

Wilmington Selectboard Agenda
December 18, 2018 at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes December 4, 6, 10, 13, 17, 2018 (5 minutes)
3. Action Items (5 minutes)
 - *The Selectboard to possibly appoint Cheryl LaFlamme to the Development Review Board for the remainder of a 3-year term expiring 2021.*
4. Social Services (30 minutes)
 - *The Windham County Humane Society is requesting an additional \$250 in funding.*
 - *SASH is requesting an additional \$5,000 in funding.*
5. Sewer Commission (10 minutes)
 - *The Sewer Commission to possibly approve an agreement with North Branch Fire District #1.*
6. 1% Local Option Tax (20 minutes)
 - *The Selectboard to possibly approve a request to clear snow from a property on West Main St.*
7. Errors and Omissions (10 minutes)
 - *The Board of Listers has submitted their Errors and Omissions List for adjustments to the 2018 Grand List for possible Selectboard approval.*
8. Plastic Bag Ordinance (20 minutes)
 - *The Selectboard to possibly approve the draft Plastic Bag Ordinance and set a public hearing date.*
9. Correspondence to/from Selectboard
10. Other Business
11. Select Board Members Comments
12. Town Manager's Updates (10 minutes)

From: Cheryl LaFlamme [<mailto:lafman3@myfairpoint.net>]
Sent: Thursday, December 06, 2018 3:09 PM
To: Scott Tucker
Subject: DRB

Hi Scott

As we discussed yesterday I am interested in joining the DRB for their remaining open position. I find that my current position on the Planning Commission gives me some additional insight on how the DRB functions and its responsibilities. I have been told by Wendy and Craig that there is a concern that with future requests it may be difficult to have the required quorum due to possible members recusing from deliberations. I am currently on the Planning Commission and Beautification Committee, chair of both. In the past, I have worked on the Budget Committee and School Board as well as other Town interests. I am presently a member of the Wilmington Works Design Committee. I am a past Chamber of Commerce director and president. Please give me a call if you have any questions or need additional information.

Thanks
Cheryl

Cheryl LaFlamme

SASH

SASH coordinates the resources of social-service agencies, community health providers and nonprofit housing organizations to support Vermonters who choose to live independently at home. Individualized, on-site and in-home support is provided by a Wellness Nurse and a SASH Care Coordinator. SASH serves older adults as well as people with special needs who receive Medicare support. SASH touches the lives of approximately 5,000 people throughout Vermont. In our area we only have one senior housing option. Our 2 coordinators serve residents in their own homes throughout the community.

Benefits to SASH Participants

- Improved quality of life
- Comprehensive health and wellness assessments
- Individualized Healthy Living Plans
- Money savings through preventive health care
- Regular check-ins by caring staff
- Health coaching and access to wellness nurses
- Help in planning for successful transitions (e.g., following hospitalization), navigating long-term care options and during a crisis
- Access to prevention and wellness programs
- Support in self-managing medications

Benefits to Town of Wilmington — The same benefits to town residents, who are active in Medicare, while on the wait list to join SASH. We also do wellness visits at the towns request or other town residents request, to talk to those active in Medicare who may benefit from the services of SASH. We also do visits and calls for those older residents that may not want to join SASH, but would benefit from an occasional visit. The Shires Housing SASH panels in the valley, have collaborated with the VT FoodBank for a monthly drop location at our office. We have also recruited 5 volunteer drivers, who once a month come to the VT FoodBank drop site at our office. Currently, we box up and deliver donated food items to over 40 community members who cannot get to the drop site to pick up for themselves. These are just a few benefits for the towns of the valley and their residents.

Thank you for considering this request. Please let me know if you need any additional information that may influence your decision to approve funding.

**Windham County Humane Society
Report to the Wilmington Selectboard
July 1, 2017 to June 30, 2018**

Description of Services:

The Windham County Humane Society (WCHS) is a non-profit organization serving all residents of the towns of Windham County, Vermont. The mission of WCHS is to ensure the safety and well being of animals as well as enhancing the relationship between individuals and pets through adoption, education, advocacy, compassion and promotion of animal welfare.

Animal Intake and Outcome numbers: 1,816 animals came in to WCHS:

- 640 animals were seen at our Wellness clinic
- 332 animals were surrendered by their owners
- 14 animals were seized by law enforcement
- 280 animals were brought in as strays
- 475 animals came as transports from regions of the country where the euthanasia rate is high due to overpopulation
- 75 animals that were adopted out were returned to WCHS

Outcomes

- 851 animals were adopted
- 157 animals were reunited with their owner
- 50 animals (<5%) were euthanized for health or behavior issues. *WCHS does not euthanize for time or space.*
- 27 Animals were euthanized for owners who could not afford veterinary clinic fees for this service
- 13 animals died in care
- 24 animals were transferred to other animal welfare organizations
- 3 animals were dead on arrival.

The average length of stay for animals was 12 days. Total expenses for WCHS in 2017-18 were \$537,288.

Spay/Neuter

WCHS hosts spay/neuter clinics for income eligible residents of Windham County. A simple application is required. The WCHS provides financial assistance to applicants who can't afford the fees and free spay/neuter for free-roaming, un-owned cats.

- WCHS spayed/neutered 381 cats, 73 dogs and 8 rabbits public animals and 449 shelter animals

Pet Care Assistance

This program provides basic preventative care, including vaccines, at low-to-no cost to low-income pet owners. Pet owners must apply and provide proof of residency in Windham County and proof of financial need

In 2016-17, we provided:

- Distemper vaccine to 68 dogs and 207 cats
- Rabies vaccine to 295 animals
- Microchips to 23 animals
- 502 doses of flea/tick preventative
- 90 doses of wormer
- 92 bags of prescription food

WCHS served Wilmington residents as follows:

- 13 residents adopted 3 dogs and 10 cats
- 13 residents used our low cost clinic to spay/neuter 4 dogs and 11 cats
- 12 residents used our Pet Care assistance program for 25 pet vaccinations
- 4 residents used our Pet Care assistance program for 22 prescription foods, medicine or parasite control products
- 1 resident was reunited with a lost pet

Requests For Funding Through the 1% Local Option Tax Fund

Name of Person/Organization/Business/Committee

Date of Request 12/5/18

Contact person, phone numbers, mailing and email address

ANDREA BERG

Amount of Request and Date Funding Needed

\$2,200 for WINTER SEASON
40.00 ADDITIONAL as NEEDED for salting

Describe in detail the purpose and specific use of the funding

For maintaining plowing and salting
of parking area and DRIVEWAYS
at WEST MAIN ST

Please provide a financial breakdown of your project/request.

\$2,200 CONTRACT for plowing for SEASON
\$40.00 Additional for salting lot
as NEEDED

Briefly describe the need for the funding and any other information that can support the application.

① To maintain 12 parking spots including
1 HANDICAP SPOT
② For safety in accessing public parking
lot and walking from lot
③ FIRE CONCERNS (being able to get
FIRE TRUCK ACCESS IF NEEDED
Parking is a huge problem facing the village
and will have a huge economical impact
on the village

Signature of Applicant

Date

TOWN OF WILMINGTON

(802) 464-8591
FAX(802)464-8477
www.wilmingtonvermont.us

FROM: LISTER'S OFFICE
MEMO TO: BOARD OF SELECTPERSONS
RE: CORRECTIONS TO 2018 GRAND LIST

DATE: December 18, 2018

These properties were not listed correctly in the Grand List for the 2018 and are hereby submitted for your approval.

1. STETSON ANDREW T & SARAH B - #003-01-087.000

Was Listed at: \$210,000
Now Listed at: \$185,000

Deborah Kingsley
Lister's Office

Approved by the Board of Selectpersons

Thomas Fitzgerald, Chairperson

cc: Susan Haughwout, Town Clerk
Christine Richter, Finance Officer

We have corrections that need to be made to the 2018 Grand List. According to 32 VSA 4261 corrections can be made up until December 30th, 2018.

1. This property should have been listed at \$185,000 and was not.

Thanks

Deb

ARTICLE REGULATING SINGLE-USE PLASTIC BAGS WITHIN THE TOWN

Art. I.	Purpose
Art. II	Definitions
Art. III	General Prohibition and Regulation
Art. IV	Exemptions to General Prohibition
Art. V	Penalties and Enforcement
Art. VI	Date of Effect
Art. VII	Hardship Deferments

ARTICLE I. PURPOSE

This Ordinance is intended to promote the public health, safety, welfare, and the responsible use of resources and protection of the environment. It seeks to mitigate the effect the single-use plastic bags provided within the Town, and encourage the use of reusable bags.

WHEREAS the Town of Wilmington is a Vermont municipal corporation located in Windham County; and

WHEREAS the Town of Wilmington has concern over the impact that single-use plastic bags have to the local, state and global environment; and

WHEREAS the Town of Wilmington has determined to take efforts to limit the use of single-use plastic bags by restricting the number of plastic bags entering available at retail establishments for residents and visitors;

WHEREAS the Town of Wilmington has the power to "regulate or prohibit the storage or dumping of solid waste, as defined in 10 V.S.A. § 6602" pursuant to 24 V.S.A. § 2291(12).

NOW THEREFORE, the Town of Wilmington hereby adopts the following Ordinance:

ARTICLE II. DEFINITIONS

Definitions:

(A) As used in this ordinance, the following terms have the meaning indicated by the definition.

ASTM D6400 standard specification means the standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities set by the American Society for Testing and Materials.

Compostable Bag means a bag that meets the current ASTM D6400 for compostability.

Recyclable means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

Retail Establishment means all sales outlets, stores, shops, pharmacies, or other places of business located within the Town of Wilmington which sell or convey merchandise directly to the ultimate consumer.

Retail Food Establishment means all sales outlets, stores, shops, restaurants, markets, supermarkets, clubs or other places of business which sell, serve or convey foods directly to the ultimate consumer. This definition shall include by is not limited to any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, sold or offered to the public; similar places in which food or drink is prepared for sale or service on the premises or elsewhere; and any other establishment or operation, including in-home caterers, where food is processed, prepared, sold, served or provided for the public, regardless of whether there is a charge for the food.

Retail Service Establishments means all places of business located within the Town of Wilmington where a service, specialized or professional work is offered to the public, regardless of whether there is a charge for the service.

(B) Shopping bag definitions. As used in this section, the following terms shall have the meanings indicated:

Compostable Plastic Bags means a bag that is:

1. Labeled in a manner that is readily and easily identifiable from other plastic bags;
2. Labeled in a manner that is consistent with the Federal guides for the use of environmental marketing claims;
3. Labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification; and
4. (i) a uniform color of green and labeled with the word "compostable" in at least a 1 inch font on one side of the bag; (ii) labeled in green writing with the word "compostable" in at least a 1 inch font on both sides of the bag; or (iii) labeled with the word "compostable" in at least a one-half inch font on both sides of the bag within a green color band that: 1. Contrasts with the compostable bag's background color; and 2. Is at least 1 inch in height.

Plastic Bag means any bag made of plastic derived from either petroleum, ethylene derived from natural gas, polyethylene, polypropylene, or nylon.

Reusable Bag means a bag that meets the following requirements: (a) has a minimum lifetime of 125 uses, which for the purposes of this ordinance means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (b) has a minimum volume of 15 liters; (c) is machine washable or is made of a material that can be cleaned or disinfected; (d) does not contain lead in an amount greater than 89 parts per million (ppm), nor contain total heavy metals (lead, hexavalent chromium, cadmium, and mercury) in an amount greater than 99 ppm, unless lower heavy metal limits are imposed by applicable state or federal law, in which case such standards shall apply; (e) has printed on the bag, or on a tag that is permanently affixed to the bag, (1) the name of the manufacturer, (2) the country where the bag was manufactured, (3) a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, (4) the percentage of Postconsumer Recycled Material used, if any, and (5) bag care and washing instructions; and (f) if made of plastic, is no less than 1.0 mils thick anywhere on the bag.

Thin-Film Single-Use Plastic Bag means a bag with a thickness of 1.0 mils or less and which are intended for single-use transport of purchased products.

ARTICLE III. GENERAL PROHIBITION AND REGULATION

General prohibition and regulation. No retail establishment, retail food establishment, or retail service establishment as defined in Subsection A, shall sell or convey merchandise to ultimate consumers in thin-film single-use plastic bags, and said establishments shall only use such bags that are:

- (1) Reusable bags; or
- (2) Compostable plastic bags; or
- (3) Paper Bag.

ARTICLE IV. EXEMPTIONS TO GENERAL PROHIBITION

Exemptions. Article III of this regulation shall not apply to the following items:

- (1) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise, typically manufactured as thin-film single use bags without handles;
- (2) Any flexible transparent covering for covering uncooked raw meat, poultry, raw fish, hard cheese, cold cuts, fruit, and vegetable products, baked goods, or bread;

ARTICLE V. PENALTIES AND ENFORCEMENT

- (1) If it is determined that a violation of any subsection of this section has occurred, the Town shall issue a warning notice for the initial violation.
- (2) If an additional violation of this section occurs within one year of the initial violation, the Town Manager's Office shall issue a second notice of violation.
- (3) The Town shall impose a penalty against the retail establishment for the third and each subsequent violation.
- (4) The penalty for each violation that occurs after the issuance of the first and second warning notice shall be no more than: i) \$50.00 for the first offense, with a waiver fee of \$25.00; ii) \$100.00 for the second offence and all subsequent offenses, with a waiver fee of \$50.00. Payment shall be made to the Town of Wilmington within 30 days to the Town Treasurer. Nonpayment of such fines may be enforced by the Judicial Bureau. No more than one penalty shall be imposed upon a retail establishment within a 24-hour period.

ARTICLE VI. DATE OF EFFECT

Date of Effect. This section will take effect on July 1, 2019.

ARTICLE VII. HARDSHIP DEFERMENTS

Hardship deferments.

- (1) Upon written application, the Town Manager's designee may defer application of any subsection of this section for a six-month period after the effective date stated in Subsection F upon a showing of hardship. Hardship will be found when:
 - a. Compliance with any subsection would cause significant economic difficulty; or
 - b. There is no readily available compliant substitute.
- (2) Any entity granted a deferment by the Town Manager's designee must reapply prior to the end of the six-month exemption period and demonstrate continued undue hardship if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed six months.
- (3) A deferment granted in accordance with this subsection may be extended for no more than two additional six-month periods, upon which a written application to the Town Manager's designee at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justify deferment continue to exist.
- (4) A deferment application shall include all information necessary for the Town Manager's designee to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The

Town Manager's designee may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

- (5) The Town Manager's designee may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and/or public health and further the interests of this section.
- (6) Deferment decisions are effective immediately and final.