

**Wilmington Selectboard Agenda**  
**February 15, 2022 at 6:00 pm**

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of February 1, 2022 (5 minutes)
3. Action Items
  - *The Selectboard to possibly approve the annual certificate of compliance for town road & bridge standards.*
4. East Dover Rd (10 minutes)
  - *The Selectboard to possibly approve funding the replacement of a culvert on East Dover Rd if a grant is not received.*
5. 1% Local Option Tax Fund Requests (15 minutes)
  - *The Selectboard to possibly approve a 1% request in the amount of \$2565.39 for the Lake Raponda Greeter Program.*
6. Downtown Designation (15 minutes)
  - *The Selectboard to receive an update on the 4-year review for the Downtown Designation.*
7. Lake Raponda Dam Kayak (10 minutes)
  - *The Selectboard to discuss a letter regarding a missing kayak from Lake Raponda that was moved for dam maintenance.*
8. Face Coverings in Town (15 minutes)
  - *The Selectboard to possibly approve a 30-day extension (2/21–3/22/22) or rescind (effective 2/21/22) the resolution requiring masks be worn in all public buildings and town owned buildings.*
9. Liquor Commission (5 minutes)
  - *The Liquor Commissioners to possibly approve a Second-Class License Renewal for Bearclaw Holdings LLC dba River Valley Market at Mt Snow*
10. Other Business/Correspondence
  - *March Meetings*
  - *Assign TM articles*
  - *Approval of letter to Senator Sears*
11. Selectboard Members Comments
12. Town Manager's Updates (10 minutes)
13. Executive Session
  - *The Selectboard to enter into executive session to discuss the possible sale of town owned property.*
  - *The Selectboard to possibly approve the resolution and public notice of sale of town owned property.*

## Wilmington Selectboard Meeting Minutes

### February 1, 2022

**Present:** Tom Fitzgerald, John Gannon (by phone), Vince Rice, Sarah Fisher, Tony Tribuno

**Others Present:** Scott Tucker, Jessica DeFrancesco, Gretchen Havreluk, Amelia Nick– DVN, John Lazelle, Therese Lounsbury, Jessica Lee Smith, Matt Murano

**Meeting called to order at 6:00 pm**

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

- Jessica Lee Smith commented that she felt the reporting on the traffic study was improperly recorded and should be corrected. She thought a news article was written in a way that gave the town a bad name regarding bias in traffic stops, and as a BIPOC member (non-white community) she affirms the police in town have treated her and her family well. Fisher commented that the town cannot control what other people write, and it is unfortunate the writer framed the article in a negative light.

2. Approve Minutes of January 18, 2022

- Tribuno moved to approve the minutes of January 18, 2022, Fisher second; all in favor.

3. Action Items

- Fisher moved to allow all legislative and public meetings go electronic as needed until January 15, 2023, Tribuno second; all in favor.
- Set date for Australian ballot informational meeting– Wednesday, February 23<sup>rd</sup> at 6 pm as a hybrid meeting.

Fitzgerald moved to enter into Sewer Commission at 6:13 pm Rice second; all in favor.

4. Sewer Commission

- Fitzgerald moved to approve a final allocation request for Karen Molina at 69 Ray Hill Rd for an additional 560 gpd, Rice second; all in favor.
- Fisher moved to approve a final allocation request for 1a Coffee at 123 West Main St for an additional 6 seats at 180 gpd, Fitzgerald second; all in favor.
- Fitzgerald moved to approve a preliminary allocation request for Chrystal Holt at 103 West Main St to add 6 restaurant seats at 180 gpd and a two-bedroom apartment at 280 gpd, Fisher second; all in favor.
- Fitzgerald moved to approve a preliminary allocation request for Bruce Fischer at 56 Winter Haven Dr for a two-bedroom residence and one-bedroom cottage at 420 gpd, Fisher second; all in favor.

5. Route 9 East Sewer/Water Expansion

- An update to property owners should happen. The project is on a priority list at the state level, and hoping to get on ANR's priority list as well. The project is currently set at \$3 million, but will probably increase with material costs. Northern Borders feels this would be a good project for their grant. Preliminary engineering is step one, which would help answer a lot of starter questions like how water and sewer will move together. Gannon moved to approve a request to apply for grants related to the proposed Rt 9 East sewer and water expansion project, Rice second; all in favor.

Out of Sewer Commission at 6:35 pm

Fitzgerald moved to enter into Liquor Commission at 6:35 pm, Rice second; all in favor.

6. Liquor Commission

- Tribuno moved to approve Second-Class License Renewals for Jolley Associates LLC dba #147 Wilmington Jolley and Sonny's Cup & Saucer Inc dba C&S Beverage;
- First-and Third-Class License Renewal for The Dairy Bar Inc dba Dots Restaurant;
- First-Class and Outside Consumption Renewal for L&W Hospitality Inc d/b/a Nutmeg Inn
- First and Third-Class and Outside Consumption Renewal for Pipe Dream LLC d/b/a Anchor Seafood restaurant, Rice second; all in favor

Out of Liquor Commission at 6:37 pm

7. Other Business/Correspondence

8. Selectboard Members Comments

9. Town Manager's Updates

- A resident sent in a letter of thanks to Officer O'Neil for his response to a distress call. He showed sensitivity, compassion, empathy and understanding to someone in need during a volatile episode.
- Qualified immunity relates to all public bodies, not just law enforcement. The current bill focuses solely on law enforcement. It allows a judge to decide whether or not qualified immunity is appropriate in each case. Town manager would like to submit a letter in support of our police department. Gannon suggested inviting Senator Sears to a Selectboard meeting. Chief is concerned it is going to turn police roles to reactive rather than proactive.
- A Cannabis Control Guidance for municipalities has been issued by the state. Town cannot regulate a cannabis establishment to any greater extent than any other business. And zoning cannot prohibit cannabis, if the town votes to opt-in. Retailers will need local and state licenses.

Meeting adjourned at 7:18 pm.

Respectfully Submitted,  
Jessica DeFrancesco, Administrative Assistant

Approved by the Wilmington Selectboard:

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Thomas Fitzgerald, Chair

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John Gannon, Vice Chair

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Vince Rice, Clerk

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Sarah Fisher

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Tony Tribuno

**Renaud Bros., Inc.**

283 Fort Bridgman Road  
Vernon, VT 05354

**Quote**

Date	Quote #
12/9/2021	1861

Name / Address
Town of Wilmington P.O. Box 217 Wilmington, VT 05363

Project	
Description	
Qty	Total
Concrete Box Culvert 20' x 8' x 50' Includes (1) 2' Headwall, inlet and outlet Delivered to site	1 155,000.00
Installation; Includes Crane, set crew, grout and membrane: Rigging all boxes, setting boxes, oversight for grade, grouting all joints, membrane top and sides (down 12")	1 58,000.00
<b>Total</b> \$213,000.00	

Dec 802-257-7383

From: Dan Dearstyne ddear@peckham.com  
 Subject: East Dover rd quote  
 Date: Feb 7, 2022 at 10:38:45 AM  
 To: Sheldon Brasseur sbrasseur@wilmingtonvt.us



Peckham Industries, Inc.  
 20 Haarlem Avenue, White Plains, NY 10603  
 (914) 949-2000

### Hot Mix Asphalt Pavement Estimate

Customer: Town of Wilmington	Salesman Information:
Project: T/O Wilmington- East Dover rd	Name: Dan Dearstyne
Description:	Phone:
Estimate: 1/28/2022	Mobile:
	Fax:
	Email: ddear@peckham.com
	Total Square Yardage: 373.33
	Dimensions (in feet) Area
	Length=140, Width=24.0 373.33

Comments:

Material	Course	Depth	Rate of Appl*	Qty	Unit Price	Cost
Pavement	2 Other	1.00	115.000	21.47	150.00	3,220.50
	1 Binder	3.00	115.000	64.40	150.00	9,660.00
*lbs per Sq Yrd per In depth				Total Material		\$12,880.50
OGS AC Index: <del>670100</del> 524				Total Project		\$12,880.50

This pricing is an estimate only based upon measurements shown and the process selected. Municipal pricing is subject to change either up or down based upon the current asphalt price index at the time the work is performed. An updated estimate can be provided upon request during the month in which the work is performed.



## PROPOSAL

Vermont Recreational Surfacing & Fencing, Inc.  
PO Box 147  
Barnet, VT 05821  
[www.vt-recreational.com](http://www.vt-recreational.com)

Toll Free: 800.639.8071  
Phone: 603.638.2738  
Fax: 603.638.4458  
Email: [vtrecnh@gmail.com](mailto:vtrecnh@gmail.com)

Date: 12/13/2021

Submitted to: Sheldon Brasseur

Town of Wilmington  
PO Box 217  
Wilmington, VT 05363

Direct: 802-780-8490  
Cell:  
Email: [sbrasseur@wilmingtonvt.us](mailto:sbrasseur@wilmingtonvt.us)

Job: Road Name?  
Wilmington, VT

*We hereby propose to furnish the materials and perform the labor necessary for the completion of:*

### Guardrail

- > Reset 140 LF of guardrail
- > Wilmington to Remove RAIL
- > Job done when in the area

PRICE: \$2,811.00

Town responsible for flagging and dig safe

### OPTION

- > Special trip to do work

ADDITIONAL PRICE \$665.00

### NO RETAINAGE

### PRICES ARE GOOD FOR TEN (10) DAYS FROM THE DATE OF THIS PROPOSAL

*Quote based on machine driven posts in accessible ground conditions.*

*Unforeseen ground conditions may add costs to the project.*

*Digsafe premarks and marking of private utilities not covered by Digsafe is the responsibility of the owner or GC.*

*All material is guaranteed to be specified, and the above work to be performed in accordance with the drawings and specifications submitted for the above work and completed in a substantial workman-like manner:*

*Handsetting of posts an additional \$100.00 per post. Does not cover hand digging in hard pack or rock/rip rap.*

*Downtime billed out \$750.00 per our if site is not properly prepared.*

Respectfully Submitted:

Stephen Shattuck

*The above prices, specifications and conditions are hereby accepted.  
You are authorized to do the work as specified.  
Acceptance of Proposal*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Payments must be made within 30 days from invoice date.*

*\*\*An annual finance charge of 18% will be charged on all invoices over 30 days.*

*\*\*\*You will also be responsible for any collection fees that may occur should the account become delinquent, including but not limited to court filings, experts, consultants, service of process, and attorney fees*

## **Request For Funding Through the 1% Local Option Tax Fund**

### **Name of Person/Organization/Business/Committee**

Windham County Conservation District (NRCDC)

**Date of Request:** February 7, 2022

### **Contact person, phone numbers, mailing and email address:**

Cory Ross, District Manager Windham NRCDC  
28 Vernon Street Suite 332  
Brattleboro, VT 05031  
802-689-3024  
[Ross.wcnrcd@gmail.com](mailto:Ross.wcnrcd@gmail.com)

### **Amount of Request and Date Funding Needed:**

\$2,965.39, May of 2022

### **Describe in detail the purpose and specific use of the funding:**

The funds would be used for the 2022 Lake Raponda Greeter Program. The program is in its 6<sup>th</sup> year and will run from late May until early September in coordination with the Lake Raponda Association, the Lake Raponda Environmental Foundation, the Town of Wilmington and the Windham NRCDC. The purpose is to manage the program with paid greeters to educate and inspect boats for invasive species entering Lake Raponda. The greeters will also enter data collected from each day into the state's data management system.

### **Please provide a financial breakdown of your project/request:**

We anticipate the Vermont DEC will provide \$5,230, the same as last year. The Lake Raponda Environmental Foundation is willing to provide funding up to \$5,437. Wilmington's contribution of \$2,965.39 will include the portable toilet. The total proposed budget for the 2022 season is \$13,166.69 with an additional \$3,433 of in-kind matching services. The full proposed budget is attached.

### **Briefly describe the need for the funding and any other information that can support the application:**

These funds will help prevent invasive species in Lake Raponda, which in turn, protects the properties around the lake.

  
**Signature of Applicant**

2/7/22  
**Date**



**Expenses:**

Grant Administration	\$605
Greeter Coordination	\$605
Greeters	\$10,816
Bookeeping	\$220
Total Personal	\$12,246
Total Fringe Costs	\$827.42 (includes FICA)
Equipment:	
Portable Toilet	\$465.39
Pop up Shade Tent	\$70

Total Expense: \$13,608.81

**Anticipated Income:**

VT DEC	\$5,230
Town of Wilmington	\$2,965.39
Lake Raponda Environmental Foundation	\$5,437
<u>Total Income</u>	<u>\$13,632.39</u>

## **Wilmington 4 year Downtown Designation Review and update:**

*The State Downtown Designation program has recently changed from a 5 year renewal cycle to a 8 year cycle with a review at 4 years. The Town of Wilmington and Wilmington Works are scheduled for a 4-year Downtown Designation review meeting with Gary Holloway, the State Downtown Program Coordinator on March 3rd.*

*At the meeting, we are asked to detail program accomplishments over the last 4 years as well as discuss ongoing activities for the remainder of our renewal period. We also have an opportunity to reflect on the ongoing relationship between the Town and the Downtown Organization.*

### **PROGRAM ACCOMPLISHMENTS 2018-22**

- South Main Street East Side sidewalk and pedestrian lighting complete; received funding for N. Main and are working through our scoping plan to replace all the sidewalks in our core downtown business district.
- 2020 Pandemic business assistance: good outreach to businesses and support through the process of state and local grants; worked with Municipal E.D. and town for a local loan program which ultimately was reimbursed through funds to the Town so those could be all or partially forgiven. Only one business (Cask and Kiln) did not reopen after closing for the pandemic.
- Beaver Street Art Project: received VT Arts Council (2019, \$15,000) and Better Places (2021, \$18,000 ) funding for this ambitious public art project on Beaver Street Retaining wall. Goal to revitalize and create value for a neighborhood in development. Installation of project to be completed in 2022.
- VEE: acted as a hub for the Vermont Everyone Eats program from September 2020-June 2021. This provided valuable funding (\$200,000 total) for restaurants operating at reduced capacity during the pandemic, as well as a source of nutrition for local families and seniors. We discontinued as restaurants returned to full operational capacity in July 2021. Local groups that were involved with this effort as partners have continued work on their own around food insecurity in Wilmington.
- Placemaking grants for Winter Placemaking from AARP in 2020/2021/2 winters (\$9,000 total) . This is allowing us to develop new programming for outdoor community events in a part of town that is underutilized during the winter.
- Summer events: have continued popular downtown events (Village Stroll and Block Party) and during the pandemic introduced an art and landscape tour that could be repeated in future.
- Redesigned Website for a cleaner and more visually appealing look that makes it easier to convey critical information.

### **PROGRAM GOALS AND PROJECTS FOR 2022-2026**

- **Economic Development**
  - Continue moving forward with constructing and running a Workspace Center within the Old School for single day and regular use by small businesses, individuals, students, remote workers, and self employed workers. Seek funders and integrate with Wilmington Works/Old School operations.
  - Work with E.D. consultant on updated Market Analysis for business needs, review and compile meals/rooms/alcohol/sales/use tax data and traffic data, communicate formally with owners of vacant buildings to work to fill these spaces and encourage new business development within the Downtown.
- **Promotions Committee:**

- Continue to build and expand existing summer and winter events, while developing written materials to streamline event production
- Work with Bi-Town committee on marketing efforts to be sure Wilmington is featured in campaigns and messaging is on point for Downtown.
- Develop communications schedule seasonally (social media, newsletter, etc)
- **Design Committee**
  - Work with the Town on completion of current sidewalk projects in process (E. Main and N. Main).
  - Identify funding sources for ongoing sidewalk projects, with S. Main W. side and moving utilities underground as a priority.
  - Explore locations & media for additional art display in the downtown: fencing, walls, electrical boxes, vacant buildings, open space (sculpture)
  - Determine areas of collaboration with Beautification Committee and communicate with business owners around a coordinated effort to decorate downtown for winter holidays
  - Provide assistance to group interested in designing and locating a Vietnam Veteran's memorial, potentially near new PS facility

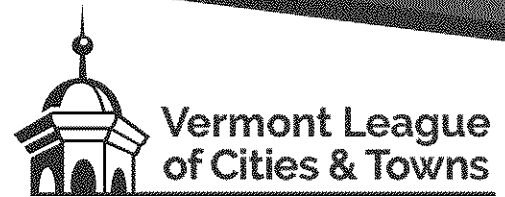
## **RELATIONSHIP BETWEEN MUNICIPALITY AND DOWNTOWN ORGANIZATION**

Over the past 4 years, the Town of Wilmington and Wilmington Works have continued to maintain a fruitful and mutually beneficial relationship. Ongoing municipal funding through the 1% fund allows Wilmington Works to maintain a Program Coordinator to oversee the day to day operation of the organization under supervision of a 10 member Board of Directors. This keeps projects moving forward and allows the organization to apply for and manage grant funding. Wilmington Works adds valuable capacity to the part time Town Economic Development department. In addition, Wilmington Works serves as a home for projects that might not otherwise be able to be taken on by other volunteer groups or the Town. Wilmington Works often serves as a connector, bringing several groups together to make projects or events successful.

## **BENEFITS TO TOWN AND ORGANIZATION OF DOWNTOWN DESIGNATION**

The Downtown Designation program provides a wealth of support for our Downtown. The State program initiates a flow of information around funding opportunities, as well as ideas on how best to support our Downtown and its businesses. In addition, the program gives access to a network of other engaged organizations doing similar work throughout the state. Organization directors meet bi-weekly over zoom, and twice yearly in person, to share ideas and materials they have used to good effect in their towns.

For the Town, participation in the program gives exclusive or priority funding to many State grant programs, as well as raising the stature of the Downtown Organization in the eyes of funders. The amount of funding we have been able to secure and utilize to improve our community (not to mention leveraging additional private and grant investments) has been invaluable in continuing to support the ongoing development and maintenance of the vibrant Downtown that is key for Wilmington's economic success, and success as a community.



February 4, 2022

Greg Sellei  
8 E Main St., PO Box 1332  
Wilmington, VT 05363

Re: File#: 20220117-G01  
Claimant: Greg Sellei  
VS: Wilmington Town  
Loss date: 10/31/2021

Dear Mr. Sellei,

Wilmington Town is a member of the Vermont League of Cities and Towns Property & Casualty Intermunicipal Fund (VLCT PACIF). PACIF is a Self-Insured Intermunicipal Pool. We investigate PACIF claims for our members. To consider payment of a claim, it must be proven that our member is legally liable for the property damage.

We reviewed your detailed letter to the town regarding the missing kayak. In our discussion with the town, we were told that people have left their boats at Lake Raponda at their own risk. There is no secured area nor is there any area that is manned or monitored. There are no town employees at Lake Raponda, there are only volunteers that talk to people about invasive species.

The town had to do dam maintenance and boats needed to be moved. Signs were put up in 2020 and again in 2021 that boats needed to be moved. There was also a Public Notice in the Deerfield Valley News dated October 14, 2021, advising about the dam maintenance and removal of any boats. Any boats that were not moved prior to the dam maintenance were moved by the Highway Department. There are no town employees at Lake Raponda, there are only volunteers that talk to people about invasive species they are not paid by the town.

We determined that Wilmington Town is not legally liable for your missing kayak. Therefore, we respectfully deny your claim for payment.

If you have any questions, please feel free to contact me directly.

Respectfully,

Pam Blouin  
Sr. Claims Representative

Gabrielle Sellei ~ Greg Sellei  
8 E. Main Street, rear apt  
PO Box 1332  
Wilmington VT 05363  
802.363.3495 ~ [gjsellei@hotmail.com](mailto:gjsellei@hotmail.com)

February 10, 2022

*via hand delivery*

Mr. Scott Tucker, Town Manager  
2 E. Main Street  
PO Box 217  
Wilmington, VT 05363

**Re: Mishandling of Residents' Personal Property**

Dear Mr. Tucker:

We are in receipt of correspondence from the Town of Wilmington's self-insurance administrator. Regardless of the denial of coverage for the loss of our kayak, we maintain our position that Wilmington was grossly negligent and/or reckless in removing personal property secured by locks and chains and simply dumping it by a roadside in plain view of anyone passing by, leading directly to the theft of several boats. These boats could have been removed and stored in a secure location, could have been loaded onto a trailer and secured, or any number of other arrangements making them at least as secure as they were before Wilmington intervened. Accordingly, we are requesting payment of our claim (\$350) directly from Wilmington, regardless of the limits of the insurance pool's policies. We are also seeking reassurance that Wilmington will not act with such reckless disregard for what is obviously its residents' private property in the future.

Thank you,

Gabrielle Sellei  
Greg Sellei

# 2022 W A R N I N G

## ANNUAL TOWN MEETING

### Wilmington, Vermont Tuesday, March 1, 2022

The legal voters of the Town of Wilmington are hereby notified and warned to meet at the Old School Community Center (OSEC) in said Wilmington, Vermont, from 7:00 A.M. until 7:00 P.M., on Tuesday, March 01, 2022, to vote by Australian Ballot.

Article 1: To elect all Town and Town School District Officers required by law and all articles as set forth below.

Article 2: Shall the Town vote to raise and appropriate the sum of \$2,679,221 to care for the expenses and liabilities of the General Fund for fiscal year 2023 (7/1/22 to 6/30/2023)?

Article 3: Shall the Town vote to raise and appropriate the sum of \$1,531,250 to care for the expenses and liabilities of the Town Road Budget for fiscal year 2023 (7/1/22 to 6/30/2023)?

Article 4: Shall the Town vote to allocate the State per parcel payment estimated to be \$26,792 to the Reappraisal Reserve Fund?

Article 5: Shall the Town vote to raise and appropriate \$175,000 to fund the Highway Town Road Equipment Capital Fund?

Article 6: Shall the Town vote to raise and appropriate \$100,000 to fund the Bridge Capital Fund?

Article 7: Shall the Town vote to establish a Highway Building Capital Fund for the purpose of building maintenance, and raise and appropriate \$5,000 for such fund?

Article 8: Shall the Town vote to raise and appropriate \$150,000 to fund the Fire Department Equipment Capital Fund?

Article 9: Shall the Town vote to raise and appropriate \$5,000 to fund the Fire House Capital Fund?

Article 10: Shall the Town vote to raise and appropriate \$20,000 to fund the Memorial Hall Capital Fund?

Article 11: Shall the Town vote to raise and appropriate \$12,000 to fund the Library Capital Reserve Fund?

Article 12: Shall the Town vote to raise and appropriate \$20,000 to fund the Town Hall Capital Fund?

Article 13: Shall the Town vote to raise and appropriate \$20,000 to fund the Police Equipment Capital Fund?

Article 14: Shall the Town vote to raise and appropriate \$5,000 to fund the Transfer Station Capital Fund?

Article 15: Shall the Town vote to raise and appropriate \$10,000 to fund the Public Lands and Fences Capital Fund?

Article 16: Shall the Town vote to establish a Water Capital Fund for the purpose of maintaining water reservoirs, systems and equipment, and raise and appropriate revenue for such fund under the control and direction of the Selectboard, sitting as the Water Commission, to be funded by rate payers?

Article 17: Shall the Town vote that water charges will bear interest at a rate of one percent per month or fraction thereof for the first three months and thereafter one and one-half percent per month or fraction thereof, from the due date of such charges pursuant to 24 VSA 5151(c)?

Article 18: Shall the Town vote to expend \$260,000 from the FY21 surplus to fund the Planning & Acquisition Capital Fund for the purpose of the Public Safety Facility expenditures.

Article 19: Shall the Town vote to discontinue its two additional elected Lister positions pursuant to 17 V.S.A. § 2650(c) so the number of elected Listers is reduced to three?

Article 20: Shall the Town authorize cannabis retailers in town pursuant to 7 V.S.A. § 863?

Article 21: Shall the Town vote to add three Justice of the Peace positions for a total of ten, based on the population?

Article 22: Shall the Town vote to collect taxes on August 26, 2022 and February 24, 2023?

Dated at Wilmington, Vermont this 18<sup>th</sup> day of January 2022.

**Selectboard of the Town of Wilmington**

Tom Fitzgerald, Chairman \_\_\_\_\_

John Gannon, Vice Chair \_\_\_\_\_

Vince Rice, Secretary \_\_\_\_\_

Sarah Fisher \_\_\_\_\_

Tony Tribuno \_\_\_\_\_