**Minutes of the East Montpelier Selectboard**

# DRAFT

**August 23, 2021 Selectboard Meeting**

**This meeting was held in-person at the town office building with a remote participation option using the Zoom conferencing platform.**

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

**In-Person Public Attendance: None**

**Remote Public Attendance:** Ginny Burley, Town Health Officer; Scott Hess

Chair Gardner called the meeting to order at 6:37 p.m.

**Additions to Agenda:**

- **Consideration of Mask Mandate for Local Businesses**
- **Animal Control Officer Update on Possibility of Farm Animal Control Ordinance [Potential Executive Session]**

**Minutes:**

Chair Gardner presented the draft minutes of the August 2, 2021 board meeting.

**Motion: To approve the August 2, 2021 minutes as presented.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

Chair Gardner presented the draft minutes of the August 12, 2021 board meeting.

**Motion: To approve the August 12, 2021 minutes as presented.** Made by Mr. Etnier; second by Mr. Jewett. Passed 4-0-1 (Ms. Dillon abstained).

**Public Comment: None**

**<u>Consideration of Mask Mandate for Local Businesses</u>**

Mr. Etnier explained his reasoning for requesting, as an addition to the agenda, a discussion on the possibility of enacting a mask mandate for the East Montpelier businesses. Washington County, along with much of Vermont, is at the "high" level of COVID-19 transmission. Under the current CDC guidance, vaccinated and unvaccinated persons should wear a mask in public indoor settings in East Montpelier and most everywhere else throughout the nation. Governor Scott, although encouraging mask use in accordance with the CDC guidelines, has made it clear that he will not issue a mandate at this time. Mr. Etnier noted that he discussed the issue with two East Montpelier business owners and the feedback he received is that there is a desire to see a broad mask mandate, taking the onus off the individual businesses. He expects any town mandate would be essentially toothless with no enforcement expectations.

Health Officer Burley supported Mr. Etnier's call for a local mask mandate given the recent high transmission rates and, to this point, a low-key state response. To her enforceability is not really important for policy statements, with the real priority being for leadership to express the values of the community, anticipating that the majority of the populace will follow along.

Board members discussed the viability and desirability of imposing a mask mandate on, at a minimum, retail businesses. There is no question the individual businesses, just like the town government, can require mask use on their properties. There is some doubt that a town can impose such a mandate on its community. The Town of Brattleboro recently enacted a mask mandate on public-facing businesses expressly subject to the approval of the state health commissioner.

Mr. Etnier emphasized that his intent at this meeting was to present the concept and he was not requesting formal action be taken for this unwarned item.

The board decided to schedule a special meeting on Monday, August 30, 2021 at 7:30 p.m. to take public comment and consider the possibility of adopting a mask mandate for local businesses. Board members and Ms. Burley will reach out to the public and business owners in the interim period to get a sense of the community and to encourage attendance at the August 30th meeting.

**Consideration of Winter Parking Restrictions Plan for North Street and Sparrow Farm Road**

At the July 12th meeting board members, Road Foreman Perry and Geoff Beyer, as the representative for the organizers of the Nordic trail network in the North Street area, reviewed the effectiveness of the parking control signage along North Street and Sparrow Farm Road during the 2020-2021 season and discussed a plan of action for the upcoming season. Consensus was reached on a continuation of the low-key signage effort. The board requested that Mr. Beyer prepare a map with sign location and language for board consideration. Mr. Beyer has now provided a signage plan for the 2021/22 Nordic season. The plan was reviewed and endorsed by Road Foreman Perry.

The proposed plan included 10 signs, of which 8 were of the "no parking" variety, 4 each on Sparrow Farm Road and North Street, and the other two were bracketing a "park here" stretch along North Street. After a spirited discussion, board members agreed to the basic premise – 10 signs of the conceptual nature and location presented. The board focused on refining the wording to emphasize the desired results. The two westernmost signs on Sparrow Farm Road would remain simply "no parking" signs. The other six "no parking" signs would include "here to corner" phrasing to discourage parking near road intersections. The language on two of the signs that directed no parking at all on the west side of a stretch of North Street would be removed in favor of the "no parking here to corner" concept. The two "pro parking" signs, located on the east side of North Street between Cummings Road and Sparrow Farm Road, would include phrasing both to encourage parking between the signs ("Parking Allowed") and discourage parking in the other directions toward intersections ("No Parking Here to Corner").

**Motion: To approve the 2021/22 Nordic season signage plan as amended.** Made by Ms. Dillon; second by Mr. Etnier. Passed unanimously.

**Town Treasurer Monthly Financial Report**

Treasurer Welch provided the July 2021 monthly report produced in accordance with the town's Accounting, Auditing and Financial Reporting Policy for review by the board.

**Delinquent Tax Collector Report**

TA Johnson, the town's delinquent tax collector, presented the current list of delinquencies. The overall delinquency total, $110,308, is quite a bit lower than in recent years. There are six taxpayers more than one year delinquent. In the past this is the type of delinquency the town would potentially take to tax sale. Due to the nature of these six delinquencies, TA Johnson recommended a wait-and-see approach for now with a further review in a couple of months. Board members agreed with this approach.

[Ms. Dillon left the meeting at 7:30 p.m.]

**Designation of Town Delegate to 2021 VLCT Annual Meeting**

The VLCT Annual Meeting, along with the annual meetings of the affiliated VLCT PACIF and VERB entities, will be held Wednesday, September 29th at 1 p.m. The board needs to select a voting delegate to represent East Montpelier. Mr. Etnier volunteered to serve in that role.

**Motion: To appoint Mr. Etnier as the town's voting delegate at the VLCT, PACIF & VERB Annual Meetings.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

**Consideration of FY2022 Municipal Grants-in-Aid Agreement**

VTrans has responsibility for the FY2022 municipal grants-in-aid program, shifting over from ANR. One aspect of this shift is the formalization of grant agreements in the manner of other VTrans grant program. The East Montpelier grants-in-aid value this year is $12,100 with a $3,025 town match.

**Motion: To accept the FY2022 VTrans Municipal Grants-in-Aid Program grant and to authorize TA Johnson to complete the necessary paperwork.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.

**Update on American Rescue Plan Funding**

The town has received its first year "town" allocation of $133,529. The exact amount of the "county" allocation is still unknown, but the funds should be transferred to the town within the next two weeks.

Attorney Rob Halpert is representing EM, as well as other communities, in an effort to develop a workable methodology/agreement to safely transfer ARPA funds to CVFiber. The attorney for CVFiber would like this to be kept somewhat low key and for the towns to utilize the MOU that was presented to the board at its August 2nd meeting. Attorney Halpert is working to modify the MOU to ensure the towns have no residual liability or direct responsibility for the funds provided to CVFiber (to protect against the claw back fear; if CVFiber fails in its mission and the federal government attempts to recoup the funds directly from the town). Attorney Halpert has requested confirmation that the board would like for him to move forward with this effort on behalf of East Montpelier to transfer $100,000 in ARPA funds to CVFiber.

Board members discussed the potential risks to the town if no effective methodology is found to transfer to CVFiber both the ARPA funds and the ultimate responsibility for those funds. Given the importance of the CVFiber mission to provide fiber broadband availability to all in its service area, the

board was willing to accept a degree of risk. By consensus, board members gave the green light to Attorney Halpert's endeavor.

**Discussion of EMFD Emergency Services Agreement [Potential Executive Session]**

- **Update on Current Status of Negotiations**
  - The Calais board has formally signed the EM-executed version of the proposed new service agreement. EMFD has expressed its dissatisfaction with both the proposed agreement and the process by which it was developed. EMFD would like more time to both consider/respond to the proposed agreement and to work, preferably jointly with the boards, on what it would consider a more acceptable version.
- **Consideration of Time Extension MOU for Existing Agreement**
  - The existing service agreement is slated to expire on September 1, 2021. At the direction of the board, TA Johnson crafted a Memorandum of Understanding that would extend the current agreement through December 1, 2021. EMFD has signed the MOU. Both the Calais and EM boards are considering approval this evening. The EM board members decided to accept the MOU.
  - **Motion: To accept the Memorandum of Understanding extending the existing EMFD service agreement with the Towns of Calais and East Montpelier through December 1, 2021 and to authorize Chair Gardner to sign the MOU on behalf of the board.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

**Discussion on Town Management in Light of COVID-19**

The municipal offices are now operating under the August 12th update of the board order, which reinstated the requirement for mask use when in the presence of others. This policy shift has not drawn any opposition from employees or the public. The board decided that no additional measures are necessary at this time. The general issue will be revisited at the September 13th board meeting. Earlier in this meeting the board set a special meeting for Monday, August 30, 2021 at 7:30 p.m. to consider of the imposition of a mask mandate for local businesses.

**Lister Errors & Omissions**

- **Stewart/Carr (Bliss Road)**
  - Jay Stewart and Priscilla Carr own a developed property at 453 Bliss Road. A few years ago Ms. Carr and another family member purchased the undeveloped parcel across the road at 458 Bliss. Some time later ownership was shifted to Ms. Carr & Mr. Stewart (in opposite name order from the other parcel). The listers missed the import of this title change and did not recognize, until the tax bills were being developed this year, the need to treat the two parcels as contiguous.
  - The shift in status of the undeveloped lot to "inactive" and treating it as contiguous with the developed lot adds $53,000 to the assessment of the developed lot and removes $122,200 assessment of the undeveloped lot, resulting in a net decrease of $69,200 in assessed value and a 2021 grand list reduction of $692.
  - **Motion: To approve the proposed alterations to the 2021 Grand List to correct the Carr/Stewart parcel listings.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.
- **Leendertse (North Street)**
  - This undeveloped parcel (Lot 1 of the 2019 Antonovich subdivision of that family's property on North Street) was sold last January. The listers properly deleted the lot and

its value from the Antonovich property assessment and created the new, separate parcel for the new owners, but failed to add any value to the new listing.
- The now-assessed value is $74,000, adding $740 to the 2021 grand list.
- **Motion: To approve the proposed alteration to the 2021 Grand List to correct the Leendertse parcel listing.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

**Liquor Permits**

- **Peck Family Farm, Sibley Road – 9 Special Event Requests**
  - Dan Bair, part of the family ownership of the Peck Family Farm, located on the Bair property at 4262 Center Road, is requesting approval of a series (essentially every Thursday to Sunday period in September & October 2021) of special event permits to serve the farm's locally sourced/produced hard cider at its produce sales location on Sibley Road. Under Department of Liquor Control rules, the farm can have up to 9 special events (and a four-day period counts as 1 such event) per year to serve/sell its on-farm produced cider without a first class liquor license.
  - **Motion: To approve the 9 individual special event permit requests as presented and to authorize Town Clerk Laquerre to complete the approval process.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

**Appointments**

- **Recreation Board – Anne Lamere**
  - Ms. Lamere has requested appointment to the vacant Recreation Board seat that runs through March 2024. The Recreation Board recommends her appointment.
  - **Motion: To appoint Anne Lamere to the Recreation Board for a truncated 3-year term ending March 2024.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

**Warrants**

- **August 23, 2021 Regular Warrant for Approval**
  - Board members reviewed and signed the warrant.

**Animal Control Officer Update on Possibility of Farm Animal Control Ordinance**
**[Potential Executive Session]**

As authorized by the board, ACO Etnier reached out to Attorney Jim Barlow for legal assistance on the topic of ordinance development to provide the town with enhanced options for the control of wandering farm animals. He requested that the board enter executive session for the dissemination of legal advice from Attorney Barlow.

**Motion: To find, in accordance with 1 V.S.A. §313(a)(1), that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.

**Motion: To go into executive session under 1 V.S.A. §313(a)(1)(F) – confidential attorney-client communications made for the purpose of providing professional legal services to the body.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

The board entered executive session at 8:10 p.m. and exited at 8:25 p.m. No action taken.

## Other Business

### Town Administrator Report

- Update on County Road Project:
  - The project is off for this year due to an inability, for a variety of reasons, to start the culvert projects until late September. Both the culvert contractor, Blue Mountain Trucking, and the paving contractor, Pike Industries, are on board with shifting the project to July 2022.
  - Three of the VTrans grants supporting this project will expire on or before June 30, 2022. We are in the process of formally requesting grant extensions. Informal discussions on the extension possibility have been positive.
- CVFiber Letter to Board Regarding Land for Equipment:
  - CVFiber is requesting a list of town properties that might have small plots available for lease to house fiber network equipment. Board members were in support of the concept, but not as an open-ended offer. TA Johnson will provide CVFiber with a list of available town properties for consideration, with the expectation that if any parcel fits the desired parameters, CVFiber will then come to the board with a formal request detailing the proposed use of the chosen parcel.
- Meeting Schedule:
  - September 13, 2021 6:30 pm Selectboard "special" regular meeting
  - October 4, 2021 6:30 pm Selectboard regular meeting

### Zoning Administrator Report

- There were 6 new zoning permit applications since the August 2nd SB meeting. There have been 54 applications so far in 2021.
- The next DRB meeting is scheduled for September 7, 2021. Due to the Covid-19 resurgence and size constraints at the town office, this will be a remote meeting. There are 6 warned hearings:
  - Continuation of the hearing for Application 21-032, the request for a building & business expansion at 1528 US Rte. 2 (Demers Auto & Green Mountain Day Spa);
  - Application 21-047, for construction of a new commercial garage at 505 Quaker Road (Rob Brown's auto repair business);
  - Application 21-049, a building height variance request at 1294 Brazier Road (new house has been built too tall);
  - Application 21-052, for construction of a 12' extension of the commercial building at 1010 VT Rte. 14 S (Laquerre's Marine & Sports Center);
  - Application 21-053, a setback variance request for the addition of a landing plus site improvements in support of the Meals on Wheels program at 4583 US Rte. 2 (Twin Valley Senior Center); and,
  - Application 21-054, a setback variance request to allow construction of a carport to go with a change of use to convert a garage into an accessory dwelling at 1226 Bliss Road.

**Motion: To adjourn.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.
Meeting adjourned at 8:39 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator