

Wilmington Selectboard Agenda
March 15, 2022 at 6:00 pm

1. Re-Organization
 - *Elect Chairperson, Vice Chairperson, Clerk*
 - *Other Actions and Appointments*
(ex-officio assignments, Selectboard schedule, official newspaper, Conflicts of Interest Policy, and Rules of Procedure.)
2. Visitors, Public Comments, Possible Changes to the Agenda
3. Approve Minutes of February 15, 16 and 23, 2022 (5 minutes)
4. Action Items (10 minutes)
 - *Roads to be posted for spring 2021 (to be filed with the Selectboard for spring postings).*
 - *The Selectboard to possibly approve the annual highway financial plan.*
 - *The Selectboard to possibly approve the amended agreement with Great River Hydro for the Hoot, Toot and Whistle Trail.*
5. 1% Local Option Tax Fund Request (10 minutes)
 - *The Selectboard to possibly approve the bid from Weston & Sampson for design and engineering improvements of the Hoot, Toot and Whistle trail in the amount of \$16,000.*
6. Equalization Study
 - *The Selectboard to possibly join PVR of the Tax Dept. in stipulating that the Equalized Education Property Value, CLA and COD has been determined and accept the results as of April 1, 2021 and will not pursue any further appeals and/or seek any further changes in stated values.*
7. Appointments (5 minutes)
 - *Actions and Appointments: The Selectboard to possibly re-appoint incumbent volunteers to town boards, commissions, and committees.*
8. Liquor Commission (5 minutes)
 - *The Liquor Commission to possibly approve a Second-Class License Renewal for Vermont Staples Good Co, Inc dba River Bend Farm Market (Wilmington), Brockton Corp dba Shaw's Beer & Wine, and Red Fox Shop LLC*
 - *A First- and Third- Class and Outside Consumption Renewal for the La Casita LLC, WI Foster LLC dba Wilmington Inn, and WHVT LLC dba White House Inn.*
 - *A First- and Third- Class Renewal for Maple Leaf Tavern*
 - *An Open Container Exemption Permit for the Beer and Stroll on April 1, 2022 at Memorial Hall, Ratus, Bartleby's Books, Incurable Romantic, 1836 Country Store, and Chapman's Antiques.*
9. Other Business
10. Select Board Members Comments
11. Town Manager's Updates (10 minutes)
12. Executive Session
 - *The Selectboard to enter into executive session to discuss the possible sale of town owned property.*

Policy Regarding Conflicts of Interest and Ethical Conduct
For the Town of Wilmington
March 15, 2022

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Town of Wilmington hereby adopts the following policy concerning conflicts of interest and ethical conduct.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in its officers will be preserved. It is also the intent of this policy to ensure that all decisions made by public officers are based on the best interests of the municipality.

Article 3. Application. This policy applies to all individuals elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions of the Town of Wilmington.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A real or seeming incompatibility between a public officer's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of a public officer or a person or group closely tied with the officer including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of an official act or action, or any other matter pending before the officer or before the public body in which the public officer holds office. A conflict of interest may take any of the four following forms:
 - a. A direct financial conflict of interest arises when a public officer acts on a matter that has a direct financial impact on that officer.
 - b. An indirect financial conflict of interest arises when a public officer acts on a matter that has a financial impact on a person or group closely tied to the officer.
 - c. A direct personal conflict of interest arises when a public officer acts on a matter that has a direct impact on the officer in a non-financial way but is of significant importance to the officer.
 - d. An indirect personal conflict of interest arises when a public officer acts on a matter in which the officer's judgment may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization further its own interests.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communication(s) related to a quasi-judicial proceeding that is before the body to which that officer belongs.

A "conflict of interest" does not arise in the case of an official act or action in which the public officer has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

- B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.
- C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- D. **Official act or action** means any legislative, administrative or quasi-judicial act performed by any public officer while acting on behalf of the municipality. This term does not apply to ministerial acts or actions wherein no discretionary judgment is exercised.
- E. **Public body** means any board, council, commission, or committee of the municipality.
- F. **Public interest** means an interest of the municipality, conferred generally upon all residents of the municipality.
- G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include municipal employees.
- H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- A. A public officer shall not participate in any official act or action if he or she has a conflict of interest, whether real or perceived, in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization that has an interest in an official act or action pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer will not request or accept any reward, gift, or favor for taking an official act or action or advocating for or against an official act or action.
- E. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.
- F. A public officer who is a member of a public body shall not give the impression that he or she has the authority to make decisions or take actions on behalf of that body.

Article 6. Disclosure. A public officer who, while serving on a public body, may have a conflict of interest, whether real or perceived, in a matter under consideration by that public body shall, prior to taking an official act or action or participating in any official act or action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and

disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest, whether real or perceived.¹

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

Article 8. Recusal.

- A. **Recusal of Appointed and Elected Officers.** After taking the actions listed in Articles 6 and 7, a public officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.² Otherwise, the public officer shall recuse him or herself from the matter under consideration. A public officer that recuses him or herself may, but not must, explain the basis for that decision.
- B. **Recusal of Appointed Officers.** The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest, whether real or perceived, may be grounds for discipline or removal from office.³

Article 9. Recording. The minutes of the meeting or the written decision / minutes from the meeting / hearing shall document the actions taken in Articles 6 through 8.

Article 10. Post-Recusal Procedure.

- A. A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.
- B. The public body may adjourn the proceedings to a time, date, and place certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

¹ Such request shall not be considered an order for the officer to recuse him or herself.

² Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

³ Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

Article 11. Enforcement.

A. Enforcement Against Elected Officers; Consequences for Failure to Follow the Conflict of Interest Procedures. In cases in which an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 10, the Town of Wilmington Selectboard may, in its discretion, take any of the following disciplinary actions against such elected officer as it deems appropriate:

1. The chair of the Selectboard may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.
2. The Selectboard may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Selectboard may admonish the offending public officer in private.
3. The Selectboard may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Selectboard may request (but not order) that the offending public officer resign from his or her office.

B. Enforcement Against Appointed Officers. The Selectboard may choose to follow any of the steps articulated in Article 11A. In addition to or in lieu of any of those steps, the Selectboard may choose to remove an appointed officer from office, subject to state law.

Article 12. Exception. The recusal provisions of Article 8 shall not apply if the Selectboard determines that an emergency exists or that actions of a quasi-judicial public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall only be required to disclose such conflict as provided in Article 6.

Article 13. Effective Date. This policy shall become effective immediately upon its adoption by the Town of Wilmington Selectboard.

Signatures:

Thomas Fitzgerald

Sarah Fisher

John Gannon

Tony Tribuno

Vince Rice

Date: March 15, 2022

WILMINGTON SELECTBOARD RULES OF PROCEDURE

- A. PURPOSE.** The selectboard of the Town of Wilmington is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law; 1 V.S.A. §§ 310-314. Meetings of the selectboard of the Town of Wilmington must be open to the public at all times, except as provided in 1 V.S.A. § 313. At such meetings, the public must be afforded reasonable opportunity to give its opinion on matters considered by the Selectboard so long as order is maintained. Such public comment is subject to the reasonable rules established by the chair of the Selectboard; 1 V.S.A. § 312(h). All attendees, Selectboard and the public, are expected to exhibit courteous and respectful behavior.
- B. APPLICATION.** This policy setting forth rules of procedure for selectboard meetings shall apply to all regular, special, and emergency meetings of the Town of Wilmington Selectboard except as noted below.
- C. PROCEDURES.**
1. The Chair of the Selectboard, or in the chair's absence, the vice-chair, shall chair all Selectboard meetings. If both the chair and the vice-chair are absent, a member selected by the board shall chair the meeting.
 2. The chair shall rule on all questions of order or procedure and shall enforce these rules as required by 1 V.S.A. § 312(h).
 3. A majority of the members of the selectboard shall constitute a quorum. If a quorum of the members of the selectboard is not present at a meeting, the only action that may be considered by the selectboard is a motion to recess or adjourn the meeting.
 4. At the beginning of each regular Selectboard meeting, there shall be time afforded for open public comment on any issue. By majority vote, the Selectboard may adjust the agenda items and times accordingly.
 5. Public comment on agenda items, if not offered during the open public comment period, may be offered during the meeting with the permission of the chair.
 6. Each Selectboard meeting shall have an agenda, with time allotted for each item of business to be considered by the Selectboard. Those who wish to be added to the meeting agenda shall contact the Town Manager before 12:00 pm on the Thursday preceding a meeting to request inclusion on the agenda. If the Town Manager disagrees with a request to add an item, the Selectboard chair will make the final determination. No matters shall be discussed and decided by the board other than as they may appear on the agenda with the exception of emergency or routine business.
 7. All business shall be conducted in the same order as it appears on the agenda, except that by majority vote of the Selectboard, the order of items to be considered and/or the time allotted may be modified.
 8. The chair of the Selectboard may make motions and may vote on all questions before the board.
 9. There is no limit to the number of times a Selectboard member can speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will not be entertained.
 10. Any Selectboard member may request a roll call vote.
 11. Meetings may be recessed to a time and place certain.
 12. These rules shall be made available at all meetings.
 13. Selectboard members will meet the requirements of its "Conflict of Interest Policy"
 14. These rules may be amended by majority vote of the Selectboard, and must be readopted annually at the organizational meeting.

READOPTED 03/15/22 by WILMINGTON SELECTBOARD

Thomas Fitzgerald

John Gannon

Vince Rice

Sarah Fisher

Tony Tribuno

Wilmington Selectboard Meeting Minutes February 15, 2022

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

Others Present: Scott Tucker, Jessica DeFrancesco, Meg Staloff, Gretchen Havreluk, Amelia Nick, Sheldon Brassor, Cory Ross, Gabrielle Sellei, Bob Bois, Nicki Steel, Therese Lounsbury, Jessica Lee Smith

Meeting called to order at 6:05 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of February 1, 2022
 - Fisher moved to approve the minutes of February 1, 2022, Rice second; all in favor.
3. Action Items
 - Fitzgerald moved to approve the annual certificate of compliance for town road & bridge standards, Rice second; all in favor.
4. East Dover Rd
 - The town will be applying for a grant, but there is a possibility of not receiving it. ANR did reduce the size of the culvert necessary, which will be a cost savings. The bid Brassor would like to go with is from Renaud which includes the setting and assembly of the culvert plus the crane needed. Fisher moved to approve using the Highway Capital fund for the replacement of a culvert on East Dover Rd in case grant funding is not received, and approve the recommendation of Renaud Bros, Rice second; all in favor.
5. 1% Local Option Tax Fund Request
 - The program is hoping to offer more hours for earlier mornings and later evenings, as well as offer a slightly higher wage. Fisher moved to approve a 1% request in the amount of \$2965.39 for the Lake Raponda Greeter Program, Tribuno second; all in favor.
6. Downtown Designation
 - The Program has moved to an 8-year renewal with a 4-year review. Projects completed in the past 4 years includes the South Main St sidewalk and lighting, COVID-19 business recovery help, Beaver St Art Project, VT Everyone Eats and Winter Place. Working on finding the "gaps" in Wilmington and filling them, and utilizing the OSEC space are plans in the works. Tribuno commented that public restrooms and ample parking are some of the biggest struggles and could maybe be a focus.
7. Lake Raponda Dam Kayak
 - The Selectboard discussed a letter regarding a missing kayak from Lake Raponda that was moved for dam maintenance. The town insurance company denied the claim. The owner of the kayak felt that the town had responsibility for her property once it was removed from the dam site and placed in a nearby parking area. Fitzgerald commented that our insurance company denied the claim, stating that the town is not legally liable for a theft or missing kayak.

8. Face Coverings in Town

- Tribuno moved to rescind the resolution requiring masks be worn in all public buildings and town owned buildings effectively immediately, Fisher second; all in favor.

Fitzgerald moved to enter into Liquor Commission at 6:52 p.m., Tribuno second; all in favor.

9. Liquor Commission

- Tribuno moved to approve a Second-Class License Renewal for Bearclaw Holdings LLC dba River Valley Market at Mt Snow, Rice second; all in favor.

Out of Liquor Commission at 6:53 p.m.

10. Other Business/Correspondence

- March Meetings; cancel Selectboard meeting on March 1st; meet again on March 15th.
- Assign Town Meeting articles

11. Selectboard Members Comments

- Gannon stated that Wilmington may be moving into the Windham County Senator area.

12. Town Manager's Updates

- Hall Road dam removal and channel restoration project is taking place this year.
- Eat, Sleep, Shop Local 2021 Christmas holiday season program was a success.
- Bylaw Modernization Grant agreement with Windham Regional Commission was signed; in progress, to completion by January 31, 2024.

13. Executive Session

- Fitzgerald moved to find that premature general public knowledge of the sale of town owned property would place the town at a substantial disadvantage, Rice second; all in favor.
- Fitzgerald moved to enter into executive session at 7:19 pm, to include the Town Manager, to discuss the possible sale of town owned property, Rice second; all in favor.

Out of executive session at 7:25 pm

- Fitzgerald moved to approve the Authorizing Resolution and Consent of the Town of Wilmington Selectboard to sell Parcel ID HSOVERLO.020 and HSOVERLO.062 to VT Golf Real Estate LLC for \$6,325.22, Rice second; all in favor.
- Fitzgerald moved to approve the Legal Notice to convey certain real estate property by Quitclaim Deed to VT Golf Real Estate LLC, Rice second; all in favor.

Meeting adjourned at 7:30 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

Wilmington Selectboard Meeting Minutes
Joint Meeting with Dover
February 16, 2022

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

Dover Board: Vicki Capitani, Joe Mahon, Dan Baliotti, Sarah Shippee

Others: Scott Tucker, Jessica DeFrancesco, Gretchen Havreduk, Eric Durocher, Shannon Wheeler, Tim Dolan, Jessica Lee Smith

Meeting called to order at 6:02 pm

1. 1% Local Option Tax Request

- Tim Dolan, Marketing Director, presented a Bi-Town Marketing proposal based on the five-year plan brought to the Boards last year. In FY21 created a new visitvermont.com website; content capturing through photos and videos; hired Dolan as Marketing Director. Upcoming summer photos and a professional photo shoot. Website maintenance, content creation, Director salary, photography/videography, and digital advertising make up the majority of the budget. Committing to this year does not mean each town is committed for the full five years. Fitzgerald and Fisher would like to discuss the plan more at a later date. Havreduk feels that marketing the valley is really important and needs to be in the forefront. Tribuno would also like more time to get more background on the plan and what has been done. Fisher would like to have a more definitive long-term plan, not a year-to-year plan. Gannon moved to approve a 1% request from the Bi-Town Marketing Committee in the amount of \$55,979 for the purpose of hiring an agency for branding and ad creation, Tribuno second; 4-1.

Meeting adjourned at 6:54 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

February 23, 2022

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

Others Present: Scott Tucker, Jessica DeFrancesco, Matt Murano, Sheldon Brassor, Christine Richter, Debby Kingsley, Scott Moore, John and Rachel Lazelle, Mike Tuller, Therese Lounsbury, Nicki Steel, Adam Grinold, Kathy Larsen, Meg Streeter, Jessica Lee Smith, Bill Adams, Chris Lavoy, Bonnie Lorimer, Jerry Osler, Fred Houston, Eithne Eldred, Amelia Nick, Allison Maynard

Meeting called to order at 6:00 pm

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)?

- No comments

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)?

- Meg Streeter asked for update on big projects. There is a large culvert on East Dover Rd that needs replacement. The state has denied grant applications, so it will have to be replaced with town funds if denied again.

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

- Is this a new account and what is it for? It is not a new account. It was voted on a few years ago to put this into a Capital Reserve to fund upcoming reappraisals.

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

- No comments

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

- No comments

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?

- This is a new account to help fund large repairs to the highway garage that should have been established when the building was built, but was not.

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

- There is a truck coming up for replacement. There is a committee working on it. Fall 2022 is the projected truck purchase date. This account also purchases turn-out gear for the firefighters.

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

- No projects planned, just basic maintenance right now. The future of the building is still unknown.

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

- No comments

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

- No comments

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

- Windows need to be replaced in the meeting room and in part of the offices. It is a very expensive project.

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

- Portable radios, cruiser radios, and other equipment is funded through this account.

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

- No comments

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

- This account was created as a culmination of regrouping a handful of accounts into one, and renaming it. It funds repairs for all public properties like the playground, tennis courts, pergola, fencing, etc.

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?

- This is a new account, as the town has taken ownership of the Water District. There is \$35,000 in the budget for a capital account, but felt it should be brought to the voters.

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)?

- The interest rate charges over the last few years have been very sporadic, so the town attorney suggested making it an article before starting to charge them again.

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?

- What would this be doing? This would be to cover any overcharges that may occur at the end of the Public Safety Facility Project. If it isn't needed, it would go back into the general fund. There has been some cost shifting that has been able to be negotiated, so this is "just in case". Not all of the surplus is being asked to be placed in this fund.

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?

- There is no longer a need for five. And the goal is to switch over to an assessor's office within the next year. The assessor will be an appointed position.

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

- This was a petitioned article. Is there a limit on the number of retailers? Voters have to vote on the retail cannabis, and can vote to rescind it later on. Rescinding it does not remove licensing for those who currently have their license. Retailers will need two licenses; they will need to go to the local cannabis control board (likely the Selectboard), and then the state. There is no limit to number of retailers. There are other types of licenses that the town would not have a say in; growing, manufacturing, distributor licenses.

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

- The number of JOP's depends on a town's population. They would be on the November 2022 ballot and go into office January 2023.

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

Meeting adjourned at 6:43 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

TOWN OF WILMINGTON ROADS TO BE POSTED SPRING 2022

Road Name (Town Highway #)	
BALLOU HILL ROAD (TH 26):	FROM ROUTE 9 TO LAKE RAPONDA RD.
BOYD HILL ROAD (TH 34):	FROM CASTLE HILL RD TO RT 100 SOUTH FROM RT 100 SOUTH TO CASTLE HILL RD
CASTLE HILL ROAD (TH 33 S):	FROM END OF PAVED PORTION TO END OF RD
CHIMNEY HILL ROADS:	FROM RT 9 TO ALL CHIMNEY HILL RDS.
FAIRVIEW AVENUE (TH 32):	FROM END OF PAVED PORTION TO END OF RD
LAKE RAPONDA ROAD (TH 4):	FROM RT 9 TO HIGLEY HILL RD. FROM HIGLEY HILL RD. TO RT 9
LOOK ROAD (TH 6):	ALL
NEW ENGLAND POWER RD (TH 31):	ALL
OLD ARK ROAD (TH 14):	ALL
OLD STAGE ROAD (TH 25N):	ALL
SHEARER HILL ROAD (TH 40):	FROM RT 9 TO WHITINGHAM & MARLBORO TOWN LINES FROM MARLBORO TOWN LINE TO RT 9 FROM WHITINGHAM TOWN LINE TO RT 9
SMITH ROAD (TH 15):, OLD TOWN ROAD (TH 75):, HAYNES ROAD (TH 17):	FROM EAST DOVER RD. TO HIGLEY HILL RD. FROM HIGLEY HILL RD. TO EAST DOVER RD.
SUN AND SKI ROAD (TH 68-67): AND HALL ROAD (TH 27):	ALL
WEST LAKE ROAD (TH 71):	ALL
WHITE'S ROAD (TH 23):	FROM RT 9 TO STOWE HILL RD. FROM STOWE HILL RD. TO RT 9
WOFFENDEN ROAD (TH 24):	ALL
WOODS ROAD (TH 30):	ALL

In accordance with Title 19, Vermont Statutes Annotated, Sections 1109-1110, and the rule made and promulgated by the State Transportation Board and administered by the Agency of Transportation, in accordance with Section 12 of Act No. 246 of 1990, the attached Road Posting notice was filed with the Wilmington Selectboard on March 15, 2022 and posted on March 16, 2022 at: Town Office Bulletin Board, Police Department, C & S Beverage and Dairy Store.

Attest: _____
Jessica DeFrancesco, Administrative Assistant

cc: **Wilmington Police Department**
 Sheldon Brassor, Highway Superintendent

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS
19 V.S.A. § 306(j)

TA-60

of _____ Fiscal Year _____ Begin _____ End _____

INCOME

DESCRIPTION	ESTIMATED
State Funds - 19 V.S.A. Section 306(a):	
Class 1	\$
Class 2	\$
Class 3	\$
Town Tax Funds – 19 V.S.A. Section 307	\$
Special Funds (e.g., bonds or earmarks):	
a.	\$
b.	\$
c.	\$
TOTAL	\$

EXPENSES

DESCRIPTION	ESTIMATED
Winter Maintenance	\$
Non-Winter Maintenance	\$
Major Construction Projects	
a.	\$
b.	\$
c.	\$
TOTAL	\$

Comments:

This form shall be signed by the appropriate town officials and forwarded to the District Transportation Administrator.

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS

TA-60

19 V.S.A. § 306(j)
(page 2)

We, the Legislative Body of the Municipality of _____ certify
that funds raised by municipal taxes are equivalent to or greater than a sum of at least **\$300.00**
per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)

_____ Date: _____

(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

_____ Date: _____

District Transportation Administrator

FIRST AMENDMENT TO LICENSE AGREEMENT

THIS First Amendment to License Agreement is made as of January 31, 2022, between **Great River Hydro, LLC**, a Delaware limited liability company, formerly known as TransCanada Hydro Northeast Inc., a Delaware corporation (“GRH”), and the **Town of Wilmington**, State of Vermont, a Vermont municipality (“Licensee”).

RECITALS

- A. GRH and Licensee are parties to the License Agreement dated May 30, 2013 (the “Agreement”) with respect to Licensee’s use, maintenance, improvement and development of the Hoot, Toot & Whistle Trail System for recreational activities; and
- B. The parties have agreed to amend the Agreement to extend the term thereof and other amendments as provided herein.

NOW THEREFORE, in consideration of the covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRH and Licensee agree as follows:

- 1. Section 1(a) of the Agreement is amended by deleting “May 31, 2023” from the second line thereof and replacing it with “January 31, 2032”.
- 2. The Agreement is amended by deleting all references to “TC HYDRO” and replacing them with “GRH”.
- 3. Section 11 of the Agreement is amended by deleting the first notice address for GRH and replacing it with the following:
 - “Great River Hydro, LLC
112 Turnpike Road, Suite 202
Westborough, MA 01581
Attn: Legal Department”
- 4. Section of the Agreement is amended by inserting the following at the end thereof:
 - “(e) Notwithstanding any provision contained herein, GRH and its successors and assigns has the right to perform, or obtain LICENSEE’s timely performance of, any and all acts required by an order or requirement of the FERC or its successor without the prior approval of LICENSEE.”
- 5. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Agreement.
- 6. All other terms of the Agreement remain in full force and effect, as amended from time to time.
- 3. This Amendment is governed by and to be construed in accordance with the laws of the jurisdiction specified in the Agreement.
- 4. This Amendment may be executed by the parties in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument.

5. Signatures to this Amendment transmitted by fax, by electronic mail in “portable document format” (.pdf), or by any other electronic means intended to preserve the original graphic and pictorial appearance of the Amendment, shall have the same effect as physical delivery of the paper document bearing the original signature. The parties agree that any such reproduction shall, to the extent permitted by law, be as admissible in evidence as the original itself in any judicial or administrative proceeding (whether or not the original is in existence and whether or not the reproduction was made in the regular course of business) and that any enlargement, facsimile or further reproduction shall likewise be admissible in evidence.

IN WITNESS WHEREOF, the parties have executed this First Amendment to License Agreement to take effect as of the date first written above.

Great River Hydro, LLC

TOWN OF WILMINGTON, VERMONT

Per: _____
Name: Scott D. Hall
Title: President & CEO

Per: _____
Name: _____
Title: Selectman

Per: _____
Name: _____
Title: Selectman

Per: _____
Name: _____
Title: Selectman

Per: _____
Name: _____
Title: Selectman

Per: _____
Name: _____
Title: Selectman



State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Agency of Administration

Phone: (802) 828-5860

Fax: (802) 828-2239

March 4, 2022

Chair, Selectboard
Town of Wilmington
PO Box 217
Wilmington, VT 05363

**Notice of Tentative Redetermination of Equalized Education
Property Value and Coefficient of Dispersion**

As a result of your request for redetermination, a representative from our Division discussed the study results with officials in your municipality. The recommendations were reviewed and the following changes were made:

Boch- removed sale as ROW and part of two sales- 19 (span 10503)

Boch- removed as part of two sales- 19 (span 13144)

Garrett- removed as abutter- 19

Scrudato- this sale was already removed from the study

Erb- changed category to R1

The changes revised our values for the January 1, 2022 determination as follows:

Equalized Education Property Value:	\$824,957,000
Common Level of Appraisal:	91.17 %
Coefficient of Dispersion:	14.02 %

We have scheduled a hearing for May 09, 2022 at 01:00 PM. Please review the enclosed stipulation agreement. By signing the stipulation you are accepting these results and withdrawing your petition for a formal hearing. Of course, you are not obligated to accept these values. If you decide not to accept, a hearing on this issue will be held before the Director on the above date (see attached appeals procedure notes).

If you accept our revised results, have both copies signed by the chair of your legislative body and return one copy to our office within 10 days of the receipt of this letter.

Sincerely,

Jill Remick, Director
Property Valuation and Review

Enclosure

cc: Town Clerk
Chair, Board of Listers / Assessor
Chair, School Board
Superintendent of Schools: SU049
District Advisor: CB





State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Agency of Administration

PVR Equalization Appeal Hearings

The Division of Property Valuation and Review (PVR) recognizes the importance of protecting Vermonters and slowing the spread of COVID-19 in Vermont. PVR is also committed to carrying out its statutory functions in a timely manner. To facilitate these two goals, PVR is taking the following steps:

- All hearings will be held via Microsoft Teams or telephone conference (if Teams is not available). A link will be sent to your town lister email if a stipulation is not reached. If you require an in-person hearing at our Montpelier office, please contact Christie.Wright@vermont.gov as soon as possible.
- All exhibits must be sent to the Hearing Officer (Margaret.Burke@vermont.gov and the other party (PVR via Christie.Wright@vermont.gov no later than *two weeks* prior to the hearing via **first-class mail and email**, unless otherwise directed by the Hearing Officer.
 - Exceptions to this requirement may be made at the discretion of the Hearing Officer only upon a showing of good cause as to why the exhibit was not timely submitted and may result in a continuance of the hearing or disallowance of the exhibit.
 - All 3 copies of the exhibits (for PVR, town, and Hearing Officer) must be identical.
 - If an electronic copy is large in size, the Hearing Officer should be advised prior to the document being emailed and may require the document to be sent via U.S. mail only.



State of Vermont
Department of Taxes
 133 State Street
 Montpelier, VT 05633-1401

Agency of Administration

Phone: (802) 828-5860
Fax: (802) 828-2239

Petition for Redetermination: Town of Wilmington

Stipulation

We the petitioners in the above referenced matter, and the Division of Property Valuation and Review of the Tax Department of the State of Vermont, join in stipulating that the Equalized Education Property Value, the Common Level of Appraisal and the Coefficient of Dispersion of said municipality has been determined as follows:

Equalized Education Property Value:	\$824,957,000
Common Level of Appraisal:	91.17 %
Coefficient of Dispersion:	14.02 %

We the undersigned, acting on behalf of the Town of Wilmington, accept these results as the Equalized Education Property Value and Coefficient of Dispersion as of April 1, 2021 and will not pursue any further appeals and/or seek any further changes in the above values.

The Division of Property Valuation and Review agrees to certify these figures as the Equalized Education Property Value and Coefficient of Dispersion for your municipality as of April 1, 2021.

Date: _____

By: _____
 Chair of Legislative Body
 Town of Wilmington

Date: _____

By: _____
 Jill Remick, Director
 Property Valuation and Review

Please sign and return the original to:

Vermont Department of Taxes
Division of Property Valuation and Review
 133 State Street
 Montpelier, VT 05633-1401



REDETERMINED Final Computation Sheet

Wilmington		13762		CUSE CLA:		Education	Municipal	Applied	Education	Municipal	Average LV	
School District ID:	245	Category	Property Count	ED Form 411 Listed Value	CUSE Value	Listed Value Excl. CUSE	Listed Value Excl. CUSE	Ratio	Equalized Value	Equalized Value	Incl. St. Exemption	
1	R1	1,659	429,809,360	0	429,809,360	429,539,360	90.76	473,566,946	473,269,458	13.46	258,915	
2	R2	347	167,775,530	621,500	167,154,030	167,094,030	90.06	186,222,544	186,155,922	10.37	483,330	
3	MHU	44	698,880	0	698,880	698,880	90.05	776,102	776,102	12.58	15,884	
4	MHL	21	1,221,060	0	1,221,060	1,221,060	90.05	1,355,980	1,355,980	30.59	58,146	
5	S1	48	3,854,510	0	3,854,510	3,854,510	90.05	4,280,411	4,280,411	18.67	80,302	
6	S2	13	1,398,410	61,500	1,336,910	1,336,910	90.05	1,545,941	1,545,941		107,570	
7	COMM	138	50,913,581	5,800	50,907,781	55,559,421	102.04	49,895,807	54,454,450	11.39	402,647	
8	CMA	9	2,295,700	0	2,295,700	2,312,850	102.04	2,249,804	2,266,611	0.00	256,983	
9	IND	1	435,200	0	435,200	435,200	102.04	426,499	426,499	0.00	435,200	
10	UE	4	18,185,701	0	18,185,701	18,185,701	100.58	18,080,832	18,080,832	0.00	4,546,425	
11	UO	0	0	0	0	0	0.00	0	0	0.00	0	
12	FRM	1	760,000	0	760,000	760,000	90.11	843,414	843,414	0.00	760,000	
13	OTH	204	51,940,810	0	51,940,810	51,940,810	85.94	60,438,457	60,438,457	15.82	254,612	
14	WOOD	0	0	0	0	0	0.00	0	0	0.00	0	
15	MISC	581	22,485,430	179,100	22,306,330	22,306,330	90.11	24,933,102	24,933,102	29.21	38,701	
			3,070	751,774,172	867,900	750,906,272	755,245,062		824,615,838	828,827,179		
PERSONAL PROPERTY:						Cable:	341,261	0	100.00	341,261	0	
						Inventory:	Inventory Exempt	0	100.00	Inventory Exempt	0	
						Machinery and Equip:	M and E Exempt	587,606	100.00	M and E Exempt	587,606	
TOTAL PERSONAL PROPERTY:							341,261	587,606		341,261	587,606	
GRAND TOTAL (REAL and PERSONAL PROPERTY):							\$751,247,533	\$755,832,668	91.17	\$824,957,099	\$829,414,785	14.02

Townwide
COD

LISTED VALUE of CONTRACTS AND EXEMPTIONS

Total Approved VEPC:	0	Total Grandfathered Exemptions:	0
Total Approved TIF District:	0	Total Municipal Contracts (Owner Pays Ed. Tax):	0
Total Non-Approved Exemptions:	348,360	Total Special Exemptions Value:	5,017,150
Total Partial-Statutory Exemptions:	81,164	Total Current Use Reduction Value:	6,855,480
Total Veterans Exemptions EGL:	110,000	Total PVR-Applied - MGL/EGL:	0
Total Veterans Exemptions MGL:	440,000	Total PVR-Applied - EGL:	0
		Total PVR-Applied - MGL:	0

Redetermined to County Treasurer: \$825,545,000
 Redetermined as State Total: \$824,957,000

Appealed CUSE Values in Computations

*** Equalization Study - 2021 ***

Form 411 Update: 11/30/2021

Wilmington

13762

CUSE CLA: 1.0031

Category	Building Value	Use Value (Land Enrolled)	Use Value Divided By CLA	Total Cuse Subtracted from 411 LV (Col 1 + Col 2)	Total CUSE Incl. in EEGL (Col 1 + Col 3)
	<u>Col1</u>	<u>Col2</u>	<u>Col3</u>		
2 R2	0	621,500	619,579	621,500	619,579
6 S2	0	61,500	61,310	61,500	61,310
7 COMM	0	5,800	5,782	5,800	5,782
15 MISC	0	179,100	178,547	179,100	178,547
TOTALS	0	867,900	865,218	867,900	865,218

SELECTBOARD RE-APPOINTMENT LIST

Terms expire APRIL 1, 2022

The following have replied they are willing to be re-appointed

<u>POSITION</u>	<u>INCUMBENT/Term yrs</u>
Tree Warden -----	Fred Skwirut/1
Energy Coordinator -----	Chuck Clerici/1
Surveyor of Wood & Shingles -----	Fred Skwirut/1
Green Up Co-Chair-----	Kathryn Larsen/1
Green Up Co-Chair-----	Rebecca Sweeney/1
Windham County Solid Waste District Supervisor Board-----	Merrill Mundell/1
Windham Regional Commission Rep-----	Mike Tuller/1 Ann Manwaring/1
Planning Commission -----	Brian Holt/4
DRB -----	Diane Abate/3
-----	Chrystal Holt/3
Trails Committee -----	Alan Baker/4

The following do NOT wish to be re-appointed

Trails Committee -----	Carlotta Gladding
-----	Smriti Keshari
DRB Alternate -----	Fred Houston