



**Town of Whitingham
Office of the Selectboard**

MINUTES OF MAY 20, 2020 *as corrected*

The Whitingham Selectboard held a regular meeting on Wednesday, May 20, 2020 at 6:30pm.

Selectboard members present: Wayne Wood, Scott Reed and Craig Hammer. Wayne Corse and Phil Edelstein attended virtually.

Others present: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Road Commissioner; Robert Fisher, Town Attorney; Howard Dix, Listers Clerk

Call to Order. Additions or Changes to Agenda

Wayne Wood called the meeting to order at 6:30pm reading the remote meeting script. There were a few additions to the agenda: under Flood Resiliency add: discontinuance of Sprague Brook Road and reclassification of Head of Pond Road; under Corona/COVID-19 add review and discuss support of wearing masks in public and discuss Wings email about summer programming; under Transfer Station add current commodities prices

Hearing of visitors for concerns not on the agenda no comments

Highway Department:

open gravel bids

Mr. Janovsky opened two gravel bids:

Zoar \$19.75 per cubic yard

All States/Mitchell \$17.80 per cubic yard – same product and price as last year.

Mr. Janovsky recommended accepting the All States bid.

A motion was made by Craig Hammer to accept the All States bid at \$17.80 per cubic yard, seconded by Scott Hammer Reed, all in favor.

Review and approve access permit

Mr. Janovsky presented an access permit for 104 Chase Hill Road. **A motion was made by Scott Reed to approve the access permit for 104 Chase Hill Road, seconded by Craig Hammer, all in favor.**

Junk: review ordinance and discuss options or possible changes with Attorney Fisher

Attorney Fisher provided an overview of junk and Junk Ordinances. The VLCT model is similar but longer than our current Junk Ordinance. The biggest thing with enforcing junk ordinances is the political will of the Selectboard, if the board wants to do enforcement then Mr. Fisher recommends making a list of all the properties in town that action should be taken

on, provide notice requesting voluntary compliance, then start with the process provided in the ordinance (tickets, etc.). Our ordinance allows for a civil fine in section 4703(C) which is lower than current ordinances, it can be amended at any time. If the property owner does not pay the fine then it goes before the judicial bureau, the judge would issue an order and then we figure out how to collect the judgement, such as putting a lien on the property, if they don't own the property it is more difficult. We could seek injunctive relief asking them to put up a fence or clean up the property. If the party does not follow the injunction then the case goes back to court. We could ask for the town to clean it up and the cost to be placed as a lien against the property.

Mr. Wood noted the town would like properties cleaned up but the Selectboard is unaware of the full process. Mr. Fisher recommends starting with the list. The enforcement agents could be the Selectboard or the Health Officer. If the junk is presumed to be a health hazard, then a public health order could be issued by the Health Officer, but that is also a cost to the town.

The VLCT model refers to old engines leaking oils into the ground and recommends clean up through the environmental court.

Mr. Corse asked what sort of lien it would be. Mr. Fisher answered a judgement lien would be issued after going through the judicial bureau process which would be good for 8 years, making so the property is encumbered and could not be refinanced for example.

Mr. Reed questioned how long the process takes. Answer was not clear but it can take a long time. Attorney fees could be added to the action (lien). The injunctive relief (clean up or screening) means more to the town than the collection of fines.

A question was raised regarding falling down houses. Mr. Fisher recommended that any houses that are falling down should go through the Health Order process.

Mr. Corse questioned if the town would go after the property owner or the lessee. Mr. Fisher responded the property owner, but we could fine the tenants causing the problem.

Mr. Fisher noted an ordinance amendment is easily done. Enforcement can be done through the current ordinance we don't need to update the ordinance first.

Gig should put Ordinance update on the next agenda. The board should travel the town roads and make a list of properties. Mr. Edelstein mentioned that any action taken should come from the Selectboard and not from the Health Officer. It was noted that board members should not enter properties but may take photos from the road.

Flood resiliency: next steps for the laying out of the municipal center entrance;
Sprague Brook Road discontinuance and Head of Pond Road reclassification:

The survey for the municipal center reclassification was completed by KML Surveying and reviewed by the board. Mr. Fisher questioned what are we laying out; Mr. Janovsky answered "just the box" which is 82' wide by 40'. The process is to make a motion to have a hearing to layout the road with at least 30 days' notice to the abutters. The hearing and the site visit can be on the same night but do not have to be.

After site visit and hearing we have 60 days to issue a written report that lays out the road. Everything gets recorded and we have a new road.

As far as Sprague Brook discontinuance – make a motion to discontinue the whole road. Head of Pond would be a motion to reclassification from Class 4 to Class 3 from point a to point b being X number of feet. Mr. Janovsky noted it would be from Kentfield Road to the turnaround, 1700 feet.

We could have all the site visits and hearings on the same day.

A motion was made by Wayne Corse to layout a town highway 40' long by 82' wide at the Municipal Center entrance and to set the hearing and site visit for July 15th with the site visit at 5:30pm and the hearing during the regular Selectboard meeting at 6:30pm, seconded by Phil Edelstein, all in favor.

A motion was made by Scott Reed to discontinue Sprague Brook Road in its entirety; the property to return back to the abutting landowners; to set the site visit for 5:30pm and the hearing at 6:30pm during the regular Selectboard meeting on July 15th, seconded by Craig Hammer, 4 in favor, Mr. Corse abstained because he is an abutting landowner.

A motion was made by Craig Hammer to reclassify 1700 feet of Head of Pond Road from Kentfield Road to the turnaround from a Class 4 to a Class 3 road; set the site visit for 5:30pm and the hearing at 6:30pm during the regular Selectboard meeting on July 15th, seconded by Wayne Corse, all in favor.

Gig and Mr. Fisher will work on the required notices.

Listers: Executive Session to discuss Great River Hydro tax appeal

A motion was made by Wayne Wood to find that premature general public knowledge regarding Great River Hydro's litigation against the town would clearly place the town at a substantial disadvantage if its legal strategy was made public, seconded by Wayne Corse, all in favor.

A motion was made by to enter into executive session to discuss Great River Hydro's litigation against the town under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes to include Attorney Robert Fisher, Gig Zboray, and Howard Dix, seconded by Wayne Corse, all in favor.

With no decisions made executive session was exited at 7:31.

Sewer Department:

decide if sewer plant improvement project should include the collection system

Improvements to the collection system are estimated at about \$200,000, at this point in the project the Selectboard needs to decide to move forward with designing those improvements

or putting that portion of the project aside. The engineers provided an estimate that design costs for the collection system might be around \$10,000. With 50% forgiveness that cost would be \$5,000. Mr. Hammer feels phase 2, design, should include the collection system, Mr. Reed agrees. The collection system is only 6% or less of the project. **A motion was made by Craig Hammer to include the design of the collection system improvements in phase 2 of the sewer system project, seconded by Scott Reed, all in favor.**

Decide how to advise the state that Whitingham wants to apply for both grants

Mr. Edelstein requested this topic be added to the agenda. It was noted that we are only entering phase 2, design, at this time. Funding for phase 2 will come from the Clean Water State Revolving Fund (CWSRF). The engineers are preparing an agreement for phase 2 which will be reviewed by the state before it needs to be signed by the Selectboard. The engineers are aware that we will be seeking any and all grant funding that may be available for phase 3, construction.

Transfer Station

Discuss increasing tire recycling fees

The Northeast Resource Recovery Association (NRRRA) provided notification that the cost to remove recycled tires from the Transfer Station will increase June 1st. The Selectboard reviewed the new prices. **A motion was made by Craig Hammer to update our Transfer Station fees for tires to match the NRRRA fees effective June 1st, seconded by Phil Edelstein, all in favor.** Gig will update the Transfer Station fees schedule.

Mandatory composting goes into effect July 1st, do we want to make any changes to our current procedure?

Mr. Hammer suggested we wait until we get more complaints/requests rather than make changes and pay fees and find that no one uses the service. The board agreed.

Current commodities prices: Gig noted that in January we were paying \$28.75 per ton to remove our paper recycling, in April the cost was down to \$8.75 per ton. Comingled recycling was \$141 per ton in January; on April 6th it was \$162 per ton and April 21st was \$156. Metals is holding steady at paying us \$40 per ton. Trash and C&D is holding steady at \$99 per ton.

Broadband: short summary of town options

Mr. Edelstein noted that VTel towers are now accessible by Sprint, T-Mobile and AT&T with free roaming. Eventually Verizon will be on it as well.

There will be a broadband committee meeting next week, they are getting closer to completing interviews with potential vendors, probably in June. The CUD will look into funding. The Broadband Committee is considering going after fiber on its own with Whip City rather than with the CUD. The Broadband Committee will make a recommendation to the Selectboard when the time comes. It was noted again that if the town is to put out any funding that the project must go out to bid.

The radio pole at Town Hill is not in good shape and Mutual Aid is concerned about signal interference. Mr. Janovsky had suggested putting the Wi-Fi hot spot on the church in Whitingham because that parking lot is owned by the town. Mr. Edelstein suggested the

board members think of another spot. There may be another pole and electricity on the other side of the park, but that may be too close to the other pole and still cause interference with the Mutual Aid signals. Mr. Edelstein will measure the distance between the two poles.

Corona/COVID-19:

Review and adopt Exposure Control Work Plan

Businesses that are reopening are required to have a work plan. Although the town never closed the VLCT recommends that we adopt a work plan listing ways to protect employees, etc. The following edit was made to the place: make every job a high risk so that employees are more careful. **A motion was made by Scott Reed to adopt the Exposure Control Work Plan as edited, seconded by Craig Hammer, all in favor.**

Review and discuss support of wearing masks in public

The Jacksonville General Store has received many complaints on both sides of the mask debate. The VT Health Commissioner says that wearing face coverings and handwashing “continue to be essential”. A short statement in support of wearing facemasks in public was reviewed. **A motion was made by Wayne Wood to strongly support the Be Smart Be Safe statement and post it all over town, seconded Scott Reed, all in favor.**

Discuss Wings email about summer programming

Wings is planning to run their Celebrate Summer elementary program at the elementary school starting June 29th. They will follow guidelines provided the VT Department of Health. They are willing to discuss their plans with the Selectboard or send documentation of their plans outlining the safety/health protocols they will implement. Mr. Corse is happy they reached out to us. Wings is doing a great job and the board doesn’t need any further information.

Approval of Payables Warrant – May 21, 2020

A motion was made by Wayne Corse to approve the Payables Warrant #W2048 dated May 21, 2020, seconded by Craig Hammer, all in favor.

Approval of Payroll Warrant – May 21, 2020

A motion was made by Craig Hammer to approve the Payroll Warrant #W2047 dated May 21, 2020, seconded by Scott Reed, all in favor.

Approval of Minutes of May 6 and May 13, 2020

A motion was made by Phil Edelstein to approve the Minutes of May 6 and May 13, 2020 as written, seconded by Wayne Wood, all in favor.

Other business / Office Administrator – as needed

none

Adjourn

A motion to adjourn was made by Scott Reed, seconded by Craig Hammer, all in favor.

Wayne Wood adjourned the meeting at 8:11pm. Respectfully submitted, ~Gig Zboray