

## Minutes of the East Montpelier Selectboard

# DRAFT

### October 4, 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; arrived 6:32 p.m.), Jon Jewett and Carl Etnier (remote); Town Administrator Bruce Johnson

**Calais Attendance:** Calais Selectboard members Denise Wheeler, Sharon Winn, John Brabant (remote), Rick Kehne & Marc Mihaly; Katie Lane-Karnas (Calais Recording Secretary; remote), ORCA Media (remote)

**In-Person Public Attendance:** Road Foreman Guthrie Perry; Kim Kendall & Collin O'Neil, Wrightsville Beach Recreation District; Ty Rolland, EMFD Chief; Michael Duane

**Remote Public Attendance:** None

Chair Gardner called the meeting to order at 6:30 p.m.

**Additions to Agenda:** None

### Minutes:

Chair Gardner presented the draft minutes of the September 13, 2021 board meeting.

**Motion: To approve the September 13, 2021 minutes as presented.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

[Ms. Dillon joined the meeting]

Chair Gardner presented the draft minutes of the September 20, 2021 board meeting.

**Motion: To approve the September 20, 2021 minutes as presented.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

### Public Comment:

Due to the potential executive session for the “Discussion on Emergency Services Agreement” agenda item, Chair Gardner allowed Mr. Duane to provide a statement on the topic during public comment.

Mr. Duane expressed his desire to have the East Montpelier Fire Department’s annual fire and ambulance service budget requests split off into separate articles on the town meeting warning rather than listed as line items in the Selectboard’s general fund budget. He would like for voters to have a direct say on the EMFD budget requests.

**Wrightsville Beach Recreation District Update****Kim Kendall, EM Representative to WBRD****Collin O'Neil, WBRD Manager**

Ms. Kendall provided a brief overview of district management before passing the baton to Mr. O'Neil. He gave a synopsis of the very successful 2021 summer season at Wrightsville, despite the cool & wet late June/July stretch. There was a record number of season passes purchased and overall user fees came in at second highest ever. Hiring and retaining seasonal staff remains a challenge and tends to drive opening and closing dates, so even though the weather is still nice, the park is closed for the year.

Mr. O'Neil shifted the discussion to a future vision for the district, which is a separate municipality with four member towns (Worcester, Middlesex, Montpelier and East Montpelier). He and the WBRD board believe the time has come to move to a full-time manager. Currently Mr. O'Neil, manager of the district for the past 21 years, works around 800 hours a year while maintaining his full-time job at Norwich University. There is not enough time to explore and initiate district improvements, such as expanded fundraising, adding partnership services like the current state contract to manage the Shady Rill park and bringing in additional member towns. There is a need for additional on-site parking. There's always room for more park equipment and program offerings. Mr. O'Neil foresees future WBRD connections to the ever-expanding trail network and other recreational opportunities in our area. He emphasized that the limiting factor for improving this great resource is money. He is awaiting word from the state on the fate of the district's application for a \$240,000 VOREC (VT Outdoor Recreation grant program) grant for a mobile recreation vehicle that will be fully outfitted with equipment that will allow WBRD to provide programming at locations beyond the district boundaries.

With the background information complete, Mr. O'Neil explained the main purpose for wanting to meet with the board: the district would like to amend its bylaws, which requires approval from the member towns, to increase the maximum per capita dues level from \$1.50/resident to somewhere in the \$3.00-3.50 range. The member municipalities pay annual dues to the district. The current charge is set to the maximum rate of \$1.50/resident, so there is no room for significant revenue growth (beyond population gains) without the bylaw change. For this meeting Mr. O'Neil wanted to set the stage and get a sense of how board members felt as well as learn what other information might be desired in advance of the district moving forward with the formal amendment process.

Mr. O'Neil and Ms. Kendall will be in touch soon to arrange for another meeting appearance in the coming months to take the next steps in the process.

**Consideration of EM Gully Jumpers Snowmobile Club Road Use Request**

Every year the Gully Jumpers club requests that the town allow the use of a few short sections of town roads for non-direct road crossings to allow snowmobilers to fully access the Gully Jumpers' trail network. The club, as it has for the past few years, is asking permission to utilize:

- Coburn Road – crossing requires the use of Coburn covered bridge to cross the river;
- Snow Hill Road – crossing is a 45-degree crossing over Sodom Pond Brook;
- Center Road – crossing utilizes the bridge to cross Bennett Brook; and,
- Haggett/County Road – crossing utilizes the very end of Haggett Road, then crosses County Road at the intersection of Haggett Road.

**Motion: To authorize the limited use of town roads as requested by the East Montpelier Gully Jumpers.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

### **Road Foreman Report**

#### ➤ **Update on 2021 Road Projects**

- Road Foreman Perry described the frustration with having to postpone the County Road culvert replacement and paving project until next July. Both culvert replacements have state permits that limit work in the streams to a brief 3-month period between July 1 and October 1. The town is still awaiting delivery of the “north of Barnes” replacement pipe arch, which was scheduled for delivery in early July. The expectation is that Blue Mountain Trucking & Excavation, the selected contractor for the culvert projects, will remain on board and break ground in early July 2022. The reclaiming and paving of the southern 3.83 miles of County Road will happen right after the culvert replacements.

#### ➤ **Discussion on Upcoming Truck Replacements**

- Road Foreman Perry explained that the town has three truck slots up for replacement in the near future:
  - The town pickup truck is in “negative” time on the capital plan and is both in line for and in need of replacement.
  - One of the Mack 10-wheelers is entering its 10<sup>th</sup> year and is on track for normal replacement in advance of the 2022-23 winter season.
  - The 6-wheeler slot, now occupied by both the 2015 International (utilized for specialty tasks) and the 2012 Freightliner (the used truck purchased at the end of December 2020 when the International proved unreliable), is scheduled for replacement in advance of the 2024-25 winter season under the 10-year replacement cycle.
- Board members and RF Perry discussed a variety of options and settled on the following plan of action:
  - Sell/trade the pickup truck as soon as possible and replace it with one of the state contract options for such trucks. A V-plow will be purchased for the new truck.
  - Research and purchase a new Mack or equivalent 10-wheeler soon to allow the necessary lead time to have it available for use by next winter.
  - Keep the 2013 Mack as a utility/back-up vehicle and sell/trade the 2015 International as part of the 10-wheeler replacement effort.
- RF Perry will come back to the board with details on the state contract options for replacing the pickup and a set of quotes for replacing the 2013 Mack.

#### ➤ **Consideration of Winter Roads Policy**

- Road Foreman Perry recommends no changes to the current winter roads policy. The plan is for the road crew to continue handling the winter sidewalk maintenance.
- **Motion: To adopt the 2021-22 Winter Roads Policy as presented.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

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

#### ➤ **Consideration of Vaccination Mandate for Town Employees**

- The board continued discussion on the possibility of imposing a vaccination mandate on town employees. No new guidance has been put out by VLCT and the anticipated federal mandate regulation has not yet been released by OSHA. Board members are generally in favor of a vaccination mandate, although the specifics on how to manage such a mandate remain elusive.

- Ms. Dillon proposed that the board develop a straight-forward protocol laying out:
  - What we're doing
  - Why we're doing it
  - To whom it applies
  - What the requirement is
- Board members discussed a possible testing requirement and how it would be handled. The board was decisive that the responsibility for testing would be on the unvaccinated employees and those employees would not be allowed to go for testing during paid work hours.
- Ms. Dillon will craft language for a vaccination mandate for consideration by the board at the October 18<sup>th</sup> meeting.

### **Consideration of VLCT PACIF Membership Renewal**

The town's annual renewal application for continued membership in the Vermont League of Cities & Towns insurance offerings is October 8, 2021.

**Motion: To authorize TA Johnson to complete the necessary paperwork to renew the town's membership in VLCT PACIF.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

### **Report from the VT League of Cities & Towns Annual Meetings** **Carl Etnier, EM Delegate for the VLCT Annual Meetings**

Mr. Etnier reported that the VLCT, VLCT PACIF and VERB annual meetings were held September 29, 2021. A point was made at the PACIF meeting that VLCT has only had to pay out on 20 COVID-related claims, a per capita rate far below many states, reflecting that municipalities are doing a good job protecting employees. The bulk of the meetings were relatively pro forma – minutes approved, uncontested candidates elected and the like. One item of interest was the training on COVID-resistant elections. Towns are getting new tabulators that have upgraded capabilities including the ability to recognize and capture images of ballot write-ins for review by election workers. Mr. Etnier is putting together information on the election topic for distribution to the Board of Civil Authority.

### **Consideration of Transfer of Funds from General Fund to Other Town Funds as Budgeted**

Each year the board is required to authorize Treasurer Don Welch to move the budgeted funds targeted for the Recreation Board (\$3,500), Cemetery Committee (\$20,000) and Capital Reserve Fund (\$446,634) from the general fund to the individual small accounts in order for the funding to be utilized as planned.

**Motion: To authorize Treasurer Welch to move the full amount of the three requested FY2022 budget lines from the general fund to the affiliated small accounts when he deems it appropriate, but prior to the close of FY2022 on June 30, 2022.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

### **Discussion on Town Representation on the New Regional Emergency Management Committee**

As explained by CVRPC's Grace Vinson at the board's September 13<sup>th</sup> meeting, the new REMCs are supposed to be up-and-running by November with towns providing appointment details on the two per town representatives by November 1, 2021. The two representatives should be the Emergency

Management Director (Chair Gardner in our case) and a representative from the town's emergency services community. EM Constable Jon Boucher, who also serves as the town's 2<sup>nd</sup> Emergency Management Coordinator, has indicated a willingness to serve as the "emergency services community" representative.

**Motion: To appoint Seth Gardner and Jon Boucher as the East Montpelier representatives to the central Vermont region's Regional Emergency Management Committee.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

### **Warrants:**

#### ➤ **October 4, 2021 Regular Expense Warrant**

- Board members reviewed the warrant. The three board members attending the meeting in-person signed the warrant, which meets the minimum number of individual board member signatures necessary for warrant approval.

### **Discussion on Emergency Services Agreement [Potential Executive Session]**

The Calais Selectboard and EMFD Chief Ty Rolland participated in this discussion. After working through some procedural confusion, the boards decided to have a conversation with Chief Rolland in open session and then shift to a boards-only executive session.

A brief history on this process: 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 at midnight on September 1, 2021. A letter from the Calais board dated May 25, 2021 and received by email May 30, 2021 provided reasoning for the notice and proposed agreement changes. Calais provided a draft agreement that the EM board reviewed on June 21<sup>st</sup>. On July 12<sup>th</sup> the EM board produced a signed proposal and sent it on to Calais for consideration. Calais accepted the proposal at its August 9<sup>th</sup> meeting and signed it at the August 12<sup>th</sup> EMFD budget and service update meeting, with the agreement then handed to EMFD for consideration. To provide additional time, all parties signed on to a MOU that extended the current agreement to December 1, 2021. On September 18, 2021 EMFD provided an alternative proposal for a new services agreement and a letter describing the proposed revisions plus suggestions for a joint meeting late in September. At the September 20<sup>th</sup> special meeting the EM board decided to decline the joint meeting invitation and set this meeting for review of the alternative proposal.

Board members encouraged Chief Rolland to explain the proposed revisions included in the EMFD proposal. Chief Rolland explained that EMFD remains troubled at how this process has played out, with no, to this point, direct discussions or negotiations between the three parties. The EMFD-proposed agreement version attempts to set up a protocol in Paragraph 1 to ensure a more efficient negotiations process. The Paragraph 6 alterations try to deal with the Calais concerns that the current EMFD operations budget development process effectively cuts out voter input while maintaining the current agreement's directive that the town boards include the EMFD budget figures as line items in each individual town's general fund budget for presentation to voters. Chief Rolland and board members engaged in a lively dialogue on the merits of the competing proposals.

After the conversation with Chief Rolland, the boards completed the procedural niceties to move into executive session for discussion on contractual matters.

**Motion: To find that premature general public knowledge would clearly place the public body at a substantial disadvantage.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

**Motion: To enter executive session under 1 V.S.A. §313(a)(1)(A).** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

Calais board members approved similar motions. TA Johnson and Calais Recording Secretary Katie Lane-Karnas were invited into the executive session.

The boards entered executive session at 8:51 p.m. and exited at 9:31 p.m.

Mr. Etnier explained the action plan developed by the boards during executive session. The Calais and EM Boards will send a joint letter to EMFD thanking them for their participation in the dialogue on the service agreement terms. The boards would prefer to stick with the language of the proposed emergency services agreement as previously signed by both the EM and Calais boards.

**Motion: To authorize Chair Gardner to sign the joint letter on behalf of the EM Board conveying that information [as described in the above paragraph] to EMFD and work with the Calais Board to get their signatures as well before sending the letter to EMFD.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

The Calais board members approved a similar motion and then ended their meeting.

#### **Personnel Matters [Potential Executive Session]**

- **Discussion on Existing Town Office Positions & Future Needs**
- **Discussion on Town Treasurer Transition**

Due to the late hour, board members by consensus decided to postpone discussion on these topics until the board's October 18<sup>th</sup> meeting.

#### **Other Business**

- Board Member Name Plates for SB Meetings:
  - There have been suggestions that board members have name plates for identification. A trial run for the members attending in-person was in place for this meeting.

#### **Town Administrator Report**

- Update on ARPA Funding Process:
  - The scheduled deadline for the initial report on use of ARPA funding has been pushed off six months. The report is now due by April 30, 2022.
- Siu Tip Lam Resignation from Planning Commission:
  - Ms. Lam has resigned effective October 21, 2021. The PC will conduct the search for a replacement and recommend a candidate for appointment consideration by the SB.
- Meeting Schedule:
  - October 18, 2021      6:30 pm      Selectboard regular meeting
  - November 1, 2021      6:30 pm      Selectboard regular meeting

#### **Zoning Administrator Report**

- There were no new zoning permit applications since the September 13<sup>th</sup> SB meeting. There have been 58 applications so far in 2021.

- The next DRB meeting will be held October 5, 2021. The only item on the agenda is a conceptual plan review of the 8-unit rental home complex proposed by Malone Properties for the Old LaPerle Farm property.

**Motion: To adjourn.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.  
Meeting adjourned at 9:41 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator