

Wilmington Selectboard Agenda
March 6, 2024 at 8:15 am

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 20 and 26, 2024 (5 minutes)
4. Action Items (15 minutes)
 - *The Selectboard to possibly approve the annual Town Road and Bridge Standards.*
 - *The Selectboard to possibly approve the annual Certificate of Compliance for Town Road and Bridge Standards.*
 - *The Selectboard to possibly approve the 2024 spring road postings.*
5. Sewer Commission (20 minutes)

The Sewer Commission to possibly approve:

 - *Cliff Leinonen 85 West Main Street – 1 bedroom apartment in the basement at 140 gallons per day;*
 - *Andrew Kotsaftis Fairview Avenue Lot 1 – New 3-bedroom house for 420 gallons per day;*
 - *Andrew Kotsaftis Fairview Avenue Lot 2 – New 3-bedroom house for 420 gallons per day;*
 - *Melissa Nebelski 157 Route 100 North – remove store and add two apartments with 4 bedrooms for an additional 325 gallons per day.*
 - *Corrison – Reed 143 Route 9 West – Extend preliminary approval to 6/6/2024. This is for application approved on 10/17/23 for 8 new bedrooms (7 apartments) at 1,120 gallons per day.*
6. Liquor Commission (5 minutes)
 - *The Liquor Commission to possibly approve a First-, Third-Class and Outside Consumption Renewal for Alpenglow,*
 - *A Second-Class Renewal for Jolley Associates, LLC,*
 - *A Request to Cater Permit for the Beer and Chili Stroll, catered by Wilmington Inn, on April 5th from 4–7 pm at Ratus, Pickwell’s Barn, Jim McGraths Art Gallery, Vermont House, Memorial Hall and Bartleby’s Books, and an Open Container Exemption Permit for Memorial Hall.*
7. Other Business/Correspondence
8. Select Board Members Comments
9. Town Manager’s Updates (10 minutes)

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 3/6/24 by WILMINGTON SELECTBOARD

Thomas Fitzgerald

John Gannon

Vince Rice

Sarah Fisher

Tony Tribuno

Policy Regarding Conflicts of Interest and Ethical Conduct
For the Town of Wilmington
March 8, 2023

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

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 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.

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 6, 2024

Wilmington Selectboard Meeting Minutes

February 20, 2024

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

Others Present: Scott Tucker, Jessica DeFrancesco, Samantha Kondracki, Therese Lounsbury, Gretchen Havreluk, Barker Willard, Ivy Kirby, Marshall Dix

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of January 18 and February 6, 2024
 - Fitzgerald moved to approve the minutes of January 18, 2024, Tribuno second; 3-0, Gannon and Rice abstained
 - Tribuno moved to approve the minutes of February 6, 2024. Gannon moved to amend under action items. Should read "Gannon moved to approve". Tribuno moved to approve the minutes as amended, Rice second; 4-0, Fisher abstained

Fitzgerald moved to enter into Liquor Commission at 6:04 pm, Rice second; all in favor.

3. Liquor Commission
 - Fitzgerald moved to approve a First-Class renewal for L&W Hospitality dba The Nutmeg Inn, and
 - A Second-Class renewal for Walgreens Eastern Co, Rice second; all in favor.

Out of Liquor Commission at 6:05 pm

4. Action Items
 - Fisher moved to approve the Certificate of No Appeal for the 2023 Grand List, Rice second; all in favor.
5. Flower Barrels
 - Fisher moved to approve a one-year contract to Home Grown Properties, giving the Town Manager the authority to extend it two additional years at his discretion, Rice second; all in favor.
 - Gannon moved to approve encumbering out of the 1% fund, an additional \$78,552.25 for the flower barrel contract, up to three years, Rice second; all in favor.
6. Route 9 Water and Sewer
 - The Selectboard discussed the Route 9 water and sewer expansion project. If the votes pass, easements still need to be collected and environmental permits issued. Construction won't start until 2025. Willard questioned how much value this will bring to the town? Will it be more second-homes or year-round residents? There are 29 lots that this could help. The bond will be paid by the whole town, not just the water and sewer districts since this is economic development. The usage and hook-ups fees will be charged to the individual users.
7. Other Business/Correspondence
 - Pre-town meeting informational Monday, February 26th at 6 pm
 - School annual meeting and budget informational at TVMHS, Tuesday February 27th at 6 pm
 - Town Reports came in today.
 - Taxes due Friday

- Zoning hearing March 12th at 6 pm

8. Select Board Members Comments

9. Town Manager's Updates

- Still working with FEMA on the spring flooding.
- Memorial Hall; still waiting for decision from FEMA on the hazard mitigation grant project
- E Main sidewalks still in progress
- Water Dept AMP; update in March
- Will work on an RFP for tennis courts
- Rec Commission is working on a grant for the summer rec program for swimming.

Meeting adjourned at 7:06 pm

Respectfully Submitted,
Jessica DeFrancesco

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

Selectboard Pre–Town Meeting Informational

February 26, 2024

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

Others Present: Scott Tucker, Jessica DeFrancesco, Chris Lavoy, Christine and Dennis Richter, Marshall Dix, Bryce Boyer, Ann Manwaring, Bob Fisher, Matt Murano, Scott Moore, Randy Capitani, John Lazelle, John Boyd, Sharon Adams, Gretchen Havreluk, Nicki Steel, John Lebron, Therese Lounsbury, Kathy Larsen, Samantha Kondracki, Jessica Hammond, Barker Willard, Tony Lopez, Jessica Roberts, David Maynard, Hugo Gomes, Dawn Lowe, Will Galway, Melanie Lopez, Sheila Osler, Patti Vreeland, Michael Flannery, Jerry Osler, Christopher Verry

Meeting called to order at 6:00 pm

Fitzgerald thanked individuals who worked to publicize the Annual Town Meeting this year.

Article 1: To elect all Town and Town School District Officers required by law AND to authorize that the Town obtain either a general obligation bond or a loan, for the purpose of extending water and sewer infrastructure along Route 9 East. (Australian Ballot –Polls open 7:00 A.M. until 7:00 P.M.)

- David Maynard; what are the provisions for those who don't want to hook up? Current zoning? Havreluk; an informal survey was done and 13 properties that would connect, 4 maybes on sewer and 3 on water. There is no plan to force properties to connect.
- Streeter; is the projection for the bond vote in the general fund currently? No.
- Who will pay for this bond? Users or whole town? It will be applied in the regular tax rate. Usage fees will be on the users.

Article 2: To see if the Town will vote to accept the Town Report.

Article 3: Shall the Town adopt all budget articles by Australian ballot pursuant to 17 V.S.A. § 2680(c)?

- Sharon Adams; doesn't see much interest since last year only 120 more voted by ballot than on the floor on town meeting.
- David Maynard; shares the concern that many can't attend for various reasons. Feels that people won't gather information and the town will have budgets voted down.
- Meg Streeter; fears no one will show up to the informational meetings
- Fitzgerald and Fisher commented that after the survey went out, it appeared this needed to be visited again. And hopefully efforts work to increase participation.
- Barker commented that if Australian ballot happens, department budgets should be broken out as individual articles.
- Nicki has asked for Rice and Tribuno's thoughts on keeping town meeting. Rice would like to improve the reach of the voters. Tribuno feels it is his responsibility to represent the community and his opinion is his own.
- John Boyd asked if voter turnout would increase greatly? Can't be determined, but it would allow more to participate; those who are housebound, unable to take the time out of work...

Article 4: Shall the Town vote on all public questions by Australian ballot pursuant to 17 V.S.A. § 2680(d)?

Article 5: Shall the Town vote to raise and appropriate the sum of \$3,113,981 to care for the expenses and liabilities of the General Fund for fiscal year 2025 (7/1/24 to 6/30/2025)?

- Includes 5% raise for employees. COL was around 6 or 7%, the Board settled on 5%.

Article 6: Shall the Town vote to raise and appropriate the sum of \$1,625,039 to care for the expenses and liabilities of the Town Road Budget for fiscal year 2025 (7/1/24 to 6/30/2025)?

- A question of CDL training, Dix responded that we haven't had to yet (applicants held CDLs), but the town does have a training program for new employees who may need their CDL.
- Portions of Lake Raponda and Parsons Rd will be rebuilt.

Article 7: Shall the Town vote to raise and appropriate \$12,000 to Beaver Brook School whose purpose is to provide year-round childcare for 0-2-year-olds, and multiple preschool programs for 3-5-year-olds.

Article 8: Shall the town vote to raise and appropriate an additional \$1,500, for a total of \$2,500, to fund Grace Cottage whose purpose is to provide acute and rehabilitative care.

Article 9: Shall the town vote to raise and appropriate an additional \$250, for a total of \$1,000, to fund SafePlace whose purpose is to help children and their families begin the process of healing after a child has been a victim of sexual abuse or egregious physical abuse and conduct investigations.

Article 10: Shall the town vote to raise and appropriate an additional \$200, for a total of \$1,000, to fund Senior Solutions whose purpose is to promote the well-being and dignity of older adults, helping them to age in the place of their choice, with the support they need and the opportunity for meaningful relationships and active engagement in their community.

Article 11: Shall the Town vote to raise and appropriate an additional \$1,000, for a total of \$11,000, to fund Wings Community Programs whose purpose is to actively engage students in experiences to help them be successful in school and in life as they grow into productive adults

Article 12: Shall the Town vote to raise and appropriate an additional \$5,000, for a total of \$15,000, to SASH whose purpose is to coordinate the resources of social-service agencies, community health providers and nonprofit housing organizations to support Vermonters who choose to live independently at home.

Article 13: Shall the Town vote to allocate the State per parcel payment estimated to be \$26,792 to the Reappraisal Reserve Fund?

Article 14: Shall the Town vote to raise and appropriate \$200,000 to fund the Highway Town Road Equipment Capital Fund?

Article 15: Shall the Town vote to raise and appropriate \$160,000 to fund the Bridge Capital Fund?

Article 16: Shall the Town vote to raise and appropriate \$20,000 to fund the Highway Building Capital Fund?

Article 17: Shall the Town vote to raise and appropriate \$215,000 to fund the Fire Department Equipment Capital Fund?

- The newest truck just purchased was over \$700,000.

Article 18: Shall the Town vote to raise and appropriate \$35,000 to fund the Old Fire House Capital Fund?

Article 19: Shall the Town vote to raise and appropriate \$20,000 to fund the Memorial Hall Capital Fund?

- It's an old building that requires a lot of work. It is in the flood plain so we need to work on floodproofing it.
- John Boyd suggests putting in mini-splits so that the hall can be left open year-round.

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

Article 21: Shall the Town vote to raise and appropriate \$20,000 to fund the Town Hall Capital Fund?

- It has been repainted with new windows. It is still in need of additional restoration.
- Ann Manwaring asked about the relocation of Town Offices. Gannon said the committee has started identifying properties. They need to do some feasibility on some of the sites. This is a long-term goal.

Article 22: Shall the Town vote to raise and appropriate \$50,000 to fund the Police Equipment Capital Fund?

Article 23: Shall the Town vote to raise and appropriate \$5,000 to fund the Transfer Station Capital Fund?

Article 24: Shall the Town vote to raise and appropriate \$5,000 to fund the Public Lands and Fences Capital Fund?

- It covers any town owned land that is not covered under another line item like fences and park areas.

Article 25: Shall the voters authorize payment of real property taxes in two installments, with the due dates being August 30, 2024 and February 28, 2025 by delivery to Town Hall by 4:30 p.m. on the due date or postmarked on or before the due date?

Article 26: To transact any non-binding business.

- David Maynard commented on the Selectboard candidate comment in the Reformer on the relationship between the Board and staff.

Australian Ballot:

Article 2: Shall general obligation bonds of the Town of Wilmington be issued in an amount not to exceed Three Million One Hundred Thousand Dollars (\$3,100,000) for the purpose of making certain infrastructure improvements, namely, extending water and sewer infrastructure along Route 9 East, with new construction not to exceed beyond Ballou Hill and 100-feet south of the Health Center on Route 100 South, such improvements estimated to cost a total of Five Million One Hundred Thousand Dollars (\$5,100,000)?

Article 3: As an alternative option to general obligation bonds, shall Town of Wilmington enter into a loan agreement with United States Department of Agriculture, but only if such a loan is offered by the United States Department of Agriculture, and acknowledging that such a loan has not been formally offered by the United States Department of Agriculture at the time this article is voted on, in amount not to exceed Three Million One Hundred Thousand Dollars (\$3,100,000) for the purpose of making certain infrastructure improvements, namely, extending water and sewer infrastructure along Route 9 East, with new construction to Ballou Hill and 100-feet beyond the Health Center on Route 100 South, such improvements estimated to cost a total of Five Million One hundred Thousand Dollars (\$5,100,000) over a period not to exceed 30 years?

Meeting adjourned at 7:28 pm.

Respectfully Submitted,
Jessica DeFrancesco

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

**Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory**

We, the Legislative Body of the Municipality of _____ certify that we have reviewed, understand and comply with the Town Road and Bridge Standards / Public Works Specifications and Standards passed and adopted by the Selectboard / City Council / Village Board of Trustees on _____, 20____.

We further certify that our adopted standards do do not meet or exceed the minimum requirements included in the June 5, 2019 State-approved template.

We further certify that we do do not have an up-to-date highway network inventory which identifies location, size, deficiencies/condition of roads, bridges, causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town highways, and estimated cost of repair.

_____ Date: _____

(Duly Authorized Administrator)

For a summary of your community's road and bridge information please visit: tinyurl.com/rdsinfo

TOWN ROAD AND BRIDGE STANDARDS

(June 5, 2019)

MUNICIPALITY OF WILMINGTON, VERMONT

The Legislative Body of the Municipality of WILMINGTON hereby adopts the following Town Road and Bridge Standards which shall apply to the construction, repair, and maintenance of town roads and bridges.

The standards below are considered minimums. Municipalities that have construction standards / specifications in place that meet or exceed the minimum standards: indicate adoption date and include as Appendix C. **Date of Adoption:** 8/20/2019

Municipalities must comply with all applicable state and federal approvals, permits and duly adopted standards when undertaking road and bridge activities and projects.

Any new road regulated by and/or to be conveyed to the municipality shall be constructed according to the minimum of these standards.

Circle YES or NO below to indicate town adoption of that section of the Standards

Road and Bridge Standards Sections	Hydrologically-connected road segments*	Non-hydrologically-connected road segments**
Section 1 – Municipal Road Standards	<u>YES</u> (Required by Act 64)	<u>YES</u> NO
Section 2 – Class 4 Road Standards	<u>YES</u> (Required by Act 64)	<u>YES</u> NO
	Town wide	
Section 3 - Perennial stream- bridge and culvert standards	YES (Required by DEC Stream Alteration Standard)	
Section 4 – Intermittent stream crossings	YES	<u>NO</u>
Section 5 - Roadway construction standards	YES	<u>NO</u>
Section 6 - Guardrail standard	YES	<u>NO</u>
Section 7 - Driveway access standard	YES	<u>NO</u>

Road segments – ANR Resources Atlas includes a map layer of all of Vermont's municipal roads divided into 100-meter (328 foot) segments, each with a unique identification number.

***Hydrologically-connected road segments** - are those municipal road segments and catch basin outlets, Class 1-4, as shown on the ANR Natural Resources Hydrologically-connected municipal road segment layer (<http://anrmaps.vermont.gov/websites/anra5/>) or the Road Erosion Inventory Scoring (MRGP Implementation Table portal) layer (<https://anrweb.vt.gov/DEC/IWIS/MRGPReportViewer.aspx?ViewParms=True&Report=Portal>).

****Adoption of standards on non-hydrologically-connected road segments** does not indicate that these road segments are then subject to the Municipal Roads General Permit (MRGP).

Municipalities may also find additional resources in the latest version of the Vermont Better Roads Manual.
<https://vtrans.vermont.gov/sites/aot/files/highway/documents/ltf/Better%20Roads%20Manual%20Final%202019.pdf>

Road and Bridge Standards Sections

Section 1 – Municipal Road Standards - See Appendix A

These standards are required by Act 64 and the DEC Municipal Roads General Permit (MRGP) for hydrologically-connected roads only.

Municipalities may adopt Section 1 Road standards by road type for non-hydrologically-connected roads/segments/catch basins.

Section 2 – Class 4 Road Standards - See Appendix A

Section 3 - Perennial stream - bridge and culvert standards

Bridge and culvert work on perennial stream crossings must conform with the statewide DEC Stream Alteration Standard.

“Perennial stream” means a watercourse or portion, segment, or reach of a watercourse, generally exceeding 0.25 square miles in watershed size, in which surface flows are not frequently or consistently interrupted during normal seasonal low flow periods. Perennial streams that begin flowing subsurface during low flow periods, due to natural geologic conditions, remain defined as perennial. All other streams, or stream segments of significant length, shall be termed intermittent. A perennial stream shall not include the standing waters in wetlands, lakes, and ponds.

Streambank stabilization and other in-stream work must conform with the statewide DEC Stream Alteration Standard.

For River Management Engineer Districts: https://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/RME_districts.pdf

Section 4 – Intermittent stream crossings – See Appendix B for sizing table and graphic. These standards are above and beyond the culvert standards in Section 1.

“Intermittent streams” are defined as streams with beds of bare earthen material that run during seasonal high flows but are disconnected from the annual mean groundwater level.

Section 5 - Roadway construction standards – Sub-base and gravel standards

All new or substantially reconstructed gravel roads shall have ___ inches* thick gravel sub-base, with an additional ___ inches* top course of crushed gravel.

All new or substantially reconstructed paved roads shall have ___ inches* thick gravel sub-base.

*Municipalities shall indicate their own construction criteria.

Section 6 - Guardrail standard

When a roadway, culvert, bridge, or retaining wall construction or reconstruction project results in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard. For roadway situations, an approved barrier system may be steel beam guardrail with 6-foot posts and approved guardrail end treatment. If there is less than 3 feet from the rail to the hazard, then steel beam guardrail with 8-foot posts shall be used. The G-1D is an example of an approved guardrail end treatment. For bridge rails systems, VTrans bridge rail standards shall be referenced

Section 7 - Driveway access standard

The municipality has a process in place, formal or informal, to review all new drive accesses and development roads where they intersect town roads, as authorized under 19 V.S.A. Section 1111. Municipality may reference Vtrans Standard A-76 Standards for Town & Development Roads and B-71 Standards for Residential and Commercial Drives; the Vtrans Access Management Program Guidelines; and the latest version of the Vermont Better Roads Manual for other design standards and specifications.

Passed and adopted by the Legislative Body of the Municipality of WILMINGTON, State of Vermont on March 6, 2024

Selectboard / City Council / Village Board of Trustees:

TOWN OF WILMINGTON ROADS TO BE POSTED SPRING 2024

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
HASKELL HILL (80):	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 6, 2024 and posted on March 6, 2024 at: Town Office Bulletin Board, Police Department, OSEC.

Attest: _____
Jessica DeFrancesco, Administrative Assistant

**cc: Wilmington Police Department
 Marshall Dix, Highway Superintendent**

APPLICATION FOR WASTEWATER TREATMENT ALLOCATION PERMIT Page 1 of 3

(Do not write in boxed area - for office use only)

Map No. 20-20-036	Fee \$25.00+\$18.00 Recording	Date Received: 12/18/23
PSC No.	\$43.00 Fee due at application <input type="checkbox"/> paid <input type="checkbox"/> check <input type="checkbox"/> cash	
SA No.	Signature:	

Applicant: Cliff Leinochen ☒ Owner ☐ Owner's Agent ☐ If Agent, letter of agency attached

(Print Name)

Property Location: 85 W. Main St. Wilmington Tax Map Number: 20-20-036

(911 Locatable address - Street or Road)

☒ Residence ☐ Commercial Building ☐ Other: (describe) _____

I am applying for the following establishments listed to be connected to the building sewer ☐ or added to existing allocation ☒.

Establishment	Unit	Number	Gallons/Person/Day/Unit	Total Gallons/Day
Example:				
Restuarant	Seat	10	30	300
Apartment	Bedroom	1	140	140

I hereby request an allocation permit as described for gallons per person per day TOTAL 140 gpd

Do not write in boxed area - For administrative use only

SIGNED: [Signature]
(Applicant)

184 Higley Hill Rd.
(Mailing Address of Applicant)

Wilmington, VT 05363
(City, State and Zip Code)

Credit existing unused gallonage: _____ gpd

Allocation to be purchased Total 140 gpd

CONDITIONS:

1. Total Allocation Fee (140 gpd x \$10/gpd) \$ 1,400
2. 25% of the total Allocation fee (\$ _____) is due within 30 days: On or before _____, 20____.
3. The remaining 75% (\$ _____) is due before connection or use or within 6 months of Final Allocation, whichever comes first.
4. Other: _____

Preliminary Approval Granted: date _____
Preliminary Approval Expires: date _____ (3 months)

By: _____
Wilmington Board of Sewer Commissioners Agent

Extension of Preliminary Approval granted: date _____
Extension Preliminary Approval Expires: date _____

By: _____
Wilmington Board of Sewer Commissioners

NOTE: Final Approval must be obtained by Preliminary Approval expiration date. To apply for Final Allocation, submit the application on page 2 of this form (on back) once all necessary state and federal permits have been issued and received.

If applicant is unable to obtain permits needed to apply for Final Approval by deadline, he must apply for an extension.

Sewer Commissioners will consider reason for extension (i.e. zoning appeal etc.) and may or may not grant an extension. If not granted, applicant can reapply for allocation.

APPLICATION FOR WASTEWATER TREATMENT ALLOCATION PERMIT Page 1 of 3

(Do not write in boxed area - for office use only)

Map No. <u>20-21-025 Lot 1</u>	Fee \$25.00+\$18.00 Recording	Date Received: <u>2/28/24</u>
PSC No. _____	\$43.00 Fee due at application <input type="checkbox"/> paid <input checked="" type="checkbox"/> check <input type="checkbox"/> cash	
SA No. _____	Signature: <u>#1312</u>	

Applicant: Andrew Kotsaftis ☒ Owner ☐ Owner's Agent ☐ If Agent, letter of agency attached
(Print Name)

Property Location: Fairview Avenue (Proposed Lot 1) Tax Map Number: Map 20 / Lot 25
(911 Locatable address - Street or Road)

☒ Residence ☐ Commercial Building ☐ Other: (describe) _____

I am applying for the following establishments listed to be connected to the building sewer ☐ or added to existing allocation ☐.

Establishment	Unit	Number	Gallons/Person/Day/Unit	Total Gallons/Day
Example: Restuarant	Seat	10	30	300
Single Family Home	Bedroom	3	140	420

I hereby request an allocation permit as described for gallons per person per day TOTAL 420 gpd

Do not write in boxed area - For administrative use only

SIGNED: [Signature]
(Applicant)

170 Caruso Drive
(Mailing Address of Applicant)

Watertown, CT 06795
(City, State and Zip Code)

Credit existing unused gallonage: 0 gpd

Allocation to be purchased Total 420 gpd

CONDITIONS:

1. Total Allocation Fee (420 gpd x \$10/gpd) \$ 4,200
2. 25% of the total Allocation fee (\$ 1,050) is due within 30 days: On or before _____, 20____.
3. The remaining 75% (\$ 3,150) is due before connection or use or within 6 months of Final Allocation, whichever comes first.
4. Other: _____

Preliminary Approval Granted: date _____
Preliminary Approval Expires: date _____ (3 months)

By: _____
Wilmington Board of Sewer Commissioners Agent

Extension of Preliminary Approval granted: date _____
Extension Preliminary Approval Expires: date _____

By: _____
Wilmington Board of Sewer Commissioners

NOTE: Final Approval must be obtained by Preliminary Approval expiration date. To apply for Final Allocation, submit the application on page 2 of this form (on back) once all necessary state and federal permits have been issued and received.

If applicant is unable to obtain permits needed to apply for Final Approval by deadline, he must apply for an extension.

Sewer Commissioners will consider reason for extension (i.e. zoning appeal etc.) and may or may not grant an extension. If not granted, applicant can reapply for allocation.

APPLICATION FOR WASTEWATER TREATMENT ALLOCATION PERMIT Page 1 of 3

(Do not write in boxed area - for office use only)

Map No. <u>20-21-025 Lot 2</u>	Fee \$25.00+\$18.00 Recording	Date Received: <u>2/28/21</u>
PSC No. _____	\$43.00 Fee due at application <input type="checkbox"/> paid <input checked="" type="checkbox"/> check <input type="checkbox"/> cash	
SA No. _____	Signature: <u># 1313</u>	

Applicant: Andrew Kotsaftis ☒ Owner ☐ Owner's Agent ☐ If Agent, letter of agency attached

(Print Name)

Property Location: Fairview Avenue (Proposed Lot 2) Tax Map Number: Map 20 / Lot 25

(911 Locatable address - Street or Road)

☒ Residence ☐ Commercial Building ☐ Other: (describe) _____

I am applying for the following establishments listed to be connected to the building sewer ☐ or added to existing allocation ☐.

Establishment	Unit	Number	Gallons/Person/Day/Unit	Total Gallons/Day
Example: Restaurant	Seat	10	30	300

Single Family House	Bedroom	3	140	420
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I hereby request an allocation permit as described for gallons per person per day TOTAL 420 gpd

Do not write in boxed area - For administrative use only

SIGNED: [Signature]
(Applicant)

170 Caruso Drive
(Mailing Address of Applicant)

Watertown, CT 06795
(City, State and Zip Code)

Credit existing unused gallonage: 0 gpd

Allocation to be purchased Total 420 gpd

CONDITIONS:

1. Total Allocation Fee (420 gpd x \$10/gpd) \$4,200
2. 25% of the total Allocation fee (\$1,050) is due within 30 days: On or before _____, 20____.
3. The remaining 75% (\$3,150) is due before connection or use or within 6 months of Final Allocation, whichever comes first.
4. Other: _____

Preliminary Approval Granted: date _____
Preliminary Approval Expires: date _____ (3 months)

By: _____
Wilmington Board of Sewer Commissioners Agent

Extension of Preliminary Approval granted: date _____
Extension Preliminary Approval Expires: date _____

By: _____
Wilmington Board of Sewer Commissioners

NOTE: Final Approval must be obtained by Preliminary Approval expiration date. To apply for Final Allocation, submit the application on page 2 of this form (on back) once all necessary state and federal permits have been issued and received.

If applicant is unable to obtain permits needed to apply for Final Approval by deadline, he must apply for an extension.

Sewer Commissioners will consider reason for extension (i.e. zoning appeal etc.) and may or may not grant an extension. If not granted, applicant can reapply for allocation.

APPLICATION FOR WASTEWATER TREATMENT ALLOCATION PERMIT Page 1 of 3

(Do not write in boxed area - for office use only)

Map No. <u>21-20-009.1</u>	Fee \$25.00 + \$18.00 Recording	Date Received: _____
PSC No. _____	\$43.00 Fee due at application <input type="checkbox"/> paid <input type="checkbox"/> check <input type="checkbox"/> cash	
SA No. _____	Signature: _____	

Applicant: Melissa Nebelski - Super Girl LLC ☒ Owner ☐ Owner's Agent ☐ If Agent, letter of agency attached
(Print Name)

Property Location: 157 Route 100 North Tax Map Number: 21-20-009.1
(911 Locatable address - Street or Road)

☐ Residence ☒ Commercial Building ☐ Other: (describe) _____

I am applying for the following establishments listed to be connected to the building sewer ☐ or added to existing allocation ☐:

Establishment	Unit	Number	Gallons/Person/Day/Unit	Total Gallons/Day
<i>Example:</i> Restuarant	Seat	10	30	300
Apartment	Bedrooms	4	140	560

I hereby request an allocation permit as described for gallons per person per day TOTAL 560 gpd

Do not write in boxed area - For administrative use only

SIGNED: _____
(Applicant)

Po Box 1071
(Mailing Address of Applicant)

Wilmington, VT 05363
(City, State and Zip Code)

NOTE: Final Approval must be obtained by Preliminary Approval expiration date. To apply for Final Allocation, submit the application on page 2 of this form (on back) once all necessary state and federal permits have been issued and received.

If applicant is unable to obtain permits needed to apply for Final Approval by deadline, he must apply for an extension.

Sewer Commissioners will consider reason for extension (i.e. zoning appeal etc.) and may or may not grant an extension. If not granted, applicant can reapply for allocation.

Credit existing unused gallonage: 235 gpd

Allocation to be purchased Total 325 gpd

CONDITIONS:

1. Total Allocation Fee (325 gpd x \$10/gpd) \$ 3,250
2. 25% of the total Allocation fee (\$ 812.50) is due within 30 days: On or before _____, 20____.
3. The remaining 75% (\$ 2,437.50) is due before connection or use or within 6 months of Final Allocation, whichever comes first.
4. Other: _____

Preliminary Approval Granted: date _____
 Preliminary Approval Expires: date _____ (3 months)

By: _____
 Wilmington Board of Sewer Commissioners Agent

Extension of Preliminary Approval granted: date _____
 Extension Preliminary Approval Expires: date _____

By: _____
 Wilmington Board of Sewer Commissioners

APPLICATION FOR WASTEWATER TREATMENT ALLOCATION PERMIT Page 1 of 3

(Do not write in boxed area - for office use only)

Map No. <u>20-20-015</u>	Fee \$25.00+\$18.00 Recording	Date Received: <u>8/17/23</u>
PSC No. _____	\$43.00 Fee due at application <input type="checkbox"/> paid <input checked="" type="checkbox"/> check <input type="checkbox"/> cash	
SA No. _____	Signature: <u># 587</u>	

Applicant: Corrison-Reed Develop Group LLC ☒ Owner ☐ Owner's Agent ☐ If Agent, letter of agency attached
(Print Name)

Property Location: 143 West Main Street Tax Map Number: 20-20-015
(911 Locatable address - Street or Road)

☐ Residence ☒ Commercial Building ☐ Other: (describe) _____

I am applying for the following establishments listed to be connected to the building sewer ☒ or added to existing allocation ☐.

Establishment	Unit	Number	Gallons/Person/Day/Unit	Total Gallons/Day
Example: Restuarant	Seat	10	30	300
<u>Bedroom's</u>	<u>8</u>		<u>140</u>	<u>1,120</u>

I hereby request an allocation permit as described for gallons per person per day TOTAL _____ gpd

Do not write in boxed area - For administrative use only

SIGNED: [Signature]
(Applicant)

P.O. Box 1456
(Mailing Address of Applicant)

W. Dover VT. 05356
(City, State and Zip Code)

Credit existing unused gallonage: 840 gpd

Allocation to be purchased Total 1,120 gpd

CONDITIONS:

1. Total Allocation Fee (1,120 gpd x \$10/gpd) \$ 11,200
2. 25% of the total Allocation fee (\$ 2,800) is due within 30 days: On or before 11/17, 2023.
3. The remaining 75% (\$ 8,400) is due before connection or use or within 6 months of Final Allocation, whichever comes first.
4. Other: _____

Preliminary Approval Granted: date 10/17/23

Preliminary Approval Expires: date 1/17/24 (3 months)

By: _____
Wilmington Board of Sewer Commissioners Agent

Extension of Preliminary Approval granted: date _____

Extension Preliminary Approval Expires: date _____

By: [Signature]
Wilmington Board of Sewer Commissioners

NOTE: Final Approval must be obtained by Preliminary Approval expiration date. To apply for Final Allocation, submit the application on page 2 of this form (on back) once all necessary state and federal permits have been issued and received.

If applicant is unable to obtain permits needed to apply for Final Approval by deadline, he must apply for an extension.

Sewer Commissioners will consider reason for extension (i.e. zoning appeal etc.) and may or may not grant an extension. If not granted, applicant can reapply for allocation.