

Minutes of the East Montpelier Selectboard

November 1, 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 (remote; arrived at 6:36 p.m.), Judith Dillon (remote) and Carl Etnier; Town Administrator Bruce Johnson

In-Person Public Attendance: Town Auditor Deb Fillion; Olivia Leclerc & Eva Zaret, CVPC; Tom Fisher, town CVFiber representative; Larry Brown & Paul Guare, EMFD

Remote Public Attendance: Town Auditors Carla Occaso & Ed Deegan; Health Officer Ginny Burley; Ann Gilbert, CVNDC

Chair Gardner called the meeting to order at 6:34 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the October 18, 2021 board meeting.

Motion: To approve the October 18, 2021 minutes as presented. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

[Ms. Willis joined the meeting]

Public Comment: None

Central VT Prevention Coalition: Impact in East Montpelier **Dr. Mark Depman, Olivia Leclerc, Eva Zaret**

Dr. Depman was unable to take part in this meeting. Ms. Leclerc and Ms. Zaret tag-teamed the presentation. This relatively new coalition of entities in the substance use arena (CVMC is the “foundational backbone”) has received a 3-year, \$1,000,000 grant for “building safe harbor in Central VT”. The concept is to get all the relevant organizations working together, so that the moment a person realizes they need help, that help is available and easily accessible. The ultimate goal is to have safe harbor facilities in place in central VT and around the state to provide the necessary assistance. Right now the only such facility is in Burlington. As it enters the second year of the grant, the organization is initiating an effort to expand its outreach beyond the Barre/Montpelier area. There have been 116 opioid deaths in Vermont during the first half of 2021, the highest number ever and a 35% increase over the same period in 2020. The problem is everywhere, not just limited to urban areas. One new initiative underway is an to provide a single location where pregnant women can receive both obstetric and substance use care. Another one is a drive to encourage police to adopt a national model called crisis intervention team, to provide 24/7 crisis response to calls related to mental help and substance use that would deemphasize the police response in favor of care. CVPC is working with Washington

County State's Attorney Rory Thibault to develop an overdose fatality review team that would review cases to identify where things went wrong and how to improve outcomes.

CVPC would like to set up a community forum in the near future to provide information on its program and available services, perhaps utilizing U-32. CVPC will provide the board with the 2019 Youth Risk Behavior Survey data broken out with the Washington Central/U-32 district responses.

Central VT New Directions: Update on Retail Cannabis Topic

Ann Gilbert, Director of Central VT New Directions

Ms. Gilbert provided an update on the regulatory framework taking shape around the retail cannabis issue and Act 164 implementation. She is especially concerned that the board and town residents understand the safeguards the town can put in place to ensure that the marketplace works as desired for the community. At this point the town has not held the necessary town vote to "opt-in", which would allow the town to have retail cannabis businesses. CVND has funding from the VT Department of Health to assist communities to create local cannabis control commissions. The local commission would develop the guidelines for how any retail cannabis marketplace would work in town. Ms. Gilbert would like the town to work out the details in advance of any license issuance, hopefully looking at the issue from a public health perspective.

Ms. Gilbert will work with the board on facilitating a public forum to bring this topic to the community.

Review of CVFiber Annual Report & Draft 2022 Budget

Tom Fisher, EM Representative to CVFiber

Mr. Fisher provided a brief report on the exciting progress being made to bring high-speed internet service to the community. CVFiber's contractors are out in force doing the necessary pole inventory in advance of final design and construction of the fiber network. CVFiber is nearing the end of the selection process for the contractor that will handle the design, construction and operation of the network. Funds are now flowing from the state, with more in the pipeline. There is still significant uncertainty as to how much ARPA and other grant funding will ultimately benefit CVFiber, so the answers to related questions of how much financing will be needed and service cost levels are still unknown. The expectation is that there will be service operational in East Montpelier, especially in currently underserved areas, by the end of 2022.

Conversation with East Montpelier Fire Department

➤ Update on Emergency Services Agreement

- EMFD has agreed to and signed the agreement proposed by the Towns of Calais and East Montpelier.

➤ Consideration of EMFD Request to Purchase Ambulance Power Cot Auto Loader Utilizing EMFD Capital Reserve Fund

- Mr. Guare and Mr. Brown explained that in 2020 the two towns authorized the use of the EMFD capital reserve fund to purchase two power cots for the EMFD ambulances. To enhance the safety of both the patients and EMFD personnel, EMFD would like to add an auto loader system to Rescue 3, its main ambulance. The auto loader enables a power cot to be loaded and secured into the ambulance with little manual effort on the part of the operator. The total purchase and installation cost is expected to be between \$25,000 and \$30,000.

- **Motion: To authorize the East Montpelier Fire Department to use up to \$30,000 from the EMFD Capital Reserve Fund for the purchase and installation into Rescue 3 of a Stryker Powered Loading System.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Review of East Montpelier Traffic Ordinance

At its October 18th meeting the board decided to use the issue of potentially installing a stop sign at the north end of Kelton Road at its intersection with Snow Hill Road as an opportunity to conduct a general review of the town's traffic ordinance, last updated in 2016. The board decided to monitor the situation and revisit the issue of a possible update to the traffic ordinance at a later date.

Review of Proposed House Reapportionment Statewide Map

The Legislative Apportionment Board recently released the preliminary reapportionment plan for VT House of Representatives districts effective in 2022. Every 10 years the state redraws the House and Senate district maps based on the most recent Census data. Town Boards of Civil Authority are tasked by statute to provide feedback on the preliminary House redistricting plan. Any comments are due by November 15th. The Selectboard is reviewing the plan in advance of the formal BCA meeting.

The current WAS-5 House seat, held by Kimberly Jessup, is a two-town district made up of all of Middlesex and all of East Montpelier. The seat has a population (2010 Census) of 4,307, which gave it a positive deviation of 135 from the ideal 2012 district size of 4,172. The 2020 Census shows EM up 22 to 2,598 and Middlesex up 48 to 1,779. The total population of 4,377 would, if WAS-5 was left alone, have a positive deviation of 90 from the ideal 2022 district size of 4,287.

The proposed WAS-3 seat would be comprised of all of Calais, Woodbury and Worcester plus the northeast sliver of EM (east of a line running along Tucker, Guyette, Snow Hill Kelton and VT Rte. 14 N from Kelton to US Rte. 2 and then north of US Rte. 2 from the VT Rte. 14 N intersection to the Plainfield line). Based on the deviation figures shown on the proposed district maps, this "sliver" includes 404 EM residents. This seat would have a negative deviation of 330 (ideal 2022 district 4,287; proposed district 3,957).

The proposed WAS-4 seat essentially replaces the current WAS-5 seat. It will comprise all of Middlesex and the bulk of East Montpelier (i.e., all but the part siphoned off for WAS-3). This seat will have a negative deviation of 314 (ideal 2022 district 4,287; proposed district 3,973).

Board members discussed both the proposed new districts affecting East Montpelier and other elements of the reapportionment plan, including the shift to all single-member districts. The EM Board of Civil Authority, of which the SB members are a part, is holding a meeting on Monday, November 8, 2021 at 6:30 p.m. to discuss and potentially develop formal comments on the plan.

Discussion on Town Management in Light of COVID-19

➤ Review of Vaccination Mandate for Town Employees

- The board adopted a COVID-19 vaccination and mitigation policy at its October 18th meeting. A number of questions regarding the policy's application have been raised:
 - Does the policy apply to stipend-paid town appointees (animal control officers, health officer, tree warden)?

- Board members by consensus determined that the policy does not apply to these appointed positions.
- How does the policy apply to seasonal, part-time workers?
 - Board members by consensus determined that the policy applies to seasonal employees during the period they are actively working for the town.
- Another issue of concern to some is whether the policy's definition of "fully vaccinated" will shift over time to reflect booster shot expectations. Board members discussed the issue, with the general consensus being that since the term "fully vaccinated" is understood to be referencing the CDC's definition, the meaning of the term would shift in line with any evolution of the CDC definition.

Personnel Matters [Potential Executive Session]

➤ Discussion on Existing Town Office Positions & Future Needs

- The board held a brief general conversation on the duties for the town office employees. With both the treasurer and municipal assistant expected to retire next summer, the board is working on how to effectively allocate the various responsibilities between 4-5 positions. Board members would prefer to handle this conversation at a time when all board members are able to attend a meeting in-person. This agenda topic will be revisited at the board's December 6th meeting, the first where all members expect to be at the town office.
- The town auditors presented a plan whereby they would provide services to the town in an effort to improve the internal controls for town financial management. In particular, one auditor would regularly review the monthly account reconciliations done by Treasurer Welch and another auditor would review the board expense warrants in advance of board meetings. There was a degree of concern expressed regarding the appropriateness of auditors participating directly in a regular town financial process as opposed to reviewing the results after the fact. Mr. Etnier will research the issue and report back to the board at a future meeting.

➤ Discussion on Town Treasurer Transition

- Although the board put off a detailed discussion on the make-up of the town treasurer position, members decided to take the initial step towards the appointment of a treasurer selection committee as set out in the town charter. This committee, which is charged with reviewing candidates and making a recommendation to the board for potential appointment, will be comprised of 7 individuals, including at least one board member and one certified public accountant. The board directed TA Johnson to solicit potential committee members, with a target date of December 6th for board consideration of those who express interest.

➤ Discussion on Town Employee Compensation Levels

- There is a concern that the town may be losing its competitive advantage over other similarly situated towns. Potential new hires in surrounding communities are being offered comparatively high wages and sign-on bonuses. Due to the fact that discussion on our current situation will touch on sensitive personnel issues, the board decided to hold the conversation in executive session.
- **Motion: To enter into executive session under 1 V.S.A. §313(a)(3) – the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its**

final decision during the open meeting. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

- The board entered executive session at 8:36 p.m.; exited at 8:53 p.m.
 - **Motion: To immediately increase the hourly wages of the following town employees:**
 - **Road Foreman Guthrie Perry to \$29.00 per hour;**
 - **Road crew members Frank Campbell, Ken Lorden and Craig Seadeek to \$24.00 per hour; and,**
 - **Municipal office assistant Denise Sparrow to \$24.00 per hour.**
- Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Warrants:

- **November 1, 2021 Regular Expense Warrant**
 - Board members reviewed the warrant. With only two members attending the meeting in person, the board decided to approve the warrant by motion and have Chair Gardner sign the warrant as certification of board approval.
 - **Motion: To approve the November 1, 2021 expense warrant and authorize Chair Gardner to sign the warrant on behalf of the board.** Made by Ms. Dillon; second by Mr. Etnier. Passed unanimously.

Other Business

Town Administrator Report

- Update on PC & Lister Vacancies:
 - PC Vacancy:
 - One candidate to date – Spencer Hardy. The PC expects to meet with him and any other candidate at its November 4th meeting.
 - Lister Vacancy:
 - One candidate to date – Deb Fillion.
 - The Selectboard will meet with Ms. Fillion and any other candidates at its November 15th meeting.
- Walbridge Road Issues:
 - Since the board's October 18th meeting, there have been further developments regarding the proposed and partially constructed 16-site campground at 180 Walbridge Road. A jurisdictional opinion has been rendered that the campground will require an Act 250 permit. A state enforcement officer has visited the site to ensure compliance with water and wastewater rules in the current absence of any w/ww permit for the campground. The owner intends to bring a plan to the Development Review Board for conceptual review perhaps as soon as the DRB's December meeting. The owner's farm animals continue to wander onto neighboring properties.
- Meeting Schedule:
 - November 8, 2021 6:30 pm BCA meeting
 - November 15, 2021 6:30 pm Selectboard regular meeting
 - December 2, 2021 7:00 pm Tentative EMFD budget meeting at ESF
 - December 6, 2021 6:30 pm Selectboard regular meeting
 - December 20, 2021 6:30 pm Selectboard regular meeting

Zoning Administrator Report

- There was 1 new application since the October 18th SB meeting. A total of 61 applications have been received so far in 2021.
- The next DRB meeting is scheduled for December 7, 2021. The biennial permit compliance review of the Casella transfer station is on the docket.

Motion: To adjourn. Made by Ms. Dillon; second by Ms. Willis. Passed unanimously.
Meeting adjourned at 9:14 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: November 15, 2021 East Montpelier Selectboard meeting