

Minutes of the East Montpelier Selectboard

June 5, 2017 Adams Vicious Dog Hearing

SB Attendance: Chair Seth Gardner, Amy Willis, Gene Troia; Town Administrator Bruce Johnson

Public Attendance: Town Health Officer Dave Grundy; Town Constable & Animal Control Officer Sandy Conti; Complainant Kim Swasey; Julie Vogel, Kaylee Swasey, Norman Hill

[Ms. Swasey, an East Montpelier Selectboard member, recused herself from this action and sat with the other members of the public for the hearing.]

Chair Gardner opened the hearing at 6:04 p.m. He explained that the proceeding involved a vicious dog complaint submitted by Kimberly Swasey, of 235 Wheeler Road in East Montpelier, involving the dog Oakley, owned by Reuben Adams, of 515 Brazier Road in East Montpelier.

The SB heard testimony and examined written evidence about the dog's behavior, including attacks on humans, over a period of years. The owner was not present, but did submit a written statement. Details of the oral testimony are in the written decision/order from the hearing, dated June 9, 2017.

Motion: To close the hearing and enter deliberative session. Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

Hearing closed and board entered deliberative session at 6:29 p.m.; exited at 6:37 p.m.

Motion: To adjudge the dog Oakley a “vicious dog” and order that Oakley be rehoused outside of East Montpelier by 10 days after the expected date Mr. Adams will receive decision; if the dog Oakley remains in East Montpelier past the deadline, Oakley will be impounded and humanely destroyed. Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

June 5, 2017 Regular Selectboard Meeting

SB Attendance: Chair Seth Gardner, Amy Willis, Gene Troia, Kim Swasey; Town Administrator Bruce Johnson

Calais SB Attendance: Chair Denise Wheeler, John Brabant, Rose Pelchuck, Sharon Winn Fannon, Rob Richert

Public Attendance: Delinquent Tax Collector Karen Gramer; Revolving Loan Advisory Committee members Renée Carpenter, Ross Hazel, Ed Deegan, Gabrielle Malina; Recreation Board members Phillip Heinz, Jack Zeilenga, Jan Aldrich, Mike Blanchard, Bob Fitch; East Montpelier Fire Department Chief Ty Rolland; EMFD President Toby Talbot; EMFD members Sandy Conti, Elliott Morse, Albert Petrella, Paul Guare; Carla Occaso

Chair Gardner called the meeting to order at 6:40 p.m.

Addition to Agenda:

- **Consideration of Central VT Humane Society Agreement**
- **Consideration of Town Clerk Job Description**
- **Discussion on Sinkhole at Emergency Services Facility**
- **Consideration of Letter of Collaboration with VT Dept. of Forests, Parks and Recreation**
- **Consideration of Application for CVRPC Transportation Planning Funding**
- **Municipal Roads Grants-in-Aid Pilot Project**

Public Comment: None

Appointments:

- **Auditor**
 - **Motion: To appoint Carla Occaso to the Board of Auditors for the remainder of the first year, until March 6, 2018, of the vacant 3-year elected seat on the board.** Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.
- **Funding Request Study Committee**
 - **Motion: To appoint Lindy Johnson, Ann Stanton, Charlie Catlin, Jeanne Malachowski, Sandal Cate, Paul Erlbaum, and Sue Racanelli to the Funding Request Study Committee for terms ending March 2018.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

Discussion on Delinquent Tax Collector Position

The town-voted amendments to the town governance charter, presented to the Vermont Legislature as bill H.527, have now been enacted into law. Two town offices, the Collector of Delinquent Taxes and the Town Clerk, will become appointed positions on July 1, 2017. Our currently elected Collector of Delinquent Taxes, Karen Gramer, discussed with board members the options for that position as of July. Board members suggested a variety of alternatives to the status quo that did not meet with Ms. Gramer's acceptance. In the end, the board proposed that she continue in the position under the current terms for at least another year, subject to the requirement that she keep a time journal. Ms. Gramer countered with an offer to serve under the existing protocol until the expiration of her original term of office, March 5, 2019. Once that clear stalemate was reached, the board, with Ms. Gramer's agreement, decided to table further discussion on the issue until later in the evening. Ms. Gramer left the meeting at that time.

The board continued discussion towards the end of the meeting. The consensus was to assign the official function of the Collector of Delinquent Taxes to a current town employee and spread the duties among the office staff. The topic will be taken up at the June 26, 2017 SB meeting to determine the final details of the plan.

Discussion with EM Revolving Loan Advisory Committee

The Selectboard and Revolving Loan Advisory Committee members discussed the current status and possible future uses of the Revolving Loan Fund, an account currently funded by the repayment of a Community Development Block Grant program loan provided to Sandy Pines Mobile Home Park for infrastructure upgrades. The fund grows by about \$8,000/year, with an expected audited balance of \$32,810 as of June 30, 2017. Although the town technically controls the account, there are numerous

use restrictions and the state requires a report on the current and planned uses of the funds every July. The last disbursement of money from the account was in 2013 and both the board and the committee would like to see the account continue to grow to give the town flexibility in its efforts to promote affordable housing.

The committee would like to add some new members. It intends to continue to research and evaluate potential uses of the account to benefit the community within the strictures placed on the funds by federal guidelines.

Discussion with EMSLI on use of Town Grant to EMSLI

In 2013 the town provided the East Montpelier Senior Living Initiative with a grant for \$20,000 to continue its work toward the development of senior housing in the town. EMSLI president Renée Carpenter would like the board to authorize the use of part of the grant to procure assistance for the development of an application for planning funds through the Community Development Block Grant program.

Motion: To authorize EMSLI to expend up to \$5,000 to hire a consultant to assist in the development of a CDBG planning grant application. Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

Discussion with EM Recreation Board

The town's Recreation Board has gone through a number of significant events recently: a large turnover in board membership; the election of a new leadership team; the handling of its first public records request; and the taking over by the town of its financial management. In light of these events, the Selectboard invited the Rec Board to provide an update on its plans for a shift to non-profit status. The Rec Board has secured registration, in the name of "East Montpelier Recreation Inc.," as a state non-profit corporation. There is still some question as to whether any federal paperwork has been filed. The Rec Board is still working on the costs of shifting, in particular the cost of handling its own insurance instead of relying on the town's coverage. The Selectboard will wait for further updates before deciding whether the shift is in the best interests of the town.

Discussion on EMFD Plan for Replacement of Rescue Vehicle **Joint Meeting with Calais Selectboard**

The East Montpelier Fire Department and the two Selectboards have been trying to reach agreement on the replacement of aging EMFD fire service vehicles for a number of months. EMFD Chief Ty Rolland presented a new plan to purchase a replacement for the 24-year-old heavy rescue vehicle R-2. EMFD has an option on a used (2013) vehicle at a cost of \$330,000 from a fire department located outside Rochester, New York. The plan is to use \$80,000 of the current EMFD capital reserve fund as a down payment and finance \$250,000 over five years at around 3.5% interest for an approximate cost to the reserve fund of \$55,000/year. EMFD has until June 12th to finalize the deal. If the purchase is completed, EMFD will sell R-2 and return the proceeds to the reserve fund. The other old EMFD vehicle, the E-4 fire engine, will become more of a reserve vehicle with a new target date for replacement in FY2023 or thereabouts.

Board members discussed the new plan and agreed that this is a solid compromise that better meets the needs of the communities both in terms of service and cost.

Motion: To authorize EMFD to utilize the EMFD Capital Reserve Funds to purchase a \$330,000 used 2013 KME Rescue/Pumper on the presented terms of \$80,000 down payment plus 5-year financing at around 3.5% interest with 5 annual payments of approximately \$55,000; any proceeds from the sale of the R-2 heavy duty rescue vehicle will be placed in the EMFD Capital Reserve Fund. Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

The Calais Selectboard authorized the same use of the EMFD Capital Reserve Fund by unanimous vote.

Discussion on Templeton Road Fire Station Septic Issue

EMFD Chief Rolland offered a solution to the septic system problem at the Templeton Road Fire Station: EMFD will remove the existing septic tank; diagnose and resolve the septic line blockage issue; locate a new septic tank further away from the building; run a septic line extension to the new tank; and contract for regular monitoring and pumping of the new tank. The Selectboard supported the plan and will continue to allow the fire station to use the existing waterline connection to the town garage water source.

Discussion on Sinkhole at Emergency Services Facility

Connor Contracting is working with EMFD to fix a sinkhole under the generator at the back of the ESF. The cost is estimated to be \$4,000. This is the type of expense that could be covered by the town's ESF remainder bond fund, which has approximately \$24,000 available for needed repairs. By consensus the two boards agreed to allow the use of the fund for the repair.

Consideration of CCS Use of LaPerle Parcel and Town Hall Parcel During Intersection/Bridge Project Construction

CCS Constructors (Morrisville) has the contract for the VTrans Bridge 68 replacement and US Rte. 2/VT Rte. 14 intersection reconstruction project. The company would like to use the LaPerle farmhouse lot (3035 US Rte. 2) for a materials & equipment staging area and the town hall lot (just south of 2812 US Rte. 2) as the location of the state engineer's construction trailer. The company needs the town to sign off on the VTrans "Off-site Activity Submittal" forms.

Motion: To authorize TA Johnson to complete and sign the VTrans forms to allow CCS Constructors the requested limited use of town-owned parcels in conjunction with the VTrans Bridge 68 replacement and US Rte. 2/VT Rte. 14 intersection reconstruction project. Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

Request to Extend Time to File Abstract of Individual Lists

The state has fallen behind in its review of homestead declarations, so that, for instance, East Montpelier has some 200 more non-residential properties than it would expect to have as of the beginning of June. This affects not only tax status, but also how rental and business use is handled. The expectation is that this issue will be cleared up within a couple of weeks, but for now the listers are uncomfortable filing the abstract of individual

lists (the first filing of assessed values of properties for the upcoming tax year). The deadline for filing was June 5th, but the listers requested an extension of time from the state last week. This request required Selectboard authorization, which Chair Gardner provided after notice to the entire board. The request for time extension has already been granted by the VT Dept. of Taxes, but a retroactive authorization for Chair Gardner to sign the request for extension letter clears up any lingering concerns regarding the official standing of the original request.

Motion: To approve Chair Gardner's signing, on behalf of the Selectboard, the June 1, 2017 letter to the VT Department of Taxes requesting an extension of time to file the abstract of individual lists. Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

Consideration of Proposed WEC Utility Line on East Hill Road

Washington Electric Cooperative is requesting permission to install a utility line extension down (from Clark Road to the west toward VT Rte. 14) East Hill Road to meet the needs of new housing construction in the area. Road Foreman Garand recommends approval with the stipulation that the new poles be located along the outer limits of the town's road right-of-way, away from the road and ditchlines.

Motion: To approve the WEC utility line extension on East Hill Road as recommended by Road Foreman Garand. Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

Consideration of Grant Agreements

- **VTrans Structures Grant for Mallory Brook Culvert Engineering Study**
 - VTrans has awarded the town a \$12,000 engineering study grant to develop a design for the replacement of the Center Road Mallory Brook culvert. The plan is for the historic culvert to be left in place and a new, larger culvert to be installed just to the north of the existing one. The brook channel will be shifted to meet the new culvert.
 - **Motion: To authorize TA Johnson to sign the VTrans Structures Grant agreement for the Mallory Brook culvert engineering study.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.
- **VTrans Structures Grant Amendment for Murray Road Culvert Project**
 - VTrans has awarded the town the requested amendment which will drop the net cost to the town back down to 10% of the project cost (estimated at under \$13,000 town cost).
 - **Motion: To authorize TA Johnson to sign the VTrans Structures Grant amendment agreement for the Murray Road culvert replacement project.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.
- **VHCB Feasibility Study Grant for LaPerle Farm Parcel**
 - VHCB has awarded the town \$10,000. The grant does have some conditions dealing with VHCB approval of the consultant, budget, and use. VHCB-recommended consultant Paul Dettman will be meeting with TA Johnson on June 7th at 1 p.m.
 - **Motion: To authorize Chair Gardner to sign the VHCB feasibility study grant agreement.** Made by Ms. Willis; second by Mr. Troia. Passed unanimously.

Additions to Agenda

- **Consideration of Central VT Humane Society Agreement**
 - The CV Humane Society has provided the town with its standard agreement for services, covering calendar year 2017. The last agreement we had covered fiscal year

2016; the new agreement is the same except for a cap on cost. One change is that the cover letter did not contain the normal cost offset language to benefit the town. TA Johnson requested CVHS provide a new letter with the offset provision. This was agreed to and should be available by the end of the week.

- **Motion: To authorize TA Johnson to sign the agreement once the cover letter with the expected language is received.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.
- **Consideration of Town Clerk Job Description**
 - The job description for the new appointed town position is currently in draft form. The job opening has now been posted on VT Job Link, the town's website, on Front Porch Forum, in the Times Argus, and on various notice boards and email lists. The Town Clerk Selection Committee's first meeting is Monday, June 12th, 3 p.m. at the town office. Board members reviewed the draft language.
 - **Motion: To adopt the Town Clerk job description as presented.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.
- **Consideration of Letter of Collaboration with VT Dept. of Forests, Parks and Recreation**
 - East Montpelier has been offered the opportunity to be a test subject in a new "Rural Road Vegetation Management Assessments" program offered by the VT Department of Forests, Parks, and Recreation. The letter of collaboration details the services that will be provided by state personnel. In return, interested townspeople and town employees will work with the state's team to ensure the end result fits the town's needs.
 - **Motion: To authorize TA Johnson to complete and sign the letter of collaboration.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.
- **Consideration of Application for CVRPC Transportation Planning Funding**
 - The Central VT Regional Planning Commission has some funding available for small transportation studies this summer and is asking towns to submit proposals. Townspeople have requested that the town do something about the troublesome Towne Hill Road/Gallison Hill Road/Brazier Road intersection. TA Johnson proposed a safety evaluation of the intersection to CVRPC and received word that such an application would be considered favorably.
 - **Motion: To authorize TA Johnson to submit an application for a safety study of the Towne Hill Road/Gallison Hill Road/Brazier Road intersection to CVRPC.** Made by Ms. Willis; second by Mr. Troia. Passed unanimously.
- **Municipal Roads Grants-in-Aid Pilot Project**
 - A new program from the VT Department of Environmental Regulation, with assistance from the state's regional planning commissions, is offering towns funding to implement best management practices on hydrologically connected segments of municipal roads. The funding levels are specific to each town based on the actual mileage of such segments in the towns. East Montpelier is eligible for \$7,500 in funding (plus a 20% town match, so total project value of \$9,000). To participate, the board must submit a letter of intent, signed by board members, by July 5, 2017. TA Johnson presented a draft letter.
 - **Motion: To sign and submit the letter of intent to participate in the RPC/DEC Municipal Roads Grants-in-Aid Pilot Project.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously. Board members signed the letter.

Access Permits

➤ **17-025 Haynes; North Street**

- Paul & Julia Haynes now own the 18-acre wooded parcel north of the Vissering/Klein property and south of the Clayton property on the west side of North Street, just south of the Horn of the Moon Road intersection. They would like to upgrade the existing access point to a residential access. Road Foreman Garand recommends approval with the condition that a new drive culvert be installed.
- **Motion: To approve East Montpelier Access Application 17-025 as recommended by Road Foreman Garand.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously. Board members signed the permit.

Warrants

Board members signed the warrant.

Minutes

Chair Gardner presented the draft minutes of the May 15, 2017 board meeting.

Motion: To approve the May 15, 2017 minutes as presented. Made by Troia; second by Ms. Swasey. Passed unanimously.

Chair Gardner presented the draft minutes of the May 22, 2017 board meeting.

Motion: To approve the May 22, 2017 minutes as amended. Made by Ms. Willis; second by Mr. Troia. Passed unanimously.

Other Business

Town Administrator Report:

- Update on EM Village Park ‘N Ride Facility:
 - Dale Percy Inc. (Stowe) is the likely contractor (low, qualified bid). The award process is still playing out.
 - TA Johnson will speak to the Grant family regarding relocation of the Saturday trash pickup business currently operating on the park ‘n ride parcel.
- Update on EM Village Sidewalk Project Right-Of-Way Process:
 - Town has full clearance to move forward with r-o-w discussions with the EM Village property owners affected by the sidewalk project. The first round of meetings will occur in the next week or so.
- Meeting Schedule:

○ June 26 th	6:30 pm	Selectboard special meeting (no June 19 th meeting)
○ July 10 th	6:30 pm	Selectboard special meeting (no July 3 rd meeting)
○ July 20 th	7:00 pm	EMFD quarterly budget presentation at ESF
○ July 24 th	6:30 pm	Selectboard special meeting (no July 17 th meeting)

Zoning Administrator Report:

- 7 permit applications since May 15, 2017.
- Next DRB meeting June 6, 2017, including the following items:
 - Final plan review of a two-lot subdivision of the Ferrada property on County Road;
 - Final plan review of a two-lot subdivision of the Witham property on Bliss Road; and,
 - Sketch plan review of a two-lot subdivision of the Atwood property on County Road.

Motion: To adjourn. Made by Ms. Willis; second by Mr. Troia. Passed unanimously.
Meeting adjourned 10:09 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: June 26, 2017 East Montpelier Selectboard meeting