

Wallingford Selectboard Meeting
Minutes
June 3, 2019

Selectboard Members Present: Bruce Duchesne, John McClallen, Patricia Pranger, Rose Regula and Nelson Tift.

Others present: Julie Sharon, Sandi Switzer, Phil Baker, Lisa Williams, Connie Berger, Michelle Kenny, Justin Filskov, Tori Filskov, Lynn Edmunds, Joyce Barbieri, Steve Berger, Christopher Dunigan, Nan Dubin, Tony Masuck, Cyndie Holden, John Ryan, David Carpenter, Kathleen Allen, Robert Allen, Tad Powers, Priscilla Powers, Shane Filskov, Susan Filskov, Karen Smith, Roger Smith, Theresa Ahlers, Ken Welch, Priscilla Raykoska, Laura Welch, Jeff Biasuzzi and Robert Ahlers.

Chair N. Tift called the meeting to order at 6:30 p.m. at Town Hall.

Agenda Amendments. Elfin Lake use request and assessor request for a 30-day extension to file the grand list were added.

Minutes. B. Duchesne made a motion that was seconded by R. Regula to approve the 05/06/19 Minutes. Motion carried (5-0).

Pay Orders. R. Regula made a motion that was seconded by J. McLallen approving the pay order total of \$65,354.35. Motion carried (5-0).

Road Commissioner Report. Road Commissioner Phil Baker said the road crew was busy with spring maintenance and road grading. He announced no contractors attended the Van Wyck Bridge site visit for the recommended FEMA repairs. He said he would be meeting with state Agency of Natural Resources Josh Carvajal on Wednesday to discuss state requirements for working in the waterway should the Town pursue bridge repairs.

Town Administrator Sandi Switzer asked Road Foreman Steve Lanfear when the road crew would be doing the ditching work on the additional Sugar Hill Road segments as the Grants in Aid deadline was late June. Mr. Lanfear said the work would be completed this week. S. Switzer asked if Mr. Lanfear received all of the information regarding the newly approved Better Roads grant for the Hartsboro Road ditching and culvert replacement projects. Mr. Lanfear confirmed receipt of all the grant details.

S. Switzer indicated Trudy Dias had requested attention to road/water issues impacting her property on Nash Drive. Mr. Baker said he would visit the property to see what could be done. N. Tift said he heard concerns regarding water draining onto Sugar Hill Road near Seward Hill Road. Mr. Baker said he would check it out.

Paving Bids. N. Tift opened up the two sealed paving bids. Pike Industries bid \$75.97/ton and Wilk Paving bid \$79.65/ton. B. Duchesne made a motion that was seconded by J. McLallen to accept the Pike bid. Motion carried (5-0).

VMS Construction Agreement. Board members reviewed an agreement drafted by Town Attorney Gary Kupferer between the Town of Wallingford and VMS Construction regarding structural improvements for the Wallingford Block. P. Pranger made a motion that was seconded by R. Regula authorizing N. Tift to sign the agreement on behalf of the Town. Motion carried (5-0).

Town Hall Floors. The Board reviewed estimates from Brown Floormasters and Don Tredtin Corp. for floor refinishing work at Town Hall. After some discussion, B. Duchesne made a motion that was seconded by P. Pranger to accept Don Tredtin's estimate of \$3500, which includes moving the furniture. Motion carried (5-0).

5K Race. There was a discussion regarding what to do with the net profit from the 5k race. B. Duchesne asked whether the funds should be put into the general budget and used as a carryover to lower taxes next year rather than put into the Recreation Fund CD. P. Pranger said most of the race funds were donations and should go into the CD. N. Tift said the total in the CD should be considered when working on the next Recreation budget.

R. Regula made a motion that was seconded by P. Pranger to transfer the net profits from the race to the Recreation Fund CD. Motion carried (4-1). B. Duchesne voted in the minority.

The Board agreed to send Kelly Dilonno a letter of appreciation for spearheading the event.

Public Comments. None.

Thomas Hand Solar Subscription. N. Tift said the Energy Committee's written recommendation was to accept Thomas Hand's solar subscription proposal. B. Duchesne said he was not comfortable signing a contract locking the Town into a 25-year agreement. P. Pranger said there was an estimated \$9000 savings over the life of the agreement with the Town receiving energy credits on each bill. There was a discussion related to aspects of the agreement regarding payment and access to Town accounts.

Lynn Edmunds said flexibility was important given the possibility of new technology that could result in greater savings. He questioned the 25 year commitment.

Ken Welch, a member of the Energy Committee, said it would save the Town money and the municipality would not lose anything by signing the agreement. He said his committee looked at the proposal as the developer's "thank you" to the Town for supporting the Creek Road solar project. After further discussion, P. Pranger made a motion that was seconded by R. Regula to accept Thomas Hand's Solar Subscription. Motion carried (3-2). B. Duchesne and J. McLallen voted in the minority.

Northeast Delta Dental Renewal. P. Pranger made a motion that was seconded by R. Regula approving employee dental insurance renewal. Motion carried (5-0).

Railroad Section House. B. Duchesne made a motion that was seconded by R. Regula accepting the transfer of ownership of the Railroad Section House from the Historical Society to the Town. Motion carried (5-0).

Employee Handbook. S. Switzer explained new state statutes required an update of the employee handbook. During that process, Vermont Leagues of Cities and Towns (VLCT) reviewed the entire document and suggested several changes/additions/deletions.

There was a discussion regarding vacation time as a VLCT representative indicated the Town's schedule was lower than most other municipalities. R. Regula and J. McLallen noted they favored a schedule similar to the Town of Proctor's shown on a worksheet prepared by the Town Administrator. After further discussion, J. McLallen made a motion that was seconded by B. Duchesne revising vacation time for years 7 through 14 to 15 days; years 15 through 21 to 20 days; 21 years and over to 25 days. Motion carried (5-0).

R. Regula made a motion that was seconded by B. Duchesne to adopt the revised Employee Handbook. Motion carried (5-0).

Stan Taylor Property. P. Pranger noted the Stan Taylor house, property and current use information was on both the Wallingford and Tinmouth grand lists, which she said would result in two property tax bills being sent to Stan Taylor. She asked who made the original error resulting in the Taylor house being assessed in Tinmouth. Joyce Barbieri suggested the Town seek guidance and action from VLCT. Board members agreed by consensus with her recommendation and directed the town administrator to contact VLCT and grant permission for Ms. Barbieri to speak on the Town's behalf. Ms. Barbieri indicated every deed related to the property identified the location as the Town of Wallingford. She added several deeds noted "formerly Tinmouth."

N. Tift said the town's assessor should include the Taylor house on the grand list with the Taylors receiving a Wallingford property tax bill in August.

Planning Commission Resignation. B. Duchesne made a motion that was seconded by J. McLallen to accept Dan Alcorn's resignation from the planning commission. Motion carried (5-0). The Board requested a letter of appreciation be sent to Mr. Acorn.

Executive Session. N. Tift made a motion at 7:49 p.m. that was seconded by R. Regula finding premature public knowledge would place the municipality at a substantial disadvantage, therefore the Board would enter executive session with the town administrator and Zoning Administrator Jeff Biasuzzi for pending or probable civil litigation. Motion carried (5-0).

B. Duchesne made a motion that was seconded by P. Pranger to exit executive session at 8:07 p.m. No action was taken.

2015 Zoning Request. Attorney David Carpenter representing Justin Filskov addressed the Board with his request to amend Agricultural Rural Residential setbacks and lot

depths in the 2015 Zoning Regulations. Mr. Carpenter said Zoning Administrator Jeff Biasuzzi had indicated there was a possible error in zoning regulations adopted in 2015 during a lengthy discussion following neighbors' appeal of the town permit issued to Mr. Filskov by the Development Review Board. Mr. Carpenter said he had reviewed multiple drafts of the 2015 Zoning Regulations and was convinced numbers were transposed resulting in errors in the ARR setbacks and lot sizes. He requested the Town amend zoning as outlined in 24 V.S.A. Section 4441.

Tad Powers, an attorney representing several neighbors of Mr. Filskov, said the proposed site was not conducive to Mr. Filskov's business. He said town setback requirements were just one of a number of hurdles to resolve, including an Act 250 permit and wetland issues. He said if the Town wanted to change zoning then the same process of public hearings, legislative body votes and a townwide vote should be followed. He further stated a letter from former Planning Chair Ann Tiplady and an email from Rutland Regional Planning Commission's Ed Bove indicated setbacks and lot sizes were intentional and not errors.

N. Tift said it was the Town's position it was not an error. He said the Town was not a party to this matter, which he said should be resolved between Mr. Filskov and his neighbors. He said the planning commission and Selectboard followed the statutory process to adopt the 2015 Zoning Regulations. He said the town's legislative bodies would again follow the statutory process to update zoning regulations in the future. As for this matter, N. Tift said the Town would respond appropriately to all public records' requests.

Zoning Computer. The Board reviewed estimates from Staples and Walmart for an HP Pavilion desktop computer for the zoning office. B. Duchesne made a motion that was seconded by P. Pranger to purchase the Staples computer at a cost of \$529. Motion carried (5-0).

By consensus, the Board agreed to add a Microsoft Office 365 subscription. There was a discussion regarding whether Vermont Digital should be hired at \$95 an hour to set up the computer and transfer files. Mr. Biasuzzi expressed his preference for a friend who was capable of doing the work at a rate of \$40 an hour. By consensus, the Board agreed that Mr. Biasuzzi should arrange installation with his friend at the lower rate.

Assessor Request for 30-Day Grand List Extension. B. Duchesne made a motion that was seconded by P. Pranger approving a 30-day extension to lodge the grand list as requested by Assessor Lisa Wright. Motion carried (5-0).

Elfin Lake Use Request. P. Pranger made a motion that was seconded by R. Regula approving Meghan Ferguson's request to use Elfin Lake on June 12. Motion carried (5-0).

The town administrator asked about a lifeguard requirement. Board members agreed Ms. Ferguson should be strongly encouraged to provide her own lifeguard as the lake was not open for the season and no lifeguards would be on duty.

Other Business. Mr. Biasuzzi said he had been in contact with a Cumberland Farms attorney regarding parking issues in front of the store. He said the attorney and VTrans Robert Faley recommended filing a request for No Parking with the state. The town administrator provided the Board with a 2017 email from VTrans Brian Sanderson indicating the Town had the authority to determine No Parking zones, which would require amending the Parking Ordinance, installing and maintaining signage, and painting stripes.

N. Tift said he had given the town administrator permission to allow Britney Blanchard and Alia Lunna to attend a lifeguard certification course in order to serve as Elfin Lake lifeguards this summer. He said the cost of the courses would be paid out of the Recreation budget.

There was a brief discussion regarding pursuing a grant for sidewalk repairs through the state Bicycle and Pedestrian Safety Program. R. Regula said no determination had been made regarding which entity (the Town or Fire District #1) owned the sidewalks. No action was taken to pursue the grant.

The meeting adjourned at 9:12 p.m.
Sandi Switzer/Town Administrator

Date Approved: 06/17/19