

Minutes of the East Montpelier Selectboard

August 5, 2019 Selectboard Meeting

SB Attendance: Chair Seth Gardner, Amy Willis, and Kim Swasey; Town Administrator Bruce Johnson

Public Attendance: Charles Johnson, Bruce Howlett, Jean Vissering

Chair Gardner called the meeting to order at 6:36 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the July 22, 2019 board meeting.

Motion: To approve the July 22, 2019 minutes as amended. Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

Public Comment: None

Presentation of EM Conservation Commission Proposal

Charles Johnson and Bruce Howlett, both members of the town's Conservation Fund Advisory Committee (CFAC), presented a proposal for the establishment, under 24 V.S.A. Chapter 118, of an East Montpelier Conservation Commission. A number of existing conservation-related committees, such as the Forest Committee and CFAC, along with the independent East Montpelier Trails, Inc. would come under the umbrella of the commission, which in turn answers to the Selectboard. Feedback from a number of members of the existing committees was received and incorporated in the proposal. The town considered and rejected the concept of a conservation commission back in the 1980s, choosing to stick with individual committees with specific responsibilities.

Board members were receptive to the idea of putting the issue out to the public for discussion. Establishment of a commission requires a positive vote by town residents, likely at town meeting. The proposal will be discussed again at the August 19, 2019 board meeting, when the full board is expected to be in attendance. The current plan is to schedule a public forum on the concept sometime in October.

Review of Proposed Fairmont Dairy/VT Land Trust Conservation Project

Fairmont Dairy, directly affiliated with Fairmont Farm, bought the majority of the former Lylehaven Farm holdings in 2014, and has been working with the Vermont Land Trust (VLT) to conserve large tracts of the Lylehaven property. In 2016 Phase I of the conservation effort, covering 360 acres along Drake Road, received funding from the Vermont Housing and Conservation Board (VHCB) with very little notice to or feedback from the town. Over the course

of the next year the town worked with VLT and VHCB to ensure the town had a more robust role in future conservation projects.

Fairmont Dairy and VLT are now moving forward with Phase II, 196 acres including the main Lylehaven Farm buildings off of VT Rte. 14 S. A funding review has been scheduled with VHCB on September 24, 2019 and VLT is requesting project feedback letters from both the Selectboard and Planning Commission. Board members reviewed the proposal and were generally supportive. This item will be back on the board's August 19th meeting agenda with the expectation that a response to VLT's request will be developed.

The SB and PC reviews cover the entire conservation project. There is a trail easement element of the project that will likely result in a formal request for funding from the town's conservation fund. That funding request, when it is submitted, will be handled under the standard town process through the Conservation Fund Advisory Committee.

Setting of the 2019/2020 Property Tax Rates

The proposed 2019/20 property tax rates, calculated using a grand list figure of \$3,045,000, up \$11,000 (0.4%) from last year, are as follows:

- Resident (homestead) tax rate: 2.4564; down 0.0765 (3.0%) from last year
- Non-resident (nonhomestead) tax rate: 2.2905; up 0.0306 (1.4%) from last year

Motion: To set the 2019/20 property tax rates at 2.4564 for homestead parcels and 2.2905 for nonhomestead parcels. Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

Consideration of Homestead Filing Penalty Waiver

Under 32 V.S.A. §5410(g) the town is allowed to assess an 8% penalty for residents who file their homestead declaration late. The town also has the option to waive the penalty for everyone. There are also certain hardship exemptions.

The town has chosen to waive the late-filing penalty in the past, for a number of reasons: 1) The penalty only affects those who do file but file late; those who are required to file but don't file are not penalized if they are not caught. 2) The town's revenues are not affected by whether someone declares a homestead in town or not. 3) It is in the town's interest to encourage accurate information about who is a resident here, and waiving the penalty encourages people to file a homestead declaration, even if it is late. 4) For a time, the state allowed a homestead declaration to remain in effect until the land owner rescinded it; the SB does not see a good reason for reverting to a system requiring filing each year.

Board members determined that they had seen no new information that would cause a reconsideration of the decision from previous years.

Motion: To waive the homestead declaration late filing penalty. Made by Ms. Willis; second by Ms. Swasey. Passed unanimously.

Discussion on Future Capital Projects Questionnaire

- **Potential Town Garage Upgrades**
- **Potential Town Office Upgrades**

SB member Troia, who chairs the Capital Improvement Committee and is a leader of both the town garage and town office upgrade projects, was absent from this meeting so board members decided to postpone discussion on this item.

Consideration of Engagement Letter for Tax Sales Handled by Attorney Jim Barlow

The board authorized tax sale proceedings against four properties at its June 17th meeting. Attorney Jim Barlow has provided a letter of engagement to handle the tax sale processes on the standard terms. Attorney Barlow has handled the last two rounds of tax sales for the town.

Motion: I move to authorize the Collector of Delinquent Taxes to sign James Barlow's proposal for attorney services related to tax sale proceedings. Made by Ms. Swasey; second by Ms. Willis. Passed unanimously.

Presentation of Feedback for PC Zoning Update Project

EM Center denizens Kirby Scarborough and Madeleine Mongan have provided detailed feedback letters to the Planning Commission regarding the PC's ongoing zoning regulations update project. Mr. Scarborough and Ms. Mongan requested that the Selectboard be made directly aware of their concerns and that the letters be part of the public record.

Appointments

- **DRB Vacancy**
 - Loring Starr declined appointment to the DRB, so the vacancy has been advertised. The board will consider applicants at the August 19th board meeting.

Warrants

Members signed warrant.

Other Business

Town Administrator Report:

- Update on FY2020 Better Roads Grant:
 - The grant agreement for the already-in-progress, due to the emergency repairs necessary to repair road functionality after the June 20th storm, Horn of the Moon Road project near the west Sanders Circle intersection has been received and fully executed by the town. We are now waiting for a final VTrans sign-off.
- Future Agendas Issue:
 - PC Chair Julie Potter requested some clarity on how often the board would like to have her provide updates on the PC's ongoing zoning project. The PC is not meeting in August, so SB members decided that the next conversation with Ms. Potter should be at one of the board meetings in October.

➤ Meeting Schedule:

- August 8, 2019 7:00 p.m. EMFD budget status presentation at ESF
- August 19, 2019 6:30 p.m. Selectboard regular meeting
- September 9, 2019 6:30 p.m. Selectboard special meeting
- September 23, 2019 6:30 p.m. Selectboard special meeting

Zoning Administrator Report:

- 1 new zoning permit application has been submitted since the July 22nd board meeting. There have been 38 total applications so far this year.
- There will be no DRB meeting in August. The next DRB meeting will likely be held September 3, 2019.

Motion: To adjourn. Made by Ms. Willis; second by Ms. Swasey. Passed unanimously.
Meeting adjourned 8:24 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: August 19, 2019 East Montpelier Selectboard meeting