two proposals were received to cut and chip trees on the bank behind the Whitingham sewer plant. Folks from the state's Geological Survey unit are coming down next Monday, right now they do NOT recommend we cut any trees. We will wait to decide on the bids.

Other sewer business as needed Although we only asked that the tree near the transformer at the Whitingham Plant be trimmed, it was cut down, we need to clean up the large trunk. The transformers were replaced on Monday.

Josh Carvajal of ANR Rivers and Streams is working on a plan to repair the bank erosion. Gig is looking for grant funding. Matt Cole of Great River Hydro looked at the area to determine if any of our proposed repairs extend onto their property. It was obvious to him that the bank needs to be repaired as soon as possible. He suggested a staging area at the boat launch area and crossing the stream to at least do the lower repairs. He also noted that the water level begins rising on April 1st and will reach full capacity on June 15th, putting a time crunch on this repair project. Josh Carvajal agreed that crossing the stream was a good idea. Although state geological guys are coming down, Josh suggested a few geotechnical engineering firms. Josh and Laura (of Shorelands Protection) are working on expedited permits so we can start working as soon as possible. We got an email today saying we may need an Army Corps of Engineers permit also.

The Northern Borders grant application letter of interest needs budget information which we won't really know until after the bids are opened. Gig has completed a draft narrative and sent it to WRC for review. The Letter of Interest is due April 22nd, our next meeting is April 20th so we are OK on that. Gig is also working on a Bernie Sanders earmarked funding application which is also due April 22nd. Gig had a meeting with BDCC Technical Assistance Program, seems they will fund Birchline Planning to complete scope work to identify funding opportunities

around wastewater for us. BDCC can't directly give us money, but this has potential to get us some additional funding.

Social Service Appropriation Policy – discuss signature requirements for petition change to the policy

James Weber recommends the policy be changed to ask for ten signatures rather than the full statute required signatures (5% of the voters); this would make the burden of signature collecting easier but still makes them come to town to collect signatures. Discussion ensued.

A motion was made by Greg Brown to approve the Social Service Appropriation Policy as presented at the last meeting, seconded by Scott M. Reed, three in favor, Craig Hammer and James Weber opposed.

Approval of Payables Warrant – April 7, 2022

A motion was made by Craig Hammer to approve Payables Warrant #2242 dated April 7, 2022, seconded by Chris Walling, all in favor.

Approval of Payroll Warrant – April 7, 2022

A motion was made by Craig Hammer to approve Payroll Warrant #2241 dated April 7, 2022, seconded by Chris Walling, all in favor.

Review and approve Minutes of March 23, 2022

A motion was made by Craig Hammer to accept the Minutes of March 23, 2022, as written, seconded by Chris Walling, all in favor.

Health Officer – discuss 568 VT Route 112

Gig received a complaint about piles of garbage outside of 568 VT Route 112 as well as a sewer hose from the trailer going into the field to the left of the trailer in the driveway. Gig visited the site, informed the property owners that the sewer hose into the field was highly illegal and if seen again it would be reported to the state. She also requested voluntary compliance to clean up the garbage. The bags of household garbage were cleaned up, however, there is a significant amount of what looks like construction garbage still on the property nearest the road. The sewer hose was immediately coiled up after the initial site visit, however it was later seen hanging over the bank towards the back of the trailer. Gig visited the site again on April 4th with Tim McNamara of DEC Enforcement. No one answered the knocks. The sewer hose was still connected to the trailer and was going down the bank between the house and the trailer. No feces was seen in the vicinity of the hose outlet.

Gig should ask the town attorney the fastest way to clean this up. They should be liable for the legal fees.

Other business

none

Adjourn

A motion to adjourn was made by James Weber, seconded by Chris Walling, all in favor.

Scott Reed adjourned the meeting at 8:19pm. Respectfully submitted, ~Gig Zboray