

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

### **January 24, 2022 Selectboard Meeting**

**This meeting was conducted remotely using the Zoom conferencing platform. Participation options were provided to the public.**

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

**Public Attendance:** EM Clerk Rosie Laquerre; EM Road Foreman Guthrie Perry; EM Tree Warden Paul Cate; EM Resilient Roads Committee Chair Jeff Cueto; EM Planning Commission Chair Zach Sullivan and members Julie Potter & Scott Hess; EM Auditors Deb Fillion & Ed Deegan; EM Lister Chris Racanelli; David Delcore, Times Argus; Orca Media; Renée Carpenter, Michael Duane, Rachael Grossman, Jennifer Zollner, Andy Christiansen

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

#### **Additions to Agenda:**

- **Consideration of Quote for Purchase of Dodge Ram 2500**

#### **Minutes:**

Chair Gardner presented the draft minutes of the January 10, 2022 board meeting.

**Motion: To approve the January 10, 2022 minutes as presented.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

**Public Comment: None**

[Ms. Dillon joined the meeting]

#### **Discussion with Resilient Roads Committee**

Tree Warden Paul Cate and RRC Chair Jeff Cueto presented a draft Shade Tree Preservation Plan. This plan has been developed by the committee working in concert with Joanne Garton of the VT Urban & Community Forestry Program. Adoption of a shade tree preservation plan is an optional element of the 2020 alterations to the state statutory framework supporting the tree warden position. The concept behind these plans is to provide clarity regarding management of trees on public lands and road rights-of-way.

Without a plan, the tree warden's authority is limited to trees planted by the town along the roadsides and on town-owned land. The proposed plan extends the authority of the tree warden to all trees along the roadsides greater than 4" in diameter except for certain buckthorn species, all trees along roadsides of any size within certain specified zones, the five ash trees the town is

currently protecting through insecticide treatments, and all trees on town cemetery land. The plan also lays out the duties for management of the trees under town control.

The board and the committee will meet again as part of the board's February 14, 2022 meeting for a more substantive discussion on the plan. Before adoption of the plan, the board and the tree warden need to hold at least one public hearing. The committee is proposing a hearing date of March 7, 2022 if the board is comfortable with the state of the draft plan after the February 14<sup>th</sup> discussion.

The committee is also hard at work on its planned ash tree removal project along North Street and Sparrow Farm Road. The east side of the residential parcel located at 845 Sparrow Farm Road has a number of ash trees slated for removal. This area is across Sparrow Farm Road from the Jacobs Road intersection. There is clear evidence that the trees serve as a buffer preventing cars from going off the road. The committee would like some guidance from the Selectboard as to how to handle the potential hazards created by removing the trees.

Mr. Etnier pointed out that some of those trees are likely on the western edge of his abutting 225 Sparrow Farm property. Road Foreman Perry noted that there would not be enough room off the road to install guardrail. Given that the committee is hoping to have this project completed by the end of May, the group decided that the best approach would be to cut the trees off at a height of 42" above ground. The intent is to provide a temporary (in the sense that the trunks will degrade over time) safety barrier while the town investigates a permanent solution.

#### **Consideration of Quote for Purchase of Dodge Ram 2500**

Road Foreman Perry explained that he followed through on the plan devised at the board's January 10<sup>th</sup> meeting for replacing the town pickup: he crafted a "build online" 2022 Dodge Ram 2500 4WD Crew Cab and then requested a price quote from Midstate Dodge, located in Berlin on US Rte. 302. Midstate priced the truck at \$48,358. As discussed at the January 10<sup>th</sup> meeting, this appears to be the most cost effective and timely way to purchase a replacement truck in the current environment. The town is essentially securing a place in line for the truck – there is no specific timetable for actual delivery and payment although the expectation is that the truck will be available by June.

**Motion: To authorize the purchase, utilizing the East Montpelier Capital Reserve Fund, of a 2022 Dodge Ram 2500 4WD Crew Cab from Midstate Dodge for \$48,358.** Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

#### **Conversation with Planning Commission Chair Zach Sullivan**

Mr. Sullivan provided an update on Planning Commission activities, with a focus on the ongoing zoning regulation amendment project. The PC will be holding a public hearing on proposed amendments to the EM Land Use and Development Regulations on February 17<sup>th</sup>. The proposed changes include the anticipated implementation of the regulatory framework included in the 2017 EM Village Master Plan. In addition, there are town-wide setback decreases, alterations to the accessory dwelling rules to make the concept more attractive to landowners, and the elimination of the certificate of compliance for all permits except those issued for projects within

the flood hazard zones. If there are no major alterations deemed necessary as a result of the hearing, the PC hopes to pass the amendment package along to the Selectboard by March.

The PC is also in the midst of a town plan update designed to provide the town with more options when facing proposed telecommunication facility projects. Those updates will likely be the subject of a PC hearing in the spring, with the goal of passing those revisions along to the Selectboard soon thereafter.

Another project the PC has undertaken is an effort to get development of the town's energy plan back on track, either in partnership with a rejuvenated town energy committee or on its own. The desire is to either complete a separate plan and append it to the town plan or simply flesh out the current energy element of the town plan to bring the town into compliance with the "enhanced energy plan" standards contained in Act 174.

### **Consideration of 2022 Annual Certificate of Highway Mileage**

The VT Agency of Transportation requires an annual certification of highway mileage within the town. There have been no changes to the town's road mileage or classifications in the past year.

**Motion: To approve the 2022 annual certificate of highway mileage.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.

### **Finalization of FY2023 Budget Development**

Board members reviewed the proposed final FY2023 budget, a cleaned-up version of the budget preliminarily adopted by consensus at the board's January 10, 2022 meeting. The proposed FY2023 Selectboard budget reflects a 5.7% increase in expenses, partially offset by a 3.66% rise in revenues and the use of \$150,000 of the town's existing fund balance, resulting in a net 3.79% increase, to \$2,000,127, for the Selectboard's funding article on the warning.

**Motion: To approve the FY2023 Selectboard budget as presented, setting the to-be-raised-by-taxes figure for the 2022 Town Meeting Warning at \$2,000,127.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

### **Finalization of 2022 Town Meeting Warning**

Board members reviewed the proposed warning as developed at the January 10<sup>th</sup> board meeting, now including the Selectboard's budget amount and two phrasing edits proposed by Deb Fillion, wearing her annual report editor hat. The warning includes 15 articles set for an all-Australian ballot vote on Town Meeting Day, March 1, 2022. S.172 has been passed by both the Senate and House and signed by Governor Scott, so the choices made at the board's January 10<sup>th</sup> meeting, to hold an all-Australian ballot town meeting election on March 1<sup>st</sup> with an all-remote town forum on February 28<sup>th</sup>, are now fully authorized by law.

Before requesting a motion to approve the warning, Chair Gardner reopened discussion on the January 10<sup>th</sup> board decision to not include warning articles dealing with the elimination of elected auditors and listers. The board remains split on both the substantive issues revolving

around this topic as well as the propriety of including such articles, which would normally be handled on the floor at town meeting, on this year's warning. The board decided that it would be better for all concerned to have the EM Charter Committee or a similarly-charged town committee review the topic and provide recommendations to the board for possible action next year or beyond.

**Motion: To approve the 2022 Town Meeting Warning as presented with the recommended edits.** Made by Ms. Dillon; second by Ms. Willis. Passed unanimously.

Town Clerk Laquerre is set to mail out both the town and WCUUSD ballots to all registered voters. She requested a judgment call by the board as to whether postage should be included on the return envelope. Although it was included last year, that was a state decision and paid for by the state. The town has never done that for absentee ballots and, based on Ms. Laquerre's research, it is an uncommon practice. Board members agreed that the substantial cost outweighed any benefit and by consensus decided that the town should not include return postage.

### **Finalization of Selectboard Report for 2021 Town Report**

The board reviewed the draft Selectboard report for inclusion in the town's 2021 annual report. After making a few edits, the board agreed by consensus to accept the report as amended.

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

#### **➤ Consideration of Extension of Mask Mandate**

- The board, under the authorization allowed by 2021 Special Session Act 1, adopted a rule requiring the wearing of face coverings on December 6, 2021. Act 1 included a set of timing expectations if a town adopted a mask mandate. In particular, the initial adoption expires after 45 days unless extended for a 30-day period. The board previously extended the mandate for 30 days at its January 10<sup>th</sup> meeting. The board's next meeting on February 14<sup>th</sup> is beyond the 30-day window, so once again board members focused discussion on the appropriateness of a 30-day extension of the mandate. With case counts remaining high, the board decided to approve a second 30-day extension.
- Guy Page, by email on behalf of the Crossroads Christian Church Board of Elders, requested that the board consider adding an exemption for houses of worship. Board members reviewed the email and declined to add the requested exemption. The board determined that no good reasons, such as showing that the mandate interferes with services or deters attendance, were provided to support an exemption.
- **Motion: To extend for an additional 30 days the Town of East Montpelier's COVID-19 Rule "Wearing Face Coverings Required".** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

### **Warrants**

#### **➤ January 24, 2022 Regular Warrant for Approval**

- Board members reviewed the warrant. Following the protocol developed in 2020 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 Vice-chair Etnier sign the warrant as certification of the board approval.

- **Motion: To approve the January 24, 2022 expense warrant and authorize Vice-chair Etnier to sign the warrant on behalf of the board.** Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

### **Other Business**

#### **Town Administrator Report**

- Meeting Schedule:
  - January 26, 2022      6:30 pm      Board of Civil Authority meeting
  - February 14, 2022    6:30 pm      Selectboard “special” regular meeting
  - February 28, 2022    6:30 pm      Selectboard short “special” regular meeting
  - 7:30 pm      2022 Town Forum
  - March 1, 2022        7 am – 7 pm   All-Australian ballot “town meeting”

#### **Zoning Administrator Report**

- Two new zoning permit applications have been submitted since the January 10<sup>th</sup> SB meeting. These are the first applications in 2022.
- The next DRB meeting is expected to be held on March 1, 2022. Although no applications have been submitted as yet, one is expected from Central VT Humane Society for a new shed structure.

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

TA Johnson announced his pending retirement, targeting the date of June 30, 2022. Mr. Johnson expressed his understanding that it may be difficult to complete the transition process by that time, so the date can be considered tentative subject to subsequent events.

**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 Ms. Willis. Passed unanimously.

The board entered executive session at 8:49 p.m. and exited at 8:57 p.m. No action was taken.

**Motion: To adjourn.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously. Meeting adjourned at 8:59 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

**Approved: February 14, 2022 East Montpelier Selectboard meeting**