

**East Montpelier Selectboard Meeting APPROVED (07/13/15) MINUTES
June 22, 2015 at the Town Office**

Selectboard members present: Carl Etnier (recording secretary), Seth Gardner, Casey Northrup, Steve Sparrow, Kim Swasey; Bruce Johnson (town administrator).

Others present: Karen Gramer (delinquent tax collector), Michelle McFadden, Jennifer Packard, Jean Vissering (planning commission), Don Welch (treasurer).

A. CALL TO ORDER

Chair Seth Gardner called the meeting to order at 6:35 pm.

B. ADDITIONS TO THE AGENDA

Central Vermont Humane Society's Annual Agreement

C. PUBLIC COMMENT

Michelle McFadden said Road Foreman Mike Garand visited her husband Friday to talk about cutting trees on their property along Kelton Road. She says that farm trucks come down the road too fast anyway, and she is afraid longer sight lines would encourage speeding.

She noted that she had emailed neighbors to ask them to express their concerns, and one email came in (from Derek Pryce) in support of cutting trees to increase visibility.

The SB plans to conduct a site visit before its July 13 meeting and discuss the issue at the meeting.

D. DELINQUENT TAX COLLECTOR REPORT

Karen Gramer reported that she plans two tax sales.

Update on parcel 10-067.000, in the village:

The proposed date for a foreclosure auction is August 12. After that, town taxes will be paid at the closing. Ms. Gramer suggests filing a tax lien on the property as additional protection in the event of a potential bankruptcy filing, per a recommendation from the Vermont League of Cities and Towns.

Mr. Johnson said he consulted attorney Bruce Bjornlund about the value of filing the tax lien. Both Mr. Johnson and Mr. Bjornlund believe the town's interests are already strongly protected even in the case of a bankruptcy filing, but they see no harm in filing the tax lien.

Motion: I move to authorize the lien on parcel 10-067.000 in the amount of \$10,833.08 plus interest, penalties, costs and collection fees for the tax years 2012/2013, 2013/2014, and 2014/2015. Made: Mr. Etnier. Second: Ms. Swasey. 5-0.

Ms. Gramer recommends waiting on the two planned tax sales until after the Aug. 12 auction. If town taxes are paid on parcel 10-067.000 as a result of the auction, no tax sale on the property will be necessary. In any other case, the tax sale process for the three parcels would be combined, which would be a more efficient use of and a more attractive remuneration for the attorney hired by the town for the tax sale.

Mr. Johnson said he will be at the auction, as will Agency of Transportation employees working on the village Park N Ride. Construction of the Park N Ride will be facilitated by an easement allowing use of

a portion of parcel 10-067.000.

Ms. Gramer presented the following figures to compare delinquent taxes at this point in the fiscal year with previous years, and said that the town had so far collected approximately \$86,000 in the last month.

| | 06/16/15 | | 06/17/14 | | 06/17/13 | |
|---------------------------|------------------------|---------------|------------------------|---------------|------------------------|---------------|
| | # of properties | Amount | # of properties | Amount | # of properties | Amount |
| From previous year | 55 | \$125,737.05 | 70 | \$147,669.96 | 77 | \$139,805.21 |
| From prior years | 15 | \$36,272.59 | 20 | \$26,174.41 | 14 | \$20,343.41 |
| Total | | \$162,009.64 | | \$173,844.37 | | \$160,148.62 |

E. PRESENTATION OF PROPOSED ZONING REGULATION AMENDMENTS BY THE PLANNING COMMISSION

Planning Commission chair Jean Vissering presented the proposed zoning regulation amendments that the PC held a May 7 hearing on. She said the PC had discussed the input at the hearing and made some revisions.

Substantive revisions to the proposed amendments involve Conservation Overlay Districts (CODs). The original changes were based on outdated and/or irrelevant information about wellhead protection areas for public water supplies. Now taken out; the only CODs are for wetlands and elevations over 1500 ft.

No additional PC hearing is planned. The next move in the process is for the SB to warn a hearing.

Ms. Vissering would like to see SB move reasonably quickly on a hearing. There are three changes that need attention sooner rather than later, in her opinion: flood hazard regulations, the current CODs, and administrative amendment of permits. She said September would be reasonable for a SB hearing.

F. DISCUSSION WITH TONI & ALAN MAYS ON MAYS WAY ZONING CONCERN

Toni and Alan Mays said they found human waste from a neighbor on their property, and that the neighbors are living on land with no running water or septic.

Also, the neighbor's dog with no tags has visited three times in a way they did not welcome.

Mr. Johnson reported that, as zoning administrator, he has been on the neighbor's property, along with the town's health officer. There is difficulty in establishing a legal means for the town to compel the neighbor to either install water and wastewater treatment or to move off the land. The town can issue fines, but if the issue is too little money to pay for water and wastewater, fines are unlikely to get paid or to result in a system being built.

The state is in charge of enforcing water and wastewater regulations, and the enforcement officer has

previously declined to enforce on this property. The town will contact him again.

The SB referred the Mays to the town's dog ordinance and invited them to file a complaint of a potentially vicious dog, if they thought that was warranted.

The SB will conduct a site visit before its July 13 meeting and will explore all ways forward.

G. FUND BALANCE POLICY DETERMINATIONS FOR FY2016

Per the town's fund balance policy, the SB voted to commit certain unused funds from FY2015 to lines in the FY2016 budget.

Motion: I move to commit the remainder (\$8,000) of the FY15 “EM Village Grant Projects” budget to 505 fund (Village Sidewalk Grant) for use as a part of the required cost match for the sidewalk grant and as needed for other Village grant projects. Made: Ms. Swasey. Second: Mr. Northrup. 5-0.

Motion: I move to commit the remainder (\$9,969) of the FY15 “2014 VTrans Structures Grant 10% Match” budget to 501 fund (Paving & Structures Grant). Made: Ms. Swasey. Second: Mr. Sparrow. 5-0.

H. CONSIDERATION OF CAPITAL RESERVE FUND USE TO PAY OFF EXISTING HIGHWAY EQUIPMENT LOANS

In January, the SB decided to pay off the 2008 Volvo excavator and 2013 Mack truck loans prior to the end of FY2015, to achieve savings on the interest payments. Mr. Johnson reported that doing so will achieve total savings of about \$1,311.

Motion: I move to pay off the 2008 Volvo excavator loan, a total of \$55,100.02, using the Capital Reserve Fund. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0.

Motion: I move to pay off the 2013 Mack truck loan, a total of \$30,088.98, using the Capital Reserve Fund. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0.

I. DISCUSSION OF POTENTIAL EVENTS AND SCHEDULE OF SAME

Special Town Meeting for Revising the Recreation Board

The SB decided the issue does not merit the time and expense of a special town meeting. It will be brought up at the annual town meeting in 2016.

Review Session &/or Hearing for Zoning Regulation Amendments

Warning a hearing on the amendments puts the new flood control regulations in place immediately. The SB is not ready to take a position on how soon it wishes to do that. The SB will review the amendments at its August 31 meeting and decide then when to warn a hearing.

CVSWMD Grant-Funded Solid Waste Event

Central Vermont Solid Waste Management District (CVSWMD) has invited the town to utilize an unused allocation. The Planning Commission suggested holding an informational solid waste organics recycling event with discounts on Green Cones and composters. CVSWMD is evaluating whether such an event would qualify for the grant funds being held for the town; the concept is definitely one the district would like to support. Action is tabled until the July 13 SB meeting.

J. UPDATE ON PACKARD ENVIRONMENTAL COURT CASE

The Environmental Court found that the two undersized Packard lots on Pine Ridge Road had not merged due to the chasm along the joint property line that prevented functional use of the parcels as one conjoined property.

The town has the right to appeal to the Vermont Supreme Court, which would result in additional attorney and court costs. The SB decided not to appeal.

K. ROAD FOREMAN REQUEST TO RENT EXCAVATOR W/ GORILLA HAMMER

Road Foreman Mike Garand would like to rent an excavator with a special jackhammer to be used to remove ledge on Jacobs Road. He will be investigating other places to use it, as well. There is money in the roads budget to cover this.

Motion: I move to authorize rental for one week of an excavator with a Gorilla Hammer, at a cost of \$3,300. Made: Mr. Etnier. Second: Mr. Northrup. 5-0.

L. CONSIDERATION OF WARRANT TO IMPOUND UNLICENSED DOGS

This is the standard statutory language for a warrant the SB issues to the animal control officer this time of year.

Motion: I move to sign the warrant to impound unlicensed dogs. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0.

M. DISCUSSION ON CAPITAL IMPROVEMENT COMMITTEE'S FUTURE CAPITAL PROJECTS QUESTIONNAIRE

Ms. Swasey said she would like to see re-examination of water and wastewater options for Gallison Hill and the village.

Mr. Johnson reported the Planning Commission is looking for a grant that could help.

Mr. Etnier offered to review the previous work and hold a few conversations to ascertain what may have changed in our permitable options and their costs.

N. CONSIDERATION OF EMPLOYEE PAY RATES FOR FY2016

The SB set the wages for town employees for FY16.

Motion: I move to approve the FY16 wage schedule for municipal employees. Made: Mr. Northrup. Second: Ms. Swasey. 5-0.

Motion: I move to additional vacation time of 5 days to municipal assistant Denise Brown in appreciation of her coverage of the town clerk position. Made: Ms. Swasey. Second: Mr. Northrup. 4-0 (Mr. Sparrow recused himself).

O. Central Vermont Humane Society's Annual Agreement

This is the standard contract for stray animal management. Once again the regular intake fees are waived for East Montpelier.

Motion: I move to authorize TA Bruce Johnson to sign the agreement with Central Vermont Humane Society. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0

P. APPOINTMENTS

Motion: I move to appoint Sue Racanelli to the Funding Request Study Committee. Made: Mr. Sparrow. Second: Ms. Swasey. 5-0.

Q. EXCESS WEIGHT PERMITS

Motion: I move to approve excess weight permit 15-43. Made: Mr. Northrup. Second: Mr. Etnier. 5-0.

R. WARRANTS

Signed.

S. MINUTES

Motion: I move to approve the minutes of June 1, 2015 as submitted. Made: Mr. Sparrow. Second: Ms. Swasey. 5-0.

T. OTHER BUSINESS

The town has a copy of the proposed deed from Washington Electric for the property for the Park N Ride. Attorney Bruce Bjornlund has reviewed the language and is comfortable with it.

There's a rotted area on the town office trim. We will ask a carpenter for an estimate on this and the Templeton Road fire station. In the meantime, Mr. Etnier will fill the hole to prevent further water entry into the town office's wall.

Mr. Johnson reported that zoning permit activity is up, but still slow.

Central Vermont Humane Society is requesting an amended permit to add a few parking spaces, redo sign, and adjust lighting locations. In light of CVHS once again waiving its annual service fee for East Montpelier, the SB decided to waive the fee for the permit amendment (\$260).

U. PERSONNEL MATTERS

Discussed.

V. ADJOURNMENT

Motion: I move to adjourn. Made: Mr. Sparrow. Second: Mr. Northrup. 9:55 pm.