

Wilmington Selectboard/Sewer Commission
November 28, 2012 at 5:30pm
MINUTES

Selectboard Members Present: Thomas Consolino, Margaret Streeter, Susan Haughwout, James Burke, and Diane Chapman

Others Present: Scott Murphy, Mary Towne, Joseph Szarejko, Genie Bent, Chris Mays of the Reformer, Jack Deming of Deerfield Valley News

5:30 pm: Public Hearing Regarding a Dog Bite (Pursuant to Title 20, VSA, Section 3546)

Chair Consolino called the Hearing to order at 5:30 pm.

Police Chief Szarejko testified concerning the police reports and gave his recommendations for appropriate actions for the board to take. Facts included:

- On November 10, 2012 around 12:22 pm, Scott Jesek of 211 Upper Dam Road, Wilmington was bitten by a dog named Carson, owned by Genie Bent, while he was walking on Chimney Hill Road.
- The dog named Carson is not licensed by the Town of Wilmington, but has a current rabies vaccination.
- There have been at least two other incidents of the dog having bit someone.

Genie Bent testified that she is the owner of the dog Carson and that she has a fenced backyard and had told her roommates not to let the dog outside without a leash. In this incident, the roommate had the dog in the car and he got out when the car door was opened. She has a bark/shock collar for him now which curbs his barking and calms him down. She said she forgot to license the dog but he is up to date on his rabies vaccinations. She said she will do anything not to have the dog put down.

The Board cleared the room at 5:45 pm for deliberative session, with Murphy and Towne remaining. They came out of deliberative session at 5:52 pm. Haughwout moved and Streeter seconded to authorize the Town Manager to write the ORDER to the dog owner following Chief Szarejko's recommendations. Vote: All in favor. The ORDER includes:

- To provide for the protection of persons the dog named Carson shall always be either confined, on a leash, or within the premises of the Bent home. When outside the dog shall be confined in an appropriate secure fenced area. At all times when the dog is outside of the premises of the home and not within the fenced area the dog shall be on a leash. The dog must have a muzzle when it is outside, whether on a leash or in the secure fenced area. At no time may the dog be running at-large. The Town Manager, or representative, or Wilmington Police Department will arrange periodic visits to the confinement site to assess whether confinement conditions are being kept.
- Any violation of this order, including not allowing the town access to assess confinement conditions, will result in the dog being impounded under the impoundment procedures in the Wilmington Animal Control Ordinance of 2010. The town reserves the right under statute and town ordinance that if this order is not followed exactly as prescribed, to have the dog named Carson humanely destroyed.
- The Selectboard further ORDERS that all outstanding fines be paid, the dog be licensed with the Town, the dog be kept current with rabies vaccinations, and the dog and owner shall be in compliance with the Wilmington Animal Control Ordinance of 2010.

The Public Hearing adjourned at 5:54 pm.

6:00 pm: Regular Selectboard Meeting Convened

1. **Minutes:** Streeter moved and Burke seconded to approve minutes of November 7, 2012. Vote: All in favor.
2. **Visitors and Public Comments:** None
3. **Action Items:** The Board received a letter of request to ride snowmobiles on specific Town roads with two changes from last year. Both Police Chief Szarejko and Road Supervisor Bill Hunt have approved the list. The consensus of the board was to approve the list as presented.
4. **Fraud Prevention Policy:** The Selectboard reviewed a draft Fraud Prevention Policy. Haughwout moved and Streeter seconded to approve the policy with the one change of removing the current auditors' name so that it will not have to be changed if a different auditor is hired. Vote: All in favor.
5. **Land Use Procedure for Town Owned Land:** Consolino and Haughwout gave the board drafts for a possible new policy/procedure regarding the ownership and sale of Town-owned lands. Consolino said there is a land use policy in the Town Plan but we need to determine the best use of town-owned land. The board will study the handouts and discuss at the next meeting.
6. **Budget Comparison Discussion:** Murphy gave the board a spreadsheet with the year-to-date fiscal position and compared it to last year.
7. **Jim Barnes' request for transfer of Town Owned Land near Haystack airport:** Murphy updated the board concerning Mr. Barnes' request after meeting with him last week. He showed the board a map of property Mr. Barnes is interested in obtaining from the town.
There were two issues:
 - Lending funds: The town has no funds or mechanism for lending now. The Selectboard is committed to obtaining funds for a revolving loan account in the future.
 - Request for town to donate land to Barnes: There are several legal issues involved in transfer of town-owned land. It cannot be donated but could be sold. Murphy will contact Attorney Fisher for general information. A different lawyer would be required for any sale of the property.
8. **Correspondence to/from Selectboard:** Correspondence was reviewed and no action taken.
9. **Other Business - Selectboard Members Comments and Other Action Items:**
 - a. Consolino passed out town manager performance forms for board members to complete and return to him to collate. They will hold an executive session meeting later to discuss the evaluation with Murphy.
 - b. The board will hold budget workshop meetings on their regular meeting nights of December 5, and 19 at 6 pm and special meetings on December 12 at 5 pm and December 13 at 5 pm if needed.
10. **Town Manager's Updates:**
 - a. **The buyouts** with the Brissettes and Frank Sprague are progressing.
 - b. **Downtown Program CDBG-DR funds** – Murphy met with Leanne Tingay from the state about the Downtown Program and also about Community Development Block Grant -DR funds. They have hired consultants to work with 6 towns and Wilmington is one of them.

- c. **Haynes Road:** The town received payment of \$93,000 from FEMA for engineering work on the Haynes Road bridge. It is hoped that the bridge will be open to traffic within a month to six weeks.
- d. **Cell Tower Application for Act 248 Permit:** The application for the permanent tower on Carl Boyd property has been made.
- e. **School Board Application for CDBG-DR funding:** There will be a public hearing on the application on December 13th. The application is available for viewing at the Town Hall.
- f. **Memorial Hall financial procedures:** A separate revenue line item has been set up so any money received by the Memorial Hall Board will go into that account. Any money spent on events will come out of the marketing expense line item. Haughwout requested that they bring in statements of the separate bank account that Jeanne MacDougall said they had.
- g. **1% Tax:** The town received another payment from the 1% local option tax of \$58,000.
- h. **Resignation:** The Board voted to accept the resignation of Doris Horton from the Memorial Hall Board with regret.

11. **Executive Session:** Streeter moved and Chapman seconded to go into executive session with the Town Manager present to discuss a real estate issue. All were in favor and the board entered executive session at 7:13 pm. They came out of executive session at 7:25 pm. No action was taken. Meeting adjourned.

Respectfully submitted,

Mary Towne, Administrative Assistant

Approved by Wilmington Selectboard:

Thomas P. Consolino, Chair

Margaret L. Streeter, Vice Chair

Diane Chapman, Clerk

Susan Joy Haughwout

James R. Burke