

**East Montpelier Selectboard Meeting APPROVED (10/03/16) MINUTES  
September 19, 2016 at the Emergency Services Facility (village fire station)**

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

**Others present:** Richard Brock (East Montpelier Trails, Inc. (EMTI)), Ginny Callan (resident), Art Chickering (Conservation Fund Advisory Committee), Daniel Currier (Central Vermont Regional Planning Commission (CVRPC) & Wrightsville Beach Recreation District board), Ed Deegan (resident), Richard A. Hall (resident), Britt Haselton (Vermont Land Trust), Norman Hill (Planning Commission (PC)), Jeanne Malachowski (Funding Request Study Committee (FRSC)), Gabrielle Malina (resident), Sue Racanelli (FRSC), Gus Seelig (Vermont Housing and Conservation Board), Jean Vissering (PC), David Webb (EMTI), Greg Western (Cross Vermont Trail Association (CVTA)), Lindy Johnson (FRSC), Sandal Cate (FRSC), Rick Hopkins (CVTA)

**A. CALL TO ORDER**

At 6:07 pm, Chair Seth Gardner called to order a public forum on the East Montpelier Village sidewalk project. After the conclusion of the forum, Mr. Gardner called the Selectboard (SB) meeting to order at 7:30 pm.

**B. ADDITIONS TO THE AGENDA**

None.

**C. PUBLIC COMMENT**

None.

**D. MEETING WITH FUNDING REQUEST STUDY COMMITTEE**

The Committee requested clarification on a ceiling for the total allocated in the large, multi-organization article for Town Meeting. Last year the article was for \$19,811. The SB asked the committee to work with a maximum of \$22,000, with the provision that they may return and ask for more, if they think it's appropriate to do so.

Questions were raised about the legality of voting to increase the budget for the multi-organization article at Town Meeting: doing so at all, and doing in a way that brings the total over the \$25,000 limit that voters have placed on floor articles. The SB discussed advising moderator Michael Duane that these questions may come up at Town Meeting or in the preparation for Town Meeting.

**E. CONSIDERATION OF CROSS VERMONT TRAIL REQUEST FOR 2017 TOWN MEETING FUNDING ARTICLE FOR PLANNED WINOOSKI BRIDGE**

The Cross Vermont Trail has long been planned to include a bridge over the Winooski River at the old rail bridge location near Winooski Hydro (the west end is in East Montpelier; the east end is in Berlin). The Cross Vermont Trail Association (CVTA) still lacks approximately \$100,000 in local monies to leverage federal funds that have been awarded. The federal funds also cover work on a section of the trail itself, a total of 2.5 miles of which are in East Montpelier.

Greg Western of the CVTA said that Montpelier has contributed to matching the federal funds, and they are challenging other area towns the trail runs through to contribute at approximately \$1 per resident. If they all do so, Montpelier will match the contribution with an additional \$1 per resident, or approximately \$8,000. Mr. Western views the request to East Montpelier voters as being a one-time

item and sought the SB's advice whether to ask for more than \$1 per resident, which would about \$2,500. He said the deadline to match federal money is 2019.

Two relevant precedents were identified: the Town Conservation Fund matched \$12,000 at the site of the Habitat for Humanity house under construction on Route 2. And it has been asked to contribute \$6,000 for the trail easement at a Fairmont Dairy parcel (see agenda item K, below).

The request to the town would be made via an article to be voted on the floor of Town Meeting. The request is treated separately from those of organizations evaluated by the Funding Request Study Committee, because it is an infrastructure project, not a provision of social services.

The SB noted the importance to the town of connecting the bicycle and walking trail to Montpelier via a dedicated bridge over the Winooski River and of the additional 2.5 miles of trail construction or improvement in East Montpelier included in the project. The SB suggested CVTA ask town residents for \$7,500, or approximately \$3 per resident. Mr. Western agreed; the SB will include such an article in the warning for Town Meeting.

#### **F. DISCUSSION WITH BILL MERRYLEES, TOWN REPRESENTATIVE TO WRIGHTSVILLE BEACH RECREATION DISTRICT**

Mr. Merrylees was unavailable for this meeting. However, Daniel Currier, who was present for the next agenda item (G), said he is also on the recreation district board, as a Montpelier representative. He reported things are going great at Wrightsville. The disk golf course is complete. They have received a grant from the state's office of Buildings and General Services to help maintain the buildings and grounds.

In response to a question from Mr. Gardner, Mr. Currier said that handicap accessibility has been improved through gravel paths and strategic installation of benches. More remains to be done, he said.

Mr. Etnier mentioned the rich biota near the beach that a class of herbalists had discovered, and said they were wondering about permission to collect medicinal plants. Mr. Currier said that collecting plants is permitted, as long as it's not large pieces of plants.

#### **G. DISCUSSION WITH DAN CURRIER, CVRPC, REGARDING POTENTIAL KINGSBURY BRANCH WATERSHED GRANT APPLICATION**

Central Vermont Regional Planning Commission (CVRPC) is preparing an application for an Ecosystem Restoration Grant to fund a Stormwater Master Plan for the Kingsbury Branch watershed. The towns of Woodbury, Calais, and East Montpelier are involved.

Mr. Currier said the Stormwater Master Plan on gravel roads could be followed by an application to the Vermont Better Roads Program (formerly called the Better Backroads Program) to inventory gravel roads. The state is scheduled to require a general permit for roads starting in 2018, and the first item is to do a road inventory. This process would help the Town complete the inventory a year before it is required.

The Ecosystem Restoration Grant does not require a match, according to Mr. Currier, although bonus points are given for a match. Better Roads grants require a 20% match.

Mr. Currier estimated that all three towns would have costs for the Stormwater Master Plan similar to those that have been priced out in detail for Plainfield: \$13,000. He estimated the Better Roads-funded

inventory would cost approximately \$6,000.

Mr. Etnier asked about the additional work that would be done on the Stormwater Master Plan, since the Town already has at least a partial erosion inventory. Mr. Currier said the state is looking at what sediment is transported to surface waters, where roads have a hydraulic connection to surface waters, and how "severe" the connection is. This means adding more sites to the inventory. The process includes visiting every site connected to surface water, which is about 50% of road miles. Also, the earlier work was class 3 and class 4 roads only; now asphalt roads will be included.

Today, Mr. Currier is simply asking for a letter of support from the Town in applying for the Ecosystem Restoration Grant.

**Motion: I move to authorize Town Administrator Bruce Johnson to sign a letter of support for an Ecosystem Restoration Grant to fund a Stormwater Master Plan, in a joint project with Calais and Woodbury, and to contribute \$1,000 in-kind contributions of time, if necessary. Made: Mr. Etnier. Second: Mr. Troia. 5-0**

#### **H. CONSIDERATION OF VLCT'S HEALTH INSURANCE SERVICES PROGRAM**

When the health insurance arena changed three years ago, the Vermont League of Cities and Towns (VLCT) warned communities that it would at some point withdraw its member support for health insurance issues due to the fact it no longer received a percentage of the plan premiums. VLCT has provided the Town with coverage options and recommendations, education for employees, employee advocate services, and the basic forms for compliance with regulatory mandates. The service is now called the Health Insurance Advisory Services and has an annual subscription fee; the cost is \$500 plus \$15/month/employee taking our health insurance offering, so the expected annual cost is \$1,400 (assuming 5 employees on our health plan).

Mr. Johnson reported that this cost is less than 1.8% of the Town's health plan spending, a smaller percentage than it was in years past (3-4%). The subscription would take effect immediately.

**Motion: I move to subscribe to the VLCT Health Insurance Advisory Services. Made: Mr. Etnier. Second: Mr. Northrup. 5-0.**

#### **I. CONSIDERATION OF CAPITAL RESERVE USE FOR OLD LAPERLE FARM PROPERTY COMMITTEE EXPENSES**

The committee is expending funds (under contracts approved by the Selectboard) for the town-owned LaPerle Farm property, and the SB needs to specify where in the budget the money comes from. The Capital Reserve's "Opportunity Fund" line was originally used to purchase the parcel.

**Motion: I move to expend funds from the Capital Reserve's "Opportunity Fund" line for Old LaPerle Farm Property Committee expenses under contracts approved by the Selectboard. Made: Mr. Etnier. Second: Mr. Northrup. 5-0.**

#### **J. ACCESS PERMITS**

*16-045 Taylor Curb Cut on Chickering Road*

This is a new curb cut location for Taylor building lot (former Kline lots) on Chickering Road. The new cut will eliminate two prior permitted curb cuts (08-064 and 08-065); the Kline lots are now merged into one lot, and the new curb cut is right on the former border between the two lots. Road Foreman Mike Garand has approved the curb cut.

**Motion: I move to approve application 16-045 for a curb cut on Chickering Road. Made: Ms. Swasey. Second: Mr. Northrup. 5-0.**

*16-046 Taylor Work in right-of-way on Chickering Road*

This is a request to bring power under Chickering Road (from north side to south) to benefit the Taylor building lot; the line would be buried under the full right-of-way. Road Foreman Garand has approved it.

**Motion: I move to approve application 16-046 for work in the right-of-way on Chickering Road. Made: Mr. Northrup. Second: Mr. Etnier. 5-0.**

**K. DISCUSSION WITH GUS SEELIG, EXECUTIVE DIRECTOR OF THE VERMONT HOUSING AND CONSERVATION BOARD (VHCB)**

On June 20, 2016, the SB decided not to fund a request for \$6,000 from the Conservation Fund to contribute to a trail easement on a parcel Fairmont Dairy had recently purchased from the former Lylehaven Farm. Mr. Seelig asked to meet with the SB to discuss his organization's land conservation and affordable housing programs, the concerns expressed by the SB when it rejected the Fairmont Dairy project, and how the town, VHCB, and organizations like the Vermont Land Trust can best work together for the public good.

Mr. Seelig said that most communities VHCB has projects in do not choose to comment on conservation easements. He said VHCB has always encouraged applicants to work with the town's priorities.

East Montpelier has been a great partner, he said, with the Town contributing over \$150,000 towards conservation easements over 25 years. He noted that the easement on this parcel was consistent with the town and regional plans. He understood that a town committee had recommended funding and therefore thought the Town was on board. He said he feels bad about how the process went, and he has asked staff to make sure that the Town is on board in the future and to set up deadlines to be consistent with that.

Since part of the discussion in June was on the balance between affordable housing and conservation investments in East Montpelier, Mr. Seelig gave a number of reasons that VHCB has concentrated on conservation easements in the town. One is that the VHCB responds to requests. Another is that East Montpelier has very good soil resources. Also, VHCB housing investments are in communities with public infrastructure, something he said East Montpelier doesn't have. When onsite wastewater treatment is planned for multi-family dwellings, it's an obstacle for developers. High land prices, which East Montpelier has, are also an obstacle. But he said he is happy to have VHCB housing staff work with the Town on what VHCB can do on affordable housing. He cited the work VHCB did on the Sandy Pines trailer park and said staff had worked a day on the Habitat for Humanity house under construction on Route 2.

Mr. Gardner asked for the Town to be brought in earlier to help shape the plan for a given project.

Mr. Seelig said the Town could be brought in early, before the board acts. As an example, he mentioned a project in Bridport that adjoined the village. He said the Town asked VHCB to exclude from the conservation easement 10 acres right by the village, and they did.

Mr. Etnier pointed out that as part of the process for the Lylehaven parcel, VHCB sent a letter describing the project and asking the Town to let them know if the project was inconsistent with the Town Plan or zoning. The letter said no reply was necessary if the project was not inconsistent—but that letter would have been a good opportunity to ask for positive support. And he noted that the Town could have replied to that letter with a request for greater involvement.

Mr. Gardner said he'd like to see the Town involved in an earlier stage of the planning.

Mr. Seelig reiterated that most communities don't want to comment, and that it behooves VHCB to know which communities, like EM, want more active involvement.

Mr. Johnson said the process feels strange. In an Act 250 process, the Town has automatic party status. In the case of conservation easements, with lots of public money being expended, the Town doesn't seem to have any formal role.

Mr. Seelig said VHCB thought East Montpelier was enthusiastic about these sorts of projects, as evidenced by its \$150,000 of support over 25 years. He acknowledged it's not an Act 250-type process, but said the VHCB is in favor of getting input on where the Town might want development.

Ginny Callan said the SB has supported projects like this in past, and it seems like it is not as supportive now.

Mr. Gardner and Mr. Northrup said the SB wants earlier involvement in the process.

Mr. Troia said the Town supports conservation. And we have a high tax rate. We also need to think about what we want to preserve for development. He asked whether it might make more sense to conserve contiguous tracts of land, or to take parts of these easements and set aside for housing or commercial development. He said the SB was presented with the project as a *fait accompli*, and that didn't sit well.

Mr. Seelig said he understood that. He also said VHCB's authorizing statute promotes compact development surrounded by open land. They are not interested in general in supporting housing that you can't get to anywhere from. But they're happy to talk to East Montpelier about housing and conservation plans. He said that tax rate is out of his bailiwick but referred to tax consultant Deb Brighton's work and said he saw a presentation that argued that new housing helps local taxes by bringing in more state contribution to education.

Art Chickering said he had reviewed Deb Brighton's 2008 report and could not find a more recent report. The report says tax bills are lower, not higher, in towns with more conserved lands. He suggested the Town could ask her to look specifically at East Montpelier's situation to assess the effect on taxes of conserved land.

Mary Stone of East Montpelier Trails, Inc. asked about the relationship of Conservation Fund Advisory Committee to the SB.

Mr. Gardner said the committee reviews applications based on criteria set by the Town and makes recommendations to the SB.

Ms. Callan asked if there should there be better communication between the SB and the Conservation

Fund Advisory Committee, such as joint meetings.

Mr. Gardner pointed out that the town is embarking on a process of identifying different criteria.

Jean Vissering said the Planning Commission discussed the project and decided not to take a position against the project, because it is not within the area of the village study they are working on. She said she expressed to Britt Haselton of VLT that they may have concerns with the two other Lylehaven parcels. She said the Planning Commission can be guided by public sentiment about where and how growth should happen in town. She noted that VHCB and VLT rely on the Town Plan and zoning regulations, but there's lag time between a change in views and updating those documents. She said the Planning Commission would like to be involved in these discussions, but they, too, need guidance in the town plan.

Mr. Troia and Mr. Johnson pointed out that zoning districts have not been significantly changed in decades.

Mr. Etnier noted that he was the only SB member to support funding the project at the June meeting, but he would try to summarize why the SB voted it down, despite the unanimous recommendation of the Conservation Fund Advisory Committee. He noted that Town Meeting in March had featured a discussion about revisiting the Town's conservation goals and the possibility of creating Town goals for affordable housing. The SB had agreed to hold a forum to address these questions, but that discussion had not begun when the Town was asked to decide on this project. The committee therefore used the Town's original evaluation criteria and, when asked, made a strong case on June 20 that this project met at least five of the six criteria. So the project application came at a bad time for the Town. SB members were conscious that new criteria would be developed, but they didn't yet know what they would be.

On top of that was the first official word the Town received about the project coming in a letter that did not invite engagement and the SB's understanding that Town engagement in project planning wasn't welcome, especially since the Town was notified of the project in an advanced phase of planning. He noted that he, too, objected to the lack of Town involvement in the process.

Mr. Etnier asked the other SB members whether this was a fair summary of the SB's thinking, and they agreed.

#### **L. RECONSIDERATION OF DECISION REGARDING LAND CONSERVATION FUND USAGE FOR A TRAILS EASEMENT ON FAIRMONT DAIRY LAND**

This item is a response to Mr. Seelig's expressed hope that the SB would reconsider the June 20 decision not to fund the requested \$6,000 portion of the conservation easement on the former Lylehaven Farm parcel.

Mr. Haselton said the trail easement is part of a package with the farm project. But the \$6,000 request is specifically for the trail.

Richard Hall of Fairmont Dairy said they had paid more than he wanted to for the Lylehaven property. They concluded they wanted to conserve some of the property, and it makes sense on the upper chunk, because of the connection with the Cross Vermont Trail and the awesome vistas. The appraisal for the conservation easement came in lower than he'd hoped. While trail easements are generally donated, he felt slighted in the appraisal and thought the trail easement was a good place for the town to chip in. He also noted the easement left a spot reserved for an agricultural enterprise, and a second place could be a

stand-alone farm. It wouldn't be subdivided from the land, but it could be built on.

Mr. Troia wondered whether the trail easement is a separable project from the overall conservation easement on the parcel; he said he had heard different explanations in June and tonight.

Mr. Hall said the conservation and trails easements were appraised separately but not separable.

Ms. Stone said it was very important to have conserved land for trails, that it is almost impossible otherwise to get a land owner to sign off on a permanent easement.

Norman Hill suggested the SB wait to reconsider after next month's Town forum on conservation and housing goals.

Mr. Hall asked what future criteria might block this project.

Mr. Hill said it bugs him that Mr. Hall said he paid too much for the parcel and wants this extra payment.

Mr. Hall said the land has good development potential.

Mr. Hill asked how much had been paid for trails in the past.

Some projects were discussed, but Mr. Johnson said it was hard to separate out how much of the Town contribution had gone to the trail easement per se.

Ms. Swasey said the SB had considered in June whether to use the \$6,000 to help purchase conservation easements from other landowners along the Cross Vermont Trail route, to complete the trail.

Mr. Western concurred that they need to purchase other easements in EM. He said the Cross Vermont Trail Association is raising money from different sources for that, and they are committed to raising money for easements in the entire East Montpelier stretch, one way or the other.

**Motion: I move to accept the Conservation Fund Advisory Committee's recommendation to approve \$6,000 from the Conservation Fund to secure a trails easement in conjunction with the 361-acre parcel from the former Lylehaven farm, now owned by Fairmont Dairy.**

**Made: Mr. Etnier. Second: Mr. Troia.**

Mr. Etnier said that the East Montpelier Trails network is a treasure for the Town, and the work East Montpelier Trails, Inc. has done over the years to create it is impressive, so expending monies from the Conservation Fund to help secure part of the network is appropriate. He said the overall project is consistent with the Town's long-standing criteria for conservation, as the Committee had noted. He expected this is the last project the Town will be asked to support before it completes its process to develop new criteria. And Mr. Seelig had indicated a very helpful willingness to work with the Town to include it in planning future projects, considering both housing and conservation goals.

Mr. Johnson noted that the element of surprise about this project and the process is gone. The question remaining is, do we accept the Committee's recommendation?

Ms. Swasey said Mr. Seelig's presentation had been satisfactory; the Town knows what is coming next. She said the Town needs to be diligent in the future to work with Fairmont to move forward in a way that helps community and doesn't hurt its potential.

Ms. Vissering noted the Planning Commission has no objections to this particular project.

**The motion passed, 5-0.**

#### **M. MINUTES**

**Motion: I move to approve the minutes of August 29, 2016 as submitted. Made: Mr. Troia.**

**Second: Mr. Etnier. 4-0-1 (Ms. Swasey abstaining).**

**Motion: I move to approve the minutes of September 6, 2016 as amended. Made: Ms. Swasey.**

**Second: Mr. Northrup. 5-0.**

#### **N. APPOINTMENTS**

Mr. Merrylees' current term as the Town representative on the Wrightsville Beach Recreation District expires at the end of September. He would like to be reappointed to another three year term, running until September 30, 2019.

**Motion: I move to appoint Bill Merrylees as Town Representative to the Wrightsville Beach Recreation District. Made: Mr. Northrup. Second: Mr. Troia. 5-0.**

#### **O. UPDATE ON 2016 CHARTER COMMITTEE PROGRESS**

Mr. Etnier reported that Delinquent Tax Collector Karen Gramer had stepped back from the committee's current work, as the conflicts of interest with her position were too large. The committee accepted her decision and expressed a wish that she rejoin it in the future, in the event the Town asks it to consider other changes to the charter.

The Committee is meeting on the second and fourth Mondays, although the October 10 meeting will be canceled or rescheduled to avoid conflicting with the forum on housing and conservation. It is working on a letter to the SB regarding clarification on a portion of the charge.

#### **P. OTHER BUSINESS**

Arthur Montague has complained about the way the road crew handled the clean out of a Lyle Young culvert that dumps water onto his side of the road. The SB will precede its October 3 meeting with a 6:00 pm site visit at the location on Lyle Young Road to discuss the issue with Mr. Montague.

#### **Q. PERSONNEL MATTERS**

Discussed.

#### **R. ADJOURNMENT**

**Motion: I move to adjourn. Made: Ms. Swasey. Second: Mr. Northrup. 5-0. 9:59 pm.**