

Wilmington Selectboard Agenda
November 4, 2025

1. Zoning Ordinance Hearing @ 5:30 pm
2. Visitors, Public Comments, Possible Changes to the Agenda
3. Approve minutes of October 7 and 21, 2025 (2 minutes)
4. Action Items (10 minutes)
 - *The Selectboard to possibly accept the winter salt bid from Eastern Salt Co and Apalachee Salt at \$97/ton.*
5. 1% Local Option Tax Request (10 minutes)
 - *The Selectboard to possibly approve the 1% request from Beaver Brook School in the amount of \$6200.*
6. Health Insurance (20 minutes)
 - *The Selectboard to possibly approve a health insurance plan for 2026.*
7. Transfer Station (10 minutes)
 - *The Selectboard to possibly approve the amended transfer station fee schedule.*
8. Animal Control Ordinance (15 minutes)
 - *The Selectboard to possibly approve the amended Animal Control Ordinance.*
9. Zoning Ordinance (20 minutes)
 - *The Selectboard to discuss the changes in the zoning ordinance and possibly approve the proposed amended zoning ordinance.*
10. Liquor Commission (5 minutes)
 - The Liquor Commission to possibly approve*
 - *A Request to Cater for an event at Memorial Hall on 11/21/25 from 7-10 pm catered by Valley Craft Ales,*
11. Other Business/Correspondence
12. Select Board Members Comments
13. Town Manager Updates

Wilmington Selectboard Meeting Minutes

October 7, 2025

Present: Tom Fitzgerald, Vince Rice, Tony Tribuno, Charlie Foster **Absent:** John Lebron

Others Present: Jessica Archambault, Scott Moore, Jason Dubac, Matt Murano, Kayliegh Cadorette, Elizabeth McEwen, Claudia & Joshua Hay, Bob Bois, Brad Lackey, Sara Molina, Therese Lounsbury, Tony Kilbride, Chris Mays, Gretchen Havreluk, Jessica Lee Smith Liz Marshall, Kenneth Sklar

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
 - Remove item #6; will be on another agenda
2. Approve minutes of September 16, 2025, and amend minutes of September 4, 2025
 - Tribuno moved to approve the amended minutes of September 4, 2025, Foster second; 3-0, Rice abstained
 - Tribuno moved to approve the minutes of September 16, Foster second; all in favor.
3. Action Items
 - The Fire Dept received a grant for airpacks/SCBA. Some of the airpacks are 20 years old. There is a 5% match. Rice moved to accept an American Fire Grant in the amount of \$161,904.76, Foster second; all in favor.
 - Rice moved to appoint Claudia Hay to the Recreation Commission for the remainder of a 4-year term expiring April 2026, Foster second; all in favor.
 - Voices of Hope no longer had the resources to continue in the valley. McEwen and Murano have been working on a new entity to takeover. Tucker is still working on an MOU with Divided Sky. The MOU will specify how the funds given to Divided Sky is used within the Deerfield Valley Community. Tribuno moved to approve the recommendation to transfer \$20,000 from Voices of Hope to Divided Sky, authorizing the town manager to negotiate a memorandum of understanding with Divided Sky, Rice second; all in favor.

Fitzgerald moved to enter Sewer Commission at 6:16 pm, Rice second; all in favor.

4. Sewer Commission
 - Fitzgerald moved to approve preliminary allocation at 211 VT RT 9E for 45 seats at 30 gpd, Foster second; all in favor.

Out of Sewer Commission at 6:17 pm

5. PSF Solar
 - Bois is proposing solar panels on the Public Safety Facility. Upfront cost is about \$305,366 with \$112,985 credit to the town. This program rebate expires in January 2027. The infrastructure around the building is sufficient for this project. The town currently has over \$8 million in committed projects. Fitzgerald commented that grants would be great, and this project is one that they could keep on the back burner.
6. Tax Stabilization
 - Removed from agenda
7. 1% Request

- The building has been painted, but it was done on credit. The booster contributed \$999 and the fair has done the same. The Board asked for a bill or receipts to show the cost since the painting has already been done.

8. MERP

- Tribuno moved to accept the bid from Adam Grimes for the refurbishment of the windows at Memorial Hall in the amount of \$53,706 and the bid from Saladino Property Maintenance for window and door replacement at the Highway Garage in the amount of \$19,716.65, Rice second; all in favor.

Fitzgerald moved to enter Liquor Commission at 6:37pm, all in favor.

9. Liquor Commission

- Foster moved to approve the First- and Third- Class application for TTS Kitchen and Catering LLC, Tribuno second; all in favor.
- Tribuno moved to approve the Request to Cater permit for WI Foster for an event on Shearer Hill Rd on 10/25 from 5-11 pm, Rice second; 3-0, Foster abstained

Out of Liquor Commission at 6:39 pm

10. Other Business/Correspondence

- There was an anonymous Open Meeting Law Complaint regarding the September 16th minutes not being posted within 5 days. Fitzgerald moved to accept the cure that the draft minutes were posted on October 2, 2025, Rice second; all in favor.

11. Select Board Members Comments

- Foster commends the Fire and Police as they have had many calls this past week.

Meeting adjourned at 6:43 pm

Respectfully submitted,
Jessica Archambault

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

Vince Rice, Vice Chair

Tony Tribuno, Clerk

Charlie Foster

John Lebron

Wilmington Selectboard Meeting Minutes
September 16, 2025

Present: Tom Fitzgerald, Tony Tribuno, John Lebron
Absent: Vince Rice, Charlie Foster,
Others Present: Scott Tucker, Julie Lineberger, Joseph Cincotta, Jason Dubac, Marshall Dix, Mike Stevens, Sheldon Brasseur, Matthew Murano, Sarah Herzig, Gretchen Havreluk, Meg Streeter, Nicki Steele, Cory Ross, Emily Lewis, Dorothy Harris, Elynn Lebron, Bob & Carol Bois, Don Mills, Tim Jones, Kristin Carlson, Carol Weston, Jessica Lee Smith, Jim Wisner

Meeting called to order at 6:00 pm

1. Visitors, Public Comments, Possible Changes to the Agenda
 - Chief Murano commented on Highway Superintendent and Supervisor working with and assisting AOT on Bridge #31 repair, while awaiting the sub-contractor's arrival next Monday. Chief Murano introduced our newest member of the Police Department, Officer Sarah Herzig, outlining over 200-hours of training involved and the steps that it takes to become a police officer.
2. Approval of minutes tabled to meet quorum from the previous meeting.
3. Action Items
 - Winter sand bid was presented; Zaluzny recommended. Tribuno moved to approve the winter sand bid from Zaluzny at \$26.50/cy, Lebron second; all in favor.
 - Reduction in the animal control surcharge (it is not mandatory by statute) for rabies programming presented. Fitzgerald moved to approve the surcharge reduction from \$5 to \$1, Tribuno second; all in favor.
4. 1% Local Option
 - Deerfield Valley Farmers Day Fair and the TVMS Booster Club requested \$14,000 for the staining of the Booster Booth that was performed by CB Painting, having produced the requested documents from the last meeting. Tribuno moved to approve \$14,000 to the Deerfield Valley Farmers Day Fair to stain the booster booth, Lebron second; all in favor.
5. Green Mountain Beach
 - Cory Ross and Emily Lewis of Dubois & King gave an update on the Green Mountain Beach erosion control 30% feasibility study, moving into 100% design phase with another grant. Public comments were taken that focused on use of the beach, fishing areas, minimizing taking over space meant for beachgoers, and improving public access.
6. Tax Stabilization
 - WheelPad L3C Request for Tax Stabilization. Gretchen Havreluk, Julie Lineberger (agent for BDCC) & Joseph Cincotta presented this request that would stabilize the municipal tax over the next 10-years according to policy. Tribuno moved to approve tax stabilization for WheelPad L3C, Lebron second; all in favor.

7. Green Mountain Power – Zero Outage Initiative

- Green Mountain Power representatives, , Don Mills, Tim Jones, Kristin Carlson, Carol Weston presented the “Zero Outage” initiative for Wilmington, specifically for Minor Road, with Whites Road, Boyd Hill Road to follow. GMP will work with the Town Manager on the agreement.

8. Hoot, Toot, Whistle Trail

- Gretchen Havreluk, Carol Bois & Elynn Lebron gave update on the trail upgrades, state of the budget, delaying the parking lot portion while awaiting donations to help cover the shortfall. The parking lot area is used as a staging area for the project and the bridge work is expected to be completed before November.

Entered Liquor Commission at 7:10 pm

9. Liquor Commission

Fitzgerald moved to approve, Tribuno second; all in favor

- A Second-Class renewal for Stewarts Shops,
- A Second-Class application for Mill & Whistle, LLC

Out of Liquor Commission at 7:12 pm

10. Other Business/Correspondence

- A reminder that the Town Plan Public Meeting is on 11/1 at 9 AM at OSEC.

11. Select Board Members Comments

- None.

12. Town Manager’s Updates

- Hiring for Police Dept. and Highway Dept. ongoing.
- AOT Bridge #31 temporary repair this morning with town assistance.
- Budget season is in motion, with employee healthcare meeting this week.
- Grants are managed by Economic Consultant, Highway & Police Depts., Finance; and Town Manager’s Office.
- Watersheds United Vermont grant program in partnership with the state and natural resources office focusing solutions to treat stormwater at the proposed Veteran’s Park, Public Safety Facility, and Beaver Street.
- ANR Floodplain Manager visit will take place on 10/22 at Buzzy Towne Park to view the work along Beaver Brook, and Memorial Hall proposed ramp and utility platform to determine anchoring as requested by DRB.
- ANR Watershed Management Division sent a reminder that the town’s Landfill No Exposure Certification expires on 1/15/2026 and may require a new NOX under the Vermont Multi-Sector General Permit prior to that date; working with KAS Consulting to determine.

Meeting adjourned at 7:22 pm

Respectfully submitted,
Jessica Archambault

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

Vince Rice, Vice Chair

Tony Tribuno, Clerk

Charlie Foster

John Lebron

OFFICE

134 Middle Street, Suite 210
Lowell, MA 01852
Phone: 978 • 251 • 8553
Fax: 978 • 251 • 8244



PLANT

99 Marginal Street
Chelsea, MA 02150
Phone: 617 • 884 • 5201
800 • 799 • 7258

Eastern Salt Company

October 2, 2025

Town of Wilmington
23 Haystack Road
Wilmington, VT 05363

Eastern Salt Company is pleased to offer the following quote for your consideration.

Bulk Road Salt delivered from our indoor storage facility in Coeyman's, NY to your location in Wilmington, VT: \$97.00/Ton

To place an order for delivery, please call our dispatch office at 617-889-9520. Payment terms are Net 30 days from invoice date and billing questions should be directed to Karen Girard at (978) 251-8553 or kgirard@easternsalt.com.

Prices quoted will remain firm until April 30, 2026, if accepted and acknowledged within 30 days of this letter. We ask that you provide an estimate of the tonnage you may need to help us plan our inventory accordingly. If agreeable, please sign and return a copy of this form via mail, fax 978-251-8244, or email info@easternsalt.com.

Kind regards,



Jason Archambault
Sales Manager

Estimated Tonnage: _____

Signature: _____ Date: _____

Printed Name: _____

Email: _____

Minimum Quantity is Approximately 32 tons per Truckload

Good morning. It was nice speaking with you today. Apalachee Salt thanks you for the opportunity to quote on road salt products for this upcoming winter season.

Delivered Prices

Bulk Road Salt: \$97.00/ton

I appreciate the possibility to work with you and your team in the coming months.

Sincerely,
Peter Kowal
Apalachee Salt
585-442-4131

Requests For Funding Through the 1% Local Option Tax Fund

Name of Person/Organization/Business/Committee:

Beaver Brook Children's School, Inc.

Julie Koehler, program director

Date of Request:

10/29/2025

Contact person, phone numbers, mailing and email address:

Julie Koehler

(518) 526-5434, (802) 464-7100

PO Box 1241 / 1 School Street

Wilmington VT 05363

beaverbrookschool@gmail.com

Amount of Request and Date Funding Needed:

\$6,200

Commitment needed by 11/10/2025; Funds needed by 3/31/2026

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

Our non-profit childcare and preschool program is seeking to provide snacks and meals for all enrolled children year round through the USDA's Childcare and Adult Food Program. In order to do so, we need access to a kitchen which includes an oven, stove, refrigerator, and freezer. We have secured the majority of the equipment, a space to install, and contractors to work with. This project is shovel-ready and needs last-gap funding to complete. BBCS is applying for the Building and General Services Department's "Building Communities: Educational Facilities" grant for this last-gap funding. This grant requires a 1:1 match. We are seeking 50% of the total remaining project cost from the local option tax fund, and will apply for the Building Communities grant to secure the other 50%.

Please provide a financial breakdown of your project/request.

Purchase of an electric stove: \$2,800

Purchase of a refrigerator/freezer combo: \$2,400

Contractor fees (as quoted): \$7,200

Total Remaining Project Cost: \$12,400

Requested 1% Fund Contribution: \$6,200

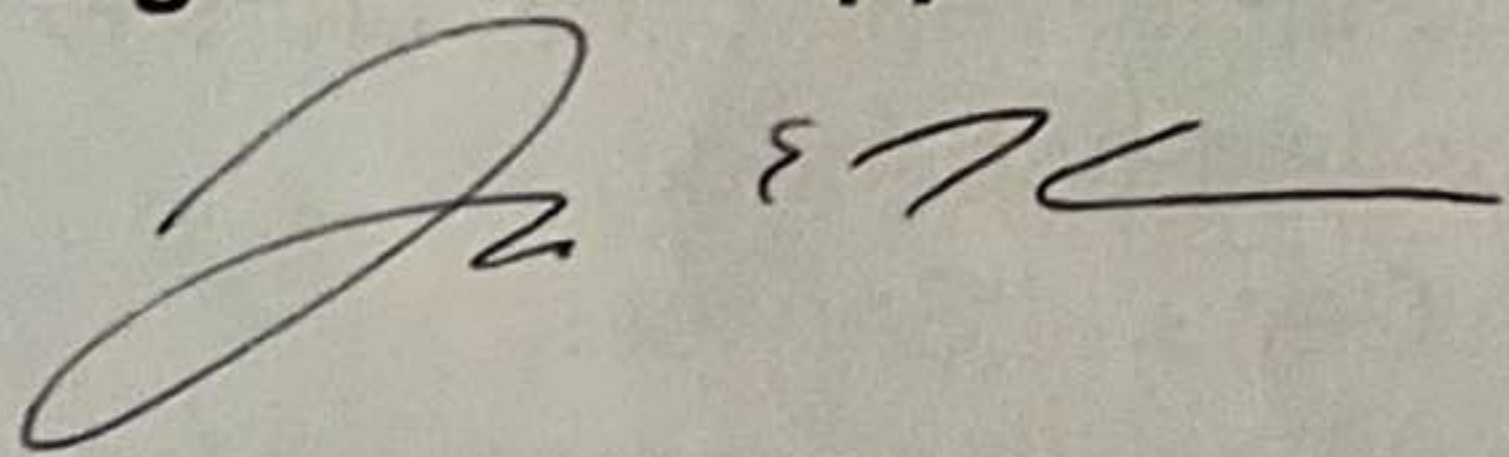
Briefly describe the need for the funding and any other information that can support the application.

BBCS and OSEC have both contributed to this project financially and with in-kind support and services. This project would immediately benefit BBCS and our enrolled families, the majority of whom reside in Wilmington.

Additionally, the greater Wilmington community would also benefit from this project. The newly developed kitchen would be a shared space in the community center; other interested parties and tenants could rent as needed outside of BBCS's planned hours of use. Potential uses might include Booster Club sales, community dinners, cooking demonstrations/classes/groups, parties/events, and more.

For BBCS, the sustainability and long-term use of this project will be addressed by participating in the USDA Childcare and Adult Food Program (CAAFP), a program that reimburses the cost of food and wages. BBCS also plans to utilize annual grants from the state of Vermont Department of Agriculture to access high-quality local community shared agriculture (CSA) memberships.

Signature of Applicant



Date

10/29/25

	A	B	C	D	E	F	G	H
1	prepared 10/02/25							
2	28 Employees							
3	Raising Employee share of OOP but still at the end - 12% increase							
4								
5	Current 2025 BCBS BlueEdge Plan \$3,000/\$6,000 Deductible-OOP Max							
6	Plan Type	Single	2-person	Family				
7	# Employees	7	12	9				
8	Monthly Prem	\$ 1,105.58	\$ 2,008.08	\$ 2,952.32				
9	Monthly Total	\$ 7,739.06	\$ 24,096.96	\$ 26,570.88	\$ 58,406.90			
10	Annual Premium Total				\$ 700,882.80			
11								
12	HRA Town Contribution	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00				
13	Annual HRA Contribution Maximum	\$ 17,500.00	\$ 60,000.00	\$ 45,000.00	\$ 122,500.00			
14								
15	Total Town Cost				\$ 823,382.80			
16	Employee Share of Cost	\$ 500.00	\$ 1,000.00	\$ 1,000.00				
17								
18								
19	Proposed 2026 BCBS Gold CDHP Plan \$3,200/\$6,400 Deductible-OOP Max							
20	Plan Type	Single	2-person	Parent/Child	Family			
21	# Employees	7	10	2	9			
22	Monthly Prem	\$ 1,189.80	\$ 2,379.60	\$ 2,296.31	\$ 3,343.34			
23	Monthly Total	\$ 8,328.60	\$ 23,796.00	\$ 4,592.62	\$ 30,090.06	\$ 66,807.28		
24	Annual Premium Total	\$ 99,943.20	\$ 285,552.00	\$ 55,111.44	\$ 361,080.72	\$ 801,687.36		
25								
26	HRA Town Contribution	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00			
27	Annual HRA Contribution Maximum	\$ 17,500.00	\$ 50,000.00	\$ 10,000.00	\$ 45,000.00	\$ 122,500.00		
28								
29	Proposed Total Town Cost					\$ 924,187.36	Difference 2025 to 2026	
30	Employee Share of Cost	\$ 700.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00		\$ 100,804.56	
31								
32								

WILMINGTON TRANSFER STATION FEE SCHEDULE (revised 11-2325)

The following user fee schedule was adopted by the Wilmington Selectboard. (Effective 1/1/2426)

DESCRIPTION	TIPPING FEE
1. Bags of general tipping material: (35gallonbag) -----	\$4.00 4.00 each
(A thirty (30) gallon container shall be the standard for determining the fee for household garbage waste.)	
2. Construction Size bags of general tipping material-material 55-gallon bag or 32-gallon barrel -----	\$58.00-00 each
3. General tipping fee -----	\$50.00/cubic yard
Minimum fee (for cubic yard trash) -----	\$10.00
4. Demolition material -----	\$50.00/cubic yard
Minimum fee (for demolition material) -----	\$10.00 20.00
Asphalt Shingles -----	\$75.00/cubic yard
Minimum fee (for asphalt shingles) -----	\$15.00 25.00
Concrete and Brick -----	\$100.00/cubic yard
Minimum fee (for concrete and brick) -----	\$25.00
5. Metals -----	\$20.00/cubic yard
Minimum fee (for metals) -----	\$5.00 10.00
(NO Propane tanks are accepted)	
6. Burning pit-----	\$20.00 for the first cubic yard
Additional:-----	\$ 5.00 each add- cubic yard
7. Bicycles. -----	\$ 5.00 each
8. Tires: Bicycle-----	\$ 4.00 each
Lawnmower -----	\$ 5.00 each
16.5 or smaller (no rims) -----	\$10.00 each
16.5 or smaller (with rims)-----	\$15.00 each
Up to 1100 x 22 (no rims) -----	\$50.00 each
Front Backhoe -----	\$110.00 each
Tires larger than 1100 x 22 call the WSWMD for pricing (802) 257-0272	
9. Appliances: With refrigerants. -----	\$20.00 30.00 each
Without refrigerants -----	\$10.00 20.00 each
10. Lawn Mower -----	\$ 6.00 each
Riding Mower -----	\$10.00 each
11. Furniture: Small frame chairs, coffee, end tables -----	\$ 5.00 each
Sleeper sofas -----	\$65.00 each
Large stuffed chairs, sofas and loveseats-----	\$20.00 each
12. Mattresses/Box Springs -----	\$45.00 55.00 each
13. Batteries: Household D or smaller – accepted for recycling.-----	Free
Lead Acid (i.e.: car). -----	\$ 3.00 each
Lantern Type -----	\$ 1.00 each
Larger than Lantern (i.e.: Electric Fence) -----	\$ 2.00 each
14. Annual Permits: Wilmington Residents and Taxpayers: -----	\$20.00 40.00
-----	\$15.00 Seniors
15. Commercial Permit -----	\$40.00 annually
16. Commercial One-time User Fee -----	\$20.00
15. Recycling: ¼ cy (55-gallon barrel) included in permit fee. Any additional recycling will incur a \$5-\$10 tipping fee	

Formatted: Tab stops: 0.56", Left + 1.13", Left + Not at 0.78" + 0.88"

Vehicles without permits -\$5.00 surcharge per visit

Hours of Operation:

Tuesday: Noon – 3:30 pm

Thursday and Sunday: 8:00 am - 3:30 pm

Note: ~~Senior citizen households shall pay a \$15.00 annual permit fee and \$3.00 bag fee.~~

RECYCLING BINS: ~~available at the transfer station.~~ Please see the acceptable items for each container on the other side of this sheet. **A PERMIT IS REQUIRED FOR RECYCLING**

Transfer Station is located at 55 Miller Rd; **Phone: 802-464-5666**

Formatted: Tab stops: 0.56", Left + 7.44", Right + Not at 0.78"

TOWN OF WILMINGTON TRANSFER STATION

REGULATIONS GOVERNING USE OF THE TRANSFER STATION

1. Please be aware that at all times, you enter the transfer station **at your own risk.**
2. Only non-hazardous household waste may be brought to the transfer station. **Hazardous household wastes** (*see below) **MAY NOT** go into the transfer station. If you have any questions about ~~a-~~ ~~material~~ material, call before bringing it. A free Hazardous Waste Collection is held annually.
3. ~~Fifty-five gallon~~ Fifty-five-gallon drums may be brought to the transfer station and deposited in appropriate place if **both** ends of the drum are cut out.
4. No one may go through the scrap metal pile.
5. **Payment:** Payment for disposal of solid waste at the transfer station may be by cash or check made out to Town of Wilmington.

* **Examples of Household Hazardous Wastes That Should NOT be brought ~~To the~~ to the Transfer Station:**
(save them for the free hazardous waste collection!)

FLAMMABLE LIQUIDS: turpentine, furniture strippers, spot removers, wood preservatives

HOUSEHOLD PRODUCTS: drain cleaners, toilet bowl cleaners, oven cleaners, furniture polish, air fresheners, ~~out dated~~ outdated medicines, old chemistry sets, photographic chemicals, pool chemicals, laundry bleach

PESTICIDES: moth balls and flakes, insecticides, herbicides, fungicides

AUTOMOBILE PRODUCTS: anti-freeze, brake fluid, waste oil

There are on-going collection facilities at the Windham County Solid Waste District on Ferry Road in Brattleboro. Call 257-0272 for more information: Waste oil, large tires, Oil Paint, Fluorescent light bulbs, Computers, Oil tanks cut in half

TOWN OF WILMINGTON RECYCLING FACILITY R U L E S !

Please don't contaminate the recycling load! It then ~~has to~~ must be landfilled and raises costs for everyone!

IF IN DOUBT-LEAVE IT OUT!

Questions? Call 464-8591 or 464-5666

CONTAINER	YES = ALLOWED	NO = NOT ALLOWED
CARDBOARD	Corrugated cardboard, clean, dry, and flattened, Brown paper bags, Boxboard (e.g. cereal boxes, pasta boxes, shoe boxes)	Waxed cardboard
MIXED PAPER	Newspapers (inserts too), Junk mail (remove plastic wrap & plastic pieces), Mixed office paper, Magazines, Books <u>without</u> hard covers, Envelopes (windows okay), Phone books	Aseptic boxes (e.g. drink boxes, soymilk, boxed wine), Milk cartons, Tissues, Tyvek (non-tearing) envelopes
CO-MINGLED CONTAINERS	Glass bottles and jars, Aluminum cans, Steel (Tin) cans, Plastic bottles, lids, tubs (all #s), <i>Please rinse.</i>	Waxed cardboard, Plastic bags (can be recycled at Shaw's), Styrofoam, Light bulbs, Window glass, Ceramics, Pyrex, Kitchenware

NOTICE: THIS SITE IS BEING MONITORED! Violators **WILL be prosecuted!**

Wilmington Animal Control Ordinance

Table of Contents

Section 1: Purpose

Section 2: Statutory Authority

Section 3: Definitions

Section 4: Requirements, Restrictions and Prohibitions

Section 5: Impoundment

Section 6: Civil Designation

Section 7: Penalties

Section 8: Enforcement

Section 9: Severability

Section 10: Publication and Posting

Section 11: Information

Section 12: Right to Petition

Section 13: Adoption/Effective Date

Section 1- Purpose of Ordinance

This ordinance has been adopted for the purpose of protecting the public health, safety, order and the residents' right to the quiet enjoyment of their property. The regulations set forth herein seek to achieve the aforementioned objectives by promoting the responsible care and supervision of dogs and wolf-hybrids withing the Town by their owners.

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), (1 and 1), and 24 V.S.A. Chapter 59.

Section 3- Definitions

Dog: A male or female of the canine species (Canis familiaris)

Wolf-hybrid: An animal which is the progeny or descendent of a domestic dog (Canis familiarus)

At-Large: A dog or wolf-hybrid not on the premises of its owner and not restrained or under the direct control of its owner or the owner's agent. For avoidance of doubt, presence on a public trail maintained by the Wilmington Trail Committee without a leash, means the dog or wolf-hybrid is "at-large" and constitutes a violation of this ordinance unless the dog is on its owner's private property that the trail crosses

Issuing Officials: The Town officials authorized to issue complaints in the enforcement of this ordinance

Owner: Any persons, firm, association, or corporation owning, keeping or harboring a dog or wolf-hybrid.

Municipal Pound: Any facility operated by a municipal agency, or its authorized agent for the purse of impounding and caring for animals under hygienic conditions held under the authority of this ordinance or state law.

Public Trail Maintained by the Wilmington Trail Committee; means any public recreational trail or path that is constructed, marked, or maintained by or under the authority of the Wilmington Trail Committee, whether located on municipal land or across private property by easement or permission

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), Not Bold

Formatted: Font: +Body (Aptos)

Section 4- Requirements, Restrictions and Prohibitions

4-1: Licensing

Every owner of a dog or wolf-hybrid shall annually license said animal in accordance with provisions of 20 V.S.A Chapter 193. The owner of a dog or wolf-hybrid shall cause it to wear a collar and attach thereto a license tag issued by the Town Clerk. The fee for a license ~~shall include a \$5.00 surcharge~~may include a surcharge up to \$10.00 above the license fee ~~required~~allowed by the state statute to offset animal control expenses incurred by the town.

4-2: Immunization

All dogs and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A. 3581, 20 V.S.A 3581 (a) and any rules adopted by the Commissioner of Agriculture.

4-3: Running-at-large

Neither dogs nor wolf-hybrids shall lawfully run at large.

4-4: Vicious Animals

It shall be unlawful for a dog or wolf-hybrid to attack and/or bite a person or another animal.

4-5: Disturbances

It shall be unlawful for any dog or wolf-hybrid owner to allow their dog or wolf-hybrid to habitually bark or howl so that comfort or repose of any person(s) in the vicinity is disturbed.

4-6: Defecation

The owner or other individual in control of any dog or wolf-hybrid which defecates on private or public property, including parks, walkways, and yards, shall remove such material immediately and dispose of it in a sanitary manner.

4-7: Leash Required on Public Trails –

Dogs and wolf-hybrids must be leashed at all times while on any public trail maintained by the Wilmington Trail Committee. This requirement does not apply when the dog or wolf-hybrid is on its owner’s private property that the public trail crosses.

4-~~8~~7: Multiple Offenses

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Space After: 12 pt

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

For purposes of this ordinance, second, third and subsequent offenses are defined as those multiple and cumulative offenses committed by the dogs and/or wolf-hybrids of a single owner.

Section 5- Impoundment

5-1: Reasons for Impoundment

An enforcement officer may impound dogs and wolf-hybrids at a town designated impoundment facility for a violation of Section 4-1 through 5.

5-2: Impoundment Procedure

Within twenty-four (24) hours of the impoundment, the town official who impounds a dog or wolf-hybrid shall attempt to notify the owner that their animal has been impounded. If the owner is unknown or cannot be reached, the official shall post a notice in the Police Station and the Town Clerk's Office, for a period of seven days, describing the impounded animal, and stating when and where said animal was apprehended.

The owner may redeem dog or wolf-hybrid from the impoundment facility by;

- a. Paying all impoundment fees as well as other costs that the facility or the town may charge for boarding and caring for the animal.
- b. Inoculating their dog or wolf-hybrid against rabies if proof that said animal has been properly immunized cannot be provided. The town shall not release the animal until it has been inoculated. If necessary, the town shall have the animal inoculated and the owner shall pay fees and expenses for inoculation.
- c. Licensing their dog or wolf-hybrid only if said animal has not been properly licensed.

Dogs or wolf-hybrids that are not redeemed by their owners after seven days of impoundment, may be humanely destroyed.

Rabies Suspect- any dog or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with the rules of the Vermont Department of Health. The owner of an animal suspected of having rabies shall reimburse the town for all costs incurred in conjunction with the impoundment, evaluation, care and/or disposition of subject animal.

Section 6- Civil Designation

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sections 1974 a and 1977 et seq.

Section 7- Penalties

7-1: Violation of Subsection 4-1 (Licensing)

A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-1 of this ordinance. The penalty for the second offense within a two-year period shall be \$50.00, and the penalty for three or more offenses within a two-year period shall be \$100.00. The waiver fee shall be established at \$15.00 for the first offense, \$25 for the second offense within a two-year period, and \$50.00 for all subsequent offenses within a two-year period.

7-2: Violation of Subsection 4-2 (Immunization)

A penalty of \$40.00 shall be imposed for the initial violation of Subsection 4-2 of this ordinance. The penalty for the second offense within a two-year period shall be \$100.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver fee shall be established at \$20.00 for the first offense, \$50.00 for the second offense within a two-year period, and \$100.00 for all subsequent offenses within a two-year period.

7-3: Violation of Subsection 4-3 (Running at Large)

A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-3 of this ordinance. The penalty for the second offense within a two-year period shall be \$40.00, and the penalty for three or more offenses within a two-year period shall be \$60.00. The waiver fee shall be established at \$15.00 for the first offense, \$20.00 for the second offense within a two-year period, and \$30.00 for three or more offenses within a two-year period.

7-4: Violation of Subsection 4-4 (Vicious Animals)

A penalty of \$100.00 shall be imposed for the initial violation of Subsection 4-4 of this ordinance. The penalty for the second offense within a two-year period shall be \$200.00 and the penalty for three or more offenses within a two-year period shall be \$500.00. The waiver fee shall be established at \$50.00 for the first offense, \$100.00 for the second offense in a two-year period, and \$250.00 for all subsequent offenses within a two-year period. In addition, the Selectboard may issue an order in accordance with 20 V.S.A. 3546 to have a vicious animal muzzled, chained, confined or humanely destroyed.

7-5: Violation of Subsection 4-5 (Disturbances)

A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-5 of this ordinance. The penalty for the second offense within a two-year period shall be \$80.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver

fee shall be established at \$15.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$100.00 for three or more offenses within a two-year period.

7-6: Violation of Subsection 4-6 (Defecation)

A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-6 of this ordinance. The penalty for the second offense within a two-year period shall be \$80.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver fee shall be established at \$15.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$100.00 for three or more offenses within a two-year period.

7-7 Impoundment Fees

Impoundment Fees shall be set by the Selectboard and may be changed by the Selectboard at a meeting warned for that purpose.

Section 8- Enforcement

Issuing officials authorized to enforce this ordinance shall be any Wilmington Police Officer and the Town's Dog Warden(s).

Section 9- Severability

If any provision within this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining provisions of this ordinance.

~~Section 10- Publication and Posting~~

~~This ordinance shall be entered into the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the town. A copy of this ordinance, or a concise summary of it including a statement of purpose, principal provisions, and the table of contents or list of sections headings, shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this ordinance is adopted.~~

~~Section 11- Information~~

The Wilmington Town Manager, whose telephone number is 464-8591, and whose address is Box 217, Wilmington, VT 05363, is a person knowledgeable about the ordinance and is available to answer questions and provide persons with a full text thereof.

~~Section 12- Right to Petition~~

~~Citizens of the Town of Wilmington are further hereby notified that withing Forty-four (44) days from the date of adoption they may petition for a vote on the above ordinance at an annual or special town meeting as provided in 24 V.S.A. 1979:~~

Section 13- Adoption/Effective Date

This ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this 21st day of April, 2010 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

~~Section 14- Recording~~

~~This ordinance shall be recorded by the Town Clerk in the records of the municipality.~~

Wilmington ~~Board of Selectpersons~~Selectboard