

**East Montpelier Selectboard Meeting Minutes (Approved: 10/20/14)  
October 6, 2014 at the Town Office**

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

**Others present:** Nona Estrin, Mary Stone (East Montpelier Trails); Eva Gumprecht, Janet Macleod, Alison Underhill (car accident on Center Road); Road Foreman Mike Garand; Planning Commission members Julie Potter and Gene Troia (draft capital plan)

**A. CALL TO ORDER**

Chair Seth Gardner called the meeting to order at 6:34 pm.

**B. ADDITIONS TO THE AGENDA**

None.

**C. PUBLIC COMMENT**

None.

**D. EAST MONTPELIER TRAILS, INC. PRESENTATION**

**Mary Stone & Nona Estrin, President and Vice President**

East Montpelier Trails, Inc. (EMTI) is 501(c)3 non-profit, formerly known as the trails committee. They reported that they have 8-10 miles of established trails in town and are on the verge of adding two new sections of trail. Ms. Stone and Ms. Estrin said they have worked for over 20 years with volunteer efforts, using funds from a substantial monetary gift plus grants. EMTI shares the proceeds of the town's Carlton Smith fund with two other organizations, but low interest rates mean that the proceeds are low these days.

The Montpelier Area Mountain Bike Association (MAMBA) helps with labor on trail maintenance, but neither MAMBA nor the grants EMTI receives pay for materials.

With more intense storms, trails are at a higher risk of erosion. The two flooding events in 2011 did extreme damage to the trails. And as the trail system grows, EMTI sees a need for professional assistance in trail building and erosion control.

EMTI asked the town for \$3,000 annually from the town to be used for maintenance and for upgrading erosion control on the town trails. They presented a list of ongoing expenses and future projects that the money would help cover. They emphasized that trail-related volunteer work would continue in the future, but the appropriation would help them concentrate more on the trails work itself and less on fundraising.

Mr. Gardner said he thought the people of the town would support the funding. Mr. Etnier agreed, and he wanted to ask the town formally whether it's a good idea. He proposed an article for town meeting floor discussion and vote that would ask the SB to include a line for EMTI in the annual budget and would appropriate \$3,000 for the FY16 budget. Ms. Stone and Ms. Estrin accepted that approach, and the board agreed to draft such an article.

## **E. DISCUSSION OF ACCIDENT ON CENTER ROAD DURING ROAD MAINTENANCE ACTIVITIES**

### **Eva Gumprecht**

Ms. Gumprecht asked the town for \$521 to cover her out-of-pocket expenses related to crashing her car onto piles of gravel on Center Road during recent road work.

Road foreman Mike Garand described what he knew of the accident, which he said he arrived at after the car had been towed. He said the road crew was resurfacing Center Road. Signs 4'x4' were posted, saying "ROAD WORK AHEAD" and "LOOSE GRAVEL." The practice is "tailgate spread," from the back of the dump truck. To keep the grader occupied, the grader is sent to other jobs and then brought back to level it off. During the work, it is possible for the dump truck driver to make a mistake and apply the gravel too thick. The workers then smooth the gravel out some by shoveling or driving the truck back and forth over it. He did not see the accident; he did travel to visit Ms. Gumprecht right after the accident. This is the first time in 25 years here there's been an accident like this, he said.

Ms. Gumprecht acknowledged she saw the signs. She drove on loose gravel and saw no trucks and no work. Then there were three piles of gravel two feet high, in the shade of the trees. She hit the first and flew over it, and then slammed into the second one. The lumps were so big that she would have liked to have seen cones. The tow truck had difficulty getting over the piles. She estimated her speed as 20 mph.

Alison Underhill was called to the scene by Ms. Gumprecht and drove up there. She drove slowly and came across the piles. Her car was undamaged, but she said there was only one lane open.

Mr. Gardner explained that tailgate spreading is an imperfect operation, and lumps occur from time to time.

To explain why no town trucks were on the scene at the time, Mr. Garand said the town buys gravel from Graniteville, which leads to long trips for the trucks.

Janet Macled said she came up the road 15 minutes before Ms. Gumprecht. She also lost control of her car, but there was no damage to it. Then she came across similarly high piles of gravel in Calais a week later. She hadn't seen this size of pile before.

Mr. Etnier asked Mr. Garand how the crew normally knows to back up and smooth it out. He said that the normal procedure is to monitor the application of the gravel using the mirror and to back up if its too uneven.

The town is insured through the Vermont League of Cities and Towns (VLCT). VLCT has denied Ms. Gumprecht's claim, as she saw the signs put out and was aware work was being done. VLCT also cited the doctrine of Sovereign Immunity, which "bars claims against municipalities that arise out of activities that are governmental in nature."

**Motion: I make the motion to authorize Seth Gardner to sign a letter to Eva Gumprecht, declining her request for compensation for damage to her car. Made: Mr. Etnier. Second: Mr. Northrup. 5-0.**

## **F. CONSIDERATION OF DRAFT CAPITAL PLAN**

Julie Potter and Gene Troia of the Planning Commission described the committee's work in assembling a draft capital plan. The plan would allow the town to stabilize the tax rate by planning for expected capital expenditures. They emphasized that the plan as presented to the SB is only a draft, and they requested SB input on the budgets for buildings, vehicles, paving, and heavy equipment. The SB provided numerous suggestions.

Mr. Etnier pointed out that the town plan calls for roads to be upgraded in a way that addresses the needs of all users, including pedestrians and bicyclists, when work is done on them. That cost is not included in the paving budget. Mr. Gardner suggested it be added as a separate line in the capital plan.

Ms. Potter said the committee's intent is to refine the numbers more and present it at a public meeting in December, so it can help the SB craft the FY 2016 budget to be voted on at the next town meeting.

### **G. DISCUSSION OF POSSIBLE TRAFFIC ORDINANCE AMENDMENTS**

The discussion was a continuation of a previous discussion of the need for clearer signage at the lower intersection of Horn-of-the-Moon Road and Sanders Circle, where it's not clear who has the right of way, and of a discussion of parking along Vincent Flats Road in front of the elementary school.

The traffic ordinance lists signs in town. Vermont State Police will only enforce signs that are listed in the ordinance. However, the ordinance omits some signs. The SB will amend the ordinance's list of signs to bring it up to date with actual signage and to include the new signs under discussion.

Mr. Johnson reported that RF Mike Garand had agreed with the SB's idea of adding new street signs at the Horn-of-the-Moon and Sanders Circle intersection. Mr. Garand also suggested a stop sign for those traveling downhill on Sanders Circle. Mr. Etnier said he saw no need for a stop sign, as the SB had not heard that there was a problem with cars merging or turning onto Horn-of-the-Moon from Sanders Circle. A Yield sign was also discussed. No resolution was reached on this detail.

At the school, signs will say "No Parking 8 a.m. to 4 p.m. School Days" on the west side of Vincent Flats and "No Parking" on the east side.

The SB asked Mr. Johnson to investigate designating the area as school zone—how do we do it, and what are the implications?

### **H. APPOINTMENTS**

**Motion: I move to appoint Alex Rob to the Recreation Board, per the recommendation of the Recreation Board. Made: Mr. Etnier. Second: Mr. Sparrow. 5-0.**

### **I. WARRANTS**

Signed.

### **J. MINUTES**

**Motion: I move to approve the minutes of September 22, 2014 as amended. Made: Mr. Sparrow. Second: Mr. Northrup. 5-0**

### **K. OTHER BUSINESS**

*Update on John Sanfacon's work cladding his trailers*

Mr. Gardner reported that his crew is prepared to do the work, with Mr. Sanfacon providing materials. Possibly on October 27. Mr. Etnier reported inquiries to other places to find volunteer help, but no luck

yet.

*Update on Old Railroad Lane Concerns*

Mr. Gardner and Mr. Sparrow spoke with the land owner who has recently brought in large amounts of fill. Discussions are ongoing.

*Update on Paving*

Whitcomb's will be here next week (week of October 13th) for Gallison Hill and Quaker Hill/Vincent Flats; no schedule as yet.

*VLCT PACIF Annual Membership Renewal*

The SB authorized renewing it.

*Committee to Search for Treasurer Candidates*

Mr. Gardner and Mr. Etnier volunteered to serve in the two SB positions. Terri Conti is on the committee as Town Clerk. Dave Grundy has volunteered to fill the auditor position. Mr. Johnson will put a notice on Front Porch Forum that the town is looking for two town residents and a CPA (who is not necessarily a resident) to fill the other two positions.

*Update on Animal Control Ordinance*

Mr. Etnier reminded the SB that he had told concerned citizens he would bring up revisions to the town's animal control ordinance sometime around October. The revisions are intended to bring the ordinance more into line with VLCT's model ordinance. In particular, they will allow a written complaint to trigger the statutory "vicious dog hearing" for a dog's behavior other than actually biting a human off the owner's property, e.g., for attacking other animals or threatening humans. He will draft such revisions for the board's attention at its next regular meeting.

*Upcoming Educational Opportunities*

- VLCT Fall Planning & Zoning Forum; October 29th at Capitol Plaza
- VLCT Fall Selectboard Institute; November 8th at Lake Morey Resort
- State Government Municipal Day; November 13th at National Life

*Upcoming Schedule of Events*

- October 9th VLCT Town Fair, Champlain Valley Expo, Essex
- October 16th Fire department quarterly budget presentation, 7:00 p.m. at the village fire station
- October 20th Selectboard regular meeting, 6:30 p.m. at town office
- October 23rd VTrans Village Bridge Public Forum, 6:30 p.m. at U-32 cafeteria
- November 3rd Selectboard regular meeting, 6:30 p.m. at town office

**N. ADJOURNMENT**

**Motion: I make the motion to adjourn. Made: Mr. Sparrow. Second: Mr. Northrup. 5-0. 9:34 pm**