

## Minutes of the East Montpelier Selectboard

# DRAFT

### November 16, 2020 Selectboard Meeting

**This meeting was conducted remotely using the Zoom conferencing platform. Participation options were provided to the public.**

**SB Attendance:** Chair Seth Gardner, Jon Jewett, Carl Etnier, Judith Dillon and Amy Willis; Town Administrator Bruce Johnson

**Public Attendance:** Tom Fisher, Town Representative to CVFiber Board; Jon Boucher, Town Constable; Paul Cate, Town Tree Warden; Michael Blanchard and Paul Winters, Recreation Board; Jeff Cueto, Julie Potter, Zach Sullivan, Andi Colnes, Kate Ruddell, Dan Smith, Flor Diaz Smith, Ron Koss, Carley Claghorn, Andy Shapiro, Carolyn Shapiro, Nick Neddo, Laureen Gauthier, Micah Ball, Scott Hess, Lindy Biggs, Steve Knowlton, Marlene McCarty, Michael McCarty, Ginny Callan, Joan O'Neal, Sarah Shapiro, Hugh Jasperson, Hugh Gascoyne, Michael Dennis, Beth Hertz, Irwin Franco

Chair Gardner called the meeting to order at 6:31 p.m.

**Additions to Agenda: None**

### **Minutes:**

Chair Gardner presented the draft minutes of the November 2, 2020 board meeting.

**Motion: To approve the November 2, 2020 minutes as presented.** Made by Ms. Willis; second by Mr. Etnier. Passed 4-0-1 (Ms. Dillon abstained).

**Public Comment: None**

### **Update on Property Tax Collection**

All but \$207,773 (5.4%) came in for the Tax Year 2020-21 first installment, which was due November 16<sup>th</sup> at 5:00 p.m. Last year at this time we had collected all but \$184,069 (5.0%). 42.6% of the total 2020-21 property taxes are still outstanding compared to 42.1% last year.

### **Update on CVFiber: Tom Fisher, Town Representative to CVFiber Governing Board**

Mr. Fisher is the town representative on the governing board for CVFiber, the 18-town communications union district of which East Montpelier is a part. He provided an update on CVFiber's annual meeting and current activities. Advancement continues to be made on the financial side, with a number of small grants received and the ability to access larger funding sources, either loans or grants, improving rapidly. On the infrastructure side, CVFiber is working with partners on potential near-term projects in Moretown and Roxbury. A grant-funded feasibility study was completed and a project manager has been hired to handle planning and

fundraising. Mr. Fisher expressed satisfaction with the progress made this year to make CVFiber a viable, functioning enterprise and expects this progress to continue in 2021.

### **Discussion on Center Road Mallory Brook Culvert Replacement Engineering Study Status**

The town continues to make progress in the grant-funded effort to develop an acceptable design to replace the undersized stone culvert carrying Mallory Brook under Center Road. Due to the historic nature of the existing culvert, any replacement requires leaving the culvert in place while moving the stream into a new channel. Semi-final plans have been developed by our consultant, Doug Newton, and sent out to the various state and federal agencies for comment. The intent is to finalize the plans and submit permit applications to the state (wetlands & stream alteration) and Army Corps of Engineers before the end of the year.

Once the design is finalized, the town will need easements from the four affected property owners. In some cases there may be an expectation of payment for the necessary easements as the acreage involved is significant. The board will need to be involved in any compensation determinations.

### **Conversation with Town Constable Jon Boucher**

The board requested an opportunity to talk with Constable Boucher about the constable position in general (duties, workload, etc.) and the possibility of shifting the position from elected to appointed. Mr. Boucher explained that there hasn't been too much call on his services – assisting with the occasional animal control incident and helping out with elections have been his main duties. He is willing to continue as constable regardless of whether the position is elected or appointed. He does, however, see an advantage with the appointed option when the town is faced with unacceptable constable conduct.

### **Conversation with Town Tree Warden Paul Cate**

Mr. Cate explained that he sees a need for the town to develop a long-term management plan for roadside vegetation to improve tree health, aesthetics and roadside ditch effectiveness while also lessening the need for emergency storm clean-ups. As part of this management plan development, he'd like to do a couple of pilot projects, similar to the ash tree management effort, to proactively manage roadside trees to cull diseased/aged trees and otherwise improve the viability of desired trees and vegetation.

Mr. Cate and the board discussed the new statutory changes that alter and, to a significant degree, diminish the power of town tree wardens. If towns want tree wardens to control any roadside trees, a formal plan will need to be crafted.

Running late on its agenda and recognizing that this discussion on roadside vegetation management was both important and time-consuming, the board decided to end the conversation with the intent to revisit this topic in the near future.

The board is currently mulling the possibility of providing a stipend for the tree warden position and asked Mr. Cate for his opinion on the idea. He explained that, from his perspective, public

service is a citizen responsibility and no remuneration is necessary. It's the board's decision to make, but he'd prefer money go toward trees, not the tree warden.

### **Discussion with Recreation Board Regarding Potential Installation of Ice Rink at Recreation Field**

The Recreation Board is investigating the possibility of installing a portable rink owned by the Washington Central Unified Union School District at the recreation field. The rink, purchased in 2017, was formerly used at Doty Elementary in Worcester. Mr. Blanchard, who is the physical education teacher at East Montpelier Elementary School, explained that he is spearheading this effort both for open use by the community and as an element of the EMES physical education curriculum. He has a wide array of donated equipment, including barrels of skates and helmets. There remain operational aspects of the project that need to be determined, such as where the water will come from, snow removal, hours of operation and usage restrictions due to the pandemic.

By consensus the Selectboard authorized the Recreation Board to pursue this opportunity subject to the requirement that the Rec Board adopt a set of use and maintenance guidelines, including elements covering Covid-19 restrictions, for the operation of the rink that incorporate the advice received from the town's insurer (the VT League of Cities and Towns) and are acceptable to the Selectboard in advance of opening the rink for use.

### **Discussion on Proposed AT&T Tower East of Jacobs Road**

On November 12, 2020 the town received the formal 60-day advance notice of a potential application for a certificate of public good from the Public Utility Commission for an AT&T wireless communication facility (cell tower) located about 950 feet east of Jacobs Road on the Fusco property located at 750 Jacobs Road. The proposed facility is categorized as one of "limited size and scope". Both the Selectboard and the Planning Commission are statutory parties in the Public Utility Commission's 30 V.S.A. §248a permit process.

The board reviewed the town's opportunities during the advance notice period:

- Municipal officials may request that the Petitioner attend a public meeting within the 60-day notice period, before the Petitioner submits its Petition.
- Municipal officials may also request that an official from the Vermont Department of Public Service ("Department") attend a public hearing during the 60-day notice period. The Department, if in attendance, shall consider any comments made and information obtained at the meeting in making its recommendation to the PUC on the petition, and on whether to retain additional personnel to evaluate the project.
- Municipal legislative bodies and municipal planning commissions may, at the commencement of the 60-day notice process, request that the Department, at Petitioner's expense, retain experts and other personnel to provide information essential to full consideration of the petition.

Chair Gardner opened up the meeting for public comment. Some residents living in the vicinity of the facility's proposed location provided feedback on the suitability of the project, but for the most part the focus of the public comment at this early point in the process was on ensuring that

the town took advantage of opportunities to facilitate both public access to information and public feedback on the project. There was concern expressed that the abutting neighbors had not received direct notice as yet, but that may be a timing issue as notice to the town came by email whereas the notice packets were mailed to abutters.

The board directed TA Johnson to arrange for the public meeting and request for the Public Service Department to engage an expert to evaluate the proposal. The town will set up a web post on the town's website to serve as a repository for information on the project. A reminder was provided that the same discussion topic would be part of the Planning Commission's November 19, 2020 meeting.

### **Discussion on Town Management in Light of Covid-19**

Governor Scott has extended the state of emergency through December 15, 2020. As part of that order he tightened some restrictions due to the recent surge in cases. As they do at every meeting, board members discussed possible updates to the town's current emergency order. Once again, members decided to leave the office closed while continuing to monitor the situation. The board will revisit the issue at its December 7, 2020 meeting.

### **Appointments**

#### **➤ Town Health Officer**

- The term for Town Health Officer Ginny Burley expires at the end of December. Ms. Burley would like to be reappointed for another 3-year term. Board members were unanimous in their praise for Ms. Burley's service to the town. The health officer appointment is made by the state commissioner of health based on the board recommendation.
- **Motion: To recommend the reappointment of Ginny Burley as the town's health officer.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

### **Warrants**

#### **➤ November 3, 2020 Special Warrant for Review**

- As required by board policy, the special warrant approved by Chair Gardner was presented to board members for review. No action was necessary.

#### **➤ November 16, 2020 Regular Warrant for Approval**

- Board members reviewed the warrant. Following a protocol developed at the board's April 13<sup>th</sup> meeting to deal with the difficulties inherent in individually signing a warrant during a remote meeting, board members decided to approve the warrant by motion and have TA Johnson sign the warrant as certification of the board approval.
- **Motion: To approve the November 16, 2020 expense warrant and authorize TA Johnson to sign the warrant on behalf of the board.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

### **Other Business**

#### **Town Administrator Report**

- Jan/Feb SignPost Issue Deadline is December 7<sup>th</sup>:

- This issue will come out in late December; Is there any desire to provide a town meeting update (this is not the town meeting issue, which tends to have a late January deadline and is available mid-to-late February)
- Meeting Schedule:
  - December 3, 2020      7:00 pm      EMFD FY2022 budget presentation
  - December 7, 2020      6:30 pm      Selectboard regular meeting
  - December 21, 2020    6:30 pm      Selectboard regular meeting

**Zoning Administrator Report**

- There have been 2 new applications since the November 2<sup>nd</sup> SB meeting. There have been 51 zoning permit applications in 2020.
- The next DRB meeting is scheduled for December 1, 2020. There is one warned hearing for after-the-fact approval of the four Orchard Valley Waldorf School outdoor classroom pavilions built to allow continued outdoor classes as winter closes in.

**Motion: To adjourn.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.  
Meeting adjourned at 8:45 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator