

Minutes of the East Montpelier Selectboard

December 6, 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, Jon Jewett, Judith Dillon (remote) and Carl Etnier; Town Administrator Bruce Johnson

In-Person Public Attendance: Rob Chapman, ORCA Media

Remote Public Attendance: Town Auditors Carla Occaso & Deb Fillion; Treasurer Don Welch; Lindy Johnson, Funding Request Study Committee; Sarah Kinter; Tom Curchin; Kim Watson; Betsy Barstow; Rachael Grossman

Chair Gardner called the meeting to order at 6:31 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the November 15, 2021 board meeting.

Motion: To approve the November 15, 2021 minutes as presented. Made by Mr. Jewett; second by Mr. Etnier. Passed 3-0-1. [Ms. Dillon abstained as she was absent from that meeting.]

Chair Gardner presented the draft minutes of the November 29, 2021 board meeting.

Motion: To approve the November 29, 2021 minutes as presented. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Public Comment: None

Conversation with ORCA Media

Rob Chapman, ORCA Media Executive Director

The board has in the past declined to utilize ORCA Media to recording and subsequent broadcasting of board meetings. After 20 months of providing live Zoom remote access to meetings, prior concerns that the broadcasting of meetings might hinder participation by shy folk have fallen away in the face of an overwhelming need to provide the public with easily accessible means to follow and participate in board meetings. The challenge now is for the town to enhance its technological capabilities for holding hybrid (in-person plus remote participation) meetings. The board decided to invite Mr. Chapman to a meeting to have a conversation about how ORCA Media might improve our offerings to the public.

Mr. Chapman explained that ORCA Media could take over the main filming of the in-person component of the hybrid meetings, essentially providing multi-camera video of speakers and the full

room rather than the current fixed-point, wide-angle camera that doesn't highlight speakers and misses part of the room. There is also the possibility of sound upgrades. ORCA would also provide easy online accessibility of professionally-edited meeting recordings, something the town currently doesn't do at all. Board members were intrigued by the potential public accessibility improvements and arranged with Mr. Chapman to begin providing the services at the board's January 10, 2021 meeting. There will be no cost to the town for the agreed-upon ORCA Media services for Selectboard meetings. There would be a fee for enhanced services or expansion of service to cover other committee meetings.

Motion: To utilize ORCA Media to record Selectboard meetings and provide online public access to the recordings. Made by Mr. Etnier; second by Mr. Jewett. Passed 3-0-1. [Ms. Dillon abstained as she preferred to hold off on a decision until board member Amy Willis had an opportunity to participate in the discussion.]

Consideration of Application to 2022 Communities Caring for Canopy Grant Program by EM Resilient Roads Committee

The Resilient Roads Committee (RRC) is developing an application for 2022 funding to continue the town's proactive effort to remove the doomed, due the Emerald Ash Borer, ash trees from road rights-of-way. The 2022 grant program is the latest iteration of the VT Urban & Community Forestry Program/VT Dept. of Forests, Parks & Recreation funding opportunities for roadside vegetation management. The town has received awards for roadside ash tree management each of the past two years (\$15,000 for a project centered on U-32 & Gallison Hill Road area; \$5,000 for this past year's ash tree removal along County Road). The maximum award for the 2022 program is \$5,000 with a equivalent town match. The RRC is targeting the North Street area this time around. The anticipated cost of the project is well in excess of the \$10,000 level required for a maximum grant.

The application is due January 7, 2022. As has been done with the previous applications, the RRC is requesting authorization to submit the application (TA Johnson will do the actual submission) when complete.

Motion: To authorize the submission of the proposed application to the 2022 Communities Caring for Canopy Grant Program. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Town Treasurer Report

Treasurer Welch presented the standard monthly update for the period ending November 30, 2021. The town remains in good shape with both revenues and expenses on budget.

Presentation of FY2023 Capital Improvement Committee Plan

Treasurer Welch, on behalf of the Capital Improvement Committee, presented an updated, for FY2023, plan for anticipated capital expenditures over the foreseeable future. The committee included an increase to the Capital Reserve Fund budget line of \$13,056 (2.9% above last year's \$446,634) to a total of \$459,690 for FY2023, but Treasurer Welch suggested that the budget line remain level at \$446,634 to provide more flexibility for absorbing the costs of the anticipated town office positions structural change. Board members decided to adopt the plan but delay a decision on the budget line figure until January when the full budget comes into focus.

Motion: To adopt the FY2023 Capital Improvement Plan as presented with the understanding that the actual FY2023 budget's capital reserve fund line item will be set at a later date. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Presentation of Funding Request Study Committee Report

Ms. Johnson explained that the report reflects some changes from the FY2022 appropriations:

- Good Samaritan Haven received an \$1,100 increase (to \$2,000), the VT Center for Independent Living received a \$100 increase (to \$400) and the Winooski Natural Resources Conservation District received a \$200 increase (to \$800);
- The Onion River Food Shelf (\$1,000, down from \$1,200) and People's Health and Wellness Clinic (\$1,250, down from \$1,750) both received decreased appropriations as requested by the organizations; and,
- The Vermont Bar Foundation received a first time appropriation at the requested level of \$1,500.

The committee recommends the funding request article be set at \$23,666, up 10.2% from last year's \$21,466.

Motion: To accept the FY2023 Funding Request Study Committee report and set the joint social organization funding request article for 2023 Town Meeting at \$23,466. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Discussion on 2022 Town Meeting

- **Consideration of Approval for WCUUSD School Board to Authorize Ballot Mailing to All Registered Voters**
 - 17 V.S.A. §2680 (g)(2):
 - A school board may, after receiving the approval of the legislative body of each member town in the district, vote to mail its annual meeting ballot to all active registered voters in the district. In such case, the town clerk and election officials in the member towns shall be responsible for the mailing of the ballots but all costs associated with the mailing of ballots shall be borne by the school district.
 - The WCUUSD board has formally requested that the EM (and the other 4 relevant boards) Selectboard approve the mailing of the school district's annual meeting ballot to all active registered voters. Selectboard members were fully in support of the request.
 - **Motion: To approve the mailing of the WCUUSD annual meeting ballot to all active registered voters.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.
- **Consideration of Ballot Mailing to All Registered Voters**
 - 17 V.S.A. §2680 (g)(1):
 - The legislative body of a town, city, or village may vote to mail a ballot to all active registered voters in the town, city, or village
 - Town Clerk Laquerre has requested that the board approve the mailing of ballots to all active registered voters. Board members discussed how well the process worked last year and would like to continue mailing out ballots. The one concern is the potential confusion if the school board is unable to authorize the mailing of ballots, resulting in the town mailing its ballot to all active registered voters but requiring the normal absentee ballot request for the WCUUSD ballot.

- **Motion: To authorize the mailing of the 2022 Town Meeting ballot to all active registered voters.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.
- **Discussion on 2022 Town Meeting Warning**
 - There have been no proposed changes to the warning reviewed at the board's November 15th meeting and no information regarding potential legislative activity regarding options for 2022 town meeting given the resurgence of the pandemic. The board will revisit the warning at the December 20th meeting.

Discussion on FY2023 Budget Development

The board reviewed the draft budget, now updated to reflect FY2022 expenses through the December 6th warrant. The bulk of the important changes in this version of the FY2023 budget reflect the tentative acceptance by the board of the altered town office position structure plus the inclusion of the proposed EMFD budget figures. The revenue section includes a boost to the fund balance utilization by \$50,000 to partially offset the employee cost increases, essentially spreading the effort over a two-year period for tax rate purposes. This current budget draft anticipates a 3.9% overall increase, with a projected 2.2 cent tax rate increase.

Work on the budget will continue at all the meetings through January 2022. The bulk of the major voted article levels will be set at the December 20th board meeting. Road Foreman Perry will present the recommended highway budget to the board at its January 10th meeting.

Discussion on VTrans Grant Topics

- **Consideration of Reimbursement Request for Mallory Brook/Center Road Culvert Replacement/Relocation Study Grant**
 - The reimbursement request for VTrans Grant BC1853, the design engineering study grant for the replacement in a new location of the historic culvert bringing Mallory Brook under Center Road, is due by the end of the month. The town now has the finalized Army Corps of Engineers wetlands, VT wetlands and VT stream alteration permit applications (application fee checks are on this warrant), so all expected expenses are accounted for. Total cost is \$35,345.15 with a 10% town match component, resulting in a reimbursement request of \$31,810.63.
 - **Motion: To authorize the submission of the reimbursement request for VTrans Grant BC1853.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously. Board members at the town office signed the required VTrans TA65 form.
 - The overall project continues to move forward toward 2023 construction (under VTrans Grant BC2063). The town is in the process of procuring the necessary private landowner easements (a non-reimbursable expense under VTrans state funds grant program rules)
- **Consideration of County Road Paving Grant Time Extension**
- **Consideration of Morse Farm Culvert Replacement Grant Time Extension**
 - When the town canceled the major County Road infrastructure project in August due to a failure of the necessary prefabricated replacement culverts to be delivered in a timely manner, the town requested and was approved for a one-year time extension of VTrans Grant PO1885, the paving grant for the southern 1.83 miles of County Road, and VTrans Grant BC2024, the structures grant for the replacement of the County Road culvert located just south of the lower Morse Farm Maple Sugarworks driveway. The formal state agreements have not yet come through for the amendments. With both grants expiring on December 31, 2021, time is tight and TA Johnson is requesting the

board approve proactive acceptance of the extensions and authorization for TA Johnson to complete the necessary agreement paperwork when the amendments arrive from VTrans.

- **Motion: To accept the time extension amendments for VTrans Grant PO1885 and VTrans Grant BC2024 and to authorize TA Johnson to complete the necessary paperwork for the amendments.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Consideration of Land Records Digitization Agreement

Town Clerk Rosie Laquerre is requesting that the board approve a contract with Avenu (provider of the town's land records system) for digitizing the town's land records dating from 1988 back to 1848, essentially the remainder of the records not already part of the town's digitized land records. The estimated cost is \$28,180.95. This is expected to be an allowable use of American Rescue Plan Act (ARPA) funding. If it turns out that it isn't, the town has sufficient land records restoration funding to cover the expense. The main reason for moving ahead now, before the final ARPA rules are released, is to secure the town's place in line. Towns are trying to take advantage of the available ARPA funding to get these digitization projects accomplished and the service providers get behind schedule.

Motion: To accept the Avenu sales order agreement for land records digitization and to utilize ARPA funding if allowable, otherwise utilize town land records restoration funds. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Discussion on Town Management in Light of COVID-19

➤ **General Issue:**

- Ms. Dillon requested that, in light of the continued resurgence of the pandemic and the inherent limitations of the town office meeting room, the board review the need for in-person attendance at meetings. She'd prefer that the board minimize member in-person attendance.

➤ **Consideration of Town Mask Mandate under 2021 Special Session Act 1**

- 2021 Special Session Act 1 allows municipalities to enact a temporary rule requiring the use of face coverings in public, indoor settings. If enacted, any such rule:
 - Takes effect on adoption;
 - Is in effect for no more than 45 days unless extended; extensions are for 30-day increments;
 - Expires on April 30, 2022.
- During the board's preliminary discussion on this topic at its November 29th meeting Mr. Etnier had offered to reach out to the community on Front Porch Forum to get a sense of where residents stand on this issue. Mr. Etnier reported that the response was overwhelmingly in favor of a town mandate. The board and public at the meeting expressed general support for a mandate. Some expressed frustration that the mandate decisions had been left to municipalities, resulting in a town-by-town approach rather than a unified program for the entire state. The basic tenor of the conversation revolved around the idea that the existence of a town-sanctioned mandate may encourage better compliance with recommended mask use guidelines by on-the-fence businesses/individuals and any improvement in mask use has the potential to save lives.
- The board decided to utilize the basic structure of the mask mandate enacted by the Town of Brattleboro on November 23, 2021. The proposed rule focuses on mask use by employees and visitors at establishments that invite the public into their premises. The

board included exceptions for children under 5, those who should not wear a mask due for certain health-related reasons and for those eating or drinking in an establishment that serves food or beverages. Board members decided not to include any enforcement provision. The new rule will be reviewed by the board at every regular board meeting.

- **Motion: To adopt the Town of East Montpelier COVID-19 Rule: Wearing Face Coverings Required.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.
- Mr. Etnier will work with Town Health Officer Ginny Burley on the distribution of the rule and signage to businesses.

Consideration of Treasurer Selection Committee Candidates

With Town Treasurer Don Welch intending to retire by June 30, 2022, the board had previously targeted this meeting for the creation of the required Treasurer Selection Committee to perform the duties laid out in the town charter when replacing a town treasurer. A total of seven people have expressed interest, lining up with the charter expectations. The charter calls for the seven-member committee to be composed of:

- one Selectboard member
 - Chair Gardner would like to be on the committee.
- three other Town officers whose positions work closely with the position being filled
 - Selectboard member Amy Willis, Capital Improvement Committee member Kim Watson and Town Clerk Rosie Laquerre have volunteered for these slots.
- three other persons, including a certified public accountant
 - Norman Hill, Rachael Grossman and Ryan Black-Deegan (a CPA) have offered to fill these slots.

Motion: To appoint Ms. Willis, Mr. Gardner, Ms. Watson, Mr. Hill, Ms. Laquerre, Mr. Black-Deegan and Ms. Grossman to the Treasurer Selection Committee. Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

The next step in the process is for the Selectboard to start actively soliciting candidates for the treasurer position. TA Johnson will craft a job notice for review at the board's January 10th meeting. The newly formed selection committee will hold its organizational meeting after the position is formally advertised.

Appointments [Potential Executive Session]:

➤ Lister Vacancy

- Board members decided to enter executive session to discuss a possible appointment. Any appointment would be for the remainder of the 2nd year of Rob Chickering's 3-year term. The final year will be up for election at 2022 Town Meeting.
- **Motion: To go 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 Mr. Jewett. Passed unanimously.
- The board entered executive session at 9:15 p.m. and exited at 9:42 p.m.
- No action was taken. The lister vacancy will be readvertised. The board will revisit the lister vacancy topic at its January 10th meeting.

Warrants:

➤ **December 6, 2021 Regular Expense Warrant**

- Board members reviewed and the three members attending the meeting in person signed the warrant.

Other Business

Town Administrator Report

➤ VTrans Better Roads Grant Application:

- The town is moving forward with a Category D (up to \$60,000) grant application to replace the Minister Brook/Cherry Tree Hill Road culvert. The survey & wetland delineation work was recently completed and Doug Newton, the town's contracted design engineer, has just provided us with plans and a project estimate. Application deadline is December 17, 2021.

➤ Washington County FY2023 Budget Development:

- The standard "preliminary budget planning meeting" will be held Monday, December 27, 2021, 2:30 p.m. at the County Clerk's office (10 Elm Street, behind the Sheriff's building). This will be an in-person meeting.

➤ Meeting Schedule:

- December 9, 2021 7:00 pm EMFD budget meeting at ESF
- December 20, 2021 6:30 pm Selectboard regular meeting
- January 10, 2021 6:30 pm Selectboard "special" regular meeting

Zoning Administrator Report

- There was 1 new application since the November 15th SB meeting. A total of 63 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 along with hearings for a building expansion at the Demers Auto property on US Rte. 2 and a boundary adjustment between Rubin Bennett's home lot on Carleton Blvd and his Hanger Building/rbTechnologies parcel on VT Rte. 14 S.

Motion: To adjourn. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.
Meeting adjourned at 9:46 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: December 20, 2021 East Montpelier Selectboard meeting