



**Town of Whitingham  
Office of the Selectboard**

**MINUTES OF JUNE 3, 2020 as corrected**

The Whitingham Selectboard held a regular meeting in the dining hall of the Whitingham Municipal Center on Wednesday, June 3, 2020 at 6:30pm.

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

Others present: Gig Zboray, Selectboard Office Administrator; Stanley Janovsky, Road Commissioner; Almira Aekus, Town Clerk; Richard Lemaire and Marshall Dix, residents. Seth Boyd and Allan Twitchell, residents attended via internet.

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

Wayne Wood called the meeting to order at 6:43pm reading the remote meeting script. There was one deletion: Transfer Station. There were several additions: under Highway add: review and sign legal notice for 3 road changes from last meeting; under Sewer Department: delinquent account discussion and discuss response to Coleman-Specht complaint; under Other Business: review and adopt VLCT resolution stating all cities, towns and villages in Vermont are essential and asking for direct federal aid.

**Hearing of visitors for concerns not on the agenda**

Richard Lemaire suggested that the Municipal Center building get power washed. Mr. Janovsky noted that the municipal employee can do that.

**Highway Department:**

**Back up truck-discussion and action**

Mr. Janovsky noted that the old truck #03 is dead, he can't see putting any money into it. He suggested selling it to get it out of the yard and would like the board's permission. It is old and unsafe. The board agrees that Mr. Janovsky can get rid of the truck.

**Backhoe bids-discussion and action**

Mr. Janovsky has been working on getting things ready to get some prices on backhoes from the following brands: Case, John Deere, JCB and Caterpillar. He questioned if there is another brand he should be pursuing? The specs will be the same size as a 410 John Deere. At town meeting a few years ago it was voted to use sealed bids on equipment. He questioned how he would go about getting sealed bids when the products are not exactly apples to apples. Answer: the bid request should be based on horsepower, bucket size, options, etc. Stanley questioned if the four brands would be enough. The board agreed it was enough. No bid date has been set yet.

Crack sealing-discussion and action

Mr. Janovsky would like to do crack sealing this year. Per the purchasing policy he only needs to get two bids, he received one bid so far, it is under the budget line item and they are the only company around that lets us buy the rubber and use their machine to do the job ourselves (use of the machine is free with purchase of the rubber). If the town crew does the job it is done much better than if a subcontractor does it. Those companies are also quite a bit higher in price. It is under \$10,000 to use the machine and buy the rubber. Mr. Corse feels that although the quotes Mr. Janovsky received are not apples to apples that he has done his due diligence, the board agreed and approved of using the machine and buying the rubber.

Review and sign legal notice for 3 road changes from last meeting

**A motion was made by Phil Edelstein to sign the Public Notice to change the three roads as written, seconded by Scott Reed, four in favor, Mr. Corse abstained because he is a property owner on Sprague Brook Road.**

Condition of state roads-discussion and action

Craig Hammer requested the addition of this topic to the agenda. He would like the Selectboard write another letter addressed to each state representative, VTrans officials and the Governor, etc., copy in the Valley News and the Brattleboro Reformer. He suggested maybe even having a letter for residents to sign. Gig will draft a letter ready for next meeting.

Allan Twitchell questioned if the motorcycle accident in front of Dave Farrington's might have been caused by the road conditions. Mr. Edelstein questioned if there was a police report. Mr. Lemaire suggested mentioning how dangerous it is for bicycles also. Ms. Aekus suggested reaching out to Halifax. Maybe even reach out to Readsboro also.

Junk:

Discuss if updates to Junk Ordinance are needed

Gig provided a summary of the fines recommended in the VLCT model ordinance versus the fines listed in our current Junk Ordinance. All five members agreed that no change in the fine structure is needed at this time. The fines can always be adjusted at a later date.

Gather list of properties that need cleaning up (enforcement action)

Wayne Corse and Scott Reed drove every road in town together and created a list. If they didn't agree on a property that property was not added to the list. Mr. Wood & Mr. Reed then visited each property on the list together. Craig Hammer questioned a few properties on the list, there are a few properties that are businesses, but he doesn't feel it strengthens Economic Development to force a business to clean up (tires and scrap metal). He also was concerned about an elderly gentleman on Route 112. Mr. Wood responded that we need to be fair and even about the process. He also indicated that he didn't think that businesses were going to be on the list. Mr. Janovsky questioned if there would be an appeal process laid out in the letter mailed to the property owners. A copy of the Ordinance should be included with the letter. Gig noted photo(s) should be included with the letter. Attorney Fisher should review the letter before we send it. Mr. Wood noted the board could handle it on a case by case basis because everyone's situation is different. Mr. Twitchell noted that the

prior Selectboard tried in the past, but it is a hard row, there will be property owners that might never clean up.

Mr. Corse suggested there are things that can be tidied up on town property. Mr. Janovsky said there are parts that they still get off of some of the items Mr. Corse suggested cleaning up but Mr. Janovsky agreed there is some junk that can be cleaned up.

**Flood resiliency: designate WRC as Municipal Project Manager for VTrans scoping grant**

This is just another step in the flood resiliency project. WRC has been named manager for the Municipal Planning Grant; this naming is for the VTrans scoping grant. **A motion was made by Scott Reed to appoint the Windham Regional Commission, John Bennett, Associate Director, as Municipal Project Manager for the VTrans scoping grant, seconded by Craig Hammer, all in favor.** The contract for this will be reviewed and signed, likely at the next meeting.

**Annual Audit: discussion and action:**

There was discussion in the past of putting the annual audit out to bid, Almira Aekus questioned the Selectboard if that is still their intention. She suggested staying with the same firm because of COVID and the fact that Sullivan Powers is familiar with all our records so we wouldn't have to spend lots of time one on one with the auditors. The board all agreed to stay with the same firm.

**Sewer Department:**

**Review and sign agreement with RCAP Solutions to perform user income survey** The Median Household Income Survey is needed to help with funding options for the construction phase of the sewer project. RCAP Solutions will help us perform the survey at no cost. **A motion was made by Phil Edelstein to approve the agreement with RCAP Solutions and to appoint Wayne Wood to sign it, seconded by Scott Reed, all in favor.**

**Delinquent account discussion** The latest correspondence from David Ranslow which indicates that he believes he is not required to pay the sewer bill as billed, although he sent a signed check with no amount written on it. Mr. Wood indicated that the check should be sent back to him. Mrs. Aekus suggested that perhaps Attorney Fisher should write a letter to Mr. Ranslow now before his property gets on the tax sale list. For the last two years he has only paid half of the sewer bill and he does not pay the interest or penalty. After some discussion it was decided that Ms. Aekus will draft a letter for the Selectboard to sign at the next meeting.

**Discuss response to Coleman-Specht complaint:** Ann Coleman-Specht sent a letter of complaint about the sewer fee increase in November of 2019. The letter didn't seem to need a response, but she recently sent it again asking for a response. The Selectboard reviewed the letter and suggested we apologize for not responding, we thought it was a complaint letter. Our response might refer to the Minutes of the meeting she was at in 2018. Gig will draft a letter of response for the next meeting.

**Broadband: DVCUD and Wi-Fi hotspot on Town Hill updates**

Phil Edelstein noted that the Broadband Committee will support the CUD because there are many talented people on it, it has greater access to grant funding, there is no liability to the town for any loans that might be engaged.

The VTel Wi-Fi hotspot will be 300 feet from the radio tower, several trees will need to come down that are close to the electric lines. Mr. Boyd questioned if the town crew could do it or perhaps should Green Mountain Power come do it? Mr. Janovsky noted that if the Village Electric cuts the trees down, the town crew can clean the debris up.

Inside the utility cabinet on the pole there is already power. They would like to put a lock on it. They should purchase some PVC pipe to encase the internet cable. Mr. Janovsky noted that any electric work needs to be to code, whoever does that work should take care of it. Mr. Edelstein noted that the VTel equipment will interact well with security cameras that might be installed in the future.

Mr. Reed asked Mr. Edelstein if he had heard anything about a proposal from Whip City. Mr. Edelstein responded that the Broadband Committee is working with the CUD presently. Mr. Corse noted that he has attended many meetings (Broadband Committee and DV CUD) and has not found a way for the town to go forward without money coming out of the town pockets. After further discussion it was clarified that Whip City is not interested in working with the CUD, but they would be interested in working with Whitingham, but we can't fund it out of the tax base. Rather than respond to Whip City in the negative; a response should indicate that we might like more discussion with them in a few months. Mr. Edelstein sent the email correspondence with Whip City Fiber to the Selectboard for review

**Readoption of ATV Ordinance to accommodate legal posting requirements**

When originally adopted on April 22<sup>nd</sup> the ATV Ordinance was posted to the town website but no legal notice was submitted to the newspaper. This oversight came to light when Mr. Lemaire questioned the purpose of Lone Pine Road as a location where ATVs can travel. Mr. Hammer noted his understanding that the purpose of having Lone Pine Road on the list is so that the Jack Pines Pirates ATV Club can go to the Power Company to show that Readsboro and Whitingham are on board to try to encourage the Power Company to allow use of ATVs on their land. Mr. Lemaire is concerned because most of the properties on Lone Pine are posted "no trespassing", he questioned if the intent was to only cross Lone Pine? That will be determined at a later date. **A motion was made by Craig Hammer to (re)adopt the Ordinance Regulating All-Terrain Vehicles with Addendum A including Tunnel Street, Bosley Hill Road and Lone Pine Road to become effective 60 days from adoption (August 2, 2020), seconded by Scott Reed, all in favor.** Gig will make sure the legal notice is posted in the Deerfield Valley News in next week's edition.

**Corona/COVID-19:**

**Discuss plans to reopen Municipal Center**

Mrs. Aekus noted that Senior Meals is here on Tuesday and Thursday preparing meals to go and they clean the bathroom when they are done. She would be comfortable with TOPS use of the building on Tuesday nights because the cleaning crew comes on Wednesday morning.

She thinks that Bone Builders is too large a group to allow back in at this time. She said attorneys are allowed in her office by appointment only. She questioned if the board would allow locks to be installed on the bathroom doors so that the public can't use them because we have no control to know who is using them when. The board agreed that in order to conduct business at the Municipal Center masks MUST be worn. It will be difficult to maintain social distance in the Clerk's Office, all the more reason to require masks. Mrs. Aekus said she was following other Clerk's Offices and State advice but is anticipating opening to the public on June 15<sup>th</sup>.

Discuss Library's request to offer outdoor drive-in style movie nights

The library has a number of reasons why they are not comfortable with reopening at this time. They will likely continue to offer pick-up. They are interested in offering a drive-in movie night. Mr. Corse questioned what the impact might be on the neighbors, the movie sound would be broadcast through the car radio. Mr. Reed noted they can't block the firehouse. Mr. Boyd suggested that this is a great idea and it should be supported. Gig suggested the Selectboard approve the letter and add a sticky-note to indicate that impact to the neighbors should be considered and that the firehouse cannot be blocked. Mr. Wood signed a letter in support of the proposal to offer drive-in movies which is needed for the Library to apply for a license to do so.

Approval of Payables Warrant – June 4, 2020

**A motion was made by Craig Hammer to approve the Payables Warrant #W2050 dated June 4, 2020, seconded by Scott Reed, all in favor.**

Approval of Payroll Warrant – June 4, 2020

**A motion was made by Craig Hammer to approve Payroll Warrant #W2049 dated June 4, 2020, seconded by Scott Reed, all in favor.**

Ratify special Accounts Payables Warrant #W2048 dated June 1, 2020

In order to pay the state education taxes on time with no penalty a special warrant was required on June 1<sup>st</sup>. Selectboard members were called and verbally approved of the payment on June 1<sup>st</sup>. **A motion was made by Scott Reed to ratify Payables Warrant #W2048 dated June 1, 2020, seconded by Craig Hammer, all in favor.**

Approval of Minutes of May 20, 2020

Under gravel bids the Minutes of May 20 indicate that Scott Hammer seconded the motion, a correction was made to note the proper name of Scott Reed. **A motion was made by Wayne Wood to approve the Minutes of May 20, 2020 as corrected, seconded by Craig Hammer, all in favor.**

Other business / Office Administrator – as needed

Resignation of Jenepher Burnell from WEDG Jenepher Burnell submitted her letter of resignation from the Economic Development Group. The Selectboard accepted her resignation with regret. **A motion was made by Scott Reed to appoint Wayne Wood to sign a letter of regret and gratitude to Jenepher Burnell, seconded by Craig Hammer, all in favor.**

Review and approve letter to abandoned truck owner The name and address of the owner of the red truck that has been parked in the Municipal Center lot for months was received from the DMV. A letter was drafted to request removal of the vehicle before June 19<sup>th</sup> or it will be towed from the property at owner's expense. **A motion was made by Scott Reed to appoint Wayne Wood to sign the letter to the truck owner, seconded by Wayne Corse, all in favor.** Mr. Boyd noted that there are two trucks that are constantly parked at the Eames Village Park, a letter will be sent to that owner.

Discuss signage for Municipal Center parking lot In the past there has been mention of posting new signs in the Municipal Center lot to discourage long-term parking (such as the abandoned red truck) but no decisions were made. Discussion ensued about posting signs that say "No Parking over 24 hours. Vehicle will be towed at owner's expense". Three signs will be ordered. **A motion was made by Wayne Wood to purchase and install 3 signs at the Municipal Center, seconded by Scott Reed, all in favor.**

Review and adopt VLCT resolution stating all cities, towns and villages in Vermont are essential and asking for direct federal aid

The VLCT recommended resolution was reviewed by the Selectboard. There was some discussion. **A motion was made by Craig Hammer to appoint Wayne Wood to sign the resolution as written, seconded by Scott Reed, all in favor.** Gig will send the signed resolution to VLCT.

Highway Equipment Trailer Mr. Janovsky spoke with Jeff Trout of DOT who indicated that there is nothing wrong with the repairs that were being made to the equipment trailer and Mr. Janovsky would like the board's approval to continue with the trailer repairs and put the trailer back on the road for a few years rather than purchasing a used trailer as suggested at a prior meeting. The board agreed that Mr. Janovsky can proceed in that manner.

Other Seth Boyd noted that he couldn't hear most people during the meeting. Mr. Wood explained that those of us attending from the Municipal Center had trouble getting into the "GoTo" platform and actually attended this meeting via the telephone. Various suggestions for improvements were made but not having an IT person on staff makes it difficult. Gig and Almira will try to work on a solution.

### **Adjourn**

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

Wayne Wood adjourned the meeting at 8:54pm.