

Wilmington Selectboard Agenda

December 21, 2021 at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of December 7 and 14, 2021 (5 minutes)
3. Action Item(s):
 - *The Selectboard to possibly approve the flower bid from Andrew Corp and authorize the Town Manager to execute the multi-year contract.*
 - *Hermitage Members Club; update on winter season*
4. Vacant Building Ordinance (20 minutes)
 - *The Selectboard to review and possibly approve the proposed Vacant Building Ordinance.*
5. Cannabis Legislation (15 minutes)
 - *Cindy Hayford of DVCP to talk with the Board regarding a possible Cannabis Control Commission.*
6. Other Business
 - *Dedication*
7. Selectboard Members Comments
8. Town Manager's Updates (5 minutes)

Wilmington Selectboard Meeting Minutes

December 7, 2021

Present: Tom Fitzgerald, John Gannon, Vince Rice, Sarah Fisher, Tony Tribuno

Others Present: Scott Tucker, Jessica DeFrancesco, Amelia Nick, Kevin Rogers, Lorri Hall, Jon Massari, Jack Widness, Gretchen Havreluk, Ryan O'Neil, Meg Staloff, Cory Ross, Therese Lounsbury, Ian & Tiffany Sausville, Darlene Betit, Brian Holt, Dennis Heberlein, Chuck Clerici, Jessica Lee Smith, Sheila Osler, Ken & Barbara Lady, Dave Larsen, Meg Streeter, Charlotte Vemy

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
 - Dennis Heberlein commented on the upcoming vacant building ordinance
 - Adding tire price increases to action item #2, and elected officials' deadlines to other business.
2. Approve Minutes of November 16, 2021
 - Tribuno moved to approve the minutes of November 16, 2021, Rice second; all in favor.
3. Social Services
 - Kevin Rogers from the VT Bar Foundation, which is connected to the Association by fundraising and giving funds to social justice projects. They fund a fellowship; the current fellow has 24 clients. Twelve families have received aid from the foundation this year. This service helps those who need help in family court, are unemployed, and cannot navigate the system, and similar assistance. The Foundation helps fund legal aid.
4. Action Item(s):
 - Fisher moved to accept the resignation of Geri Kogut as the Senior Solutions representative, Rice second; all in favor.
 - Tribuno moved to approve Transfer Station pricing increases for disposal fees of \$45 for mattresses and box springs, and \$60 for sleep sofas; and tires (assorted pricing as listed); Rice second, all in favor.
 - Tribuno moved to approve the 2021 Errors & Omissions from the Listers, Fisher second; all in favor.
 - The Selectboard scheduled a budget meeting on Tuesday, December 14th at 7:30 a.m.
5. Greeter Program
 - Jack Widness and Cory Ross gave an update on the Harriman Reservoir Greeter Program. The state is trying to transition funding for the program. Harriman has 30-40 times the number of trailer boats than Lake Raponda. Fitzgerald commented that Harriman is private property, so it would have to be discussed amongst the Board.
6. 1% Local Option Tax Request
 - The Public Safety Committee is looking to plan an open house and ribbon cutting ceremony in June for the new building on June 25th with a rain date of July 9th. Band, food, advertising, and porta-potties are proposed at a "not to exceed" amount of \$8500. Police vs Fire softball and t-shirts are also being discussed. Gannon moved to approve the 1% request made by the Public Safety Facility Committee for an amount not to exceed \$8500, Rice second; all in favor.

7. Traffic Ordinance

- A new section was added to the traffic ordinance, Article VII. Special Use Roads, designating the use of Ray Hill Road for residents and traffic with business in the area only, essentially no thru traffic. Heberlein asked what the traffic is each year, and that traffic will be diverted to Chimney Hill instead. He thinks this change will be bad for the residents in Chimney Hill. Ken Lady thinks the average speed is very misleading. Larsen doesn't think the issue is volume. The Chief and Highway Dept. have been very responsive and helpful. He feels speed is the real issue. Hall feels speed and volume are both issues; police have been helpful, but they should be there first thing in the morning and at 4 p.m. (skiers heading to and from Mount Snow). Staloff asked about rerouting maps. Officer O'Neil commented that tickets won't be issued only for traveling in the area as it is a secondary offense; if a vehicle is stopped for speeding and is found in violation of this new article, then a second ticket could be issued. If this article is passed, it can then be taken off of GPS routes. Heberlein suggested alternatives like flashing lights, blind hill signs, etc. Fisher feels like other avenues need to be looked at because this will affect other areas. Tribuno moved to approve the proposed amendments to the traffic ordinance, Gannon second; 4-1 in favor.

8. North Main Sidewalks

- Gretchen Havreluk updated the Board on the North Main St Streetscape Project. Dufresne Group was hired; only two RFP's were received for the design. There will be a public meeting next Tuesday at 5:30 p.m. Light posts and a crosswalk are being proposed, though the state will probably deny the crosswalk by Lyle Hill Road.

9. Face Coverings in Town

- The resolution, Municipal Regulatory Authority; Temporary Authority to Adopt Rules Requiring Face Coverings, would be in effect for 45 days and would have to be re-address every thirty days thereafter. There are businesses taking steps to clean the air in their buildings, taking it into their own hands that way. By having a mandate, it puts some businesses in the position of having to confront patrons. Streeter is more concerned about outreach for those who feel a mask is not enough and how to treat when infected. The Deerfield Valley Health Center is so busy, they aren't taking new patients. Sheila Osler stated that the Red Mill requires masks for unvaccinated guests. Gannon moved to approve the resolution requiring masks be worn in all public buildings and town owned buildings, Fisher second; all in favor.

Fitzgerald moved to enter into liquor commission at 7:26 pm, Rice second; all in favor.

10. Liquor Commission

- Fitzgerald moved to approve a Request to Cater Permit for Jim's Bistro for an event at Memorial Hall on December 31, 2021, Tribuno second; all in favor.

Out of liquor commission at 7:26 pm.

11. Other Business

- The Town Clerk gave a rundown of the Elected Officials terms coming due this spring.

12. Selectboard Members Comments

- Rice would like to look at getting a flashing speed sign on the straight-a-way before the 25 mph zone on Ray Hill.

- Gannon is having a bill drafted that would require costs of fire services be paid by the unincorporated town.

13. Town Manager's Updates

- There is a petition for cannabis retail; Cindy Hayford of DVCP would like to meet with the Board to discuss the creation of a cannabis control commission.
- Downtown designation 4-year review is due March 2022.
- Vacant building ordinance should be on the next agenda.
- VSP response has been reduced for certain types of calls, increasing agency assists from other town agencies.
- The Fire Dept held their annual Ladies Night and awards issued to: Matt Somerville 5 years, Brian Wuoti 5 years, Mark Tiddes 5 years, DJ Pike 10 years, Dan Elliott 10 years, Johnny Hescok 15 years, Donnie Wilson and Jeremy White 20 years, John Lazelle 25 years, Scott Moore and Leigh Thomson 30 years, Marc Lipson and Jeff Silverman 35 years, and Brian Johnson 50 years. Former Chief Brian Johnson received the Firefighter of the year for 2020, and Asst. Chief Bill Spirka received Firefighter of the Year 2021. A moment of silence was requested for the loss of two longtime firefighters this past year, former Fire Chief Jake White and Asst. Chief Richard Covey.

14. Executive Session

- Fitzgerald moved to find that premature general public knowledge of the janitorial contract would place the town at a substantial disadvantage, Rice second; all in favor.
- Fitzgerald moved to enter into executive session at 7:56 pm to include the Town Manager and Administrative Assistant, to discuss a janitorial contract, Rice second; all in favor.

Out of executive session at 8:19 pm

- Rice moved to authorize the Town Manager to sign an agreement with House to Home, Gannon second; all in favor.

Meeting adjourned at 8:21 pm

Respectfully Submitted,
Jessica DeFrancesco, Administrative Assistant

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

**Selectboard Meeting Minutes
Tuesday, December 14, 2021**

Present: Tom Fitzgerald, John Gannon, Vince Rice, Sarah Fisher at 8:06 am **Absent:** Tony Tribuno

Others Present: Scott Tucker, Jessica DeFrancesco, Matt Murano, John Lazelle, Chris Lavoy, Debby Kingsley, Christine Richter, Sheldon Brassor, Mike Tuller, Therese Lounsbury, Scott Moore

Meeting called to order at 7:37 am

1. Visitors, Public Comment, Changes to agenda
2. FY23 Budget Discussion

Due to the current CPI, which was at 6% in November and increasing, the overall cost-of-living adjustment (COLA) proposed is 4.5%, police officers 12%, and dispatchers 8%. The Police Dept. request for pay increases is to try to bring them more in line with other police departments. Police Dept. employees performed a pay study and found that Wilmington is one of the lowest paid departments in the area, with some departments dropping their five lowest pay scales. This increase will help keep them competitive for recruiting and retention purposes. The Police budget reflects a possible hire for a part-time dispatcher to cover some high-volume times, holiday shifts, vacations, sick leave, etc.

Sewer Dept - ECU's are expected to go up, most expenditures are level funded.

Water Dept - legal fees and audit costs were moved to the general fund, just like the Sewer Dept. The creation of a Water Capital Fund will be on the town meeting warning.

General Fund- The budget is up \$447,000; \$385,000 of that is due to the new Public Safety Facility. The estimated tax rate is .6296, about \$0.03 increase. Town Clerk has three elections which increases some costs. Listers will hopefully be decreasing to three members. There is also an estimate for an appointed appraiser to work on transitioning away from elected officials. Listers budget is down mostly due to the town-wide reappraisal being complete. Police - skipping a year in buying a cruiser and supply is limited. With repairs being a challenge, keeping the extra car will keep the department from running short for on-call hours. For investigating digital evidence, outside agencies had been used. It is getting more difficult to get it done in a timely manner, so purchasing the software to do it in-house has become necessary. Working toward filling the detective position and this is something they would be utilizing, not the patrol officers. Fire Dept- expenditures are mostly level funded; no big changes. Public Safety Facility adds about \$80,000 to the overall budget. VMERS had an increase in the employer contributions. VLCT (insurance) rates are down slightly for calendar year 2022. Town nurse retired mid-year and is not being replaced. Social Services - SASH requested an increase to \$15,000, but is in the budget for \$10,000; VT Bar Foundation was a new request at \$600. Selectboard consensus is to leave SASH at \$10,000, and to approve the VT Bar Foundation request for \$600. Transfer Station - is up \$46,000 to account for the increase in hauling. Legal- reappraisal line decreased -\$35,000, since most state & court hearings are expected to be complete this fiscal year, and the audit line increased adding the Water Dept. Memorial Hall - largest increase is the janitorial costs due to new contractors. Rec Committee - counselor salaries increased the same as regular employees. The committee is asking for a few additions;

such as, volleyball and a backstop for a section of the tennis court. Beautification – a new flower contract is coming up. The expenses are currently split between general fund and 1% Fund. Tennis Courts- needs ongoing maintenance, resurfacing repairs. Town Hall - janitorial increase. Public Safety bond adds \$305,000; the Highway Garage and Look Road Bridge bonds are paid off this fiscal year. Capital - Public Lands and Fences fund increased to for rebuilding tennis courts down the road.

Highway Fund - expenditures increased due mainly to increases in supplies. Culverts have doubled in cost and a lack of grant funding is also causing an increase. A Highway Building Capital Fund is being proposed to cover building repairs that may need to be done as the building ages.

Revenues- penalties are not up as high. A tax sale was not held during FY-20 at the onset of the pandemic, and a tax sale was held in FY-21 causing an increase in penalties. Police fees and fines are up. Transfer Station fees increased, with more permits and more visitors over the past two years.

Meeting adjourned at 9:56 am

Respectfully Submitted,
Jessica DeFrancesco, Administrative Assistant

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno



**Quality Construction
Since 1978**

2022-2024 Multi Year Proposal for Town Beautification Flower Program: (as listed in RFP)

- 62 large wooden whiskey barrels (59 town + 3 Rt. 100)
- 25 small barrels (23 Rt. 100 + 2 Pettee Memorial Library)
- Town Office Building- 5/36 inch, 2/44 inch hayracks, 2 wooden sidewalk boxes
- 3 Welcome Signs (East, West, and North entrances)
- 20 hanging baskets (East Main St. bridge & West Main St. bridge)
- West Main St. bridge (Dot's bridge) – 4 wooden window boxes
- River Bank Park – 4 planters
- Memorial Hall – 2 window boxes, 1 flagpole planter
- Reardon Walking Bridge – 10 hayracks (8/44 inch and 2/80 inch hayracks)
- Pettee Memorial Library – watering trough

FLOWER & MATERIALS

Flowers: Plants: combinations as specified in RFP + established 4 and 6 inch plants
Pink whopper begonias, pink dragon wing begonias, plectranthus argentatus/silver shield, colocasia, yellow lantana, blue scavoela, sweet potato vine, purple heliotrope, white gaura, white alyssum, white sun patiens, white baby wing begonias, yellow thunbergia, verbena bonariensis, white petunias *

20 hanging basket replacement liners**, 80" hayrack liners**, pro mix and loam, fertilizer (timed release and water soluble) for the season, and soil amendment

LABOR & MAINTENANCE

Preparation, planting labor, **DAILY WATERING AND MAINTENANCE** final clean up for approximately 20 weeks – until Columbus Day or killer frost. Planting date to be determined based on weather and temperatures – historically planting has taken place the first week of June waiting for above freezing temperatures. If the committee wants an earlier planting, ie Memorial Day, Andrew Corp is not responsible for covering for frost protection should temperatures drop below freezing.

2022 TOTAL BID: \$30,626.20

Terms of Payment:

Deposit April 1st - \$6000.00

2nd payment June 1st - \$6000.00

4 additional equal payments \$4656.55 July 1st, August 1st, September 1st, October 21st

2023 Extended – Multi Year Contract

TOTAL BID (includes flowers, materials, labor and maintenance as outlined in 2022 RFP)

\$32,157.51

2024 Extended – Multi Year Contract

TOTAL BID (includes flowers, materials, labor and maintenance as outlined in 2022 RFP)

\$33,765.39

If Andrew Corp is the successful contractor – Terms of payment for 2023 and 2024 Extended/Multi Year Contracts will be submitted each year and be similar to the terms of payment in the 2022 contract.

Insurance: Our bid is based on the requirements of a Certificate of Liability Insurance (\$1,000,000) and a waiver form (hold harmless agreement).

As in past years, the Beautification Committee will direct and oversee the barrel placement and leveling along with town personnel. The town will pick up barrels and hayracks at the end of the season.

I have designed, planted and maintained the flowers and containers for the town of Wilmington for over 30 years and also numerous other local businesses and private clients. Many local individuals have supported the town program by planting complimentary flower combinations. The plants are not only well developed and hardy but appropriate for the stress and elements they face from heavy traffic and environmental challenges. My grower is local and takes great pride in providing a quality plant to me for over 20 years and continues to be supportive when we need replacement plants due to vandalism – often at a very low cost or no cost when he has extra. The grower supplies many Vermont towns- Manchester, Grafton, Ludlow, Rutland, Weston, and Woodstock to name only a few.

Should there be any questions, or if you need additional information, please call or email me.

464-9034 802-258-1690 cell mary.pike.sprenger@gmail.com

***Plant Totals:** Please note that the RFP specifics call for a total of 11 plants for 53 of the large wooden town barrels and 13 plants for 6 shade large wooden barrels. The plant total

for **all** the large whiskey barrels historically has been 13/14 plants. My quote includes 13 plants in all large whiskey barrels as reflected in past planting – 11 plants will not fill the barrel.

****Replacement liners are as specified in the RFP – 20/17” hanging baskets and 80” liners.** Please note there are 3/52” liners for the welcome signs, 10/44” liners for Reardon bridge & town office, and 5/36” liners for the town office that were **not included in the RFP** and may need replacing throughout the term of the 3 year contract. When/if those need replacement -they will be an additional charge. Please also note that the 80” liners do not usually need replacement every year, so there **may be a credit** towards any of the liners that do need replacement and were not included in the RFP.

-Additionally, Andrew Corp will continue to donate the plants, labor and maintenance for the 2 wooden window boxes on the Shafter Street bridge.

Respectfully submitted,

Mary Pike-Sprenger
December 1, 2021

Town of Wilmington – Vacant Building Ordinance

A. Statement of purpose:

The purpose of this ordinance is to prevent dangers to public health and safety caused by unsecured vacant buildings in the Town of Wilmington. This Ordinance applies to buildings and properties located within the Historic and Design Review Districts of Wilmington. See Zoning Ordinance, Article V.

B. Statutory authority:

- (1) By authority of 24 V.S.A. Ch. 59 (§§ 1971, et seq.), municipalities are authorized to adopt and enforce municipal ordinances and rules.
- (2) By authority of 24 V.S.A. § 2121, municipalities are authorized to seek injunctions in the event of a public nuisance.
- (3) By authority of 24 V.S.A. § 2291(13), municipalities may compel the cleaning or repair of any premises that in the judgment of the Selectboard are dangerous to the health or safety of the public.
- (4) By authority of 24 V.S.A. § 2291(14), municipalities may adopt ordinances to provide procedures for abatement of public nuisances for public health, safety, and/or welfare.
- (5) By authority of 24 V.S.A. § 2291(15), municipalities may provide penalties for violation of any ordinance adopted under the aforementioned authority.

C. Statement of findings and purpose:

- (1) Structures that are vacant and unsecured attract vagrants and criminals and are prime locations to conduct illegal criminal activities, including, but not limited to, arson and drug use.
- (2) Structures that are vacant and unsecured pose serious threats to the public's health and safety, as well as that of adjoining property owners, and therefore are declared to be public nuisances.
- (3) The purpose of this ordinance is to establish the reasonably necessary measures to abate the public nuisance, health and safety hazard caused by unsecured vacant buildings and structures.

D. Definitions:

The words and phrases used in this section have the following meanings unless their context clearly indicates otherwise:

- (1) “Health Officer” - The Town Health Officer shall be the officer appointed by the Town of Wilmington Select Board to enforce this Ordinance. In this capacity the Town Health Officer shall be acting as a Vacant Building Administrative Officer.
- (2) “Dangerous Building or Structure” – A building or structure or part thereof declared by any duly constituted authority, to be structurally unsafe or hazardous, whether it is occupied, unoccupied, or vacant.
- (3) “Vacant Structure” - Any structure or building that is unoccupied by a person or occupied by unauthorized persons for 90 days, excepting permitted warehouse or permitted storage structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis, and those structures being newly constructed within the terms of their building and zoning permits or under substantial rehabilitation for a period of 1 year from the date that the building permit or zoning permit is issued— whichever is later.
- (4) “Unsecured Structure” – Any structure or building to which an unauthorized person may easily gain access to the interior of the building through an opening of any kind.
- (5) “Owner” - Any and all owners of record. The obligations of owners under this article extend to the agents of such owner(s) or other persons interested in the building or structure.

E. Vacant Building Permit

(1) Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the Health Officer. Applicants shall provide a maintenance plan covering the permit period which shall disclose all measures to be taken to ensure that the building or structure will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, compliant with the obligations set forth below and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards. Applicants shall disclose the expected period of vacancy (including the date of vacancy) and state the plan and timeline for the lawful occupancy, and rehabilitation, removal, or demolition of the structure.

(2) Vacant buildings shall be inspected at or around the beginning of the permit period to determine that they comply with this ordinance. The owner shall cooperate with and attend the inspection. If the Health Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, no notification or warrant is necessary and the Health Officer shall enter and inspect the premises.

If the owner of the vacant building or structure does not cooperate with and or attend an inspection, the Health Officer may seek a search warrant from the Vermont Superior

Court for the purpose of determining compliance with this ordinance.

(3) The Health Officer, upon inspection, shall issue any order for work needed to:

(a) Comply with this Ordinance and adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the vacant building maintenance standards set forth in this ordinance; and

(b) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare; will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood; and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

When issuing such orders, the Health Officer shall specify the time for completion of the work. The order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the Health Officer's order. No interim permit shall be effective for a period of more than 3 months. All work done pursuant to this Ordinance shall be done in compliance with the applicable building, fire prevention, and zoning codes and ordinances.

(4) The Health Officer shall issue a vacant building permit upon being satisfied that the building has been inspected and is in compliance with this article. This permit shall be effective for a period of up to 3 months.

(5) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

(a) Building openings: Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin, and trespassers, and free from graffiti. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

(b) Roofs: The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

(c) Drainage: The building storm drainage system shall be functional and installed in an approved manner, allowing discharge in an approved manner.

(d) Building structure: The building shall be maintained in good repair, structurally sound and free from debris, rubbish, and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

(e) Structural members: The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

(f) Foundation walls: The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, free from graffiti, and be animal and rat-proof.

(g) Exterior walls: The exterior walls shall be free of holes, breaks, free from graffiti, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion, or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(h) Decorative features: The cornices, belt courses, corbels, terra cotta trim, fences, wall facings and similar decorative features shall be safe, anchored, and in good repair and free from graffiti. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion, or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(i) Overhanging extensions: All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features shall be in good repair, anchored, safe and sound, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay, corrosion, or rust by periodic application of weather-coating materials, such as paint or similar surface treatment

(j) Chimneys and towers: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment

(k) Walkways: Walkways shall be safe for pedestrian travel.

(l) Accessory and appurtenant structures: Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

(m) Premises: The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

(6) (a) A fee of five hundred dollars (\$500.00) shall be charged for a vacant building permit or renewal of such permits. The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.

(b) All but \$75.00 of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof. An owner

shall be eligible for the waiver of the fee for no more than 8 permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following.

(c) All but \$75.00 of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least 5% of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior 3-month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00.

(d) All but \$75.00 of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the \$75.00. The owner shall demolish the building or structure within 3 months of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

F. Building Inspection

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, the Health Officer shall cause the building, structure, or property to be inspected. Such inspection shall occur according to the following process:

(1) Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure, or property at least forty-eight (48) hours prior to the inspection.

(2) If the Health Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.

(3) If the owner of a building, structure or property fails or refuses to consent to the inspection, the Health Officer shall be authorized to obtain a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.

(4) The Health Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.

(5) The Health Officer may retain such law enforcement officers, fire officials, engineers, attorneys, and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Safety Order.

G. Safety Order

(1) If, upon inspection, the Health Officer determines that a building, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Health Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:

(a) Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.

(b) Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.

(c) Set a date by which the actions to secure a Dangerous Building or Structure and abate the hazardous conditions must be completed by the owner, which shall be not less than fifteen (15) days from the date of service of the Safety Order.

(d) Inform the Owner of his/her right to appeal the Safety Order to the Selectboard and the right to be represented by legal counsel at the appeal hearing.

(2) The Safety Order shall be served upon the owner of the Dangerous Building or Premises by certified mail, return receipt requested, and by first class mail. A copy of the Safety Order shall be provided to the Town Selectboard.

(3) If it appears to the Health Officer that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.

(4) If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Health Officer shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Health Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.

(5) For removal or demolition, the Health Officer, or other appropriate Town officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Health Officer may also seek the imposition of fines in accord with Section I of this Ordinance.

(6) The Health Officer may contract with such service providers or use such other Town employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order, or in preparing a Safety Order, shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

H. Appeal of Safety Order

(1) A person aggrieved by a Safety Order may appeal such Order to the Town of Wilmington Selectboard (sitting as Board of Health) within 15 days of service of the Order. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal.

(1) Within 30 days of service of the notice of appeal, the Selectboard shall hold a hearing on the appeal. The Selectboard shall issue a written decision within 15 days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as the Selectboard deems necessary and appropriate to implement the purpose of this Ordinance.

(2) Within 30 days of the decision of the Selectboard, a person aggrieved by the Selectboard's decision may appeal to the Vermont Superior Court.

I. Enforcement authority:

(1) The Health Officer appointed by the Town of Wilmington Selectboard shall enforce this Ordinance. Nothing in this Ordinance shall prevent the Health Officer from performing his or her duties under other statutes, regulations or ordinances that he or she may be designated to administer and enforce. The Health Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the Historic and Design Review Districts of the Town of Wilmington. In the event the Health Officer is unavailable, or has a conflict of interest, the Town Manager or designee shall perform the functions of the Health Officer.

(2) Nothing in this Ordinance shall affect the authority of the Town of Wilmington Health Officer or the Selectboard to take any action permitted under 18 V.S.A. §§ 126, 127 et. seq. The Health Officer and the Selectboard retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

(3) Upon receipt of information that a building or part thereof that is or becomes dangerous or unsafe or vacant, the Health Officer shall give 48 hours written notice to the building owner or responsible party of such information and shall require the landowner or responsible party to submit a plan of abatement or action. Said notice shall be sent to the building owner or responsible party if an

address is known and tacked to the entrance of said building to provide notice. If the building is a mobile home and the owner cannot be located, the owner of the property where the mobile home is located shall be responsible for correcting any dangerous or unsafe conditions. Upon securing the building the building owner or responsible party may request an extension of time, not to exceed one week, to submit a plan of abatement or action. The Health Officer retains all rights to reject the plan of abatement or action if, in the Health Officer's opinion, the plan of abatement or action is inadequate to abate or solve the issue. The Health Officer's decision is appealable to the Selectboard no later than 15 days following the decision. Nothing in this section limits the powers of the Health Officer as set forth in this Ordinance.

J. Enforcement and Penalties:

- (1) Beginning 15 calendar days from notification that a building or portion thereof becomes dangerous or unsafe or vacant, for every day's continuance of such refusal or neglect, the owner or person interested shall be assessed a civil penalty of fifty dollars (\$50.00), to be recovered in a civil action. If the owner shall refuse or fail to make the premises secure for an additional period of 15 calendar days, (a total of 30 calendar days from notification), the civil penalty shall increase to one hundred dollars (\$100.00) per day, and the Health Officer shall cause the vacant structure or space to be made secure at the cost of the building owner. The civil penalty shall continue each day until such time as the owner or the health officer has secured the building. Failing payment, all civil penalties and costs incurred shall constitute a lien upon the real estate upon which such building is situated and shall be enforced within the time and in the manner provided for the collection of taxes on land, pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land records are kept.
- (2) The Town may pursue any civil remedy, including requesting civil penalties or injunctive relief as set forth in 18 V.S.A. § 130.
- (3) The Town may pursue violations in the Judicial Bureau as set forth in 24 V.S.A. §§ 1974a and 1977 *et. seq.* The Health Officer shall be the designated enforcement officer. The Health Officer may issue tickets and may be the officer appearing on behalf of the Town at any hearing.

This Ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this the TWENTY-FIRST day of DECEMBER, 2021 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Wilmington Selectboard

Thomas Fitzgerald

John Gannon

Vince Rice

Sarah Fisher

Tony Tribuno



Vermont Cannabis Legalization Information

for Selectboards and Regional Commissions

Windham County Prevention Partnership
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802-464-22028
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Q & A

Under Act 164, which allows for regulated cannabis sales in Vermont, each municipality may create its own Cannabis Control Commission (CCC). We strongly recommend that every municipality opting into cannabis sales does this as soon as possible.

Q

What is a CCC?

A

CCCs operate similar to a zoning committee/board but will address a range of localized matters related to cannabis issues in a town. CCCs do not have absolute power; the state's Cannabis Control Board (CCB) will still control the majority of policy. A local CCC would be the authority surrounding issues of zoning, nuisance and permitting.

Q

What does a CCC do?

A

CCCs can answer a variety of questions about cannabis within a community. For instance, a CCC has the ability to decide how the cannabis industry will be zoned in a town and can tackle important questions such as:

- How close to schools will a cannabis retailer be allowed?**
- Will cannabis industry buildings be allowed in downtown areas?**
- What can the town do to pass zoning, signage and/or advertising restrictions?**
- What proximity can cannabis buildings have to recovery centers, playgrounds, or other vulnerable populations?**



CCCs can also help clear up questions surrounding permitting and licensing:

- What do applicants and the Selectboard need to know about the licensing process?
- What might the town need to ask licensees, including whether they must provide information on whether they have held a prior cannabis-related license?
- Should we share examples of successful license and application processes?

CCCs can make recommendations related to taxation:

Should a town pass a 1 percent sales tax across all products to benefit from cannabis sales? And how should those funds be used, including to educate and protect?

CCCs can also help explain what powers towns might exercise regarding nuisance laws. For instance, they can clarify complicated questions such as:

- What hours of operation will be permitted for retail cannabis shops?
- How many shops should be present and how to regulate crowds, noise, lines, etc.?
- How will cannabis manufacturers fit into the wider neighborhood?

Example:

A CCC can help mitigate the risk of cannabis businesses setting up shop right next to our most vulnerable populations. This actually happened in Springfield Vermont, where a CBD processing business set up shop beside a Turning Point Recovery Center. The center had no prior knowledge of its new neighbor and was not notified. The filtration blower system wasn't adequate, and the processing facility emitted a significant amount of cannabis smell. Residents and visitors in recovery were negatively impacted by their safe haven becoming a place where they were unable to avoid the smell of cannabis. Fortunately, the owner was willing to adjust the times of processes to be around midnight to reduce smell exposure to those at the center and residential site. The processing center later moved out of the property.





Why Your Town Should Form a CCC:

A Cannabis Control Commission will be the primary avenue for a Selectboard to gather together the necessary stakeholders and experts to help protect community interests when making cannabis policy decisions. By forming a CCC, a Selectboard is ensuring that local policy is thoughtful, intentional and considers the needs of all the town's residents.

Creating a low-impact environment will take funding, care and advance planning. Ideally, advertising, zoning and nuisance laws will allow for retail cannabis to be sold in our towns with as little impact on our youth and vulnerable as a pharmacy.

Q

Specifically, how will a CCC work?

A

A local CCC is a recommendation-based body. Like a planning commission, it will allow everyday residents to present a plan of action made by a diverse group of voices to the local Selectboard. It will be up to the Selectboard to decide whether to accept recommendations, as well as to decide what powers to grant a local CCC.

Once initial questions are answered, a local CCC will mostly be responsible for answering questions about new permits, modifying the town's cannabis plan as needed and responding to any cannabis-related issues that come up. Like other recommendation-based committees, CCC's can meet monthly to perform their duties. When needed, representatives of the committee will present to, or answer questions from, the Selectboard at Selectboard meetings.



Recommendations for who should serve on CCCs:

The model CCC would feature members from a large cross-section of our communities. While the exact number of people on a CCC may be determined by a local Selectboard, it is recommended that a CCC feature the following:

- School personnel
- Youth substance use prevention specialist
- Cannabis industry representatives
- Parents
- Medical professionals
- Members of the local government.
- Commerce organizations
- Person in recovery

These voices would bring a wide array of expertise to the commission. This would allow the commission – and Selectboard – to consider and respond to just about any question that comes up related to cannabis issues.

Q

Who will benefit?

A

Who will benefit from cannabis sales? With the state collecting all licensing fees and allocating the revenue toward administration, our communities will only benefit from cannabis sales if there is a local option sales tax. How we use such a tax will be extremely important.

If your town does engage in a local option sales tax, we recommend considering a formal mechanism to put a portion of these funds toward substance-misuse prevention efforts, recovery and enforcement, including data collection and reporting to improve outcomes for youth and vulnerable populations.



Time sensitivity: The sooner a municipality creates a CCC, the faster it can discuss, understand and plan how retail cannabis businesses will impact its communities.

We strongly recommend you read full timeline for CCB (Cannabis Control Board): <https://bit.ly/Act164Timeline>

Thank you for considering our information, data and recommendations.

We hope you will use us as a resource. Please contact us for more information on the health impacts of cannabis use, CCCs, or any other questions you may have.

Windham County Prevention Partnership

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VERMONT CANNABIS LEGALIZATION INFORMATION

Autumn 2021:

As Vermont municipalities can establish their CCCs at any time, we recommend they mobilize as soon as possible to begin planning. Some steps include community research and public meetings ahead of setting up a CCC; collaborating with public health and prevention experts; working with law enforcement, medical professionals and emergency services to explore risks and consequences and any needed state and local education or policies.

Other steps might include exploring potential actions municipalities can take to promote youth prevention and support recovery under 24 V.S.A. § 4414 (zoning) and 24 V.S.A. § 2291 (public nuisance).

Winter 2021:

Launch a municipal CCC to establish local regulations and best practices.

Set up established CCC meeting schedules and agendas, in time for state deadlines at the CCB (Cannabis Control Board).

Important: The state CCB will be finalizing rules for packaging, labeling and retail displays and health warnings by March 2022. By April 2022, it will begin accepting applications for integrated licenses to be issued in May and begin issuing all cultivator licenses in June.