



**Town of Whitingham
Office of the Selectboard**

MINUTES OF JUNE 16, 2021

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, June 16, 2021.

Selectboard members present: Scott Reed, Chair; Craig Hammer, Vice Chair; Phil Edelstein, Chris Walling, and James Weber.

Others present: Gig Zboray, Selectboard Office Administrator; Almira Aekus, Clerk/Treasurer; Stan Janovsky, Road Commissioner; Ann Manwaring, and David Jones, DV Fiber; Kent Boyd, Robin Kingsley, John Liddy, Sharon Tobey, Bob and Donna Lambert residents; Seth Boyd, Parks Committee.

Others attending remotely: Michael Smith, sewer engineer; Dave DiCantio, sewer plant chief operator.

Call to Order. Additions or Changes to Agenda

Scott Reed called the meeting to order at 6:30pm. There were minor changes to the agenda since it was posted.

Hearing of visitors (for concerns not on the agenda) none

Town Hill

discuss new parking design and other ideas Mr. Boyd discussed the new design for parking with Mr. Janovsky, the town highway crew can do the work but probably not until next year. The new design will open up a lot of green space. There are some maintenance items: trees to remove, swing set need attention, merry go round in questionable shape, etc. Regarding the formal stone wall around foot of memorial – contractors haven't responded with any interest; Mr. Boyd put in a call to the contractor who built the recent addition to the memorial to build a match on the opposite side. Softball tournaments have tentatively been scheduled in August and September; the ball field didn't get any use last year and got no maintenance either; usually organizers of tournaments do that; there is plenty of money in the parks budget this year. Craig Hammer suggested contacting Deerfield Valley Property Maintenance to do the ballfield work. A suggestion was made to ask at school if kids need community service. Ms. Aekus noted that fiscal year 2021 expenditures need to be done by June 30th. The Parks Committee will be buying new trees and grills this fiscal year. Mr. Boyd feels that there really should be a chain link fence around the generator, it can be beautified with plantings. New picnic tables have been installed at the Eames Park.

recommend new member for Parks Committee Seth Boyd noted that the Parks Committee would like Lyndsay Bushey-Hesselback appointed to the committee. **A motion was made by James Weber to appoint Lyndsay Bushey-Hesselback to the Parks Committee, seconded by Craig Hammer, all in favor.**

Softball tournament for weekend of September 11th Robin Kingsley asked the board if he could have a tournament the weekend before or after Labor Day; because COVID restrictions have just been lifted it is difficult to get teams together, he is working on locking down the date and will inform Mr. Boyd.

Junk: properties to fine

Members of the board viewed properties on the junk list yesterday and determined which would be issued fines.

Sharon Tobey doesn't understand how people can tell other people how to live, one person's junk is another's treasure. Mr. Lambert mentioned how the elderly can't clean up their yard. He also feels the timing wasn't great with the pandemic; Mr. Hammer responded that COVID cannot be used as an excuse. Mr. Liddy also suggested the letters be more specific – he received pictures of junk which were cars that were registered and driven daily. Much discussion ensued. Mr. Liddy will make suggested updates to the Junk Ordinance for the next meeting.

The board decided to postpone ticketing.

Highway Garage-discuss surveying existing site

Mr. Reed noted that the engineer who helped us before already has most of the work done to determine if there is anyway to expand on the existing site and it would likely be of a reasonable cost. We don't know where the landfill is and what can be done in the area and what cannot be done. Mr. Reed will ask for a cost proposal to present at the next meeting.

Highway

Review and sign Letter of Intent for VTrans A "Letter of Intent to Participate in the Municipal Roads Grants-in-Aid Program" was reviewed stating that the town intends to use best management practices (BMPs) to bring connected road segments into full compliance with Municipal Roads General Permit (MRGP) standards and complete other tasks. The local match is 20% (in kind and/or cash). **A motion was made by Craig Hammer to appoint Chris Walling to sign the Letter of Intent, seconded by James Weber, all in favor.**

Review and sign contract with WRC to perform road erosion inventory A contract with Windham Regional Commission (WRC) to perform a road inventory using the MRGP Road Erosion Inventory guidance was reviewed. The contract is not to exceed \$10,000, the town must provide the 20% match. Work will be completed by December 31, 2021. **A motion was made by Chris Walling to appoint Craig Hammer to sign the contract with WRC for the Road Erosion Inventory, seconded by Scott Reed, all in favor.**

Review and sign access permit Mr. Reed questioned why the Selectboard must sign the access permits. Mr. Janovsky noted that it has always been that way. Ms. Aekus says it is double

insurance, it gets in the Minutes and it somewhat guarantees that it gets in the land records. **A motion was made by Chris Walling to approve the access permit for 441 VT Route, seconded by Craig Hammer, all in favor.**

Discuss paving grant

Earlier this year Mr. Janovsky received notification that we would not receive a paving grant this year, last week he received an email saying we did receive a paving grant of \$175,000 to pave the Wilmington Cross Road which requires a 20% match. Because other projects were already scheduled and in order to keep his budget in check, he needs to pay some of the expense this year so it doesn't interfere with his budget next year (21/22). Town Hill is scheduled for paving 22/23.

Sewer

7:30pm any follow up from bid opening

We had 4 registered bidders, but only received one bid which was 30% more than the project was budgeted at. The high cost was due to supply train issues and lack of subcontractors. Kingsbury Construction asked the engineers if we were planning to accept their bid. They are looking into how they can reduce costs. Mr. Smith also spoke with ANR and asked if there is additional grant funding for us, ANR said the longer we delay our project the better our chances are to get more funding. Mr. Smith suggested that we contact the Vermont House and Senate infrastructure committees noting we are under a 1272 order, have been affected by COVID price increases and our plant is falling apart; also, we have approximately 133 connected users floating a 4-million-dollar project. Firm commitments from the state to provide additional funding will not be available until at least January. Mr. Smith noted it would be to the town's advantage to not put the project out to bid again, there will be additional costs of approximately \$10,000. If we can negotiate with Kingsbury to bring the cost down as low as possible and get a commitment from the state, he recommends accepting the bid contingent on reduced cost and an immediate shut down of the project to allow the contractor time to secure equipment and subcontractors. Each of the bidders Mr. Smith talked to said they would be interested in the project next year, but noted we should not expect the cost to go down.

Mr. Hammer questioned how the increased cost and possible delay affect the bond vote. Gig will contact the bond attorney to find out.

Mr. Smith is speaking with the state about removing some of the media while we wait for the project to start, we don't want the expense of actually replacing it. We have already proven we can run on three banks of media and meet our permit requirements.

Mr. Reed will put together a list of mechanical/hvac, carpenters, electricians, concrete, and plumbing sub-contractors because the bidders have indicated they had a difficult time finding these subs to work in our area.

The Selectboard approved of Gig sending an email to the state funding committees, our local state representatives and the BDCC asking for more funding for our project.

village property never paid for sewer connection It recently came to the office's attention that the Vieira property at 6658 VT Route 100 in Whitingham connected to the sewer in 2013 and never paid a connection fee and has not ever been billed for use. Gig suggested that we contact

the town attorney to guide us through this. The board agreed. Ms. Aekus suggested that the sewer ordinance be rewritten to clarify the steps to follow to make sure it gets recorded in town records, the hook-up fee is paid, and the new account gets set up in the sewer billing system.

Personnel Policy – final review and adoption

Gig noted that since the prior review this version has been adjusted to agree with how comp time (holidays, personal days, vacation, etc.) has traditionally been used in calculating overtime for the Highway crew. **A motion was made by Phil Edelstein to adopt the updated Personnel Policy effective immediately, seconded by Craig Hammer, all in favor.**

Appoint member to sign special warrant(s) for end of fiscal year

Even though the next meeting falls on June 30th those warrants are dated for July 1st. We will need to have special end of year warrant(s). **A motion was made by Craig Hammer to allow any one Selectboard member to sign any special warrant(s) for the end of year, seconded by James Weber, all in favor.**

Approval of Payables Warrant – June 17, 2021

A motion was made by Craig Hammer to approve Payables Warrant #W2152 dated June 17, 2021, seconded by Chris Walling, all in favor.

Approval of Payroll Warrant – June 17, 2021

A motion was made by Craig Hammer to approve Payroll Warrant #W2151 dated June 17, 2021, seconded by Scott Reed, all in favor.

Approve Minutes of June 2, 2021

A motion was made by Chris Walling to accept the Minutes of June 2, 2021, as written, seconded by Phil Edelstein, all in favor.

Town Clerk

Ms. Aekus notified the board that she would like to leave her public office hours Monday through Thursday as it has been recently. These hours work well for her, and she gets a lot done on Fridays while closed to the public.

The Town Clerk's office will be closed July 1st through the 5th.

Tax maps: Ms. Aekus will ask NEMRC for a price for tax maps. Their maps could link to our property records cards and be accessed via the town website.

Delinquent dog owners will not be penalized until 90 days after the end of the State of Emergency (June 15, 2021).

Towns can charge an 8% penalty for late filing of homestead declarations. The prior board voted not to charge the penalty. This board agreed to leave it as it.

Education Funding Litigation status

The attorneys provided the following status of the case:

The State's motion for summary judgment remains pending. Briefing was completed on December 11, 2020, so the Court could render its decision at any time.

On the legislative front, Senate Bill 13 was enacted. It contains a two-year moratorium on the excess spending penalty, applicable in fiscal years 2022 and 2023. It also provides for the creation of a Task Force to propose ways to implement the recommendations contained in the pupil weighting study. The Task Force is required to make recommendations with respect to the excess spending penalty, including whether to modify it or to eliminate it.

Although the recommendations contained in the pupil weighting study would have made virtually no difference with respect to Whitingham's tax rate, it is possible that whatever comes out of the Legislature could make a difference, particularly if it includes the elimination of the excess spending penalty.

However, at this point, the future of the education funding and taxation systems remains uncertain, and we are not in a position to conclude that the lawsuit is rendered moot by what might or might not happen legislatively.

Other business / Office Administrator – as needed

Blueberry Festival The Jacksonville Blues Band has been scheduled for 4-7pm, cost of \$600. The Jacksonville Church will likely hold a spaghetti dinner here at the Municipal Center. Perhaps Green's in Wilmington or Kent Boyd have a flatbed trailer large enough to use as a stage. Aaron Dupuis has agreed to organize a car show on the Briggs lot.

Corona/COVID-19

Now that the state of emergency has been lifted in Vermont, we will go back to meeting in the Selectboard Office and offer remote access only as necessary.

When RSI started cleaning the Municipal Center during the pandemic, they asked for an additional \$50 per week to wipe down every heavily used surface (desktops, door knobs, banisters, table tops, etc.) now that the pandemic is officially over Gig asked if we can include that additional \$50 in their weekly fee, otherwise they might quit and we'd have to put the job out to bid. RSI has done a great job, they often go over and above what is required (i.e. they glued the saddle in Gig's doorway back together, they spot clean carpets, etc.) and they have proven to be trustworthy. The board agreed not to change their pay now that the pandemic is over.

Adjourn

A motion to adjourn was made by Phil Edelstein, seconded by Chris Walling all in favor.

Scott Reed adjourned the meeting at 7:50 pm. Respectfully submitted, ~Gig Zboray