

Minutes of the East Montpelier Selectboard

February 15, 2021 Selectboard Meeting

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

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

Public Attendance: EM Health Officer Ginny Burley; EM Planning Commission members Julie Potter, Zach Sullivan, Scott Hess and Clarice Cutler; Shari Young; Jennifer Zollner; Andrew Christiansen

Chair Gardner called the meeting to order at 6:32 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the February 1, 2021 board meeting.

Motion: To approve the February 1, 2021 minutes as presented. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Public Comment: None

Open Forum on 2021 Town Meeting Warning Articles and Other Items of Interest to Town Residents

Chair Gardner introduced the open forum on 2021 town meeting issues. With no public attending to participate in the forum, the board decided to move forward while leaving open the option to start the town meeting conversation if members of the public expressed interest.

Chair Gardner invited Town Health Officer Ginny Burley to provide an update on the issues swirling around the Estate of David Rogers apartment buildings in North Montpelier. Ms. Burley explained that since Mr. Rogers' death in April 2020 there has been confusion as to who controlled the buildings, leading to a lack of action to correct significant health & safety deficiencies in the structures. On February 17th Ms. Burley and personnel from the VT Division of Fire Safety will conduct an inspection of the four buildings. Ms. Burley will provide the board with the results of the inspection along with proposed remedial actions.

Work Session on 2021 Town Meeting and Town Forum

The purpose of this agenda item was to allow the board an opportunity to reflect on any public feedback received during the open forum with an eye toward refining the board's presentation at the next forum. With no public interaction to reflect upon, board members decided to bypass this item.

The mandatory public informational forum on the 2021 town meeting warning articles will be held March 1, 2021 at 7:30 p.m. utilizing Zoom remote conferencing services.

Conversation with Julie Potter, PC Chair & CVRPC Representative

- Ms. Potter will be here to provide updates on the activities of both the Planning Commission and Central VT Regional Planning Commission; the PC update will focus on the EM Village zoning regulation revision project and the potential planning effort to amend the town plan for more town control over telecommunication siting

Ms. Potter provided a brief update on the activities at the Central Vermont Regional Planning Commission. Due to the Covid-19 pandemic the CVRPC Montpelier office remains closed, with employees working remotely but continuing to provide the normal services. The big news is that a year after longtime transportation planner Dan Currier left for a job at VTrans, CVRPC is hiring a senior transportation and land use planner. This is excellent news for towns, as Mr. Currier's duties had been parceled out to the rest of the CVRPC employees, who collectively struggled to provide the level of service to which towns had grown accustomed under Mr. Currier's tenure.

Ms. Potter also informed the board that she would like to step down as the town's lead representative by no later than May. No one currently on the PC has shown interest in taking over the slot. Ms. Potter will poll members again after town meeting when two new members join the PC.

Ms. Potter switched to EM Planning Commission activities, emphasizing that the board is still diligently working to update the zoning regulations covering the greater EM Village area to bring the regs in line with the 2017 EM Village master plan. Progress has been steady and the PC hopes to move into the formal adoption process later in 2021.

Since November the PC has been dealing with the ramifications of the AT&T's advance notice filing for a proposed telecommunications facility on Jacobs Road. Although that project filing has been withdrawn, members of the public energized by that filing have been exhorting the PC to amend the town plan to strengthen the language dealing with cell tower siting to improve the town's effectiveness in Public Utility Commission cases. The PC is researching other municipal plans for workable language and strategies as well as investigating the pros & cons of conducting a telecommunications facility siting study. The possibility of taking another run at the development and adoption of an enhanced energy plan, which carries significant weight in certain situations in a PUC case, is also under discussion.

Discussion on Recent Public Utility Commission Filings

- **Fairmont Dairy Telecommunications Facility De Minimis Application**
 - Verizon has filed for a Certificate of Public Good to construct a telecommunications facility including nine antennas on a silo at the former main Lylehaven Farm barn complex at 141 Lylehaven Road. As a "de minimis" category application, the town has no say in the project other than to challenge the category choice. The deadline for doing so is February 25, 2021. After reviewing the proposal and the PUC rules, the board declined the opportunity to challenge the project filing.
- **rbTechnologies Net-metered Solar Facility Advance Notice**
 - rbTechnologies (1970 VT Rte. 14 S) is moving forward with a proposed 2-array, ground mounted, net-metered 44.2 kW solar project, to be installed by SunCommon, on the field north of its parking lot, across Carleton Blvd from NorthCountry FCU.

The Selectboard and Planning Commission have standing to challenge this project if a formal application is submitted. The PC is looking at potential screening/landscaping options to limit the visual impacts. SunCommon and rbTechnologies personnel will attend the PC's February 18th meeting (8:10 p.m. agenda time) for a conversation with PC members on the proposal.

Consideration of Certificate of No Appeal or Suit Pending for 2020 Grand List

The town has no outstanding appeals of 2020 grand list assessments. The town listers, who have already signed the certificate, and board members certify this fact in accordance with 32 V.S.A. §4155. The town clerk subsequently attests to the certification, which then prevents challenges to the validity of the grand list in any court action.

Motion: To certify that there are no appeals or suits pending relating to the 2020 Grand List and, due to the constraints imposed by the COVID-19 pandemic, authorize TA Johnson to sign the certificate on behalf of the board. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Consideration of CAI Technologies Tax Map Maintenance Contract for 2021 Map Update Cycle

This contract is the standard annual agreement between CAI Technologies and the town for tax map updates covering the 2021 season (April 1, 2020 to March 31, 2021). At its February 1, 2021 meeting, the board approved the contract covering the upcoming 2022 season with the understanding that the 2021 agreement, which for unknown reasons had not been provided to the town last year, would be available for consideration at this meeting. Both contracts are for \$1,600, an increase of \$100 over the town-approved 2018, 2019 and 2020 agreements.

Motion: To accept the 2021 CAI Technologies tax map maintenance contract and authorize TA Johnson to sign on behalf of the board. Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

Consideration of Liquor License Applications

- **Annual License Renewals: Dudley's Store; Plainfield Hardware**
 - Both stores are requesting renewal of their second-class licenses to sell liquor.
 - **Motion: To approve the liquor license renewals for Dudley's Store and Plainfield Hardware and, due to the constraints imposed by the COVID-19 pandemic, authorize TA Johnson to sign the applications on behalf of the board.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

Consideration of VTrans Paving & Structures Grant Applications for County Road Project

***** Early during the discussion on this item Chair Gardner lost his Zoom connection and dropped out of the meeting. Mr. Etnier, as vice-chair, took over the meeting as acting chair. *****

The town intends to apply for a state paving grant of \$175,000 to partially fund the reclaiming and paving of the 2-mile middle section of County Road, from Powder Horn Glen Road to Horn of the Moon Road. The town has already received a paving grant for the 1.83-mile County Road stretch

from the Montpelier line to Powder Horn Glen Road. The expectation is the 3.83-mile paving project will occur during the 2021 construction season. The northernmost mile of County Road, from Horn of the Moon Road to the Calais line, was repaved in 2017. The town already applied for this paving grant under the FY2021 program, but due to the pandemic VTrans did not award any paving or structures grants last year. The town just needs to formally notify VTrans that it would like the FY2021 application to be considered under the FY2022 program.

The town also intends to apply for a state structures grant for replacement of the culvert just north of Barnes Road on County Road that the town has already submitted for grant funding under the Better Roads program. The town's VTrans project manager, Shauna Clifford, recommends applying for a standard structures grant for this project as its estimated cost (\$168,500) is far higher than the maximum state funding available under a Better Roads grant (\$60,000). Ms. Clifford anticipates that the FY2022 grant programs will have significantly more funding than normal and she is willing to consider this project under the structures program, which has a maximum grant level of \$175,000 (she wasn't willing to do so last year as the town had just received another such grant). The town already has a structures grant for a culvert replacement project just south of Morse Farm. Both culvert replacements will be part of this summer's County Road project.

➤ **Required Complete Streets Determination**

- 19 VSA §309d requires consideration of complete streets principles for all projects involving paved highways. If not incorporating complete streets principles, a written determination needs to be made that circumstances exist warranting such a decision.
- **Paving Grant:** The town, for last year's application and previous County Road paving projects, has already determined that County Road, due to its inherent natural limitations, is not a good area to try to incorporate such principles.
- **Motion: The Selectboard finds that it has considered complete streets principles for this project area and the cost of incorporating complete streets principles is disproportionate to probable use, due to natural resource constraints imposed by long stretches of ledge near the road (19 VSA §309d(2)).** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.
- **Structures Grant:** Complete Streets principles do not generally apply to culvert replacement projects due to the limited road area involved in such projects.
- **Motion: The Selectboard finds that incorporating complete streets principles is outside the scope of the project because of its very nature (19 VSA §309d(3)).** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

➤ **Approval of Application Submissions**

- **Paving Grant:**
 - **Motion: To authorize TA Johnson to notify VTrans that the town would like its FY2021 VTrans Class 2 Roadway Paving Program grant application for the proposed paving project on County Road be considered under the FY2022 VTrans Class 2 Roadway Paving Program.** Made by Ms. Dillon; second by Ms. Willis. Passed unanimously.
- **Structures Grant:**
 - **Motion: To authorize TA Johnson to complete and submit a FY2022 VTrans Structures Program grant application for the proposed culvert replacement project on County Road.** Made by Ms. Dillon; second by Ms. Willis. Passed unanimously.

Discussion on Town Management in Light of Covid-19

As they do at every meeting, board members discussed the state of the pandemic and whether there was a need to alter the town's current emergency order. Governor Scott has extended the state of emergency through March 15, 2021. With no change in state and federal guidance, the board once again decided to maintain the current protocol. The board will revisit the issue at its March 1, 2021 meeting.

Warrants

➤ February 15, 2021 Regular Warrant for Approval

- Board members reviewed the warrant. Following a protocol developed at the board's April 13th 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 February 15, 2021 expense warrant and authorize TA Johnson to sign the warrant on behalf of the board.** Made by Ms. Dillon; second by Ms. Willis. Passed unanimously.

***** Chair Gardner returned to the meeting. Acting Chair Etnier passed control of the meeting back to Chair Gardner. *****

- Due to unforeseen circumstances in the midst of the pandemic, the board needed to determine a protocol to enable the review and approval of this week's payroll and payroll vendor warrants as well as a special warrant for the timely payment of regular monthly bills (GMP, rbTechnologies and People's United Bank credit cards) whose due dates don't align with the board's meeting schedule. Board members decided to authorize TA Johnson to conduct the necessary review and approval process, subject to the standard special warrant board review at the March 1, 2021 board meeting.
- **Motion: To authorize TA Johnson to approve the mid-February 2021 payroll, payroll vendor and special expense warrants.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

Other Business

Town Administrator Report

- Town Meeting Ballot & Annual Report Update:
 - The town and school district ballots were mailed February 8th, with a few already having been returned. Town Clerk Laquerre is recommending that those not receiving ballots by February 16th contact her.
 - The annual report should be in mailboxes by the end of the week.
- Update on Center Road/Mallory Brook Culvert Relocation Study:
 - The town's consulting engineering, Doug Newton, has developed a final plan set for the planned replacement, in a new location 30 feet to the south, of the culvert carrying Mallory Brook under Center Road near the Dodge Road intersection. A question has arisen as to the appropriate style of guardrail to be installed as part of the project. The gravel portion of Center Road is on the state historic registry. The VTrans historic preservation officer has not yet agreed to a guardrail option and would like the guardrail to fit the historic setting. This is challenging as all the guardrail in town is

modern steel galvanized rail, but that style has not been deemed appropriate. The closest option the officer is willing to consider is weathering rail, which is steel rail that is not galvanized so becomes rusty almost immediately. Weathering rail is about 50% more expensive than galvanized and won't last as long, but otherwise is a match in terms of design. Other options suggested by the officer, box rail and timber rail, are both far more expensive and would require design tweaks that might prove impossible to safely accomplish due to the need for additional fill, which could result in a tradeoff between the burying of the historic culvert we're mandated to protect or the narrowing of the road to an unreasonable extent.

- The question for the board is whether to accept the weathering rail option, which has not yet been formally accepted by the historic preservation officer, or push back on the concept of the type of rail that fits the character of the neighborhood given that all other rail along the historic stretch of Center Road is standard steel galvanized. After a discussion on the relative merits of the available rail options, board members decided by consensus to pursue the use of the standard steel galvanized guardrail.
- Meeting Schedule:
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|------------------|-------------|---|
| ○ March 1, 2021 | 6:30 pm | Selectboard regular meeting (truncated) |
| | 7:30 pm | Forum on town meeting ballot items |
| ○ March 2, 2021 | 7 am – 7 pm | All-Australian ballot vote at EMES |
| ○ March 15, 2021 | 6:30 pm | Selectboard regular meeting |

Zoning Administrator Report

- There were no new zoning permit application since the February 1st SB meeting. There have been 8 applications so far in 2021.
- The next DRB meeting is tentatively scheduled for April 6, 2021.

Motion: To adjourn. Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.
Meeting adjourned at 8:03 p.m.

Ms. Zollner and Mr. Christiansen joined the meeting just as the board voted to adjourn. After a few moments of friendly banter, the board ended the meeting.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: March 1, 2021 East Montpelier Selectboard meeting