

## **Minutes of the East Montpelier Selectboard**

### **May 3, 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, Judith Dillon, Jon Jewett, Amy Willis and Carl Etnier (arrived at 7:18 p.m.); Town Administrator Bruce Johnson

**Public Attendance:** Matt Becker

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 April 19, 2021 board meeting.

**Motion: To approve the April 19, 2021 minutes as presented.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

**Public Comment:** None

#### **Consideration of ANR Corrective Action Plan for EM Village Remediation Site** **Matt Becker, DEC Waste Management Division Hazardous Site Manager**

Mr. Becker provided a brief synopsis of the project. This corrective action plan is designed to fix, once and for all, the active gasoline remediation site at Dudley's Store that affects the Lamb property across US Rte. 2. Although the town received the mailed notice on April 19<sup>th</sup> (as did other abutters), the CAP was actually "noticed" March 16<sup>th</sup>, so the 30-day notice period for comments had already run and the CAP was final when this issue was discussed at the April 19<sup>th</sup> board meeting. Mr. Becker has initiated a discussion with ANR management regarding what occurred and how the notice process could be improved.

Board members requested that Mr. Becker explain the details of the project. The bulk of the work will be centered in a 400-square-foot area roadside of the north end of the store. Soils will be removed from the area down to a depth of 12-15 feet. Although the work will be off US Rte. 2, there may be some safety apparatus intrusion onto the road, which may exacerbate flow issues through an already challenging traffic zone. The schedule calls for this work to occur the week of May 24<sup>th</sup>. In mid-May there will be off-road work around the Lamb residence to install drainage infrastructure to eliminate any infiltration to the Lambs' basement. The intent is for this project to finally resolve a hazardous waste issue that has been under active but at times unsuccessful management since the late 1980s.

Chair Gardner thanked Mr. Becker for providing the board an opportunity to flesh out its understanding of the project.

**Consideration of VTrans Structures Grant Application for Center Road Culvert Replacement Project**

A few months ago the town decided not to pursue an FY2022 VTrans structures grant for the Center Road/Mallory Brook culvert relocation project that will leave the existing historic stone culvert in place. The grant-funded engineering design study for the Center Road project is still ongoing and construction of the project won't happen until 2022 at earliest. With the major County Road project happening later this year, the decision was made to focus grant requests on that project. Applications for both a paving grant and a structures grant were submitted in February.

The town was recently informed that the VT Agency of Transportation is resurrecting the District 6 maintenance district, based in Berlin, that until 2015 served the central Vermont communities. Currently the town is in District 7, based in St. Johnsbury. The shift back to D6 took effect on April 28<sup>th</sup>. Although we are technically back in D6, there will be a transition period of an unknown, at this point, length where we'll still be serviced/managed by D7 to allow D6 time to recreate itself.

Our D7 project manager, Shauna Clifford, requested that town submit a structures grant application for the Center Road culvert now so that the grant could be locked in place before D7 loses control of the grant program for our area. Ms. Clifford is concerned that the new D6 personnel will not be fully in tune with the tortured backstory to this project and, after working with us for the past 5 years to get this culvert project designed in manner acceptable to the various regulatory programs involved in the process, she wants to ensure the project continues to move forward. This application, which has had a slot informally reserved for it since the original grant was taken away from us back in 2013, will not affect the status of the two County Road grant applications.

There is no 19 VSA §309d Complete Streets concern with this project as it is on an unpaved road.

**Motion: To authorize TA Johnson to complete and submit a FY2022 VTrans Structures Program grant application for the proposed culvert replacement/relocation project on Center Road.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

**Consideration of Letter of Support for CVSWMD Application to Northern Borders Regional Commission Grant Program**

The Central Vermont Solid Waste Management District is submitting a proposal for additional funding for construction of a permanent household hazardous waste facility in our region. CVSWMD already has received \$500,000 from the Department of Environmental Conservation's 2019 Household Hazardous Waste (HHW) Facility Grants program. This additional funding would be from the Northern Borders Regional Commission's State Economic & Infrastructure Development Investment Program, the same program Cross VT Trail Association applied to in 2019, an effort we supported. CVSWMD has requested a letter of support for its application.

Board members discussed the benefits of such a facility in central Vermont, especially in contrast to the infrequent and somewhat user unfriendly HHW drop-off events CVSWMD currently offers.

**Motion: To authorize Chair Gardner to sign the letter of support for the CVSWMD grant application.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

**Consideration of Vermont Urban & Community Forestry Program 2021 Arbor Day Tree Planting Grant Agreement**

The town applied for funding from the VT Urban & Community Forestry Program 2021 Arbor Day Tree Planting grant program to plant some trees in East Montpelier Center. The town was awarded \$1,100, \$100 more than requested/expected due to fewer than anticipated awardees. The Resilient Road Committee's intent is to buy and plant 7 maples, 2 more than originally planned and required under the grant's scope of work.

**Motion: To accept the 2021 Arbor Day Tree Planting Grant and authorize TA Johnson to complete the necessary paperwork.** Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

**Discussion on Revisions to Zoning Permit Fee Schedule**

The current fee schedule was developed in 2008/2009 to line up with the adoption of the completely revised zoning regulations adopted on January 6, 2009. The schedule was tweaked in 2011 to the current version to fit with the town's shift to a Development Review Board model.

This is a Zoning Administrator-driven effort to clean up a few areas of the current schedule that were inconsistent or confusing and to update the permit costs. The proposed schedule:

- makes it clear that new agricultural curb cuts need a permit and will be charged a fee.
- adds a PRD/PUD line to give structure to the fees charged for this category.
- splits enclosed home additions, which can be sizeable projects requiring significant work on the ZA's part, from simple porch/deck permitting.
- adds a clear fee for detached accessory dwellings and a per unit charge for new residential structures.
- removes "accessory units" from the outbuilding options.
- adds "alterations" to the commercial section as a consistency measure.
- raises the base fee for permits to \$50 and includes other small increases designed to better match the time involved and the foregone recording fees (the town absorbs the recording fees into the permit fees, except for mylars).
- continues the policy not to charge an "after-the-fact-permitting" penalty.

Board members reviewed the proposed changes and determined that the revised wording was appropriate for clarity and the moderate fee increases were warranted to ensure permit applicants paid a fair share of the costs of administering the zoning regulations.

**Motion: To adopt the revised Town of East Montpelier Planning & Zoning Fees schedule as presented.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

**Discussion on Upcoming Selectboard Meeting Schedule**

TA Johnson presented a proposed summer schedule to avoid holiday conflicts while maintaining reasonable splits between meetings. After a brief discussion, board members settled on the following schedule:

- May 24 special meeting, in place of May 17
- June 7 regular meeting

- June 21 regular meeting
- July 12 special meeting, in place of July 5 & 19
- August 2 regular meeting
- August 23 special meeting, in place of August 16
- September 13 special meeting, in place of September 6 & September 20
- October 4 regular meeting – back to normal schedule

There will likely be an August 12 (tentative date) EMFD budget/service status meeting. Conceivably there will also be special meetings for the EMFD service agreement issues.

### **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. Under Governor Scott's Vermont Forward Plan low contact governmental operations, like normal town clerk office activities, fall under Group A and thus as of April 9, 2021 are mandated to follow Universal Guidance. Activities like board meetings fall under Group B and moved to Universal Guidance as of May 1, 2021. Universal Guidance requirements include masks and physical distancing with a current limit of 1 unvaccinated person per 100 square feet of indoor meeting space. As of July 4, 2021, there are no capacity restrictions and Universal Guidance elements become encouraged rather than mandated. The Vermont Forward Plan does not alter the ability of towns to chart a more protective course. Board members, with a collective eye on the July 4<sup>th</sup> date, saw no pressing need to alter the status quo. The board will revisit the issue at its May 24, 2021 meeting.

[Mr. Etnier entered the meeting.]

### **Discussion on Calais Notice of Non-Renewal of the EMFD Service Agreement**

The East Montpelier Volunteer Fire Department, an independent entity, provides emergency services to the towns of Calais and East Montpelier in accordance with an interlocal agreement between the towns and EMFD signed on September 2, 2013. Calais submitted notice of non-renewal on March 30, 2021, seeking to negotiate a new emergency services agreement prior to the expiration of the current agreement on September 1, 2021. No specific reason for the non-renewal has been provided by the Calais board to this point, with the issue expected to be discussed again at that board's May 10<sup>th</sup> meeting. TA Johnson will reach out to Denise Wheeler, the Calais board chair, if a response isn't received following that meeting. With no new information available, the EM board decided to postpone substantive discussion until the May 24<sup>th</sup> meeting.

### **Warrants**

#### **➤ May 3, 2021 Regular Warrant for Approval**

- Board members reviewed the warrant. Following a protocol developed at the board's April 13, 2020 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 Chair Gardner sign the warrant as certification of the board approval.
- **Motion: To approve the May 3, 2021 expense warrant and authorize Chair Gardner to sign the warrant on behalf of the board.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

## **Other Business**

Chair Gardner brought up the idea of moving the review of minutes from early in a meeting to the end to provide a more public-friendly start to meetings. Board members discussed the pros and cons of the proposed timing shift, deciding to stick with the early-in-the-meeting review.

## **Town Administrator Report**

- Update on CVRPC Town Representative:
  - As expected, Julie Potter has resigned effective at the end of May. The board decided to buy some time to find the right person for the post by offering the slot on an interim basis to current alternate town representative Clarice Cutler, understanding that she does not want the position long-term.
- Update on County Road Project:
  - The request for bids will be released by Wednesday with a deadline of May 24<sup>th</sup>. The bid formatting will provide figures for all three project elements (the paving, the Morse Farm culvert replacement and the “north of Barnes” culvert replacement) and a composite bid for those contractors willing to take on the entire project. Project target window is mid-July to end of October.
  - The town is still working on procuring easements for the two culvert projects. Formal easements are necessary to get the relevant wetlands and stream alteration permits.
- Green Up Day a Success:
  - 3,400 pounds of trash and 131 tires dropped off at Casella’s by the road crew, more than the normal levels. As has happened for the past couple of years, it appears Casella has generously absorbed the entire cost so the town won’t need to submit a CVSWMD reimbursement request.
- Update on Installment 2 Property Tax Payment Status:
  - As of May 3<sup>rd</sup>, 27.6% of billed property tax remains to be collected for Tax Year 2020/21, including \$86,457.41 in late principal from Installment 1. Last year at this time we were sitting at 35.7% remaining, including \$76,852.87 in late principal.
- Meeting Schedule:

○ May 24, 2021	6:30 pm	Selectboard “special” regular meeting
○ June 7, 2021	6:30 pm	Selectboard regular meeting
○ June 21, 2021	6:30 pm	Selectboard regular meeting

## **Zoning Administrator Report**

- There were 2 new zoning permit applications since the April 19<sup>th</sup> SB meeting. There have been 27 applications so far in 2021.
- The next DRB meeting is scheduled for May 4, 2021. There are two warned hearings, the first for a 2-lot subdivision of the McCoy/Gibson property at 964 Bliss Road and the second for setback waivers necessary to allow a garage addition at 61 Pauls Square.

**Motion: To adjourn.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.  
Meeting adjourned at 7:45 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

**Approved: May 24, 2021 East Montpelier Selectboard meeting**