

Minutes of the East Montpelier Selectboard

November 7, 2016 Meeting

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

Public Attendance: Bruce Westcott (CVSWMD); Doug Newton (Newton Technical Services); Eileen Peltier (Downstreet); EM Fire District #1 Prudential Committee Members Steve Gilman, Bob Morey, and Rubin Bennett; Ginny Callan, Tony Klein, Julie Potter, Ed Deegan, Jeff Cueto, Gabrielle Malina, Leslie Drown, Tom Brazier

Chair Gardner called the meeting to order at 6:34 p.m.

Additions to Agenda:

- **Consideration of NEMRC Annual Support Agreement**
- **Expansion of Listers Errors & Omissions**
 - **Dass Enterprises LLC, 3927 US Rte. 2 and Barbara Cote, 3998 US Rte. 2**
 - **Kingsbury Branch Hydroelectric Company, 3040 VT Rte. 14 N**

Public Comment: None

Meeting with Central VT Solid Waste Management District's General Manager Bruce Westcott

Mr. Westcott, who took over as CVSWMD's General Manager in July, gave a short presentation on the district's programs and governing structure. Since this was designed to be a meet-and-greet between the board and Mr. Westcott, there was no particular issue of concern or discussion focus.

Discussion on Murray Road Culvert Replacement Plan

Doug Newton, the design engineer for the culvert project, provided an update on guardrail options. Mr. Cueto, whose land surrounds the culvert, had previously requested that the town consider timber rail instead of the standard steel guardrail. The normal concern with timber rail is the cost, generally running 3 to 6 times more expensive than steel. The current problem, however, is that design mandates make the timber rail difficult to site at the location due to the curvature of the road. One possibility would be to extend the rail beyond where it is technically required in order to provide the distance necessary to place the rail in a conforming manner. The board directed Mr. Newton to determine if it is possible to do this and, if so, what the rail length and cost would be. The information will be provided at the next board meeting.

Mr. Newton also explained a recent meeting with Shannon Morrison, our district's state wetlands specialist. She field reviewed the draft culvert plans and determined that no wetlands permit would be needed so long as the town removed the proposed drive that would provide access to a portion of Mr. Cueto's property. The next design iteration will remove the access.

Discussion on Housing Trusts and Potential Revolving Loan Fund Program

As part of the board's continuing effort to craft effective land conservation and housing plans for the coming years, the SB decided to explore some options for use of the town's revolving loan fund. The existing fund is comprised of revenues from the repayment of the Sandy Pines Mobile Home Park's

community development loan. The fund currently stands at approximately \$28,000 and grows by some \$8,000/year with an expected inflow of \$155,000 in 2027 due to the loan's final balloon payment.

Eileen Peltier, Downstreet Housing & Community Development's Executive Director, presented a proposal for a down payment assistance program modeled on an existing program that Downstreet runs for Montpelier. Discussion of the concept focused on how the Montpelier program, coupled with other assistance programs, enabled young couples to buy housing in the city, which led directly to an influx of 9 school-aged children in the Montpelier school district. The town's Revolving Loan Advisory Committee will meet in the near future to consider Ms. Peltier's proposal along with other options for use of the fund.

Discussion on East Montpelier Fire Department's Proposed Capital Plan

At the October 27, 2016 quarterly budget presentation given by EMFD to the Calais and EM Selectboards, EMFD unveiled a proposal to purchase two fire trucks and alter its current employee methodology. Using the existing EMFD Capital Reserve Fund plus a certain amount of town augmentation of the fund, during FY2018 EMFD would purchase a new fire engine and a used heavy rescue vehicle to replace the aging engine and rescue vehicles currently in service. At the same time, capital reserve funds would be used to support the employment of a full-time EMT to replace workers currently handling the weekday first shift on a per diem basis. Both boards expressed some concern over the proposal and asked that EMFD reconsider the worker and truck funding methods prior to the December 1st EMFD FY2018 operating budget presentation to the boards. Both boards would also discuss the concepts involved at their own individual meetings.

The SB first considered the proposed use of the EMFD reserve fund to handle employee costs. Members were in agreement that this is a bad precedent and would like to see all personnel costs reflected in EMFD's general operating budget. There may be a need to add full-time personnel, but not by raiding the reserve fund.

The SB then discussed the truck replacement plan. Both current vehicles are more than 20 years old and were already in the EMFD capital plan for replacement in the near future, just not both in the same year. The board decided to wait until it sees both the proposed FY2018 EMFD budget and an updated capital plan before trying to judge the appropriateness of replacing both vehicles during FY2018.

Joint Meeting with East Montpelier Fire District #1 Prudential Committee Regarding Potential Merger of Fire District with Town

The board met with the fire district's Prudential Committee (its governing body) to discuss a possible course of action that would lead to the dissolution of the fire district. In previous discussions it was determined that the Prudential Committee sees no viable way to strike a deal with Deane Hedges for the Crystal Springs Water System that serves the EM Village area and, hence, no reason to continue operating the fire district. The only way to dissolve a fire district is to merge it with the town, essentially returning to the town the duties/powers delegated to the fire district when it was created in 2010.

Attorney Jim Barlow has provided a schedule of necessary actions and a draft plan of merger. The basic concept is for the two entities to present the merger plan to voters for approval. First up would be the fire district, which has its annual meeting in early January. If the district's voters approve the

merger, then the Selectboard could move forward with a merger vote at 2017 Town Meeting. The next step will be for the Prudential Committee to review the formal plan of merger and either suggest changes or adopt the plan. Either way, the committee will provide a status update to the board for the November 21st board meeting.

Listers Errors & Omissions

The listers are requesting that the board approve four adjustments to the 2016 Grand List: (1) a \$68,300 decrease for the Dass Enterprises LLC property at 3927 US Rte. 2 (the Cote storage units parcel) to reflect the removal of a building that was incorrectly included with the property as well as correctly included with another Cote property; (2) a decrease of \$3,100 for the Dass Enterprises LLC property and an increase of \$3,100 for the Barbara Cote property at 3998 US Rte. 2 (the Carpet Barn parcel) to reflect the shift in location of the driving range hut onto the Barbara Cote lot; and, (3) a \$97,900 decrease to reflect the removal of any taxable assessed value for the Kingsbury Branch Hydroelectric Company's solar array at 3040 VT Rte. 14 N as mandated by state law.

Motion: To authorize the listers to alter the 2016 Grand List as requested for a net decrease of \$166,200. Made by Mr. Northrup; second by Mr. Troia. Passed unanimously.

Discussion on Road Foreman Position

The town has been advertising for a foreman-track road crew member to work under and potentially replace Road Foreman Mike Garand upon his planned retirement next summer. The application deadline was November 4th, with five applications received. The board reviewed the applications and decided not to interview any of the prospects. The board will continue to advertise the position with no specific deadline.

Legal Matters: Update on Hudson Adverse Possession Lawsuit

Earlier this year the Hudson family filed suit against the town to gain possession of the parcel on US Rte. 2 in East Montpelier Village where the town hall was once located. That lawsuit has now moved beyond the preliminary discovery phase and is likely headed for trial early next year. The court has ordered the parties to attempt mediation. Attorneys for the parties are currently engaged in the early stages of the mediation process.

Consideration of NEMRC Annual Support Agreement

The town pays an annual fee for a maintenance and support agreement for our suite of NEMRC (New England Municipal Resource Center) database modules. The cost this year is \$1,336.85, an increase of 3.5% over last year's price.

Motion: I move to authorize the expenditure of \$1,336.85 to continue the NEMRC annual support agreement. Made: Mr. Troia. Second: Mr. Northrup. Passed unanimously.

Warrants

Members reviewed and signed the warrant.

Minutes

The Chair presented the minutes of the October 17, 2016 Selectboard meeting for consideration.

Motion: To approve the October 17, 2016 Selectboard meeting minutes as presented.

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

Other Business**Town Administrator Report:**

- Vacancy on Capital Improvement Committee:
 - At-large member Dave Burley has resigned from the committee
 - TA Johnson will approach Ed Deegan to see if he has interest in serving on the committee; if not, the Planning Commission will be asked to recommend a potential replacement for Mr. Burley.
- Update on FY2016 External Audit:
 - The draft audit has been provided to the town. The results are in line with expectations, with the town running a small surplus. No issues of concern were reported. The final audit should be ready for presentation to the board in December.
- Update on Park 'n Ride Facility:
 - The town was required to submit a VTrans (VT Agency of Transportation) 1111 Access & ROW permit application in order to receive permission to work in the VT Rte. 14 N right-of-way and to use the existing curb cut for the proposed park 'n ride facility at the town-owned old WEC utility garage site. The \$250 cost is on this meeting's warrant and is a reimbursable expense under the VTrans grant for the facility.
- Liability Claim for Damage to Auto:
 - TA Johnson submitted a property damage claim to VLCT, the town's insurer, for vehicle damage caused when a car bottomed out dropping onto Snow Hill Road from the Four Corners intersection.
- Upcoming Meeting Schedule:
 - November 21st 6:30 pm Selectboard regular meeting
 - December 1st 7:00 pm Joint meeting with EMFD & Calais at ESF
 - December 5th 6:30 pm Selectboard regular meeting/joint meeting with Calais
 - December 16th 5:00 pm Town Volunteer Appreciation Party
 - December 19th 6:30 pm Selectboard regular meeting

Zoning Administrator Report:

- 1 permit application since the last board meeting
- No DRB meeting is currently scheduled

Motion: To adjourn. Made by Mr. Northrup; second by Ms. Swasey. Passed unanimously.
Meeting adjourned 9:50 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: November 21, 2016 East Montpelier Selectboard Meeting