

**Wilmington Selectboard/Sewer Commission**  
**November 5, 2014 at 6 pm**  
**MINUTES**

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

**Others Present:** Scott Murphy, Mary Towne, Jack Deming of Deerfield Valley News, Chris Mays of Brattleboro Reformer, Adam Grinold, Joe Szarejko, John Gannon, Gretchen Havreluk, Tom Consolino, Meg Streeter, Christine and Dennis Richter

**1. Visitors, Public Comments, Possible Changes to Agenda**

- a. Meg Streeter: Asked board to consider adding funds to next year's budget to survey the Town's Lake Raponda property. There is currently no survey and no property markers. There is no current problem but it would be good to have it marked. Susan Haughwout remarked that she had a conversation with a Lake Raponda property owner recently about people camping on their property without authorization.

**2. Minutes:** Fitzgerald moved and White seconded to approve Minutes of October 15 & 30, 2014. Vote: All in favor.

**3. Liquor and Tobacco Licenses:** Chapman moved and White seconded to approve a Request to Cater application and an Open Container Ordinance Exemption Permit for the Wilmington Village Pub to serve alcohol at Memorial Hall on Nov 21, 2014 from 6 pm -11pm for the Gaslight Tinkers show with Chief Szarejko's usual conditions on the Open Container Permit. The Memorial Hall Board is sponsoring the event. There was discussion that alcohol in hand when dancing is illegal. The applications only describe the event as "music, food, and drink fundraiser" and do not mention dancing. Vote: All in favor.

**4. Action Items:**

- a. **The Selectboard to possibly approve a Letter of Request to ride snowmobiles on specific Town roads:** White moved and Chapman seconded to approve the requests for the same roads as last year. Vote: All in favor
- b. **The Selectboard to possibly approve the Engineering Contract Amendment, Engineering Loan Amendment, and Resolution for the Wastewater Treatment Refurbishment Project:** The board entered a Sewer Commission meeting at 6:15pm. Murphy explained that Wayne Elliott of A & E Water Engineers will be at the next meeting to update the board on the project, but wants to get some weather-related work done before winter and that requires filing of these documents.
  - Haughwout moved and White seconded to approve the Resolution for the Wastewater Treatment Refurbishment Project. Vote: All in favor.
  - Haughwout moved and White seconded to approve the Engineering Loan Amendment. Vote: All in favor
  - White moved and Haughwout seconded to authorize the Town Manager to sign the Engineering Contract Amendment. Vote: All in favor.

**5. Police Department Taser Use Policy:** Police Chief Joseph Szarejko gave the board of a copy of the Police Department's Taser Use policy (Electronic Control Device Response to Resistance policy) and answered questions. Discussion included:

- The Police Academy will provide testing/calibration for the taser units
- Effects and usage of both pepper spray and taser

- Purpose – safety of officers who are frequently out alone and it would be a while before back-up could arrive
- **POLICY:** The policy is being re-vamped all the time and will be used by many Vermont police departments. A few years ago, VLCT hired an expert to review all police policies and put together a book of model policies. Wilmington PD adopted many of those policies. The VT Legislature did a study and mandated a taser policy to be adopted January 1, 2015. This is that policy that they will review and adopt or revise. It will be a standardized policy so all departments will have the same and it will evolve over time.
- Szarejko will have a Certified Trainer come to Wilmington to train all the officers. After that, he will probably send two officers and they will come back and train others. It is an 8-hour course and 4-hour to be recertified.
- The 3 new un-used tasers were donated by another Vermont Municipality.

No action was taken as this was just an update for the board.

6. **Use of the 1% Option Tax Fund:** The Selectboard discussed the parameters of use of the Option Tax Fund. Comments and discussion included:
- a. Currently the policy calls for any expenditure \$50,000 or more must be approved by the voters.
  - b. Discussed whether expenditures are figured by each project or is it cumulative. Need to clarify wording.
  - c. Haughwout: State Statute authorizes the Selectboard to spend the funds and thinks a Town policy can't trump the State. Support abandoning the town policy and just go by state, or possibly wording the policy to say "Selectboard may spend the funds according to state statute and their discretion, but they "may" bring large projects to voters."
  - d. Fitzgerald: Thinks voters want limits and it is reassuring to a lot of people to have them, but it should start each year and not be cumulative. If a big project comes up, it should go to voters.
  - e. Gretchen Havreluk: Spoke about revolving loan fund.
  - f. John Gannon: Doesn't think it hamstrings Selectboard to have the limits. Wilmington Works direct funds could be seen as cumulative.
  - g. Meg Streeter: Amount left in fund about \$345,000 now. Remembers wrestling with this policy while on Selectboard. Thinks people want to know. Should be treated as a temporary fund since it might end at some point.
  - h. Adam Grinold: Began to speak about the balance of funding and Wilmington Works funding but did not finish.
  - i. Jim Burke: We did not bring this issue up because there was a lot of unspent money – just wanted to clarify the policy.
  - j. Tom Consolino: Solution to just add an annual limit.
  - k. Haughwout: Good idea to get a legal opinion whether town policy can trump a state statute. Would voters still approve the option tax if Selectboard had full authority to spend funds?

Consensus: Review the policy at a future meeting and perhaps revise guidelines.

7. **Classification of Haystack Road from Mann Rd to Mowing Way:** The Selectboard discussed whether to classify a portion of Haystack Road that was acquired by the Town through tax sale in 2006. A memo from Attorney Fisher confirmed that the town does own the road section. Concern was expressed about liability if we do not classify it as something we do not have to maintain. A Town Trail is the lowest classification. Murphy will do more research on solutions - possible signage or memo of understanding with the 2 entities that use the section of road.

8. **TM Administrative Assistant - Replacement of Full Time Position:** Murphy asked the board per their replacement procedures, whether they wanted to keep the Administrative Assistant to the Town Manager as a full time position after Mary Towne's upcoming retirement. The consensus of the board is to keep this a full time position.
9. **Correspondence to/from Selectboard:** Act 250 Log & other correspondence were reviewed and no action taken.
10. **Other Business – Select Board Members Comments and Other Action Items:**
  - a. The Selectboard was invited to a retirement party for Dennis Oakes of the Highway Department.
  - b. White gave an update on the Trail Committee. All the major bridges are completed. The whole Valley Trail has been photographed by a micro-cam and after editing, it will be placed on the website.
  - c. Chapman will miss the November 19<sup>th</sup> meeting.
11. **Town Manager's Updates:**
  - a. Reminded the board of the Budget Work Session Meeting Thursday 11/6/14 @ 5:00. The Lists and Highway Departments will be discussed.
  - b. 16 applications were received for the highway department position and are being reviewed.
12. **Executive Session:** Burke moved and Chapman seconded to go into executive session with the Town Manager present to discuss evaluation of a Public Official. All were in favor and they entered executive session at 7:35 pm.

They came out of executive session at 7:50 pm. No action was taken and the 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