

## Minutes of the East Montpelier Selectboard

# DRAFT

### June 26, 2017 Selectboard Meeting

**SB Attendance:** Chair Seth Gardner, Amy Willis, Gene Troia, Kim Swasey, Carl Etnier (arrived at 8:30 p.m.); Town Administrator Bruce Johnson

**Public Attendance:** Town Treasurer Don Welch; Karen Saudek, Town Clerk Selection Committee; Reuben Adams

Chair Gardner called the meeting to order at 6:48 p.m.

#### **Additions to Agenda:**

- **Annual CAI Query Manager Support Agreement**
- **Consideration of Transfer of Funds from General Fund to Capital Reserve Fund**
- **Add Road Commissioner to Item P: Consideration of Town Office Position Appointments**
- **Discussion on Central VT Regional Planning Commission Transportation Study Grant**

#### **Public Comment:**

Reuben Adams asked the Selectboard to reconsider its decision in the June 5, 2017 “Vicious Dog” hearing for Mr. Adams’ dog, Oakley. Mr. Adams did not attend the original hearing and acknowledges that he has been a bad pet owner at times. He insists that Oakley is a wonderful dog and believes that the board did not receive an accurate portrayal of Oakley’s general pattern of behavior. Mr. Adams does not dispute the two bite incidents, but does not believe that Oakley’s behavior warrants either banishment from the town or the possibility of being put down. He is confident that an acceptable solution can be found to allow Oakley to live on Mr. Adams’ property.

**Motion: To reconsider the decision in the June 5, 2017 “Vicious Dog” hearing for the dog Oakley.** Made by Mr. Troia; second by Ms. Willis. Passed 3-0 (Ms. Swasey, the complainant in the hearing, recused herself).

The board will warn the reconsideration for 6:30 p.m. on July 10, 2017. The board will allow new evidence to be submitted into the record at that time.

#### **Town Treasurer Report: Don Welch, Town Treasurer**

Treasurer Welch reported that the town is in solid shape as we approach the end of the fiscal year.

#### **Fund Balance Policy Determinations for FY2018**

Treasurer Welch expects the town to have a surplus of approximately \$100,000 when FY2017 is fully settled. The town’s fund balance policy requires the board to commit funds by end of the fiscal year, June 30<sup>th</sup>, if it wants to restrict use of the current budget surplus for specific purposes.

**Motion: To assign the current FY2017 budget surplus in the following manner:**

- 1. \$5,000 to be added to the funds set aside to cover the future costs of allowable leave reimbursements at the time of employee termination;**
- 2. \$10,000 to cover the liabilities assumed by the town as a result of the dissolution of the East Montpelier Fire District #1 through its merger with the town;**
- 3. \$50,000 to be added to the Capital Reserve Fund to cover expected capital costs that have not yet been integrated into the capital plan; and,**
- 4. Any remaining audited FY2017 surplus to be added to the Contingency Reserve Fund for unforeseen or emergency expenses.**

**Further, \$75,000 of the unassigned current fund balance shall be assigned to reduce property taxes in FY2018.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

### **Consideration of Cemetery Perpetual Care CD Renewal**

Treasurer Welch recommends renewing the perpetual care certificate of deposit, in the updated principal amount of \$71,125, with People's United Bank for one year at 0.65% interest.

**Motion: To authorize Treasurer Welch to renew the perpetual care certificate of deposit on the presented terms.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

### **Consideration of Plant Appeal of Tax Penalties**

Albert & Catherine Plant own the two rental properties on the south side of VT Rte. 14 S just beyond the EM Village Bridge. They paid the second installment of 2016/17 property taxes for the two parcels on one check that arrived in the office by US Mail on May 22, 2017, a week beyond the deadline. The postmark showed the letter in Burlington on May 9, 2017. The Plants have sent a letter of appeal to the Selectboard requesting removal of the assessed penalty & interest charges on the taxes due.

The board discussed the situation and determined that there was no flexibility in the tax payment methodology that would allow the board to grant the requested relief from the late payment penalties. Every year at town meeting the East Montpelier voters adopt a rule that states that tax payments must be received by the treasurer no later than 5:00 p.m. on the due date. The Plants will be informed that the request is denied.

### **Discussion on Future Capital Projects Questionnaire**

The Capital Improvement Committee is once again requesting town boards provide information on potential capital (value of \$5,000 or more) projects that should be included in the CIC's capital improvement program. The board discussed a variety of items that could be included, such as the probable cost increase in the EM Village sidewalk project, the likely town funding of a fire engine in a few years, and potential projects on the LaPerle property. The questionnaire will be revisited in the near future.

### **Consideration of Warrant to Impound Unlicensed Dogs**

Annually in June the board issues the statutorily-mandated warrant to the animal control officers.

**Motion: To approve the 2017 Warrant to Impound Unlicensed Dogs.** Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

Board members signed the warrant.

### **Consideration of New Dog License Fee Schedule**

The state recently increased by \$1.00 the fee for animal licenses, so the town's adopted fee schedule is no longer accurate.

**Motion: To adopt the updated East Montpelier Dog and Wolf-hybrid Licenses and Fees schedule.** Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

### **Appointments:**

#### ➤ **Energy Committee**

- **Motion: To appoint Rob Chickering and Tom Fisher to the East Montpelier Energy Committee.** Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

### **Access Permits**

#### ➤ **17-028 Atwood; 504 County Road**

- Susan Atwood is in the process of subdividing her property at 504 County Road. She is requesting a residential curb cut onto County Road to provide access to a new building lot. Road Foreman Garand recommends approval with no conditions.
- **Motion: To approve East Montpelier Access Application 17-028 as recommended by Road Foreman Garand.** Made by Mr. Troia; second by Ms. Willis. Passed unanimously. Board members signed the permit.

### **Additions to Agenda**

#### ➤ **Annual CAI Query Manager Support Agreement**

- The town uses the Query Manager software program to produce tax maps highlighting individual parcels. The support agreement provides program updates/upgrades and technical support.
- **Motion: To approve the Annual Query Manager Support Agreement with CAI Technologies at a cost of \$500.** Made by Ms. Willis; second by Ms. Swasey. Passed unanimously. Board members signed the agreement.

#### ➤ **Consideration of Transfer of Funds from General Fund to Capital Reserve Fund**

- The FY2017 general fund budget included a line item of \$414,817 for the capital reserve fund. As this is a discretionary act on the part of the board, a formal motion needs to be made to shift the funds to the capital reserve fund.
- **Motion: To transfer \$414,817 from the General Fund to the Capital Reserve Fund.** Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

#### ➤ **Discussion on Central VT Regional Planning Commission Transportation Study Grant**

- The town has applied to CVRPC for a grant to do a safety study of the Towne Hill Road/Gallison Hill Road/Brazier Road intersection. Ms. Swasey will be presenting the town's funding request to the CVRPC Transportation Advisory Committee on June 27, 2017. She requested and received feedback from the board on her plan of action.

### **Personnel Matters**

- **Consideration of Employee Pay Rates for FY2018**
- **Discussion on Road Foreman Position Candidates**
- **Consideration of Candidates for Town Clerk Position**
- **Consideration of Appointments to Town Office Positions**
  - **Town Clerk**
  - **Town Treasurer**
  - **Zoning Administrator**
  - **Collector of Delinquent Taxes**
  - **Collector of Current Taxes**
  - **Assistant Town Clerk**
  - **Assistant Town Treasurer**
  - **Acting Zoning Administrator**
  - **Road Commissioner**

**Motion: To enter Executive Session under 1 V.S.A. §313(a)(3) to discuss employment-related issues.** Made by Mr. Troia; second by Ms. Willis. Passed unanimously.

Board entered Executive Session at 8:09 p.m.; exited at 9:37 p.m.

While in executive session, Town Clerk Selection Committee member Karen Saudek provided the board with the committee's recommendation and results of reference checks. The board accepted the recommendation and decided to interview two candidates: Sandra Ferver and CJ Flynn. Those interviews will be held on June 29, 2017 as part of a continuation of this meeting. The board will interview Guthrie Perry for the road foreman position on that same date. Also at the continued meeting the board will deal with the various appointments to town office positions.

The Selectboard set the wages for town employees for FY2018. Newly-retired Road Foreman Mike Garand is on the schedule as a highway crew part-timer as he is likely to be rehired temporarily in August to provide guidance to the new road foreman and provide help with the roadside mowing. No values are listed for the permanent road foreman or town clerk positions as those jobs are currently vacant.

**Motion: I move to approve the FY2018 wage schedule for municipal employees as presented, including an additional 5 days of vacation time for municipal assistant Denise Brown in appreciation of her coverage of the town clerk position.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

### **Warrants**

Board members signed the warrant.

### **Minutes**

Chair Gardner presented the draft minutes of the June 5, 2017 board meeting. Board members discussed some proposed language alterations suggested by Delinquent Tax Collector Karen Gramer.

**Motion: To approve the June 5, 2017 minutes as presented.** Made by Troia; second by Ms. Willis. Passed unanimously.

### **Other Business**

#### **Town Administrator Report:**

- Listers Annual Filing of Abstract of Individual Lists:
  - The town received a 30-day extension of the June 4<sup>th</sup> deadline to file the abstract. The reason for the extension was state delays with processing homestead filings. The situation is still somewhat of a mess, but the town needs to move forward, with the knowledge that some 75 properties are likely still incorrect. Listers hope to have the new appraisal notices out by Thursday and the filing done Thursday or Friday. This will start the formal grievance period.
- Meeting Schedule:
  - June 27<sup>th</sup> 1:00 pm VTrans Bridge Project pre-construction conference (Nat'l Life)
  - June 27<sup>th</sup> 4:00 pm CV Habitat for Humanity Dedication for 1248 US Rte, 2 house
  - June 27<sup>th</sup> 6:30 pm CVRPC TAC meeting; Ms. Swasey presenting town proposal
  - June 29<sup>th</sup> 10:00 am Park 'n Ride project pre-construction conference (town office)
  - July 10<sup>th</sup> 6:30 pm Selectboard special meeting (no July 3<sup>rd</sup> meeting)
  - July 11<sup>th</sup> 6:00 pm Winooski River Basin Plan forum (Plainfield Opera House)
  - July 20<sup>th</sup> 7:00 pm EMFD quarterly budget presentation at ESF
  - July 24<sup>th</sup> 6:30 pm Selectboard special meeting (no July 17<sup>th</sup> meeting)
  - Sept. 11<sup>th</sup> 8:30 am 2017 Municipal Day; VT agency workshops at National Life

#### **Zoning Administrator Report:**

- 4 permit applications since June 5, 2017.
- Next DRB meeting June 27, 2017, including the following items:
  - Final plan review of a two-lot subdivision of the Atwood property on County Road;
  - Final plan review of a two-lot subdivision of the Witham property on Bliss Road; and,
  - Site visit and setback variance review of a woodshed at 930 Brazier Road.

**Motion: To continue the meeting at the Municipal Building on Thursday, June 29, 2017 at 7:30 p.m.** Made by Ms. Willis; second by Mr. Etnier. Passed unanimously.

Meeting recessed at 10:03 p.m.

**June 29, 2017 Continuation of June 26, 2017 Selectboard Meeting**

**SB Attendance:** Chair Seth Gardner, Gene Troia, Kim Swasey, Carl Etnier; Town Administrator Bruce Johnson

**Public Attendance:** None

Chair Gardner called the meeting to order at 7:40 p.m.

**Addition to Agenda:**

- **Discussion on the Hudson Property in East Montpelier Village**

**Public Comment:** None

**Personnel Matters**

- **Discussion on Road Foreman Position Candidates**
- **Consideration of Candidates for Town Clerk Position**
- **Consideration of Appointments to Town Office Positions**
  - **Town Clerk**
  - **Town Treasurer**
  - **Zoning Administrator**
  - **Collector of Delinquent Taxes**
  - **Collector of Current Taxes**
  - **Assistant Town Clerk**
  - **Assistant Town Treasurer**
  - **Acting Zoning Administrator**
  - **Road Commissioner**

**Motion: To enter Executive Session under 1 V.S.A. §313(a)(3) to discuss employment-related issues.** Made by Mr. Etnier; second by Ms. Swasey. Passed unanimously.

Board entered Executive Session at 7:42 p.m.; exited at 9:27 p.m. Actions on the personnel matters will be handled after the Hudson property item is discussed.

**Discussion on the Hudson Property in East Montpelier Village**

**Motion: To enter Executive Session under 1 V.S.A. §313(a)(2) to discuss real estate issues.** Made by Mr. Etnier; second by Ms. Swasey. Passed unanimously.

Board entered Executive Session at 9:28 p.m.; exited at 9:40 p.m.

**Motion: To authorize TA Johnson to negotiate with the Hudson family on the potential purchase of the 2812 US Rte. 2 parcel subject to a price limitation imposed by the Selectboard.** Made by Mr. Etnier; second by Ms. Swasey. Passed unanimously.

**Personnel Matters****➤ Discussion on Road Foreman Position Candidates**

- The board interviewed Guthrie Perry. The board was very impressed with Mr. Perry's credentials and the positive benefits he could bring to the road foreman position. Mr. Perry is seeking to continue in VMERS Defined Benefit Plan Group C. Currently the town only offers Group B. Group C requires a significant increase in the employee contribution rate (10% v. 4.875%) and a small increase in the employer contribution rate (7.25% v. 5.50%).
- **Motion: To offer VMERS Defined Benefit Plan Group C to all qualified management personnel.** Made by Mr. Troia; second by Mr. Etnier. Passed unanimously. The town will have to apply for the change to the state. The intent is to offer the plan to employees with supervisory authority.
- **Motion: To offer Guthrie Perry the position of East Montpelier Road Foreman on the following terms:**
  - **The road foreman job is a 40-hour/week, non-exempt position paid on an hourly wage rate basis and subject to the East Montpelier Personnel Policy;**
  - **First six months at \$23.75/hour;**
  - **Next six months at \$24.50/hour;**
  - **Following year at \$25.50/hour;**
  - **Regular employee benefits with the possibility of VMERS Defined Benefit Group C if such plan is available to the town;**
  - **Caretaking of town-owned house at no rent for up to two years if such house is available;**
  - **Offer contingent on Mr. Perry meeting federal, state, and town personnel requirements.**

Made by Mr. Troia; second by Mr. Etnier. Passed unanimously.

**➤ Consideration of Candidates for Town Clerk Position**

- The board interviewed Sandra Ferver, the Town Clerk Selection Committee's number one recommendation. The board is confident that Ms. Ferver, who served as the Worcester clerk/treasurer for seven years, would make an excellent East Montpelier town clerk. There is a concern that Ms. Ferver will not accept a position that requires 35 hours/week in an open-for-business office setting. The board, however, is unwilling to cut the current hours of operation and expects the clerk to honor those hours.
- **Motion: To offer Sandra Ferver the position of East Montpelier Town Clerk on the following terms:**
  - **The town clerk position is an exempt position paid on a salary basis and subject to the East Montpelier Personnel Policy;**
  - **The town clerk is expected to be working at the municipal office during the regular hours of 9-5 M-Th & 9-noon F, subject to standard leave provisions contained in the town's personnel policy;**
  - **The first year salary of \$45,000;**
  - **Appointment as the town clerk in accordance with the East Montpelier governance charter for the term July 1, 2017 to June 30, 2018;**
  - **Offer contingent on Ms. Ferver meeting federal, state, and town personnel requirements.**

Made by Ms. Swasey; second by Mr. Etnier. Passed unanimously.

- The board also interviewed the current town clerk, CJ Flynn. Mr. Flynn's elected position ends, in accordance with the town's governance charter, on June 30, 2017. The board decided not to offer Mr. Flynn the new town clerk position and appointment as the town's clerk. The Town Clerk Selection Committee recommended that the board reopen the town clerk search if the board decided not to hire Ms. Ferver or if Ms. Ferver declined the position. The board agreed with this approach. The charter calls for the appointment of an interim clerk while the search process plays out.
- **Motion: If Ms. Ferver declines the clerk job offer, to reopen the town clerk search and to offer CJ Flynn the position of Interim East Montpelier Town Clerk on the following terms:**
  - **The town clerk position is an exempt position paid on a salary basis and subject to the East Montpelier Personnel Policy;**
  - **The town clerk is expected to be working at the municipal office during the regular hours of 9-5 M-Th & 9-noon F, subject to standard leave provisions contained in the town's personnel policy;**
  - **Appointment as the interim town clerk in accordance with the East Montpelier governance charter for the term July 1, 2017 to September 1, 2017;**
  - **Salary continues at the current annual rate of \$43,500;**
  - **Life, health, and dental insurance coverages will continue under the current terms through September 30, 2017.**

Made by Mr. Etnier; second by Mr. Troia. Passed unanimously.

➤ **Consideration of Appointments to Town Office Positions**

- The amended East Montpelier governance charter requires the Selectboard to appoint a series of positions for one-year terms effective July 1, 2017. The board decided to include the Acting Zoning Administrator position, which isn't mandated, in order to line it up with the ZA position. The board reappointed all current appointees to new terms of July 1, 2017 to June 30, 2018. The board also decided to appoint Road Commissioners, which it hasn't done in many years, due to the retirement of Road Foreman Mike Garand and the likelihood that the town will either be operating without a road foreman, at least for a short time, or have a new, inexperienced foreman. Finally, the board needed to deal with the Collector of Delinquent Taxes position that, along with the clerk position, shifted from an elected office to an appointed job as of July 1<sup>st</sup>. At its June 5, 2017 meeting the board decided to bring the job in-house, essentially assigning the function to an existing position. The decision was made to assign the duty to the town administrator, who would be free to delegate aspects of the work to other employees. The delinquent tax penalty, which previously was paid upon collection to the delinquent tax collector, will now be treated as a general fund revenue item.
- **Motion: To appoint officers as detailed:**
  - **Don Welch as Town Treasurer for the term July 1, 2017 – June 30, 2018;**
  - **Don Welch as Collector of Current Taxes for the term July 1, 2017 – June 30, 2018;**
  - **Denise Brown as Assistant Town Clerk for the term July 1, 2017 – June 30, 2018;**
  - **Denise Brown as Assistant Town Treasurer for the term July 1, 2017 – June 30, 2018;**



- **Bruce Johnson as Zoning Administrator for the term July 1, 2017 – June 30, 2018;**
- **Bruce Johnson as Collector of Delinquent Taxes for the term July 1, 2017 – June 30, 2018;**
- **Gene Troia as Acting Zoning Administrator for the term July 1, 2017 – June 30, 2018;**
- **Seth Gardner as Road Commissioner for the term July 1, 2017 – June 30, 2018;**
- **Bruce Johnson as Road Commissioner for the term July 1, 2017 – June 30, 2018.**

Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

### **Other Business**

#### **Town Administrator Report:**

- **Central VT Regional Planning Commission Transportation Study Grant:**
  - Ms. Swasey presented the town's request for CVRPC transportation study funding at the June 27, 2017 CVRPC Transportation Advisory Committee meeting. The TAC voted to award the town up to \$20,000 to conduct a safety improvements study of the Towne Hill/Gallison Hill/Brazier Roads intersection area.
- **Cub Scout Pack 742 Event:**
  - The Cub Scouts, under the leadership of Anne Lamere, would like to hold a redemption container collection event in the Church Street parking lot on Saturday, July 8, 2017 from 8 a.m. to noon. The board has no issue with the event so long as the Old Brick Church and Washington Electric Cooperative are notified.

**Motion: To adjourn.** Made by Mr. Troia; second by Mr. Etnier. Passed unanimously.  
Meeting adjourned 10:36 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator