

**East Montpelier Selectboard Meeting APPROVED (September 21, 2015) MINUTES
August 31, 2015 at the Town Office**

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

Others present: Paul Cate (tree warden), Gina Conn (*Times Argus*), Mike Garand (road foreman), Karen Gramer (delinquent tax collector), Alan May, Toni May, Michelle McFadden, Julie Potter (Planning Commission (PC); Central Vermont Regional Planning Commission (CVRPC)), Jack Pauly (PC), Kim Watson (PC), Jean Vissering (PC), Norman Hill (PC).

Prior to the meeting, a site visit was conducted on Kelton Road (see item D, below) at 6 pm, which Mr. Etnier, Mr. Gardner, Mr. Northrup, and Ms. Swasey attended. Also in attendance at the site visit were Mr. Johnson, Mr. Cate, Mr. Garand, and Ms. McFadden.

A. CALL TO ORDER

Chair Seth Gardner called the meeting to order at 6:30 pm.

B. ADDITIONS TO THE AGENDA

None.

C. PUBLIC COMMENT

Alan May and Toni May came to discuss the camper on land next to theirs. They said it has been occupied since May 2014, with no septic system. The human excrement is deposited directly on the land, they said. They pointed to the East Montpelier Land Use and Development Regulations, which specify that any camper "used for 60 days within a one-year period" is deemed a "dwelling." The land owners do not have a permit for a dwelling; they have a state permit for a wastewater system, but have not installed any septic system.

The Mays asked: Is the town going to enforce this part of the land use regulations on this property?

Mr. Johnson noted that the town has discussed the raw sewage issue with the Agency of Natural Resources, which has the power to enforce on the existing wastewater permit. He said the ANR is not moving quickly on enforcement.

Mr. Johnson also pointed out that if the town enforces, the result is likely to be a financial penalty only. The town has no means to force land owners off the land. He believes that, rather than solve the excrement problem, a financial penalty is likely to make it more difficult for the owners to put in a septic system and proper dwelling.

Mr. May said he didn't care about what the end result is so much as having the town enforce its regulations.

Mr. Gardner said that in that case, the Selectboard (SB) will see what we can do.

D. DISCUSSION ON PHASE TWO OF PLAN FOR KELTON ROAD ROADSIDE BRUSH REMOVAL/TRIMMING AND DETERMINATION OF NEXT STEPS

Mr. Gardner recused himself and Mr. Northrup took over as chair.

The issue, as discussed in previous meetings this summer, is of how much to trim brush and trees to lengthen sight lines near the large culvert/bridge where Sodom Pond Brook passes under the road about mid-way between VT Rte. 14 and Snow Hill Road.

Mr. Gardner's McKnight Farm trucks drive on the road, and he has pushed for cutting to aid drivers in seeing oncoming traffic at the curve. Mr. Gardner said he would like to see a little more done. He also said he'd like to see decision-making process be more efficient.

Mr. Garand said the work has given a big improvement on sight distance at this site.

Furthermore, he spoke in general about how he strikes a balance between wide roads that training handbooks recommend and townspeople's desire for narrow, tree-lined roads. He cited the advantages of trees, like providing shade (meaning less chloride is needed on the road). He listed some areas where the road crew is leaving trees on narrow roads, out of aesthetic considerations.

Mr. Garand suggested the board look at the town plan, which received no input from highway department last time it was revised. He also asked the SB to devise a policy that he can follow.

Ms. McFadden expressed profound gratitude to Mr. Garand, who she said has done an amazing job over years—not just at her place but everywhere—being thoughtful, respectful, and delicate.

She said she and Mr. Garand had agreed on work from the direction of the bridge, stopping at a driveway cut. When she saw he had cut a tree beyond the driveway cut, she was upset. She didn't know it was a dead tree that was cut; she was OK with it being removed when she understood it was a dead tree.

Ms. McFadden said townspeople don't want the roads cleared of trees in wide swaths. She said we love our beautiful rural town, and brush and trees define its character, like old windows on a house define a house.

Mr. Etnier commented that when there's a conflict between a SB member and another town resident about roadwork, the SB should ensure that the SB member overseeing Mike on that particular work be someone not a party to the conflict.

In response to further questions, Ms. McFadden said she was satisfied with the work as it is, and Mr. Gardner said it could be better, but he is willing to live with it.

There was further discussion about a particular tree in the area, but the issue was dropped.

Mr. Garand and Mr. Etnier discussed tradeoffs with safety in cutting trees in the right of way: A tree is a hazard if someone goes off the road, but removing trees and brush and increasing sight lines leads to faster traffic, which is also a hazard.

Mr. Cate commented that from his perspective as tree warden, Mr. Garand has done an excellent job as long as Mr. Cate has known him.

Mr. Garand said he is looking for a uniform policy to apply to all the town's roads, but he acknowledged that a uniform policy may not be compatible with the town's character.

The discussion concluded with Mr. Cate's remark that many people have opinions about trees but don't understand trees. He said he has spent years educating people.

E. ROAD FOREMAN REPORT

Discussion on Clearing Brush along North Side of Rec Field

The Recreation Board would like to clear out the "woods" between the rec field and EMES. Tree Warden Paul Cate has worked with Rec Board Chair Phillip Heinz on a plan to strip out the brush and the pervasive buckthorns.

Two options were discussed for doing the work (both under the guidance of Warden Cate): rely on volunteers to do the clearing and then the road crew would chip and dispose of the cuttings; or, have the road crew do the job sometime this fall when they aren't busy and school isn't in session (inservice days).

The SB directed that the road crew not be used for clearing the brush. The town chipper may be used, with qualified personnel.

Consideration of WEC New Line Permit Application on Lyle Young Road

Washington Electric Coop (WEC) would like to put a utility pole in the right of way on Lyle Young Road to serve a house to be built there. The SB wondered about permitting new things in the right of way, especially after the evening's earlier discussion of the possible safety benefits of removing trees. The SB decided to approve this request while asking a WEC representative to come in and explain why such poles could not be put off the right of way.

Motion: I make a motion that the Selectboard sign the permit as presented by Washington Electric for the Utton property. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0

Discussion on EMFD MOU For Templeton Road Fire Station Use

Calais Selectboard has discussed Memorandum of Understanding (MOU) with East Montpelier Fire Department (EMFD) and has no issues with it. Toby Talbot, on behalf of EMFD, assures us that the MOU will be signed this week.

F.W. Whitcomb Construction Corp. Quaker Road Paving Issue

There is a wearing course tear just below the top of Quaker Hill on the eastbound side. Whitcomb's will do the repair (essentially repave the 100' stretch). They are extremely busy right now, but will work with Road Foreman Garand to get it fixed before winter. On the basis of a telephone conversation between Mr. Johnson and Tyler Whitcomb, F.W. Whitcomb will not charge the town for the work. The SB noted a need to stay in touch with F.W. Whitcomb to ensure this work is completed this year.

Town Grader Repair

The grader needs major repairs to the brake system, plus 6000 hour overhaul, plus new tires before snow flies. While these are major expenses, they help the town keep existing equipment on the road and thereby save money. The grader will be out for three weeks.

F. DISCUSSION WITH DELINQUENT TAX COLLECTOR

Ms. Gramer reported on two possible tax sales and asked for the SB's approval, which was granted. The SB has no formal authority in the decision, so no motion was made.

She presented the following figures on delinquent taxes this year and the two previous years:

	08/27/15		08/18/14		08/16/13	
	# of properties	Amount	# of properties	Amount	# of properties	Amount
From previous year	45	\$108,591.02	48	\$119,038.36	59	\$101,605.48
From prior years		\$25,400.50		\$15,771.05		\$16,012.80
Total		\$133,991.52		\$134,809.41		\$117,618.28

G. CONSIDERATION OF PROPOSED ZONING REGULATIONS AMENDMENTS

The PC has sent proposed zoning regulation amendments to the SB, and Ms. Vissering led the SB through a discussion of the major changes. The SB wishes to discuss Section 7.4 and Article 9 in more detail at a later meeting; they will be on the agenda for September 21.

H. DISCUSSION WITH TOWN CVRPC REPRESENTATIVE JULIE POTTER

Ms. Potter came because the SB had requested updates from her more frequently than annually. She noted that CVRPC has a new executive director. They are on second interviews for senior planner; looking for someone with at least seven years experience. They hope the person hired can help towns with zoning and other things that require more experience.

The regional plan is undergoing revisions this year. CVRPC's plan does not have discussion of or a map of future land uses, which are required elements. This is being fixed. It is part of small fixes before a major revision in 2016. The proposed section on future land uses for East Montpelier is improving with respect to its compatibility with the town's zoning.

For 2016 plan, she's keeping an eye on projections of new housing, to make sure they are not overly high.

CVRPC is working to help the town fill in reasonable estimates of level of effort on planning grant estimates.

Ms. Potter serves as vice-chair of CVRPC, so she is on the executive committee. She also serves on the personnel policies committee and on the town plan review committee; she finds it helpful to review other towns' plans for ideas.

Mr. Etnier asked what the conversation at CVRPC is on including guidance for siting renewable energy projects in the regional and town plans. Ms. Potter said that the conversation is more advanced in parts of the state like Addison County, where large amounts of solar are being installed.

I. CONSIDERATION OF TAX ANTICIPATION NOTE APPLICATION

Based on the town's anticipated expenses vs. tax revenue timing, Town Treasurer Don Welch is requesting that the board process a tax anticipation note application in the amount of \$750,000; the note is with People's United Bank at a rate of 1.1%.

Motion: I move to adopt and sign the Town of East Montpelier Resolution on Tax Anticipation Borrowing. Made: Ms. Swasey. Second: Mr. Etnier. 5-0.

J. AUTHORIZATION OF SIGNERS ON PEOPLE'S UNITED BANK ACCOUNTS

Currently Town Treasurer Welch, Town Clerk Conti, and Municipal Assistant Brown are authorized signers on the town's accounts with People's United Bank; there will be a two week period in late September where both Ms. Conti and Mr. Welch will be unavailable. Adding Town Administrator Johnson will allow us to continue to pay our bills, as town checks require two authorized signatures.

Motion: I move to adopt the business deposit account certified resolution allowing Mr. Welch, Ms. Conti, Ms. Brown, and Mr. Johnson to be authorized signers and to authorize Chair Gardner to sign the form. Made: Mr. Etnier. Second: Ms. Swasey. 5-0.

K. CREDIT CARD APPLICATION FOR CEMETERY SEXTON

At its August 17th meeting the board agreed to add Sexton Morse to the town's credit card at a limit of \$1,500. This motion authorizes the paperwork to be signed.

Motion: I move to adopt the business card resolutions contained on the credit card application form for Cemetery Sexton Elliott Morse and authorize Chair Gardner to sign the form. Made: Ms. Swasey. Second: Mr. Northrup. 5-0.

L. WARRANTS

Signed.

M. MINUTES

Motion: I move to accept the minutes of August 17, 2015 as written. Made: Mr. Sparrow. Second: Ms. Swasey. 5-0.

N. OTHER BUSINESS

Organics recycling event at East Montpelier Elementary School is unconfirmed at present, to be confirmed Wednesday. The open house at EMES has been changed from September 17th to September 16th, with the organics event likely starting at 5:30 pm.

The town has received a letter from an organization previously unknown to us called Citizens for Property Rights, based in Underhill Center, drawing attention to GIS mapping. The group warns that the Agency of Natural Resources and regional planning commission are using the maps to encourage restrictions "following hyper refined environmentalist (sic) dictates."

Zoning Administrator Report

John Sanfacon came in to describe his plan for complying with the court decision. Mr. Sanfacon's deadline is October 1; the SB will conduct a site visit before the October 5 meeting.

Mays Way follow-up

The SB asked Zoning Administrator Johnson to send a letter to the man living on property without a permit.

O. ADJOURNMENT

Motion: I move to adjourn. Made: Mr. Etnier. Second: Ms. Swasey. 5-0. 10:25 pm.