Wallingford Selectboard

Meeting Minutes

February 21, 2023

Selectboard Members Present: Carolyn Behrendt, Bruce Duchesne, Justin Jankus, Kathy Luzader and Mark Tessier.

Others present: Sandi Switzer, Phil Baker, Julie Sharon, and Greg McCormack from Peg-TV.

Selectboard Chair Bruce Duchesne called the meeting to order at 6:30 p.m.

Agenda Amendments. By consensus, the Board added an Executive Session to the agenda right after Selectboard Concerns.

Minutes. M. Tessier made a motion that was seconded by K. Luzader to approve the 02/06/23 Meeting Minutes. Motion carried (5-0).

Pay Orders. K. Luzader made a motion that was seconded by J. Jankus to approve the 02/22/23 pay order total of $34,239.90. Motion carried (5-0).

Road Commissioner's Report. Road Commissioner Phil Baker said the road crew had been working on sander repairs, Hartsboro Road, hauling gravel and daily maintenance. J. Jankus asked about log truck impact on the roads. Mr. Baker responded the weather would be turning colder to firm up the roads. He said log trucks should had not been plowed and he ordered the road crew to open it up.

Mr. Baker said Finch Turf sent a sales order in the amount of $7,394 for the debris blower that must be signed. By consensus the Board agreed B. Duchesne should sign it. It was noted on the sales order the Town must take delivery by June 1, 2023 for Grants in Aid Equipment Grant reimbursement purposes.

Mr. Baker said he would obtain a sales order for the brush hog attachment on the excavator.

B. Duchesne said Bill Lohsen asked the Board to reconsider the 02/06/23 decision denying a vehicle damage claim that Mr. Lohsen said was caused by a tree limb near Route 140W. The Board declined to pay the invoice.

Mr. Baker said the VTrans Structure grant work on the Maple Street retaining wall would be done in-house in April.

Honorable Mentions. Gilman Chapter 88 Order of Eastern donated funds to the food shelf.

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Public Comments. None.

Town Road and Bridge Standards. By consensus, the Board approved annual Town Road and Bridge Standards.

MRGP Annual Report. M. Tessier made a motion that was seconded by J. Jankus authorizing B. Duchesne to sign the Municipal Roads General Permit annual report. Motion carried (5-0).

WES Stormwater Maintenance Agreement. Board members reviewed a Wallingford Elementary School Stormwater Final Report by Watershed Consultants, letters from Nelson Tift and Gary Marcy drafted during the design phase related to system maintenance, a maintenance agreement signed by the Town and school officials during the design phase, and Selectboard meeting Minutes from March and April of 2022 related to maintenance of the WES stormwater system. B. Duchesne noted the Town had agreed to basic storm drain maintenance at WES similar to annual maintenance of other village drains. Mr. Baker noted repairs could be costly if the Town owned the entire system. J. Jankus said Mr. Marcy's letter does not offer clarity as far as ownership. By consensus, the Board agreed to invite Timothy Harte (who took Gary Marcy's position as Mill River Unified Union School District's Director of Operations) and MRUUSD representatives to a meeting in April to begin discussions regarding a maintenance agreement.

Recreation Committee Appointment. The appointment was tabled as Raven Crispino had not returned a signed Mission Statement.

Fire District #1 Annual Meeting Request. By consensus, the Board approved Fire District #1's request to hold the annual meeting at Town Hall on Tuesday, April 18, 2023 at 7:00 p.m.

Selectboard Concerns. B. Duchesne read aloud the following letter at Bruce Moreton's request:

To Bruce Duchesne, Chairman of the Wallingford Selectboard:

On Thursday, February 16, 2023, I received notification that on Wednesday, February 15, 2023, the Board of Civil Authority voted to remove my name from the Wallingford voter checklist as it no longer considers me a resident of Wallingford.

As a resident of Wallingford, I have a long list of legal concerns about the board's unprecedented decision, beginning with the cryptic listing in the meeting agenda as "Voter Complaint," which could be a possible violation of Open Meeting Law as my name does not appear there.

Unfortunately, if the board does not reverse its decision, I feel that I must hire an attorney and appeal the decision in spite of the unnecessary ramifications it could have for the future of the town.

Respectfully, Bruce Moreton

Executive Session. B. Duchesne made a motion that was seconded by K. Luzader finding premature general public knowledge regarding a Board of Civil Authority voter checklist challenge decision would clearly place the Town at a substantial disadvantage due to potential litigation. Motion carried (5-0).

B. Duchesne made a motion that was seconded by J. Jankus to enter executive session with the town clerk and treasurer and the town administrator at 6:57 p.m. under the provisions of Title 1, Section 313(A) of the Vermont Statutes to discuss potential litigation related to a Board of Civil Authority voter checklist challenge. Motion carried (5-0).

B. Duchesne made a motion that was seconded by J. Jankus to exit executive session at 7:23 p.m. Motion carried (5-0).

K. Luzader made a motion that was seconded by M. Tessier requesting the Board of Civil Authority reconvene to address the Bruce Morten voter checklist challenge as soon as possible. Motion carried (5-0).

Other Business. B. Duchesne noted he had joined the town administrator and Jim Bagnall in a telephone conference call with Vermont Leagues of Cities and Towns to discuss workers' compensation and vehicle liability issues related to the road commissioner. He indicated Mr. Baker would be covered by the Town's workers' compensation for personal injuries when acting in his capacity as road commissioner, but not as a contractor for Phil Baker and Sons. B. Duchesne explained Mr. Baker's vehicles and equipment would not be covered by Town insurance regardless of whether he was working as road commissioner or a contractor.

By consensus, the Board agreed to consider a yearly agreement with Phil Baker and Sons featuring established rates (labor and equipment), municipal notification to trigger the agreement, and a process for submitting invoices in a timely manner.

B. Duchesne announced the Conservation Commission's annual Fun Day would take place on Sunday, Feb. 26th at Stone Meadow.

Board members reviewed the latest fiscal year 2023 financial report.

M. Tessier asked about the impetus of the Recreation Committee Mission Statement. K. Luzader said past Recreation Committee members expressed concern there was confusion regarding duties. She said after Recreation Committee members resigned, the Selectboard drafted and approved it to clear up confusion. J. Jankus and C. Behrendt indicated similar Mission Statements should be required of other municipal groups. J. Jankus made a motion that was seconded by C. Behrendt to request members of Energy and Conservation draft Mission Statements for Selectboard consideration and request Recreation review the existing document and offer input. Motion carried (5-0). J. Jankus asked the Recreation Committee's Mission Statement be sent to Energy and Conservation as a possible template.

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B. Duchesne said K. Luzader, the town administrator and Jim Bagnall had met with Rutland Reg. Planning Commission's Steffanie Bourque and a state transportation official as part of the Sidewalk Consultant Selection Committee to begin review on pre-qualified contractors.

The Board took no action on Lisa Donohue's request the Town consider applying for a USDA grant to purchase medical equipment with a lease arrangement to the Thrive Center as there was not enough information regarding the Town's obligations and the grant representative had not responded to inquiries.

K. Luzader made a motion that was seconded by M. Tessier to adjourn at 7:40 p.m.

Submitted By: Sandi Switzer/Town Administrator

APPROVED THIS 6th Day of March, 2023 Wallingford Selectboard

Carolyn Behrendt _____

Bruce Duchesne _____

Justin Jankus _____

Kathy Luzader _____

Mark Tessier_____

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