

Minutes of the East Montpelier Selectboard

November 19, 2018 Selectboard Meeting

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

Public Attendance: Marc Fontaine, Jane Burroughs, Michelle Braun

Chair Gardner called the meeting to order at 6:33 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the November 5, 2018 board meeting.

Motion: To approve the November 5, 2018 minutes as presented. Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

Public Comment: None

Discussion on Issues Involving Old LaPerle Farm Property

➤ Presentation by Marc Fontaine of Proposal for Agricultural Use of Northern End of the Old LaPerle Farm Property

- Mr. Fontaine, who owns the property to the north of the LaPerle parcel, would like to purchase the northern portion of the LaPerle parcel. He would also like to graze his beef cattle on some of the rest of the land. Board members were in agreement that a transfer of 5-10 acres is possible and should be evaluated by the Old LaPerle Farm Property Committee. Any transfer would be of land north of the prime development area in the central part of the parcel and would not include any of the northeastern area known to have septic capacity. The board was far less interested in leasing additional land for grazing. The intent is to leave the land open to allow for potential development &/or recreational use.
- The board will work with Mr. Fontaine on an outline of a possible land transfer. Mr. Fontaine understands that any transfer would need to be approved by town vote.

➤ Discussion on Replanting of Old LaPerle Farm Property Riparian Buffer with Michelle Braun, Executive Director, Friends of the Winooski River

- Ms. Braun presented a plan for restoring native trees/bushes along Sodom Pond Brook on the LaPerle property from just north of US Rte. 2 to the central section of the lot. Two zones would be planted about 50 feet in depth along the brook for a total distance of approximately 1,200 feet. The plan is to plant a total of 400 stems of various species, including tamarack, paper birch, white pine, shrub willow, speckled alder, and silky dogwood. Timing for the project is crucial, with the sweet spot being the very brief spring period between thaw and leaf out. There is no town cost for the project, although volunteer assistance with the planting will be needed.

- The board is in favor of allowing the project, but wants the LaPerle Committee to consider the proposal at its next meeting, on Monday, January 14, 2019. Ms. Braun explained that the best time to order plants for a spring project is in December, so the board gave her the go-ahead to order the plants with the understanding that the town can back out of the project should further review show that to be the proper course of action.
- **Consideration of Proposals for the Deconstruction &/or Removal of the Old LaPerle Farm Property Farmhouse**
 - After a determination by the LaPerle Committee that there was no feasible way to salvage the LaPerle farmhouse for town use and that there was no cost effective way to deconstruct the building, the Selectboard advertised for proposals to remove the structure. The deadline for submission of proposals was November 15th. Only one proposal, from Guthrie & Amber Perry, was received. The Perry plan is to remove the structure in segments and reconstruct the farmhouse at a new location. The Perrys would be responsible for all costs of removal outside of administrative, permitting, and utility expenses.
 - **Motion: To accept the proposal to remove the LaPerle farmhouse submitted by Guthrie & Amber Perry.** Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

Consideration of Real Estate Proposal for Hodgeman Parcel: Potential Executive Session

William Hodgeman and Diane Conlin, brother & sister, inherited an undeveloped 3.0 acre parcel when their mother, Irma Hodgeman, passed away in 2002. The parcel is the remnant of the family's holdings along VT Rte. 14 N at the north end of EM Village. The parcel abuts the northern property line of the town-owned LaPerle property's farmhouse area on the west side of Sodom Pond Brook, and is bordered by VT Rte. 14 N to the west and the brook to the east. The development potential of the property is affected severely by wetland, terrain, floodplain, and river corridor constraints. The town, with permission of the Hodgeman family, tested the site for septic capacity to augment the limited capacity on the farmhouse lot. There is some potential that could be utilized should the town develop the farmhouse lot.

Mr. Hodgeman and Ms. Conlin have offered to donate the parcel to the town with the understanding that all transaction costs will be borne by the town. The property tax value of the parcel is minimal and there is some potential use of the land for town purposes. After discussion, the board decided to tentatively accept the donation subject to legal review.

Motion: To accept the donation of the Hodgeman property (Parcel #08-005.050) and have the town absorb the costs of transfer, subject to review of the transaction by Town Attorney Bjornlund. Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

Update on Smith Lawsuit Against Town: Potential Executive Session

The Smith family is suing the town in an effort to alter the provision of emergency services to their North Street property. The original suit named both the town and Montpelier. Montpelier has been dismissed from the action and the original action against the town was also dismissed. However, the plaintiffs were given leave to amend the complaint, which now names the town and TA Johnson, both individually and in his role as E-911 coordinator, as defendants.

The Vermont League of Cities & Towns, the town's insurer, declined to provide coverage for the original lawsuit, but is now willing to defend both parties under a reservation of rights agreement. The reservation deals with the possibility that a judgment may be outside the scope of insurance coverage. Due to similarity of interests and no apparent conflicts, VLCT has assigned one attorney, Mick Leddy of McNeil, Leddy & Sheahan, PC, to defend both parties. Mr. Leddy will work with Town Attorney Bjornlund.

Motion: Premature general public knowledge would clearly place the town and/or TA Johnson at a substantial disadvantage regarding pending civil litigation to which the town is a party. Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

Motion: To enter executive session under 1 V.S.A. 313(a)(1)(E). Made by Ms. Swasey; second by Mr. Troia. Passed unanimously.

The board entered executive session at 7:40 p.m. and exited at 7:50 p.m.

Motion: To authorize Chair Gardner to sign the VLCT Reservation of Coverage Rights Acknowledgement on behalf of the town. Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.

Warrants

Members signed warrant.

Other Business

Town Administrator Report:

- Plans to Deal with the Effects of the Emerald Ash Borer:
 - A workshop on preparedness and management is scheduled for November 28th.
- Update on 2018/19 Tax Year Property Tax Payment Status:
 - As of November 15, 2018 (Installment #1 due date):
 - Due for Installment #1 \$3,718,056.80; paid \$3,504,920.10; remaining \$213,136.70 (5.7%).
 - Due for Installment #2 \$3,718,058.82; paid \$784,581.51; remaining \$2,933,477.31 (78.9%).
 - Last year at this time:
 - Due for Installment #1 \$3,642,193.80; paid \$3,489,576.35; remaining \$152,617.45 (4.2%).
 - Due for Installment #2 \$3,643,194.11; paid \$847,523.40; remaining \$2,794,670.71 (76.7%).
- Rekoverye Alliance, Inc. Request for Town Support:
 - The organization, a VT non-profit that provides information on addiction prevention, is requesting \$500 from the town to support its mission. The request came in too late to be included in the standard FY2020 funding request process.

- Board members felt that the current request should be redirected to the school system. The organization will be informed about the town's standard funding request methodology.
- Meeting Schedule:
 - December 3rd 6:30 pm Regular Selectboard meeting
 - December 6th 7:00 pm Joint Calais/EM/EMFD budget meeting at ESF
 - December 10th 7:00 pm Joint Calais/EM meeting on EMFD budget at Calais
 - December 14th 5-7 pm Annual town volunteer appreciation party
 - December 17th 6:30 pm Regular Selectboard meeting

Zoning Administrator Report:

- 6 new zoning permit applications have been submitted since the November 5th board meeting. There have been 53 total applications so far this year.
- Next DRB meeting will be held December 4, 2018. There is one scheduled hearing for final plan review of a proposed 4-lot subdivision of the O'Hare property at 835 Dodge Road.

Motion: To adjourn. Made by Mr. Troia; second by Ms. Swasey. Passed unanimously.
Meeting adjourned 8:11 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: December 3, 2018 East Montpelier Selectboard meeting