

## Minutes of the East Montpelier Selectboard

### October 5, 2015 Meeting

**SB Attendance:** Chair Seth Gardner, Casey Northrup, Steve Sparrow, and Kim Swasey; Town Administrator Bruce Johnson

**Public Attendance:** Road Foreman Mike Garand; Planning Commissioners Gene Troia & Julie Potter

Immediately prior to the meeting, the Selectboard conducted a site visit of the Sanfacon property at 334 Wheeler Road. The board viewed the site to gauge compliance with the August 2015 Environmental Court order.

Chair Gardner called the meeting to order at 6:43 p.m.

**Additions to Agenda:** None

**Public Comment:** None

### **Road Foreman Report: Mike Garand**

#### ➤ **Winter Roads Policy:**

- Mr. Garand presented the 2015/16 draft winter roads policy, including the notice on acceptable residential use of the town salt and sand piles.
- **Motion: To adopt the 2015/16 Winter Roads Policy.** Made by Ms. Swasey; second by Mr. Sparrow. Passed unanimously.

#### ➤ **Part-time Winter Road Crew:**

- The town may be losing its main part-time winter road crew member. Mr. Garand will monitor the situation and report back if the town needs to advertise for additional help.

#### ➤ **Brazier Road Concerns with Speeding Cars:**

- The board discussed options for dealing with concerns regarding speeding along Brazier Road and possible drug dealing. Mr. Garand reminded members that the pull-off north of the Flanders residence is vital for winter sanding of the road due to the difficult terrain. Mr. Garand will put up appropriate signage at the pull-off to discourage use and look into the possibility of installing a game camera. The board will invite VT State Police Lieutenant Nally to a future meeting to discuss Brazier Road issues.

#### ➤ **Replacement of Shed at Town Garage:**

- An old shed located behind the main town garage building is considered unsafe by the town's insurer, VLCT, and is in need of replacement. Mr. Garand proposed the installation of a pole barn. The board will consider the potential replacement during the upcoming FY2017 budget discussions.

#### ➤ **Update on Grader:**

- After its long absence, Mr. Garand was happy to report that the grader is fixed and on the roads again.

#### ➤ **Signs Requested by School Bus Company:**

- Mr. Garand reported that our school bus company is requesting a stop sign on Cummings Road at the North St./Cummings Road intersection and a yield or stop

sign on Jacobs Road at Sparrow Farm Road/Jacobs Road intersection. The board will consider adding the signage to the town's traffic ordinance in the near future.

- **Quaker Road Paving Fix by Whitcomb's Construction:**
  - Mr. Garand is still trying to get Whitcomb's to do the promised fix to the pavement sluff near the top of Quaker Hill.
- **Final Report from Phase 1 of the VTrans County Road High Risk Rural Road Project:**
  - The board reviewed the final report from the VTrans High Risk Rural Road program that recommends updated and additional signage on County Road. The board will consider its response, due by mid-November, at the November 2<sup>nd</sup> board meeting.
- **10-Wheeler Replacement Timing:**
  - The town's two 2008 International 10-wheelers are entering their 9<sup>th</sup> winter. The current plan for replacement under the Capital Improvement Plan is to replace one in FY2017 (i.e., prior to next winter) and the other in FY2018. Mr. Garand asked whether the board still intends to replace one of the trucks next year. The board responded affirmatively. Mr. Garand will begin researching options for replacing one of the trucks with a targeted delivery of late summer/early fall 2016.

### **Discussion on Zoning Enforcement Actions and Rebuttal of Recent Public Statements on Health Hazards**

TA Johnson reported that he and Constable Conti had visited with Mr. Clement and Ms. Buck out at their property at 365 Mays Way. The couple was still clearly residing on the property. The board agreed that TA Johnson should issue a formal Notice of Violation in the continuing effort to resolve the zoning violations on the 365 Mays Way parcel.

Although there was no Times Argus reporter present, the board wanted to reiterate that there is no known health issue on the 365 Mays Way parcel, nor is there any raw sewage on that parcel or on the 201 Mays Way parcel. Both state and town officials have monitored the area for health concerns on a regular basis this summer and have found no evidence of human waste.

### **Discussion on Potential Amendments to Zoning Regulations**

- **Section 7.4 Certificates of Compliance**
  - The board continued its review of the proposed amendment to Section 7.4, considering both the amendment and the possibility of removing the certificate of compliance requirement in its entirety. Ms. Potter reminded the board that removing the certificate of compliance provision will necessitate a significant amount of cleanup to the regulations as the provision is referred to in numerous locations. There is also an option of keeping the certificate of compliance solely for the flood hazard regulations.
  - The board will continue the discussion at its next meeting due to the absence of board member Etnier.
- **Article 9 Flood Hazard Regulations**
  - Board members were in agreement that the flood hazard regulations article, with the new river corridor protection, is acceptable as written and ready to be included with the packet of amendments to be presented at the November 30<sup>th</sup> public

hearing. If the certificate of compliance provision is removed, the language of proposed Section 9.11 will need to be reevaluated.

### **Consideration of Hutchins Roofing Proposal for Town Office Entryway Roof Replacement**

In the course of evaluating the water damage to the exterior of the town office building where the front entryway meets the main building, our contractor determined that the entryway roof was in need of replacement. Hutchins Roofing has submitted a proposal to replace the membrane roof at a cost of \$3,000. The work will be done next year. Mr. Troia, an experienced contractor by trade, examined the proposal and agreed that it was a solid plan at a good price.

**Motion: To accept the Hutchins Roofing proposal for the town office entryway roof replacement at a cost of \$3,000.** Made by Ms. Swasey; second by Mr. Northrup. Passed unanimously.

### **Discussion on 2015 VLCT Town Fair & Annual Meeting**

The Vermont League of Cities and Towns, in conjunction with its member municipalities, develops an annual document outlining the main municipal concerns for the upcoming legislative session. A draft is circulated to member communities prior to the VLCT annual meeting, which is scheduled for October 8<sup>th</sup> this year. The board reviewed the draft and recommended sections of concern that TA Johnson, the town's voting delegate this year, will give special attention at the VLCT meeting.

### **Discussion on Potential Selectboard Vacancy**

Mr. Sparrow submitted his resignation from the board, due to a shift in residency to the Town of Calais, effective at the end of this evening's vicious dog hearing continuation. The board regretfully accepted the resignation and thanked Mr. Sparrow for his years of service.

The Selectboard vacancy will be advertised immediately, with the board reviewing the responses at its October 19<sup>th</sup> meeting.

### **Review of Central VT Solid Waste Management District's Municipal Assistance Grant Agreement**

CVSWMD gave the town a grant of \$3,000 to conduct an education event on Vermont's Act 148 (the Universal Recycling Law), residential organics recycling, and composting. The event was held September 16<sup>th</sup> at the East Montpelier Elementary School. As part of the event, 18 Soilsaver composters and 12 Green Cone digesters were provided free to participants. The total cost of the event was \$2,994.04. The invoices for the products are on this meeting's warrant. TA Johnson will submit the necessary documents for grant reimbursement this week.

CVSWMD has provided an agreement detailing the grant specifics for the town's approval.

**Motion: To authorize TA Johnson to sign the Municipal Assistance Grant Agreement.** Made by Mr. Northrup; second by Mr. Sparrow. Passed unanimously.

### **Discussion on Potential Town Application for a VTrans Transportation Alternatives Program Scoping Study Grant**

Board member Etnier has been working with Calais officials on possible consortium grant options for examining multi-modal use of County Road. One option is the VTrans Transportation Alternatives Program. This particular grant program requires a 50% town match for a scoping study. Concerns with the TAP program include the fact that Calais would prefer a lesser cash match program and the application deadline is October 16<sup>th</sup>. Mr. Etnier, by way of TA Johnson, expressed his recommendation that the town bypass this program in favor of a possible VTrans Bike & Pedestrian Grant application, which will have more town favorable match requirements. That program's grant cycle has not yet been announced. The board agrees with Mr. Etnier's recommendation.

### **Discussion of Sanfacon Compliance with Judicial Order**

On August 12, 2015 Environmental Court Judge Walsh issued an order refining the expectations on both Bill Pollock and John Sanfacon regarding the settlement agreement governing the use of Mr. Sanfacon's property located at 334 Wheeler Road. As part of the new order, Mr. Sanfacon was expected to install addition screening of the trailers on his property, with a deadline of October 1<sup>st</sup>. The Selectboard continues to appreciate Mr. Sanfacon's efforts to meet the judicial expectations, but believes that a little additional screening/cladding is still required. Mr. Sanfacon has agreed to comply with the Selectboard's demands.

### **Warrants**

Members reviewed and signed the warrant.

### **Minutes**

The Chair presented the minutes of the September 21, 2015 Selectboard meeting for consideration.

**Motion: To approve the September 21, 2015 Selectboard meeting minutes as amended.**

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

### **Other Business**

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

##### ➤ Upcoming Meeting Schedule

- |                             |         |   |
|-----------------------------|---------|---|
| ○ October 8 <sup>th</sup>   |         | VLCT Town Fair (Killington Grand)         |
| ○ October 15 <sup>th</sup>  | 7:00 pm | EMFD Quarterly Budget Presentation at ESF |
| ○ October 19 <sup>th</sup>  | 6:30 pm | Regular SB meeting                        |
| ○ November 2 <sup>nd</sup>  | 6:30 pm | Regular SB meeting                        |
| ○ November 16 <sup>th</sup> | 6:30 pm | Regular SB meeting                        |
| ○ November 30 <sup>th</sup> | 7:00 pm | Public hearing at ESF                     |

- EMFD Request (by way of Larry Brown)
  - If the town purchase of the Winston property goes through, EMFD would like to use the house for SCBA training exercises (both inside and out). Later on, if/when the structure is targeted for destruction, EMFD would like the opportunity to do “exterior remodeling” training. The board is willing to consider the requests once the town actually owns the property. The process of finalizing the purchase of the parcel is still on hold awaiting the necessary judicial order approving the sale to the town.

**Zoning Administrator Report:**

- 1 permit application since the September 21<sup>st</sup> board meeting
- Next DRB meeting will be on October 6, 2015
  - Habitat for Humanity request to develop the Benton lot
  - Recreation Board request for a setback waiver to relocate concession shed
  - Appeal of ZA’s issuance of a permit to Duane Wells for an accessory dwelling
  - Manghi/Gardner/Duane sketch plan for a two-lot subdivision

**Motion: To adjourn.** Made by Mr. Sparrow; second by Ms. Swasey. Passed unanimously. Meeting adjourned 9:20 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

**Approved:    October 19, 2015 East Montpelier Selectboard meeting**