

Wilmington Selectboard Agenda
Tuesday, January 21, 2025 at 6 pm
Town Hall Meeting Room

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of January 7, 2025 (2 minutes)
3. Action Items (5 minutes)
 - *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, Twice Blessed, in the amount of \$3162.84 to help abate the effects of the opioid epidemic on our community.*
 - *The Selectboard to possibly approve the Municipal Resolution for a Municipal Planning Grant and a grant match of \$2380.*
4. Route 9 Water/Sewer Expansion Funding (10 minutes)
 - *The Selectboard to discuss funding options for the Route 9 Water/Sewer Expansion Project.*
5. Town Meeting Warning (10 minutes)
 - *The Selectboard to possibly approve the 2025 Town Meeting Warning.*
6. Municipal Code of Ethics (20 minutes)
 - *The Selectboard to possibly approve the Ethics Complaint Form and the VT Code of Ethics: Gifts chart.*
 - *Review the Disclosure of Conflict of Interest Form and training.*
 - *The Selectboard to review and possibly approve the Town of Wilmington Ethics Ordinance*
7. Other Business/Correspondence
8. Selectboard Members Comments
9. Town Manager's Updates (5 minutes)

Wilmington Selectboard Meeting Minutes
Tuesday, January 7, 2025

Present: Tom Fitzgerald, John Gannon, Vince Rice, Tony Tribuno, Charlie Foster

Others Present: Scott Tucker, Jessica DeFrancesco, Marshall Dix, Therese Lounsbury, Ivy Kirby, Jason Dubac, Christine Richter, Gretchen Havreluk, Joanne Yankura, Matt Murano, Carol Bois, Barker Willard, John Lazelle, Nicki Steel, Scott Moore, Diane & Lenny Chapman, Meg Streeter

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
 - Jason Dubac is still receiving emails from zoning regarding signage. Business has been closed since early October and the parking lot is not plowed; the signage isn't visible from the roadway. He has been referred to work with the Zoning Administrator (repeatedly).
 - Add the possible purchase of a new truck radio to #8 and under # 3 to also designate a complaint recipient
2. Approve Minutes of December 17 and 19, 2024
 - Tribuno moved to approve the minutes of December 17, Foster second; 4-0, Rice abstained
 - Tribuno moved to approve the minutes of December 19, Rice second; all in favor.
3. Action Items
 - Foster moved to appoint John Gannon as liaison to the Ethics Commission and Tom Fitzgerald as complaint recipient, Rice second; all in favor.
4. Trail Committee
 - The Trail Committee submitted a pre-application and were invited to submit a full application. The municipal match may be cash or "in-kind." Fitzgerald moved to authorize Gretchen Havreluk and the Trail Committee to submit the full Recreational Trail Program grant application for additional HT&W project funding on behalf of the Town, Rice second; all in favor.
5. 1% Local Option Tax Request
 - Foster moved to approve the Windham County Arts & Cultural Plan Development's request in the amount of \$1,666.66 for a Municipal Planning Grant Match, Tribuno second; all in favor.
6. Town Meeting Articles
 - The Selectboard to discuss articles for the town meeting warning
 - Shall the Town vote to rescind the operation of licensed cannabis retailers and integrated licensees, except for those licensed cannabis retailers and integrated licensees, operating at the time of any rescission, pursuant to 7 V.S.A. § 863(a)(2).
 - Shall the Town vote to appoint a moderator for the town meeting.

- It has been discussed before, if the town would choose to opt-out of the cannabis licensing after a period of time. The article does not eliminate the retail businesses currently operating, it keeps new retail businesses from opening; it could be petitioned again.
- The Selectboard will not ask voters to adopt budget articles or all public questions by Australian Ballot, this year.

7. FY26 Budget

- Some numbers from the draft have been finalized, such as Windham Regional Commission assessment, VLCT insurance. The Visiting Nurse amount will be removed, unless a petition is presented. Foster moved to approve the FY26 budget as presented, Rice second; all in favor.

Fitzgerald moved to go into Sewer Commission at 6:58 pm, Rice second; all in favor.

8. Sewer Commission

- The current radio was "used" when they got it; purchasing a new one will bring them in line with Fire and Police. Fitzgerald moved to approve the purchase of a new truck radio from Procom in the amount of \$6445.27 from Wastewater Capital account, Tribuno second; all in favor.
- Wastewater Update
 - John Lazelle updated the Selectboard on the treatment plant's state inspection conducted in September. The state had not visited since 2015. It took 5-hours to conduct the inspection. There were three corrective actions; a sentence needs to be added to one of his reports, Lazelle needs to notify them of certain tests and numbers if they reach a certain level, they hadn't been calibrating their refrigerator thermometer. A certified thermometer has been purchased and new forms have been created to document correctly. The state is concerned that there isn't enough staff to manage the plant; they suggest covering the sludge.
- Preliminary Allocation Extensions
 - The Sewer Commission gave general consent for preliminary allocation extensions to Clifford Leinonen (Vermont Lodge) at 85 West Main Street and Andrew Kotsaftis on Fairview Avenue.

Out of Sewer Commission at 7:20 pm

9. Other Business/Correspondence

10. Selectboard Members Comments

- Mr. Dubac also attended the DRB hearing. There has been no contact between him and the Zoning Administrator in many months.

11. Town Manager's Updates

- Equalization Study; CLA is 91.36%, the COD is 18.23%.
- Principal Potter from TVMHS wrote a thank you to first responders regarding the accident with the school bus in December. Chief Murano sent two letters of accommodation; one for Officer Kirkman in helping someone without heat and

purchasing fire wood for them and one for Officer Levesque for aiding a disable motorist. The Board would like to make sure Officer Kirkman is reimbursed for what he spent.

- Dix has applied for two Better Roads grants; one for \$40,000 and one for \$60,000. He is watching Shearer Hill; the new trial black top may not hold up like we were hoping. He has been faced with many truck repairs, but they are managing.

12. Executive Session

- Fitzgerald moved to find that premature general public knowledge of the real estate purchase would place the town at a substantial disadvantage, Rice second; all in favor.
- Fitzgerald moved to enter into executive session at 7:36 p.m., to include the Town Manager, to discuss a possible real estate purchase, Rice second; all in favor.

Out of executive session at 7:52 p.m; no action.

Meeting adjourned at 7:52 p.m.

Respectfully Submitted,
Jessica DeFrancesco

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Tony Tribuno

Charlie Foster

District 1
Certcode 1322-0

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2025

Fill out form, make and file a copy with the Town Clerk, and submit the Mileage Certificate on or before February 20, 2024 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 RECORDED THIS YEAR: 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:

FY25 Municipal Resolution for Municipal Planning Grant

WHEREAS, the Municipality of WILMINGTON is applying for funding as provided for in the FY25 Budget Act and may receive an award of funds under said provisions; and

WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

WHEREAS, the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes or that the municipality has voted at an annual or special meeting to provide local funds for municipal and regional planning purposes,

Now, THEREFORE, BE IT RESOLVED

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds.

2. That the Municipal Planning Commission recommends applying for said Grant;
MATTHEW MOORE _____
(Name of Planning Commission Chair) (Signature)

3a. That (Name) SCOTT A TUCKER Title TOWN MANAGER

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is a Select Board Member, the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3b. (Alternate Authorizing Official for redundancy)

That (Name)_____Title_____

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or a Select Board Member, is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/ Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3c. That (Name) _____Title_____

is hereby designated as the Grant Administrator, the person with the overall Administrative responsibility for the Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

Passed this 21ST day of JANUARY, 2025.

- ☐ **(For rural towns or consortia only)** The regional planning commission will serve as agent for the municipality or consortium. *(Check the box if the municipality authorizes its regional planning commission to prepare the application, support grant administration and be exempt from competitive selection if serving as project consultant.)*

LEGISLATIVE BODY

(name)

(signature)

Thomas Fitzgerald

John Gannon

Vince Rice

Tony Tribuno

Charlie Foster

INSTRUCTIONS FOR RESOLUTION FORM

- A. The Legislative Body of the Municipality must adopt this resolution or one that will have the same effect. This Form may be filled in or the adopted Resolution may be issued on municipal letterhead, filling in the name of the municipality, the Legislative Body (e.g. Selectboard), and the name and title of the Municipal/ Authorizing Official(s) (M/AOs); and the Grant Administrator.
- B. Following formal adoption, a majority of the legislative body must sign the Resolution. The Chair of the Planning Commission must also sign upon endorsement by vote of the Planning Commission.
- C. This form must be either uploaded to the online application or grant, or emailed to:
Jennifer.lavoie@vermont.gov
- D. If mailed, an electronic copy of the submitted Resolution document will be uploaded by DHCD staff and available online.
- E. Please note that the designated Municipal/Authorizing Official(s) and Grant Administrator must also register for an account in the online grants management system, if they have not done so already, before the application can be considered complete.

CONSORTIUM APPLICATIONS: For a consortium, each municipality must complete a separate Resolution form. All municipalities in a consortium must designate the same Municipal/Authorizing Official(s) and grant Administrator.

2025 W A R N I N G
ANNUAL TOWN MEETING
Wilmington, Vermont Tuesday, March 4, 2025

The legal voters of the Town of Wilmington are hereby notified and warned to meet at the Old School Community Center (OSEC) in said Wilmington, Vermont, at 10 A.M. on Tuesday, March 04, 2025, to consider and act on the following articles not involving voting by Australian Ballot. (Voting for all Australian Ballot articles will be held at the OSEC in said Wilmington, Vermont, on March 4, 2025, from 7:00 am to 7:00 pm.)

Article 1: Shall the town vote to appoint a moderator for the 2025 Annual Town Meeting?

Article 2: To elect all Town and Town School District Officers required by law AND Shall the Town vote to rescind the operation of licensed cannabis retailers and integrated licensees, except for those licensed cannabis retailers and integrated licensees, operating at the time of any rescission, pursuant to 7 V.S.A. § 863(a)(2) (Australian Ballot -Polls open 7:00 A.M. until 7:00 P.M.)

Article 3: To see if the Town will vote to accept the Town Report.

Article 4: Shall the Town vote to raise and appropriate the sum of \$3,625,986 to care for the expenses and liabilities of the General Fund for fiscal year 2026 (7/1/25 to 6/30/2026)?

Article 5: Shall the Town vote to raise and appropriate the sum of \$1,847,744 to care for the expenses and liabilities of the Town Road Budget for fiscal year 2026 (7/1/25 to 6/30/2026)?

Article 6: Shall the Town vote to raise and appropriate \$4,000 to Southeast Vermont Transit/The MOOver whose purpose is to provide year-round public transit services in Windham and southern Windsor counties?

Article 7: Shall the Town vote to allocate the State per parcel payment estimated to be \$26,962 to the Reappraisal Reserve Fund?

Article 8: Shall the Town vote to raise and appropriate \$255,000 to fund the Highway Town Road Equipment Capital Fund?

Article 9: Shall the Town vote to raise and appropriate \$160,000 to fund the Bridge Capital Fund?

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

Article 11: Shall the Town vote to raise and appropriate \$265,000 to fund the Fire Department Equipment Capital Fund?

Article 12: Shall the Town vote to raise and appropriate \$60,000 to fund the Police Equipment Capital Fund?

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

Article 14: Shall the Town vote to raise and appropriate \$20,000 to fund the Memorial Hall Capital Fund?

Article 15: Shall the Town vote to raise and appropriate \$12,000 to fund the Library Capital Reserve Fund?

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

Article 17: Shall the Town vote to raise and appropriate \$5,000 to fund the Transfer Station Capital Fund?

Article 18: Shall the Town vote to raise and appropriate \$80,000 to fund the Public Lands Fences Capital Fund and for the purpose of construction and maintenance on Lake Raponda Dam?

Article 19: Shall the voters authorize payment of real property taxes in two installments, with the due dates being August 29, 2025 and February 27, 2026 by delivery to Town Hall by 4:30 p.m. on the due date or postmarked on or before the due date?

Article 20: Shall the Town allow for the election of a nonresident of the Town, to the position of Town Moderator, so long as that person is a resident of the State of Vermont, pursuant to 17 VSA 2646a?

Article 21: To transact any non-binding business.

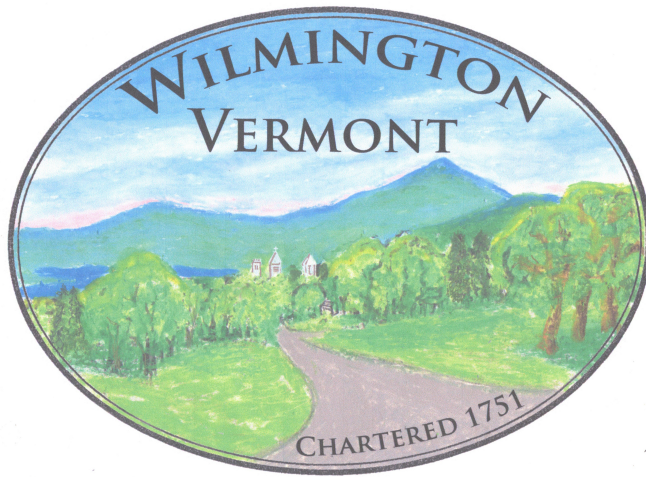
Dated at Wilmington, Vermont this 21st day of January 2025.

Selectboard of the Town of Wilmington

Tom Fitzgerald, Chairman _____ John Gannon, Vice Chair _____

Vince Rice, Secretary _____ Tony Tribuno _____

Charles Foster _____



Official Use Only:
Date Received:

TOWN of WILMINGTON MUNICIPAL COMPLAINT FORM

The Town of Wilmington has authority to accept, review, investigate, and track complaints regarding alleged violations of the Vermont Municipal Code of Ethics, 3 V.S.A. § 1223(b). Complaints alleging violations of Wilmington Ethics Policies can also be filed using this form.

Anonymous complaints [are/are not] accepted. **[it is up to the municipality to decide whether anonymous complaints are accepted]**

Your name:

Your Contact Information

Type or print clearly

Address:

City/Town:

State:

Zip:

Email:

Telephone(s):

Attach additional pages as necessary.

1. Who is this complaint against? Include their name, job title or position, and municipality. Please file a separate complaint form for each person you are complaining against.

2. Date(s) of the alleged violation(s):

3. How has this person violated the provisions of the statewide [Municipal Code of Ethics](#) or Town of Wilmington ethics policies? Be specific and provide as much detail as possible. Attach any documentation that supports your claim.

4. Please indicate which provision(s) of the [Municipal Code of Ethics](#) or Town of Wilmington policies you believe have been violated.

5. Provide the names and contact information for anyone else who may have information regarding this complaint.

6. Has the conduct you describe above been the subject of a prior complaint? If yes, please explain.

7. Is there anything else the investigating authority for the Town of Wilmington should know about this complaint?

Attach additional pages as necessary.

I certify that the information provided in this complaint is true, correct, complete, and of my own personal knowledge. I will fully cooperate in the process regarding this complaint.

(Signature – must be hand signed)

Date: _____

Submit to: tapacre195@gmail.com. Enter "Ethics Complaint" in the subject line.

If you wish to submit your complaint by regular mail, please send to:

Tom Fitzgerald, Ethics Complaint Recipient
Town of Wilmington
PO Box 217, Wilmington, VT 05363
802-464-8591 ext 123

VT Code of Ethics: Gifts



The Code of Ethics prohibits State of Vermont public servants from soliciting or accepting gifts.

What is a gift? A gift is anything you didn't pay full value for.

Can I ever accept a gift?

Yes, you can accept a gift if it meets one of the below [3 V.S.A. § 1203g](#) gift exceptions.

The gift is of "de minimis" value.

- If a gift is valued at less than \$50 per occasion, and less than \$150 per year per source, you can most likely accept it.

Gifts related to your official duties.

- **Admission fees/tickets** to an event where you are participating in your official capacity;
- **A gift to the State**, for official, not personal, use;
- **Printed or recorded material** for use in your State duties;
- **Free or reduced cost training or education** that is in the best interest of your agency.

Gifts of food or beverage, if:

- The food/beverage is **incidental to a legitimate state function**, or;
- The food/beverage is **served at a charitable, civic, political, or cultural event** you attend in your official capacity, or;
- The food/beverage is valued at **\$100 or less per year, per source** and the person paying for the food/beverage is there with you.

Gifts based on a personal or employment relationship.

- An **inheritance**;
- **Personal gifts** from family or bona fide friends;
- Gifts **between public servants**, if normal and customary (such as holiday gifts);
- Gifts **from a supervisor to a supervisee** must be valued at less than \$100 per occasion, and less than \$200 per year.
- Gifts **from an outside employer** (if typically given to other employees).

Gifts available to the general public or a defined subset of the population.

- **Rebates, discounts, and promotions** that are offered to everyone;
- **Loans** made at a commercially reasonable rate, made on terms not more favorable than loans made in the ordinary course of business;
- **Ceremonial Awards**, such as a plaque, valued at less than \$100.

*** If a gift does not meet one of the above exceptions, it is likely not a legally permissible gift ***

Not sure what to do?
CONTACT THE ETHICS
COMMISSION FOR ADVICE

Vermont State Ethics Commission

6 Baldwin St.
Montpelier, VT 05633-7950
802-828-7187

ethicscommission@vermont.gov
<https://ethicscommission.vermont.gov/>



DISCLOSURE OF CONFLICT OF INTEREST AS REQUIRED BY THE VT CODE OF ETHICSTO BE FILED **ONLY** IF A PUBLIC SERVANT CHOOSES TO ACT

PUBLIC SERVANT INFORMATION	
Name and title/position of public servant:	
Agency/Department:	
Office Phone:	
Office E-mail:	
<p>In my capacity as a public servant, I am expected to take certain action(s) in the performance of my official duties. Under present circumstances, a reasonable person could conclude that I am, or will be, confronted with a conflict of interest in the performance of these duties.</p> <p>A conflict of interest is defined as a direct or indirect interest in the outcome of a matter pending before me, or the public body in which I serve, that is greater than that of another person generally affected by the outcome of the matter. The interest can be my own, that of an immediate family or household member, or of a business associate.</p> <p>I am filing this disclosure form to disclose the facts surrounding this potential conflict of interest, and to explain why, despite the conflict, I choose to take official action.</p>	
CONFLICT OF INTEREST INFORMATION	
Briefly state the nature of the conflict (including identities of all potentially affected parties or properties, whether the conflict is ongoing or a one-time event, potential or perceived benefits, and any other relevant information).	
Explain your relationship to the person or organization at issue.	<ul style="list-style-type: none"><input type="checkbox"/> Self<input type="checkbox"/> Immediate family member<input type="checkbox"/> Business I am associated with<input type="checkbox"/> Business a family member is associated with<input type="checkbox"/> Business partner<input type="checkbox"/> Property I own or co-own<input type="checkbox"/> Property owned or co-owned by a family member<input type="checkbox"/> Other [Explain]:

<p>State the action(s) you intend to take, and how your action(s) may affect the person or organization at issue.</p>	
<p>Explain why, despite the relationship, you will act on the matter (Check at least one box)</p>	<p> <input type="checkbox"/> The conflict is de minimis in nature <input type="checkbox"/> My action on the matter is ministerial or clerical <input type="checkbox"/> My action will not benefit me [or the person or organization at issue] any more than others who are generally affected by the outcome of the matter <input type="checkbox"/> The conflict is amorphous, intangible, or speculative <input type="checkbox"/> I cannot legally or practically delegate the matter to another person <input type="checkbox"/> I have received advice from the Ethics Commission that permits my action(s) <input type="checkbox"/> Other [Explain]: </p>
<p align="center">Confirmation and Signature</p>	
<p>Confirmation</p>	<p><input type="checkbox"/> This disclosure fully discloses the nature of my conflict of interest. Taking into account the facts that I have disclosed above, I believe that I nonetheless can perform my official duties objectively and fairly, and in the best interest of the State.</p>
<p>Public servant signature:</p>	
<p>Date:</p>	

Attach additional pages if necessary.

Town of Wilmington
CODE OF ETHICS INVESTIGATION AND ENFORCEMENT ORDINANCE

SECTION 1. AUTHORITY.

This ordinance is adopted by the Selectboard ("Legislative Body") of Wilmington ("Municipality") under authority of 24 V.S.A. § 1997.

SECTION 2. PURPOSE.

The purpose of this ordinance is to enact procedures for the investigation of complaints that allege a municipal officer has violated Vermont's Municipal Code of Ethics and the enforcement in instances of substantiated complaints, including methods of enforcement and available remedies.

SECTION 3. DEFINITIONS.

- A. "Designated Complaint Recipient" means the municipal officer or body designated to receive complaints alleging violations of the Municipal Code of Ethics.
- B. "Municipal Code of Ethics" means the municipal ethics framework in Vermont established by Act 171 (H.875) of 2024.
- C. "Municipal Ethics Complaint" means a complaint against a "Municipal Officer" or "Officer" alleging a violation of the Municipal Code of Ethics.
- D. "Municipal Officer" or "Officer" means:
 - 1. any member of a legislative body of a municipality;
 - 2. any member of a quasi-judicial body of a municipality; or
 - 3. any individual who holds the position of, or exercises the function of, any of the following positions in or on behalf of any municipality:
 - a. advisory budget committee member;
 - b. auditor;
 - c. building inspector;
 - d. cemetery commissioner;
 - e. chief administrative officer;
 - f. clerk;
 - g. collector of delinquent taxes;
 - h. department heads;
 - i. first constable;
 - j. lister or assessor;
 - k. mayor;
 - l. moderator;

- m. planning commission member;
- n. road commissioner;
- o. town or city manager;
- p. treasurer;
- q. village or town trustee;
- r. trustee of public funds; or
- s. water commissioner.

E. "Public body" means any board, council, or commission of the Municipality, any board, council, or commission of any agency, authority, or instrumentality of the Municipality, or any committee or subcommittee of any of the foregoing boards, councils, or commissions.

SECTION 4. COMPLAINTS.

- A. Any member of the general public may make a Municipal Ethics Complaint including any person elected, appointed, or employed by the Municipality.
- B. All Municipal Ethics Complaints must be directed to the Designated Complaint Recipient.
- C. The Designated Complaint Recipient will conduct a prompt, thorough, and impartial investigation of all Municipal Ethics Complaint, and confidentiality will be protected to the extent possible.
- D. Municipal Ethics Complaints against the Designated Complaint Recipient must be directed to the Municipal Manager.
- E. No person will be adversely affected in either their volunteer or employment status with the Municipality as a result of bringing a Municipal Ethics Complaint.

SECTION 5. ENFORCEMENT. If the Designated Complaint Recipient, or the Municipal Manager in the case of a Municipal Complaint brought against the Designated Complaint Recipient, determines that a violation of the Municipal Code of Ethics has occurred, the Municipal Manager will take immediate and appropriate corrective action. Municipal Officers who are found to have violated the Municipal Code of Ethics may face the following disciplinary action:

- A. **Enforcement Against Elected Officers.** In cases in which the Municipal Officer holds elected office, the Legislative Body may, in its discretion, take any of the following disciplinary actions against such an elected officer as it deems appropriate:
 - 1. The Chair of the Legislative Body may meet informally with the Municipal Officer to discuss the Municipal Code of Ethics violation. This will not take place in situations where the Chair of the Legislative Body and the Municipal Officer together constitute a quorum of a public body.
 - 2. The Legislative Body may meet to discuss the conduct of the Municipal Officer. Executive session may be used for such discussion in accordance with 1 V.S.A. §

313(a)(4). The Municipal Officer may request that this meeting occur in public. If appropriate, the Legislative Body may admonish the offending Municipal Officer in private.

3. The Legislative Body may admonish the offending Municipal Officer at an open meeting and reflect this action in the minutes of the meeting. The Municipal Officer will be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Legislative Body may request (but not order) that the offending Municipal Officer resign from their office.

B. Enforcement Against Appointed Officers. In cases in which the Municipal Officer holds appointed office, the Legislative Body may choose to follow any of the steps articulated in Section 5A. In addition to, or in lieu of any of those steps, the Legislative Body may choose to, after affording the Appointed Officer adequate due process, remove an appointed Municipal Officer from office, subject to state law.

C. Enforcement Against Employees. In cases in which the Municipal Officer is also an employee of the Municipality, the Municipal Manager may take any disciplinary action, up to and including termination, in accordance with the Municipality's personnel policy.

SECTION 6. APPEALS.

A decision of the Legislative Body may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure. An enforcement action taken against an employee may be appealed in accordance with the Municipality's personnel policy.

SECTION 7. OTHER LAWS.

This ordinance is in addition to all other ordinances of the Municipality and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this ordinance. If any statute referred to in this ordinance is amended, this ordinance will be deemed to refer to such amended statute.

SECTION 9. EFFECTIVE DATE. This ordinance will become effective sixty (60) days after its adoption by the Legislative Body. If a petition is filed under 24 V.S.A. § 1973, that statute will govern the taking effect of this ordinance.

Adopted this 21st day of January, 2025.

Selectboard for the Town of Wilmington.

Adoption History

1. Agenda item at regular Selectboard meeting held on January 21, 2025.
2. Read and approved at regular/special Selectboard meeting on January 21, 2025 and entered in the minutes of that meeting which were approved on February 4, 2025.
3. Posted in public places on January 22, 2025.
4. Notice of adoption published in the DVN newspaper on January 30, 2025 with a notice of the right to petition.
5. Other actions [petitions, etc.]. Effective date: March 22, 2025