

Wallingford Selectboard Meeting
Minutes
October 3, 2016

Selectboard Members Present: Bill Brooks, Gary Fredette, Rose Regula and Nelson Tift. Selectboard Members Absent: Mark Tessier.

Others Present: Julie Sharon, Sandi Switzer, Phil Baker, Brian Ferguson, Trudy Dias, Ed Dias, Dave Ballou, Lisa Wright Garcia, Jack Facey, Jill Burkett, Erika Berner and Jeff Biasuzzi.

Selectboard Chair B. Brooks called the regular Selectboard meeting to order at 6:30 p.m. at Wallingford Town Hall.

Agenda Amendments. No additions or deletions.

Minutes. G. Fredette made a motion that was seconded by R. Regula to approve the Minutes of the Selectboard meeting on September 19, 2016. Motion carried (3-0). N. Tift abstained.

Pay Orders. N. Tift made a motion that was seconded by R. Regula to approve the 10/04/16 pay orders totaling \$70,971.18 after \$5240 was added for Phil Baker and Sons culvert replacement project on Earl Wade Road. Motion carried (4-0).

Board of Abatement Request. There was a discussion regarding Joe Lattuca's request the Selectboard call for a Board of Abatement (BOA) meeting so Mr. Lattuca could address the BOA's decision regarding his 2015/2016 Hull Avenue property taxes. The Selectboard reviewed the relative state statutes related to abatement requests and agreed Board of Abatement decisions were final.

G. Fredette said Mr. Lattuca's abatement request did not fit any of the criteria and therefore the BOA rejected it. By unanimous consent, the Selectboard agreed to take no action regarding Mr. Lattuca's request for another meeting.

Public Comments. Brian Ferguson asked the board what the town intends to do regarding the Witham property at 1631 Route 103. He said garbage, old appliances, furniture, tents and trailers littered the property driving down neighboring property values. He said a nearby property had been on the market for several years and he surmised the Witham property was part of the reason it had not sold. Mr. Ferguson said he doubted anyone would want to purchase the property at tax sale and pay for the thousands of dollars in delinquent taxes and fees then shoulder the financial burden of cleaning up the site.

B. Brooks responded tax sales were the responsibility of the delinquent tax collector. He noted the property had been put up for tax sale in the past and no one bid on it. He added the town was working with the state Department of Environmental Conservation

on several issues related to the property. Both Town Clerk and Treasurer Julie Sharon and Town Administrator Sandi Switzer said the property owner did not follow through on multiple proposals to use Tropical Storm Irene funds to help clean up the property. S. Switzer said she contacted state transportation officials last winter regarding the potential for using grant funds to clean up the site and install a park and ride. She noted the town would have to own the property before a grant application could be submitted.

B. Brooks said the Selectboard would be happy to work with any new owner in an effort to find a satisfactory resolution.

Trudy Dias reported water runoff from Nash Drive Extension was impacting her property despite the town's past efforts to improve the situation. Ed Dias said landscaper Skip Pratico recommended a berm or curbing be installed. Road Commissioner Phil Baker said a culvert may be the solution. After further discussion, the board agreed Mr. Baker and road foreman Steve Lanfear should visit the property and determine a course of action.

Road Commissioner's Report. Mr. Baker said the Earl Wade Road culvert replacement project was completed under budget and the work was approved by the state Agency of Natural Resources.

The road commissioner indicated he had reviewed the state regulations regarding discharge into floor drains in relation to the town garage. Mr. Baker said he would direct the road crew to find out whether the drains had been plugged and if a sump pump should be installed. He added discharge from washing town vehicles would evaporate in the building.

Lister Positions. B. Brooks asked whether assessor Lisa Wright Garcia and head lister Dave Ballou along with the town's other listers supported elimination of lister positions in favor of a hired assessor. Ms. Garcia responded she had no opinion on the matter and would perform the duties as the town directed. She added she was an advocate for local control, but she questioned the cost effectiveness of maintaining the positions with the necessary training.

Mr. Ballou said it was difficult to find qualified people willing to undergo necessary training. He said he was planning to leave the post when his term expires next year. He added he would be willing to stay on during a transition period. Mr. Ballou said he would highly recommend the Selectboard pursue steps to eliminate lister positions.

G. Fredette made a motion that was seconded by N. Tift to put an item on the Town Meeting ballot in March to eliminate lister seats. Motion carried (4-0).

B. Brooks indicated he agreed with Vermont League of Cities and Towns' suggested wording for the ballot item.

Executive Session. B. Brooks made a motion that was seconded by N. Tift to enter executive session at 7:14 p.m. for a civil matter where premature general public knowledge would place the municipality at a substantial disadvantage. Motion carried (4-0).

The board emerged from executive session at 7:29 p.m. B. Brooks made a motion that was seconded by G. Fredette directing the Town Administrator to request the town attorney defend the town's assessment of the Frank Chapman property at 1850 Mitchell Road. Motion carried (4-0).

Assessment Record. The board reviewed letters, documents and affidavits submitted by Ann Tiplady related to her request the town's assessor be directed to amend the lister card on her 328 Hartsboro Road property to reflect the home had four bedrooms rather than three bedrooms. Ms. Tiplady said the issue was preventing her from finalizing a sale of the property.

Ms. Garcia advised the board listing should follow the legal permitting for the property. She said she was an employee of the town and would do as directed. She recommended the town proceed with caution.

S. Switzer said adjoining neighbor Bill Lohsen called her earlier in the day and strongly urged the board require the property owner provide proof the septic system was suitable for a four-bedroom house.

Mr. Ballou said it was his understanding the previous owner Shirley Baker built it as a four bedroom home and Ms. Tiplady modified it to a three bedroom house.

B. Brooks said town records do not indicate whether the septic system was suitable for a four bedroom house. He said historical use of the property was as a four bedroom home.

Ms. Garcia said the town could not alter historical records, but she said the 2017 lister card could be changed at the board's direction.

Ms. Tiplady's attorney Jack Facey arrived at the meeting at 7:46 p.m. and joined the discussion. B. Brooks informed Mr. Facey the main issues were the physical records do not indicate the structure was a four bedroom house and septic system documents do not detail how many bedrooms the system would support.

Mr. Facey responded his client was not asking the town to alter historical records. He said the property was marketed and sold in 2003 as a four bedroom house. He added an architect's affidavit indicated it had four bedrooms. Mr. Facey said a clerical error on the lister card had stalled the sale of the property. He said the state passed legislation nearly a decade ago declaring all private property water and septic systems grandfathered as to what they were on January 1, 2007. He said the buyer's attorney

was concerned the records at the time indicated it was a three bedroom home. He requested the town change the 2017 lister card to reflect it had four bedrooms.

G. Fredette asked if the town would be liable if the lister card were changed and the septic system failed. Mr. Facey said the town absolutely would not be liable. He said towns no longer controlled septic permits. He said the state was responsible for septic permitting and he said the Clean Slate aspect of the 2007 legislation would result in no liability on the town's part should the system fail.

B. Brooks said the town had no physical records the property had four bedrooms on January 1, 2007. He asked Mr. Ballou what kind of precedent would be set by modifying the lister card. Mr. Ballou responded the only legal precedent he was concerned about was the septic.

After further discussion, B. Brooks made a motion that was seconded by N. Tift directing the assessor to change the lister card from three to four bedrooms as of 2017.

R. Regula confirmed no historical records would be changed. Motion carried (3-1). B. Brooks voted in the minority.

Prudential Committee Appointment. The board directed S. Switzer to invite Prudential Committee member Kandie Stocker to the next meeting to answer questions regarding the recommended appointment.

Workshop Request. G. Fredette made a motion that was seconded by N. Tift to approve Zoning Administrator Jeff Biasuzzi's request to attend a VLCT Zoning and Planning workshop on 11/02/16 in Montpelier at a cost of \$65.40. Motion carried (4-0).

VTrans Right of Way. By unanimous consent, the board agreed North End Road had a three rod right of way as indicated by the Road Commissioner Phil Baker and Road Foreman Steve Lanfear in discussions with the town administrator. The board directed S. Switzer to send a letter to VTrans stating the right of way of the road.

Russell Graphics. By unanimous consent, the board agreed S. Switzer should contact the appropriate state official and recommend Russell Graphics prepare the town's GIS data for the state with regard to the digital mapping project.

Grant Letters. By unanimous consent, the board endorsed a letter of support for a grant application to Efficiency Vermont for the Energy Committee's Button Up Workshop and a letter of support to the state Dept. of Environmental Conservation for an Ecosystem Restoration Grant to create a stormwater master plan.

Selectboard Comments. None.

Other Business. The board reviewed the annual VLCT PACIF renewal application. The board agreed to increase the ballfield equipment building value to \$5000. They asked S. Switzer to inquire about coverage for the Veterans' Memorial Park monument.

The board by unanimous consent approved Gilbert Hart Library's request for the town to issue a check by October 18 in the amount of \$36,000, which was the total included in the FY'17 budget.

G. Fredette said Tom Truex had asked him to represent the town at the October 9 dedication ceremony for the new monument at Veterans Memorial Park.

N. Tift said he asked the town administrator to research putting an item on the Town Meeting ballot to elect a second constable.

Zoning Administrator Jeff Biasuzzi requested planning commissioners Erika Berner and Jill Burkett be allowed to attend the 11/02/16 VLCT zoning workshop at a cost of \$60 each. B. Brooks made a motion that was seconded by G. Fredette to approve the request. Motion carried (4-0).

Ms. Burkett requested the town consider stipends for planning commission members. The board requested the commission make a recommendation. They asked the town administrator to research whether other towns offered stipends.

Mr. Biasuzzi said the planning commission would send the Selectboard monthly updates regarding their work on the Town Plan.

The meeting adjourned at 8:33 p.m.

Date Approved: 10/17/16

Sandi Switzer, Town Administrator