

Wilmington Selectboard/Sewer Commission
October 21, 2015 at 6:00 pm
Meeting Minutes

Present: Diane Chapman, Tom Fitzgerald, Susan Haughwout, Jake White, John Gannon

Others Present: Town Manager Scott Murphy, Jessica DeFrancesco, Gretchen Havreluk, Bob Fisher, Felicity Ratte

The public hearing was called to order at 6:00 pm

1. 6:00 Public Hearing to Closeout Co-Relocation Study by Breadloaf Corporation

Gretchen Havreluk addressed the Board stating that the previous public hearing on this CDBG-DR Grant had not been warned with the proper language, so it had to be done again. This is for public comment on the presentation done by Breadloaf for the Co-relocation of the Fire and Police Departments, and the relocation of just the Fire Department. She handed out the two reports that were originally done by Breadloaf. There was no public present for comment. Haughwout moved to close the public hearing at 6:04 pm, Fitzgerald second; all in favor.

2. Visitors, Public Comments, Possible Changes to SB Agenda

No public comments.

Gannon suggested moving item # 12, Town Manager Updates, so the DRB Reconsideration can be discussed directly after item #9, Assigning the Town Attorney. The Board agreed to the change.

3. Approve Minutes of October 7, 2015

White moved to approve the minutes of October 7, 2015, Fitzgerald second; all in favor.

4. Action Items

The Town Manager is asking the Selectboard to authorize him to enter into a 3 year sidewalk snow removal contract, per the Town's Multi-year Contract Policy. The Town policy states that any contract that exceeds two years must be approved by the Board. There were two bids for sidewalk snow removal, neither of which was from the contractor who previously did the removal. The bid gave the option of a one year or three year contract. Gannon asked where the snow would be dumped. Murphy stated that in previous years there was an agreement with the owners of the Family Dollar building to dump the snow from East Main St there. Snow dumping sites will be discussed during the pre-snow meeting. Haughwout asked the Board if they call felt more confident than in previous years after looking at item #4 in the contract? The Board all answered in the affirmative. Fitzgerald moved to hire D.M. Furlon Construction Inc for snow removal for a three year contract as bid, Chapman second; all in favor with positive anticipation.

5. Vermont Alert System

Haughwout moved to approve joining the VT Division of Emergency Management & Homeland Security Vermont Alert System, White second; all in favor.

Haughwout moved to enter into Sewer Commission, Gannon second; all in favor.

6. Sewer Commission

Beer Naked Brewery had previously been granted a six month extension back in July, now they have submitted for their final allocation. The building is not owned by the applicants, but a letter of approval was submitted by the property owner. Haughwout moved to approve the

Final Allocation Permit for Beer Naked Brewery at 19 South Main St, White second; all in favor.

Chapman moved to come out of Sewer Commission, White second; all in favor.

7. Façade Grant Applications

- a. **RT 100 N-Tamarack Square:** Requesting \$5,000 for two new signs. Haughwout moved to approve the application by In the Winds Property, White second; all in favor.
- b. **RT 100 N-C&S Beverage & Dairy:** Requesting \$5,000 for painting trim and boards, and a new double sided sign. Haughwout moved to approve the application by C&S for a new sign and painting, Fitzgerald second; all in favor.
- c. **RT 100 N-Cup and Saucer:** Requesting \$5,000 for painting trim & door, new sign. Haughwout moved to approve the application by Cup and Saucer, Fitzgerald second; all in favor.
- d. **48 E Main St-Rental Property:** Requesting \$5,000 for roof repair, painting. Fitzgerald stated that this property is for sale and listed as a single family with no mention of rental units. Much of the work proposed is on the back side or not specified, such as the roof. Tabled until it could be determined if it is classified with the Listers Office as a single family home.
- e. **63 E Main St:** Requesting \$5,000 for window repair, painting, tree trimming . Previous owners had it listed as 15% commercial. Current owner runs a consulting business out of the home, and runs artist hospitality. Haughwout stated in previous commercial/residential applications, only signage was approved. Gannon feels most of the application is ineligible. Questioned if there was other consulting work being done there other than for Wilmington Works because she is given office space for that. Fitzgerald pointed out that as members of Wilmington Works, he and Gannon should not be part of this discussion; they recused themselves for the remainder. Haughwout moved to approve the application for 63 E Main St, Diane second; 3 opposed, 2 recused.

8. Felicity Ratte of Marlboro College

Ratte discussed with the Selectboard a project that she is working on for her Masters Degree at Marlboro College. She is trying to develop an understanding of what makes a civic engagement experience worthwhile. She is going around to numerous towns in Windham County and meeting with different Boards and committees. Her goal is to create an analysis of strengths within the community governances that will help create a series of training workshops offered to municipalities and community members, sharing an understanding of what makes a civic engagement experience worth having. She is asking the Selectboard for two hours, at a time of their choosing, where she will meet with them and ask them a series of questions. The Board agreed to participate in late January.

9. Assigning the Town Attorney

Due to several previous and ongoing conflicts of interest with a shared attorney between the Town and the Hermitage, the Selectboard feels it may be necessary to assign a new town attorney. Murphy stated that it would not be beneficial to lose all of the knowledge and history that Attorney Fisher has, and suggests the Board consider a “secondary” attorney for when the Hermitage is involved in matters that also involve the town. Fisher addressed the Board stating that it has been an honor to represent the Town and that he enjoys the municipal work. He understands the Town’s concerns and he always lets the Town Manger, or whomever he may be speaking with, who he is representing at that time. In Fisher’s experience, a Town having a “conflict attorney” has worked out well.

White commented that he didn't want the Town to lose Fisher's knowledge and enthusiasm, and likes the idea of a "conflict attorney".

Gannon has concerns regarding the rules of professional conduct. If a matter ended up in court, it could be considered unethical under the rules of conduct. Fisher commented that in that type of scenario it would have to be addressed in writing or possibly consult the Vermont Bar Association.

Haughwout also expressed concern stating that Fisher has "inside baseball" based on previous knowledge. She doesn't feel it has been used, but it is still a major concern. Each time an issue arises where the Town needs to bring in outside council, there are holes because that attorney doesn't have the inside knowledge that the primary attorney does. It is painful to lose the relationship but Haughwout feels there is no longer a clean relationship due to his affiliation with the Hermitage. Chapman agreed with Haughwout stating that with the Hermitage getting so big, it may be time to get a new town attorney.

10. (12) Town Manager's Updates

- Buzzy Towne Park update-Basketball court is done, lights are up, and it looks great
- MH insulation-no bids came in, so the town is able to contact contractors directly.
Murphy is in the process of doing this now, and hopes to have the project wrapped up by the end of the year.
- WWTP has been a flurry of activity as construction at the treatment plant continues.

Gannon moved to enter into executive session at 7:12 pm, to include the Town Manager, to discuss a contract-the Hermitage Fire Agreement, and a probable civil litigation regarding the recent DRB Decision, Haughwout second; all in favor.

The Board came out of executive session at 7:32 pm. No decision was made.

11. (10) Correspondence to/from Selectboard

12. (11) Other Business

The Selectboard to possibly set date for Capital Expenditures discussion. The Board asked that this be put on a future agenda.

13. Select Board Members Comments and Other Action Items

Haughwout moved to adjourn at 7:43 pm, Chapman second; all in favor.

Respectfully submitted,

Jessica DeFrancesco, Administrative Assistant

Approved by Wilmington Selectboard:

Diane Chapman, Chair

Thomas J. Fitzgerald, Vice Chair

Susan Joy Haughwout, Clerk

Jacob White

John Gannon