

Wilmington Selectboard/Sewer Commission
June 4, 2014 at 6 pm
MINUTES

Selectboard Members Present: James Burke, Diane Chapman, Susan Haughwout, Jacob White, and Thomas Fitzgerald

Others Present: Scott Murphy, Mary Towne, Chris Mays of Brattleboro Reformer, Jack Deming of Deerfield Valley News, Gretchen Havreluk, Celia and Ken Weissman, Cindy Hayford, Andy Hauty, Jim Barnes, John Gannon, Tom Consolino, John Greene, Bob Hartwell

1. **Minutes:** Haughwout moved and Chapman Seconded to accept minutes of May 21, 2014. Vote: Four in favor and Burke abstained. Chapman moved and Haughwout Seconded to accept minutes of April 23, 2014. Vote: All in favor.
2. **Visitors and Public Comments:** None
3. **Action Items:**
 - The Selectboard signed loan documentation from the VT Municipal Bond Bank for funding of preliminary engineering services for the wastewater treatment facility improvements, as previously approved.
 - White moved and Chapman seconded to appoint Craig Ohlson as Acting Zoning Administrator and Health Officer for a 6 month period effective June 2, 2014. Vote: All in favor
4. **Liquor and Outside Consumption Licenses:** The Selectboard received a request from Pipedream LLC dba the Anchor Restaurant for year-round outside consumption on upstairs and downstairs porches from 11:30 am to 12:00am and a request for an Occasional Use Permit for 8/2/14 and 9/19/14 from 3pm to 10pm to serve in the driveway area in a confined area approximately 15'x15' under a tent for the Blueberry Festival and The Wine and Harvest Festival.

Cindy Hayford of the Deerfield Valley Community Partnership (DVCP) spoke against the August 2 date. She said DVCP started the Blueberry Block Party as an alcohol-free event and they would have to pull their sponsorship if alcohol is served at the event. She said she has spoken to the owner and they are not interested in withdrawing their request. This year the Chamber of Commerce and Wilmington Works are co-sponsoring the event with DVCP. Hayford said that DVCP is trying to change the community norm so that alcohol is not needed at every event.

After discussion, the request was tabled until the next meeting when the applicant can be present.

5. **Lakeshore Zoning Legislation:** Senator Bob Hartwell came in to discuss the recently enacted Lakeshore Zoning law that will become effective July 1, 2014 and its consequences on Wilmington. He spoke about the bill and the reasons for it. He also spoke about the deferral process whereby the town can adopt a bylaw which would be part of the zoning ordinance and then the town can take over implementing permits, overseeing and enforcing the new regulations. He gave the board a draft ordinance provided by VLCT that ANR has determined is good and valid to adapt for the town to use. Hartwell said he thinks it would be a good idea for the town to take the deferral and the Agency of Natural Resources (ANR) would provide resources to get the town up to speed. If the town does not choose the deferral, then ANR would issue the permits and enforce the law.

Discussion included:

- There is no consideration of man-made lakes versus natural; just the size of ten acres. There are four lakes affected in Wilmington: Lake Raponda, Spruce Lake, Haystack Lake, and Lake Whitingham.

- Flexibility in the town ordinance? It needs to be functionally equivalent to the law.
- The board would like to do more homework and hold a future meeting to discuss this further before making a decision. They would like to include Lake Raponda Homeowners Association and Spruce Lake Homeowners Association as well as Senator Hartwell and someone from ANR, as well as others who may be interested.

6. **Valley Trail Shur-Pak:** John Gannon of the Trail Committee came in to discuss the possibility of placing Shur-Pak material on parts of the Valley Trail from the Gatehouse at The Hermitage to Downtown Wilmington. He said the whole Valley Trail in Wilmington is under 10 acres so does not require an Act 250 permit. However in places where it crosses lands that already have an Act 250 permit the town would need to apply as agent for the landowner for a minor amendment to the existing permit.

The trail committee would like the town to hire Attorney Timothy M. Eustace of Burlington who has expertise in Act 250 issues for two purposes: 1. Write a jurisdictional determination letter to Act 250 on behalf of the Town regarding the Shur-Pak of the Valley Trail to determine if we can proceed without Act 250 intervention on the areas that do not intersect an existing Act 250 permittee. 2. To see if we can get a Minor Amendment attached to the Hermitage Act 250 permit to work on trails that intersect Hermitage land. They would also like the Town to hire a trail engineer to design the work that needs to be done to Shur-Pak the trails.

Haughwout moved and Chapman seconded to approve hiring Attorney Timothy M. Eustace and an engineer by the Town of Wilmington to do the work listed above for the Valley Trail, to be paid by funds of Wilmington Works. Vote: All in favor.

7. **Boards, Committees, and Commissions Evaluation:** Murphy gave the board a list of current appointees and vacancies. Selectboard discussed the role and charges of the Town's volunteer boards, committees, and commission groups other than the Planning Commission and Development Review Board.

- Recreation Commission: 5 members with 1 vacancy; seasonal meetings; re-design of summer program and numbers increasing; tied in with WINGS this year; does not have a written charge.
- Trails Committee: 7 members and 2 alternates; very active; does not have a written charge.
- Beautification Committee: 11 members with 3 vacancies; does have a written charge; Wilmington Works has similar committee called Design Committee; some are members of both committees.
- Memorial Hall Board: 7 members; does have a written charge.

Large committees make it difficult to get a quorum. People do not have to be members of a committee to attend meetings and volunteer.

The board would like to write charges for Recreation and Trails Committees and review and possibly revise the charges for Memorial Hall and Beautification.

Haughwout moved and White seconded to have a moratorium on new appointees to fill vacancies on the Recreation, Trails, Memorial Hall, and Beautification Committees until further notice. Vote: All in favor.

8. **Local Option Tax Fund Request:** Murphy told the board that there is a request to fund improvements at the Molly Stark kiosk rest area on Route 9 West at the Oxbow. The Beautification Committee would like to plant a bed at the kiosk area including hydrangeas and trees. The cost is about \$2000 and would not require maintenance. The Chamber has volunteered to cut the grass in the picnic table area. Wilmington Works would like to add plastic boxes and protective shields to the kiosk to protect the flyers at a cost of about \$2000. Chapman moved and Haughwout seconded to approve funding for the kiosk improvements for a cost not to exceed \$5000 from the local option funds. Vote: All in favor.

9. **Correspondence to/from Selectboard:** Act 250 log was reviewed.

10. **Other Business - Select Board Members Comments and Other Action Items:**

- Burke reported on high school sports.
- White asked about sidewalk grants and whether sidewalks could be extended west down to the trailhead of the Valley Trail. Burke said they should go east to Rite Aid also. It is hoped they can be added into the CDBG planning grant and implementation.
- White reminded everyone of the Grand Opening of the Valley Trail. The ribbon-cutting ceremony will take place at the Haystack Gatehouse on Coldbrook Road in Wilmington at 10 am on June 7.
- White reported that the Fire Department had a structure fire that was caused by a mattress. They also assisted DV Rescue and others on a search for a lost hiker on the Long Trail using 4-wheelers. The person was difficult to locate but was found about 10 miles from Somerset.
- Haughwout spoke about a recent letter about the deadline for adding ancient roads to the official town map. The Ancient Road Committee had determined that there was no basis to add any roads. However, Haughwout questioned that there is a possibility that the town may have acquired a section of road through a tax sale so that should be looked into. Murphy will research the question.
- Haughwout has scheduled a Board of Abatement meeting for June 18 at 5:30pm.

11. **Town Manager's Updates:**

- **Employee Annual Reviews** have been started.
- **Hermitage Fire Agreement:** Fire Chief and officers and Murphy met with Jim Barnes and Bob Rubin at the Hermitage to discuss the fire agreement. A deadline was set for 60 days to finalize the agreement.
- **Grand List Update:** Chimney Hill area was reassessed this year and notices of change of appraisal have been mailed. The new appraisals caused a decrease in the Grand List but it is offset by other construction activity so the Grand List total will actually increase.

12. **Executive Session:** Burke moved and Chapman seconded to go into executive session with the Town Manager also present to discuss appointment of a public official. Vote: All in favor and they entered executive session at 7:45 pm. They came out of executive session at 8:10pm.

Haughwout resigned as Selectboard liaison to the Wilmington Works Board.

Burke moved and Haughwout seconded to appoint Tom Fitzgerald as Selectboard liaison to the Wilmington Works Board. Vote: All in favor.

Meeting adjourned.

Respectfully submitted,

Mary Towne, Administrative Assistant

Approved by Wilmington Selectboard:

James R. Burke, Chair

Diane Chapman, Vice Chair

Susan Joy Haughwout, Clerk

Jacob White

Thomas J. Fitzgerald