

Minutes of the East Montpelier Selectboard

October 3, 2016 Meeting

SB Attendance: Chair Seth Gardner, Casey Northrup, Kim Swasey, and Gene Troia; Town Administrator Bruce Johnson

Public Attendance: Road Foreman Mike Garand; Cindy Cook of Adamant Accord (mediation & facilitation services)

Chair Gardner called the meeting to order at 6:50 p.m.

Additions to Agenda: None

Public Comment: None

Discussion with Arthur Montague Regarding Road Drainage

Prior to the start of the Selectboard meeting, board members and Road Foreman Mike Garand conducted a site visit with Mr. Montague at the southwest corner of his property along Lyle Young Road to examine the site of a recent clean-out by the road crew of a culvert outflow that drains onto Mr. Montague's property. Mr. Montague declined the opportunity to discuss the site visit and the culvert situation at the board meeting.

Road Foreman Report

The board and Road Foreman Garand discussed the draft 2016/17 winter roads policy, which is unchanged from last year.

Motion: To adopt the 2016/17 Winter Roads Policy as presented. Made by Ms. Swasey; second by Mr. Northrup. Passed unanimously.

Mr. Garand discussed a number of recent incidents where residents have either rehabilitated still-standing old signposts (the green wooden posts) or expressed reluctance at the possibility of having the new, large street signs installed in visible locations. The board agreed with Mr. Garand that we need to move forward with the installation of the federally-mandated large signs when street signs need to be replaced. The signs, though admittedly large, are also much easier to read, especially at night, compared to the old posts or smaller metal signs and are all installed on break-away posts for safety.

The board and Mr. Garand discussed his pending, as of July 1, 2017, retirement from full-time service and how best to handle the search for his replacement. The plan is to get a want ad for the road foreman position posted by October 17th, with an application deadline of November 4th. The hope is to have someone on board by January 1st so that there is a six-month training period before the new person takes over command.

Mr. Garand announced that the new 2017 Mack 10-wheeler truck has been delivered and is in service.

Consideration of Traffic Ordinance Amendments

The board reviewed the revised ordinance, which now includes all approved changes developed over the past year. Highlights include the lowering of the speed limit on Center Road to 25 m.p.h. through the East Montpelier Center Village area, the creation of an appeal process for parking violations, and an updating of the listed stop and yield intersections.

Motion: To adopt the amendments to the East Montpelier Traffic Ordinance as presented with an effective date of December 2, 2016. Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

Consideration of Permit for WEC Powder Horn Glen Road Utility Line Replacement

Washington Electric Cooperative is requesting a permit to work in the town's road right-of-way to allow the replacement and alteration to the existing buried utility line along Powder Horn Glen Road. Road Foreman Garand has inspected the proposed work site and has no issues.

Motion: To approve the WEC utility line work in the town's Powder Horn Glen Road right-of-way as presented. Made by Mr. Troia; second by Mr. Northrup. Passed unanimously.

Board members signed the permit.

Discussion on Upcoming Land Conservation Summit with Meeting Facilitator Cindy Cook

The board will host the Land Conservation Summit on Monday, October 10, 2016, starting at 7:00 p.m. at the Emergency Services Facility. Cindy Cook, of Adamant Accord, will provide professional facilitation of the event. The board and Ms. Cook discussed general plans for the summit. Chair Gardner will give a brief introduction. VT Land Trust's Britt Hazelton will give an overview of that organization's procedures for land conservation along with a synopsis of the town's existing conserved lands portfolio. TA Johnson will provide an updated map of public and protected lands.

Update on Charter Committee

The Charter Committee provided the board with a progress report on its efforts to fulfill the charge provided to it by the board on August 1, 2016. The charge has three elements: to consider the appointment of the town clerk; to consider the appointment of the collector of delinquent taxes; and, to consider the inclusion of the basic property tax guidelines now voted annually at town meeting. The Charter Committee's update also included three elements: it reiterated its intent to follow the process developed by the committee in 2013 to measure all proposed charter changes against the committee's listed goals for charter provisions; it laid out the two options for appointing a delinquent tax collector, either by town vote or charter provision, and stated that if it decided to recommend appointment, it would also recommend which option the town should follow; and, it recommended that, due to the various possibilities available to the town, the tax guidelines issue should be reviewed by a separate committee and removed from the current charter effort.

The board considered the update and decided to provide its own memorandum in response. One concern was the reliance on the original set of goals from 2013. Now that the town has a charter, some of the goals seem in conflict with management of the charter to meet the governance needs of

the town over time. In particular, the listed desires to only include governance changes that can only occur through a charter provision and to keep the charter simple seem to run counter to some of the other goals and to sound management practices. Another concern flows directly from the first: the committee seems to be leaning towards not recommending the option of appointing the delinquent tax collector through a charter provision. Board members were unanimous in the belief that if the town moves to an appointed delinquent tax collector, it should only be through a charter provision to avoid the pitfalls and confusion inherent in relying on the standard statutory scheme. Finally, the board agreed with the request to remove the tax guideline element of the current charge to the committee.

TA Johnson will draft a response memo to the committee and present it to the board for review. The board will hold a special meeting on October 10, 2016 to consider the response memo and the road foreman position advertisement. The meeting will be held at 6:30 p.m. in the public room of the Emergency Services Facility. The expectation is the meeting will be very brief to avoid any interference with the Land Conservation Summit starting at 7:00 p.m.

Consideration of Contract with Chase & Chase Surveyors

Design work has started on the VTrans structures grant funded Quaker Road culvert project. Doug Newton, Newton Technical Services, is handling the design and is once again recommending that the town hire Chase & Chase Surveyors to provide the necessary surveying services. This would reunite the team that handled the plan development for the Murray Road culvert project, another VTrans structures grant funded venture. Chase & Chase has submitted a proposal to do the work for \$4,100.

Motion: To authorize TA Johnson to sign the Chase & Chase Surveyors Scope of Services agreement. Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

Consideration of VLCT Membership Renewal

TA Johnson presented the 2017 renewal packet for continuing membership in VLCT PACIF, which provides the town's property, liability, and workers' compensation insurance coverages along with a loss control services, employee assistance programs, and equipment grants.

Motion: To authorize TA Johnson to sign the application for the 2017 renewal of the town's membership in VLCT PACIF. Made by Mr. Northrup; second by Ms. Swasey. Passed unanimously.

Discussion of VLCT Draft Municipal Policy

Board member Etnier, who was unable to attend the meeting, will be the town's delegate to the annual VLCT meeting being held on October 5, 2016. Mr. Etnier provided a list of four elements of the 2017 VLCT draft municipal policy that he would like authority to question. Board members declined to take a town position on the issue of marijuana legislation. Board members decided to support the current VLCT policy which opposes state imposition or oversight of municipal conflict of interest policies. Board members supported Mr. Etnier's desire that the VLCT policy on forfeiture of property should not be to encourage the state to mirror the federal law, but rather should require conviction of a crime as a prerequisite to forfeiture. Board members also supported Mr. Etnier's concern that the current VLCT policy supporting greater municipal influence, through substantial

deference to local decisions and municipal plans, on renewable energy projects may be shifting the balance of power in Public Service Board processes too far in favor of municipalities and away from overall public good.

Warrants

Members reviewed and signed the warrant.

Minutes

The Chair presented the minutes of the September 19, 2016 Selectboard meeting for consideration. Board members expressed concern regarding the dialogue-based summaries of the discussion with VHCB's Gus Seelig and the reconsideration of the Fairmont Dairy project decision. In particular, board members were disturbed by the transcript tone and personal attribution to statements.

Motion: To approve the September 19, 2016 Selectboard meeting minutes as amended.

Made by Mr. Northrup; second by Mr. Troia. Passed 3-1 (Troia).

Other Business

Town Administrator Report:

- Cross VT Trail Association (CVTA) Grant Opportunity:
 - CVTA would like to pursue a Land and Water Conservation Fund grant opportunity to help fund the local match requirement for the Winooski Bridge construction project
 - The grant is not available to CVTA without a partner municipality; CVTA would like to team up with East Montpelier since the bridge project is the major missing link to connect the eastern and western portions of the Cross VT Trail within East Montpelier; there are still a number of questions regarding how such an application would work; a pre-application conference with the funding organization to discuss the situation is being set up
 - Board members agreed to allow the preliminary effort to resolve questions; whether to actually partner on the grant application will be determined at a later date
- Appeals of Board of Civil Authority (BCA) Decisions Regarding Property Valuation:
 - The State Property Tax Hearing Officer has issued decisions in the two T. Wayne & Helen Clark appeals of BCA decisions dealing with undeveloped lots owned by the Clarks on Codling and Wheeler Roads; the decisions granted the Clarks significantly lowered assessments in both cases
 - Andrew & Marianne Perchlik have appealed the two recent BCA decisions on their rental properties located on Coburn Road and VT Rte. 14 N to the State Appraiser
- Upcoming Meeting Schedule:
 - October 10th 7 – 9 pm Land Conservation Summit at ESF
 - October 17th 6:30 pm Selectboard regular meeting
 - October 20th 7:00 pm EMFD quarterly budget presentation at ESF
 - November 7th 6:30 pm Selectboard regular meeting

Zoning Administrator Report:

- 4 permit applications since the last board meeting
- Next DRB meeting will be held on October 4, 2016; there are two hearings:

- Demers, 1528 US Rte. 2, request for an additional business use for a day spa
- Bragg Farm Sugarhouse, 1005 VT Rte. 14 N, request to install a 12' x 16' shed

Motion: To adjourn. Made by Mr. Northrup; second by Ms. Swasey. Passed unanimously.
Meeting adjourned 9:35 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: October 17, 2016 Selectboard meeting