

Wilmington Selectboard Agenda
January 17, 2023 at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of January 3 and 12, 2023 (5 minutes)
3. Action Items
 - *The Selectboard to possibly approve the Annual Certificate of Highway Mileage*
 - *The Selectboard to possibly approve granting Voices of Hope a National Opioids Settlement distribution through their fiduciary in the amount of \$5,947.61 to help abate the effects of the opioid epidemic on our community.*
 - *The Selectboard to possibly approve a letter of support to ACCD for the Route 9 Infrastructure Expansion Project.*
4. CLA (15 minutes)
 - *The Selectboard to discuss the CLA (Common Level of Appraisal) issued by the state and next steps.*
5. Water Asset Management Plan (15 minutes)
 - *The Water Commissioners to approve the application for the State Revolving Loan Program to complete the Water Asset Management Plan in the amount of \$44,200.*
6. Nuisance Ordinance (15 minutes)
 - *The Selectboard to review the draft Nuisance Ordinance.*
7. Other Business/Correspondence
8. Select Board Members Comments
9. Town Manager's Updates (10 minutes)

Wilmington Selectboard Minutes

January 3, 2023

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

Others Present: Scott Tucker, Jessica DeFrancesco, Christine Richter, Therese Lounsbury, Cliff Leionen

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
 - Under other business; local cannabis control commission meeting
2. Approve Minutes of December 20, 2022
 - Tribuno moved to approve the minutes of December 20, 2022, Rice second; all in favor.
3. Action Items
 - None
4. FY 24 Budget
 - Tribuno moved to approve the FY 24 general fund and highway budgets as proposed, Rice second; all in favor.
 - The Selectboard reviewed the 2023 Town Meeting Warning.
5. Town Meeting Informational Meeting
 - Set a date for town meeting informational; March 1st at 6 pm, special meeting to approve warning; January 24th at 8:30 am
6. Other Business/Correspondence
 - Town Report Dedication; Tom is working on it
 - Zoom; continue as is
 - Local Cannabis Control Commission Meeting; January 12th at 8:30 am
7. Selectboard Members Comments
 - Gannon stated that 168 towns qualify for a reappraisal this year.
8. Town Manager's Updates
 - CLA came in at 78.36%. The COD is 21.81%; anything over 20% necessitates a reappraisal. We think we will fall into the category of a statistical reappraisal. A plan will need to be submitted and completed within 5 years of the last townwide reappraisal.
 - 34 Look Rd LLC; DRB appeal – interrogatories and request for production to be filed by end of January.
 - Teitelbaum V Town; Public records case– Town attorney has filed notice of representation.

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/Cannabis Control Commission Meeting Minutes
January 12, 2023

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

Others Present: Scott Tucker, Jessica DeFrancesco, Jessica Roberts, Arnold Katz

Meeting called to order at 8:33 am

1. Issuance & Administration of Licensing

- Papa's Garden went to the DRB on January 10th. After the hearing Mr. Katz notified the town that he wanted to pull the application. As the cannabis license is open with the state, the local CCC still needs to act on it. The DRB just got legal guidance this morning as to what to do since the application was withdrawn and now the applicant wishes to proceed. They have not had a chance to meet and make a decision. The permit was needed due to mixed use. If he was doing indoor only, he wouldn't need a DRB permit. Fitzgerald moved to approve S-000001023, Mixed Cultivator Tier 1 Small Cultivator for Papa's Garden, LLC, Tribuno second; vote 0-5, license denied.

2. Other Business

- The state is proposing a bill to extend the open meeting law adjustments, and to make town meeting Australian ballot. However, we have two questions on our warning that require floor votes that couldn't be taken up by Australian ballot. The Board will have an in-person town meeting.

Meeting adjourned at 8:54 am

Respectfully Submitted,
Jessica DeFrancesco, Administrative Assistant

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

District 1
Certcode 1322-0

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2023**

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2023 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section via email to: aot.mileagecertificates@vermont.gov or if necessary via mail to: VTrans PPAID - Mapping Section, 219 North Main Street, Barre VT 05641.

We, the members of the legislative body of WILMINGTON in WINDHAM County on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	13.360			13.36	0.000
Class 3	54.02			54.02	0.000
State Highway	14.462			14.462	0.000
Total	81.842			81.842	0.000
* Class 1 Lane	0.000				
* Class 4	7.14			7.14	0.000
* Legal Trail	0.00				

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. **NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
2. **DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
3. **RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).
4. **SCENIC HIGHWAYS:** Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Place an X in the box and sign below.

PART III - SIGNATURES - PLEASE SIGN.

Signatures of Selectmen/ Aldermen/ Trustees:

Signature of T/C/V Clerk:

Date Filed:

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

Town of

Wilmington

(802) 464-8591 (Voice)
(802) 464-8477 (FAX)

Agency of Commerce and Community Development
Vermont Economic Progress Council
One National Life Drive
Deane C. Davis Building 6th Floor
Montpelier, VT 05620-0501

January 12, 2023

RE: Route 9 Infrastructure Expansion Project

The Wilmington Select Board has made the Route 9 Infrastructure Expansion Project the number one priority project for our community due to the vacant properties. Without water and wastewater at the gateway to the Town of Wilmington and the Deerfield Valley these properties will continue to be vacant and become blighted. As noted in our application, several of the properties are ready to be redeveloped with new property owners.

This project is compatible with our 2018 Wilmington Town Plan. As outlined in Goal 8 Provide the necessary infrastructure to support future economic development.

Policy 1: Provide the necessary water/sewer infrastructure to support economic development.

Action 8.1.1: Update the water/sewer systems and expand availability.

Action 8.1.2: Report Wilmington Water District water quality test results on the town website.

Action 8.1.3: Develop additional water supply capacity to address increasing demands. (e.g.; wells, springs, etc.)

Policy 5: Attract and retain younger population for an expanded workforce pool of employable residents.

Action 8.5.1: See Community Services and Facilities section for initiatives designed to attract and retain youth and build skill sets needed for an employable workforce.

GOAL 7: Ensure the Availability of Housing for all Residents of Wilmington.

Policy 1: Provide housing at varied prices, sizes, and locations to meet the needs of all residents including low to moderate income and elderly. Embrace a diverse community.

The Town hired Aldrich & Elliott to provide a Feasibility Study that was completed in December 2020 and now are working on final design and engineering for the project, with the use of the Wastewater Capital Fund and now Municipal American Rescue Plan funds. We hope you all see the economic value for our region and will fund our application.

Best Regards,

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice

Sarah Fisher

Tony Tribuno



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

Agency of Administration

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

December 23, 2022

00239

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

AMENDED 2022 Equalization Study Results

Please use this letter to replace the Equalization Study results dated December 22, 2022 or December 23, 2022. This amendment includes Cable Personal Property in the Education Grand List (From 411). This amendment does not change your CLA, COD, or Equalized Education Grand List (EEGL). Every year we are required to certify the equalized education property value (EEPV or EEGL) and coefficient of dispersion (COD) for each Vermont town (32 V.S.A § 5406). This letter also communicates the Common Level of Appraisal (CLA) for your town and explains how it will impact your homestead and nonhomestead education tax rates.

Education Grand List (from 411):	\$766,011,548
Equalized Education Grand List (EEGL):	\$977,498,106
Common Level of Appraisal (CLA):	78.36% or 0.7836
Coefficient of Dispersion (COD):	21.81%

For a copy of your town final computation sheet and final certified sales report, please see:
tax.vermont.gov/municipal-officials

The **education grand list** listed here is what was reported by your town to the state on the 411 form with your town's cable (if applicable) and tax increment financing (TIF) amounts (if any) included. This number represents the town's total property value that is subject to the education property tax (from the most recent grand list available) and serves as the numerator in the computation of the CLA. Please note tax revenue from any TIF property value is subject to allocation (32 V.S.A. § 5404a).

The **equalized education grand list (EEGL)** represents PVR's statutorily-mandated estimate of total fair market value of the education grand list in your town and serves as the denominator in the computation of the CLA. To find out more about how the equalization study is conducted, how to read the certified sales report, and additional instructions on how to appeal your results, please see the "Introduction to Vermont's Equalization Study" document at:

tax.vermont.gov/municipal-officials

The **common level of appraisal (CLA)** is determined by dividing the education grand list by the equalized education grand list (32 V.S.A. § 5401). A number over 100% indicates that property in your town is generally listed for more than its fair market value. A number less than 100% indicates that property is generally listed for less than its fair market value. A CLA below 85% or over 115% necessitates a reappraisal (32 V.S.A § 4041a). The homestead and nonhomestead tax rates in your town will be adjusted by your town's CLA (32 V.S.A § 5402).





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

Agency of Administration

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

December 23, 2022

00230

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

2022 Equalization Study Results

This letter serves as notification of the results of Property Valuation and Review (PVR)'s 2022 equalization study. Every year we are required to certify the equalized education property value (EEPV or EEGL) and coefficient of dispersion (COD) for each Vermont town (32 V.S.A § 5406). This letter also communicates the Common Level of Appraisal (CLA) for your town and explains how it will impact your homestead and nonhomestead education tax rates.

Education Grand List (from 411):	\$765,665,350
Equalized Education Grand List (EEGL):	\$977,498,106
Common Level of Appraisal (CLA):	78.36% or 0.7836
Coefficient of Dispersion (COD):	21.81%

For a copy of your town final computation sheet and final certified sales report, please see:
tax.vermont.gov/municipal-officials

The **education grand list** listed here is what was reported by your town to the state on the 411 form with your town's cable (if applicable) and tax increment financing (TIF) amounts (if any) included. This number represents the town's total property value that is subject to the education property tax (from the most recent grand list available) and serves as the numerator in the computation of the CLA. Please note tax revenue from any TIF property value is subject to allocation (32 V.S.A. § 5404a).

The **equalized education grand list (EEGL)** represents PVR's statutorily-mandated estimate of total fair market value of the education grand list in your town and serves as the denominator in the computation of the CLA. To find out more about how the equalization study is conducted, how to read the certified sales report, and additional instructions on how to appeal your results, please see the "Introduction to Vermont's Equalization Study" document at:

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The **common level of appraisal (CLA)** is determined by dividing the education grand list by the equalized education grand list (32 V.S.A. § 5401). A number over 100% indicates that property in your town is generally listed for more than its fair market value. A number less than 100% indicates that property is generally listed for less than its fair market value. A CLA below 85% or over 115% necessitates a reappraisal (32 V.S.A § 4041a). The homestead and nonhomestead tax rates in your town will be adjusted by your town's CLA (32 V.S.A § 5402).



Section 1 Purpose

Section 2 Statutory Authority

Section 3 Definitions

Section 4 Prohibitions

Section 5 Evidence of Violations

Section 6 Enforcement

Section 7 Penalties

Section 8 Exemptions

Section 9 Notice to Tenants

Section 10 Adoption/Effective Date

Noise Ordinance

Section 1 Purpose of Ordinance

In consideration of neighbors and in order to balance the vitality of our town and to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life, the Town of Wilmington will protect the public tranquility.

Section 2 Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 20 V.S.A. 3549, 24 V.S.A 2291 (10), (14 and 15) and 24 V.S.A. Chapter 59.

Section 3 Definitions

(a) Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

(b) Residential Property or Receiver: Property used for human habitation or sleeping.

(c) Commercial/Industrial Property or Receiver: All other property, e.g. restaurants, schools, churches.

(d) Background Level: The composite of all sounds exclusive of the sound under evaluation.

(e) Receiving Property: The location that is receiving the sound in question.

(f) Emergency: Any occurrence or set of circumstances involving reasonable expectation of actual or imminent physical trauma or property damage.

(g) Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(h) Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Section 4 Prohibitions

No person shall make or continue any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this ordinance.

(a) Personal Mobile, or Portable Sound-producing Devices. The playing or use of a personal mobile, or portable sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.

(b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal noise so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the vicinity of the noise or disturbance.

(c) Devices to Attract Attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention to a store or event.

(d) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 P.M. and 7:00 A.M except for necessary emergency construction and maintenance to protect property or persons.

(e) Motor Vehicles: Sounding of vehicle horns, sirens, security alarm or other devices to attract attention that are not required in an emergency situation.

(f) Outside musical performances: Outside musical performances, either amplified or non-amplified, at a public or private event between the hours of 11:00 P.M. and 7:00 A.M.

(g) A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such

vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

Section 5 Evidence of Violations

For the purposes of subsections (a), (b), (c), (d) and (e) of *Section 4*, a noise or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, or in the street or public way shall be deemed prima facie evidence of a violation of this ordinance.

Section 6 Enforcement

(a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this ordinance by another person on such premises.

(b) The first offense for any person violating the provisions of this ordinance within a twelve month period, shall be punished as provided in (penalties section).

(c) A second and subsequent offense for violating this ordinance within a twelve month period, shall be punished as provided in (penalties section).

(d) Each time a police officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

Section 7 Penalties

7-1 First offense of a violation of Section 4 subsection (a), (b), (c), (d), (e), (f) and (g)- A written warning issued by a police officer shall be issued for the first offense within a twelve month period.

7-2 Second offense of a violation of Section 4 subsection (a), (b), (c), (d), (e), (f) and (g)- The penalty for a second offense within a twelve month period shall be \$100. The wavier fee shall be established \$50.00.

7-3 Third and subsequent offense of a violation of Section 4 subsection (a), (b), (c), (d), (e), (f) and (g)- The penalty for a third or subsequent offense within a twelve month period shall be \$150. The wavier fee shall be established \$100.00.

Section 8 Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with ordinance:

- (a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens.
- (b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- (c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- (d) Musical, recreational and athletic events conducted by and on the site of a school or education institution and municipal institutions.
- (e) Events conducted by or permitted by, or approved by the Wilmington Select-board. Persons operating an event under the authority of a parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.
- (f) Construction or repair work which must be done to address an emergency health or safety concern which is not work which includes normal maintenance and repair.
- (g) Equipment for maintenance of lawns and grounds during the hours of 6:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws and leaf blowers).

Section 9 Notification by property owners of rental housing

Owners of rental housing shall be required to provide a copy of this ordinance to a tenant at the start of the tenancy. However, the failure [of] an owner to provide a copy of the ordinance shall not be a defense to a violation of this section.

Section 10 Adoption / Effective Date

Adopted:

DRAFT