

**Wilmington Selectboard Agenda**  
**May 17, 2022 at 6:00 pm**

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of May 3 and 5, 2022 (5 minutes)
3. Action Items (10 minutes)
4. 1% Local Option Tax Fund Request (10 minutes)
  - *The Selectboard to possibly approve the Friends of Memorial Hall funding request in the amount of \$5,000.*
5. Tax Stabilization (10 minutes)
  - *The Selectboard to consider a Tax Stabilization request by the owners of 1 East Main Street*
6. Local Cannabis Control Commission (20 minutes)
  - *The Selectboard to discuss the creation of and possibly approve a Local Cannabis Control Commission*
7. Liquor Commission (5 minutes)
  - *The Liquor Commission to possibly approve a Second-Class License Application for Starfire Bakery LLC at 103 West Main St.; and*
  - *A Special Event Permit for a tasting at Ratu's Liquor and Market on June 10<sup>th</sup> from 4-6 pm, hosted by SC Distillation.*
8. Other Business
  - *Summer schedule; 2<sup>nd</sup> meeting each month June-Aug.*
9. Select Board Members Comments
10. Town Manager's Updates (10 minutes)
11. Executive Session
  - *The Selectboard to possibly enter into executive session to discuss employment contracts.*

**Wilmington Selectboard Meeting Minutes**  
**May 3, 2022**

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

**Others Present:** Scott Tucker, Jessica DeFrancesco, Paul Lockyear, Amelia Nick, Therese Lounsbury, Diane and Lenny Chapman

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
  - Add a First-Class and Outside Consumption renewal for Village Roost to #6
  - Remove the second executive session.
  - Under other business add the Selectboard to accept the communication from the Town Clerk regarding vacation days and holidays.
2. Approve Minutes of April 19, 2022
  - Fisher moved to approve the minutes of April 19, 2022, Rice second; all in favor.
3. Action Items
  - Fitzgerald moved to appoint Paul Lockyear to a two-year term as a DRB alternate, Rice second; all in favor.
4. 1% Local Option Tax Fund Request
  - Fisher moved to approve Wilmington Works' funding request in the amount of \$30,000 each year for three years, Rice second; 3-0, Fitzgerald and Gannon recused.

Fitzgerald moved to enter into Sewer Commission at 6:06 pm, Rice second; all in favor.

5. Sewer Commission
  - Fisher moved to approve final allocation for 6 restaurant seats and 2- bedroom apartment for a total of 460 gpd for 103 W Main St LLC, Rice second; all in favor.
  - Fisher moved to approve final allocation for one two-bedroom and one one-bedroom residence for a total of 420 gpd for Bruce Fischer at 56 Winter Haven Dr, Rice second; all in favor.

Out of Sewer Commission at 6:09 pm.

Fitzgerald moved to enter into Liquor Commission at 6:09 pm, Rice second; all in favor.

6. Liquor Commission
  - Rice moved to approve a Second-Class Liquor License for SuperGirl LLC dba C&S Beverage and Dairy at 157 VT RT 100N; and
  - First-Class and Outside Consumption renewal for Village Roost, Tribuno second; all in favor.

Out of Liquor Commission at 6:10 pm.

7. Other Business
  - The Selectboard accepted the communication from the Town Clerk regarding vacation days and holidays.

8. Select Board Members Comments

- There is a training for Cannabis Control at the end of the month for those Selectboard members interested.
- Gannon said a bill was just passed allowing for state assistance in unique property valuations.

9. Town Manager's Updates

- Hoping to have interviews for Highway Superintendent on Tuesday.
- The Recreation Commission was awarded a grant for after school and summer programming.
- Pre-town informational is Thursday at 6 pm; Town Meeting is the 10<sup>th</sup>.

10. Executive Session

- Fitzgerald moved to find that premature general public knowledge of the real estate appeal case would put the town at a substantial disadvantage, Rice second; all in favor.
- Fitzgerald moved to enter into executive session at 6:23 pm to include the Town Manager, Deb Kinglsey and Jerry Osler of the Listers Office, to discuss a PV &R tax appeal case VIDA Holdings LLC v Town of Wilmington, Rice second; all in favor.

Out of executive session at 6:38 pm; no action taken

Meeting adjourned at 6:40 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

## Selectboard Special Meeting Minutes

May 5, 2022

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

**Others Present:** Scott Tucker, Jessica DeFrancesco, Bob Fisher, Matt Murano, Therese Lounsbury, Meg Streeter, Phil Hoffman, Jessica Lee Smith, Amelia Nick, Gary King, Jennifer Betit-Engel, Chris Engel, Ryan O'Neil, Bonnie Lorimer, Karen Molina, Jerry & Sheila Osler, Todd Gareiss, Chris Mays, Brian Holt, Monica Donovan, Mike Eldred, Linda Green, Keith Hebert, Kit Cincotta, Mike Grady, Sara Molina, Ronnie Horn, John Lebron, Kathy Costello, DJ Boyd, Gretchen Havreluk, Lisa Sullivan, Emily Payton, Ella-VT Normal, Karen Mangold, Kris Antonides, Georgia Contois, J. Maturo

Meeting called to order at 6:00 pm

John Gannon gave a brief description of the law as it currently stands and what the vote encompasses. The town can vote to opt-out at a later time, and those retailers with licenses would be grandfathered. Special zoning cannot be put into place prohibiting cannabis.

Fitzgerald mentioned that neither of the two petitions have come from the board, but from voters. After this vote, this article can't be petitioned again until town meeting 2023.

**Article 1:** Shall the Town authorize cannabis retailers in town pursuant to 7 V.S.A. § 863?

- Meg Streeter; what is the intention in terms of the number of licenses? Certain licenses may be moved to the top (at the state level) to control the concentration of licenses in one area. The town hasn't discussed anything as a Board.
- Bonnie Lorimer; if there is a business with a manufacturer's license or a cultivator's license, but no retailers, they would have to sell outside of town? That is correct. They also can only hold one type of license.
- How do we opt-out? It would require another town vote at an annual town meeting via petition.
- Will the licenses be handled similar to liquor licenses? It will be handled very similar. They have to come through the town before the state will take them up.
- Kathy Costello; after some inquiries to other towns outside VT, she found that some towns had seen less issues in this area after dispensaries opened. Vermont would have a 20% tax on cannabis-6% sales tax, 14% excise tax. Wilmington would also have the 1% Local Option Tax. No one under the age of 21 can enter a retail cannabis store, and you will be carded twice.
- Todd Gareiss; could the 1% be increased for cannabis sales? Hoping at the state level that the tax will be increased.
- John Lebron; what response do we have from the police? They have concerns of drug impaired drivers. It's a more complicated task to process a drug impaired driver than a drunk driver. Often requires a trip to the ER for blood draws, warrants, paperwork, states attorneys, and judges; many times, after-hours. A lot more education is needed in cannabis use. Gannon stated that they are hoping to establish tools to assist with roadside testing.
- Is there a way to tell with testing what drug a driver is impaired by? In many of the instances, yes, substances are known when results come back.
- Ella-VT Normal; working on a delivery service. Gannon stated the bill will not include delivery but will have online ordering.
- Jennifer Betit-Engel; was there an up-tick in impaired drivers since the legalization in 2018? Yes, there has been an increase since then, while alcohol impairment has plateaued or decreased.

- Jessica Lee Smith; was hoping this would be more of a revenue stream for towns and communities, but it seems it is more state regulated. This bill was designed to keep large corporations out; which is why you can only hold one license and the state will prioritize smaller retailers.
- Meg Streeter; medical cannabis has been available since 2013. Retail is different.
- Bonnie Lorimer; what services would be impacted in town (police, healthcare, parking)? This may make some of this worse. How will you address this? Cannabis purchases are usually pretty quick. Based on pre-applications throughout the state, Gannon doesn't foresee the issues that other states have seen. Parking is part of your DRB application. The parking for this is no different than any other type of business opening.
- John Lebron; the Board has not done a review of the pros/cons of this coming into town.
- DJ Boyd; How many liquor licenses are in town? Maybe 20? Prohibition didn't work in the 1920's. It can be done; it needs to be done right, but can be done safely.
- Why are we asking what the 1% from alcohol is, but not about the 1% for cannabis?
- Karen Mangold: s a local cultivator who isn't using pesticides, they will be selling to local retailers, and they can rest assured that the product is safe and clean.

Meeting adjourned at 7:06 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

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

Friends of Historic Memorial Hall

**Date of Request**

May 2, 2022

**Contact person, phone number, mailing, and email address**

Hunter Charnow

26 Castle Hill Road #1

Wilmington, VT 05363

(802) 448-2150

[HunterCharnow@Gmail.com](mailto:HunterCharnow@Gmail.com)

**Amount of Request and Date Funding Needed**

\$5,000 July 1, 2022

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

As detailed in the attached budget, this funding will go towards basic operating expenses and improvements to Historic Memorial Hall. It will help to offset any realized shortfall in ticket sales should that occur.

**Please provide a financial breakdown of your project/request.**

See attached 2022 budget

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

The mission of Friends of Historic Memorial Hall is as follows:

- To provide diverse and affordable programming and performances for the Deerfield Valley Community
- Bring visitors to the valley
- Make improvements to the facility

Improvements To date:

- Renovation of Green Room
- Make-up vanity with lighting
- Rewired and repaired existing lighting system; installed new fixtures
- Upgrades to sound system
- Installed new LED work lights
- Cleaned out the backroom and box office and disposed of years of accumulated items no longer needed

Plans for 2022:

- Paint and carpet lobby
- Renovate Box office
- Renovate marquee
- Produce events that will serve as fundraisers for: Old School Community Center (new furnace) and Deerfield Valley Food Pantry (general funding)

During the past six years, the Friends of Historic Memorial Hall has produced over 35 different performances, including

- Children's Programs
- Live Theatrical Productions
- Contemporary Concerts
- Jazz and Classical Concerts
- Author Presentations
- Fundraisers

These programs attracted over 4,500 patrons, offering quality arts and entertainment programs that are not readily available in rural Vermont and the Deerfield Valley. In addition, theatergoers and showmen supported local businesses, including local restaurants, hotels, and retail stores.

Signature of Applicant Date

A handwritten signature in blue ink, appearing to read "Julie Chaney", written over a light blue grid background.

May 2, 2022





**Travis Wendel**  
802 578 5375  
twendel@pioneertimberframes.com

Letter of Intent for Tax Stabilization at 1 East Main Street

Wilmington Select Board  
P.O. Box 217  
Wilmington, VT 05363

May 11, 2022

Dear Wilmington Select Board,

I am requesting Tax Stabilization for 1 East Main Street. The building was completely gutted by the previous owners and vacant for ten years. This project will comprise of a complete restoration and renovation, preserving as much of the original floor plan and repairing or restoring historic features that have been damaged or removed.

The first floor will be for retail/restaurant, with operation area visible to the public and a tasting room with seating. The second floor will contain two one-bedroom apartments (one a smaller efficiency-style) and the third floor will contain two one-bedroom apartments.

Exterior features that have been removed, including the porch and cornice brackets, will be restored. Missing windows on the first-floor retail side will be replaced with plate glass and the trim and ornamentation on the remaining windows will be finished or restored. Code updates to include: sprinkler systems, ADA accessible bathrooms and entrance, and second egress stairway in rear of building. All electrical and HVAC systems have been removed and will be installed up to current code.

Project Timeline

DRB- Application/Hearing/Decision by July 2022  
Exterior Construction- Fall of 2022  
Interior Construction- Winter 2022-2023  
Completion- July 2023

Grow Economy in the Deerfield Valley

When the building is complete the building will provide housing for employees and the retail/restaurant will provide employment opportunities for the Deerfield Valley. The business on the first floor would contribute to our 1% option tax. Historic renovation of this iconic building in the center of the downtown would contribute to the aesthetics of our quaint historical district.

Town Plan

The Wilmington Town Plan of October 2018 prioritizes the development of new businesses through technical assistance and tax incentives. This project is also in line with the Windham Regional Plan, adopted Sept. 30 2014, which states as Policy #5 in the Economy section that it is a priority to: "Develop and assist the growth of small businesses... and entrepreneurial ventures that help preserve and revitalize communities."

Sincerely,

  
Travis Wendel

P O B o x 1 0 5 7 W i l m i n g t o n , V e r m o n t 0 5 3 6 3  
**P I O N E E R T I M B E R F R A M E S . C O M**

**Town of Wilmington, Vermont**

Tax Stabilization Agreement  
For Industrial and Commercial Enterprises

**I. AUTHORITY**

This Tax Stabilization Agreement (the "Agreement") is made pursuant to the authority granted the Town of Wilmington Selectboard by a two-thirds vote of approval by the voters of the Town of Wilmington at the Town's Annual Town Meeting on March 4, 2014 and on March 5, 2019 the voters approved for the Selectboard to have general authority to enter into tax stabilization contracts, as application is made, with owners, lessees, bailees, or operators of commercial or industrial property, for a period of up to ten years, and in furtherance of the authority granted pursuant to Title 24, VSA, Section 2741 (b)(1).

**Recitals**

WHEREAS, the Town and \_\_\_\_\_ (the "Taxpayer") wish to enter into this Agreement in accordance with Title 32, VSA, Chapter 123 because the Town wishes to encourage and facilitate economic development in the Town, diversify the tax base of the Town and encourage growth, while recognizing the investment made by the Taxpayer and providing tax relief therefor;

WHEREAS, the Taxpayer wishes to take advantage of this tax stabilization opportunity and provide the economic development and growth in the Town;

NOW THEREFORE, in consideration of the premises and the mutual covenants set forth herein, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

**II. PARTIES**

This Agreement is made between the Town of Wilmington, Vermont, a municipal corporation in the County of Windham, State of Vermont, and \_\_\_\_\_

\_\_\_\_\_ for the purposes of stabilizing municipal property taxes assessed in accordance with Title 32, VSA, Chapter 123 generally, and with specific application only to the lands and premises located at (describe involved taxable property):

\_\_\_\_\_  
\_\_\_\_\_

**III. FAIR MARKET VALUE**

The fair market value of buildings or additions/renovations thereto subject to this contract and described above shall be the fair market value in effect on April 1<sup>st</sup> preceding the date of this agreement. Fair market value is value defined by law, and such value is not controlled by or synonymous with a business' depreciation values.

The fair market value under this tax stabilization contract is the fair market value determined by the Town Listers and entered into the annual Town Grand List, subject however to the parties retaining the right to appeal the Lister's determination through all available appellate procedures.

#### IV. ELIGIBILITY, DISQUALIFICATION AND TERMINATION

Eligibility and approval of the tax stabilization set forth herein shall be made by the Town Selectboard pursuant to the Tax Stabilization Policy adopted by the Town. The eligibility of Taxpayer must be established by Town's Finance Officer prior to April 1st of each year. The Taxpayer is in good standing currently with their taxes with the Town. Taxpayer must provide the Town, on or before April 1st of each year, with a copy of any Warranty Deed, Lease and Memorandum of Lease affecting the commercial/industrial property. If prior to the end of the TERM of the stabilization agreement the property is used for other than commercial or industrial purposes or otherwise defaults on their commitment as presented in their application, the Town shall have the right to cancel the agreement. The Town may also terminate this Agreement if (a) the Taxpayer closes the business upon which the application is based or (b) if the Taxpayer or the business files for bankruptcy or (c) if the Taxpayer fails to pay the Town of Wilmington taxes in a timely manner or (d) if the Taxpayer fails to establish eligibility before April 1st.

If the Town terminates this Agreement for any of the above reasons, then the Town shall also be entitled, upon demand, to a full repayment of the taxes that would have been due, plus an 8% penalty, plus interest at a rate of 12% per annum.

Taxes shall be due and payable on the same dates and under the same conditions as property taxes in the Town of Wilmington, generally.

#### V. STABILIZATION OF VALUES

Fair market values established under Section III above, are hereby stabilized application of the formulas herein described under Option \_\_\_\_\_ below:

**Option A- New Construction:** Each tax year starting with the first April 1 following completion of construction or development, the fair market value of all property described in Section II above, shall be multiplied in accordance with the following schedule:

- Year One                    current assessment (Land value) @ tax rate
- Year Two                    current assessment (Land value) @ tax rate
- Year Three                   current assessment (Land value) @ tax rate
- Year Four                    current assessment plus 20% of new construction assessment
- Year Five                    current assessment plus 30% of new construction assessment
- Year Six                      current assessment plus 50% of new construction assessment
- Year Seven                   current assessment plus 60% of new construction assessment
- Year Eight                    current assessment plus 70% of new construction assessment
- Year Nine                    current assessment plus 80% of new construction assessment
- Year Ten                      Full valuation.

**Option B- Renovation or Expansion of a Current Building:** Each tax year following the first April 1 following completion of construction or development, the fair market value of all property described in Section II above, shall be multiplied in accordance with the following schedule:

- Year One                    current value @ tax rate
- Year Two                    current value @ tax rate

- Year Three                    current value @ tax rate
- Year Four                    current value plus 20% of completed building assessment
- Year Five                    current value plus 30% of completed building assessment
- Year Six                      current value plus 50% of completed building assessment
- Year Seven                  current value plus 60% of completed building assessment
- Year Eight                  current value plus 70% of completed building assessment
- Year Nine                    current value plus 80% of completed building assessment
- Year Ten                      Full assessment.

The percentages above are based on the attached policy. The resulting stabilized values shall be multiplied by the then applicable municipal tax rate to derive the municipal tax bill for each year. Taxes shall be due and payable on the same dates and under the same conditions as property taxes in the Town of Wilmington, generally.

Stabilized values shall apply to the tax year commencing with the first tax year following the first April 1 following completion of construction or development and shall be renewed annually (with the adjusted discount multiplier) for a period of five (5) years.

VI.        CONTRACT TERM

This contract shall first apply to the tax year following April 1, \_\_\_\_\_, and shall continue through and including the Town's five next subsequent years.

VII.       TRANSFER OF PROPERTY.

If all or part of the real property subject to this agreement is transferred to a new owner, and that owner uses the property for other than commercial/ industrial uses, the Town shall have the right to cancel the agreement.

In the event that Taxpayer transfers all or any part of the stabilized property within ten (10) years of the effective date of commencement of this agreement to a purchaser who uses the property for non-commercial/industrial purposes, or, if at any time during the effective stabilized tax period should discontinue operations at the stabilized property, transfers ownership of the business or corporation, or fails to make full tax payments within 90 days of notice of delinquency, this contract shall immediately terminate and Taxpayer shall reimburse the Town for the difference between the taxes actually paid and the taxes which would have been paid on a one hundred (100%) percent valuation, or a pro rated share thereof if less than the entire property is sold, PROVIDED, that such payment (rollback) shall be limited to the differential for the five-year period immediately preceding said transfer together with interest at the rate of twelve (12%) percent per annum from the original due date of each such differential amount. The filing of this Agreement in the Wilmington, Vermont Land Records shall constitute a lien against the stabilized real property of TAXPAYER and shall be discharged only upon payment of any sums which may become due under the provisions of this paragraph. This lien may be foreclosed in the same manner as provided by statute in the case of statutory tax liens as provided in 32 V.S.A. §5061. The Town may waive such rollback tax payments upon a finding that the sale was brought about by reason of serious illness, disability, death, natural disaster, or other hardship, or they may require a full rollback as to any sale which they determine, in their sole discretion, is intended to avoid the letter or spirit of this Agreement.

VIII.      REPEAL OF AUTHORITY.

If, during the effective term of this Agreement, Title 24, Vermont Statutes Annotated, Section 2741 is repealed by the General Assembly of the State of Vermont, or amended in such a manner so as to materially

affect the tax dollar amounts realized from Taxpayer, or if the authorization for tax stabilization agreements is repealed entirely, or held by any court of competent jurisdiction to be invalid, then this Agreement shall be null and void for all purposes.

IX. TRANSFER OF AGREEMENT.

If Taxpayer sells all or any part of the real property to another Taxpayer, the terms of this Agreement may be transferred to that Taxpayer, provided that a) the Selectboard approves the new Taxpayer under the terms of the tax stabilization policy, b) the new Taxpayer continues to use the real property for commercial/industrial purposes, and c) the new Taxpayer continues to meet all of the other conditions of this Agreement and agrees, in writing, to abide by all the terms and conditions of this Agreement.

X. SUCCESSORS BOUND.

This Agreement is binding upon the parties hereto, their successors, administrators, executors, heirs and personal representatives.

This agreement shall be filed and indexed in the Land Records of the Town Clerk's Office of the Town of Wilmington and shall be deemed sufficient to perfect a lien on such property for the purposes of this provision.

XI. GOVERNING LAW.

This Agreement shall be governed by the laws of the State of Vermont.

XII. COUNTERPARTS.

This Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together shall constitute one and the same instrument.

XIII. ENTIRE AGREEMENT.

This Agreement is the entire agreement entered into between the parties relating to the subject matter hereof, and may not be amended, waived, or discharged except by an instrument in writing executed by the party against whom enforcement of said amendment, waiver, or discharge is sought.

Executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Wilmington, Vermont.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
For the Town of Wilmington  
Duly Authorized Agent

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Business Agent