

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

### **February 14, 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 Tree Warden Paul Cate; EM Resilient Roads Committee Chair Jeff Cueto; EMFD Chief Ty Rolland and board member Paul Guare; Ed Deegan; David Delcore, Times Argus; Orca Media; Joanne Garton, VT Urban & Community Forestry Program

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 January 24, 2022 board meeting.

**Motion: To approve the January 24, 2022 minutes as presented.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

**Public Comment: None**

[Ms. Willis & Mr. Jewett joined the meeting]

### **Open Forum on 2022 Town Meeting Warning Articles and Other Items of Interest to Town Residents**

Chair Gardner introduced the open forum on 2022 town meeting issues. EMFD Chief Rolland and Mr. Guare were present to handle questions on the funding article for the purchase of a new fire engine. With no public attending to participate in the forum, the board decided to move forward with other agenda items while leaving open the option to start the town meeting conversation if members of the public expressed interest.

### **Town Treasurer Report**

Board members reviewed Treasurer Don Welch's standard monthly budget and accounts update for the period ending January 31, 2022. The town remains in good shape with both revenues and expenses on budget.

**Consideration of CAI Technologies Tax Map Maintenance Contract**

This contract is the standard annual agreement between CAI Technologies and the town for tax map updates covering the 2023 season (April 1, 2022 to March 31, 2023). The contract is for \$1,600, the same price point as the 2021 and 2022 agreements.

**Motion: To accept the 2023 CAI Technologies tax map maintenance contract and authorize TA Johnson to sign on behalf of the board.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

**Consideration of Certificate of No Appeal or Suit Pending for 2021 Grand List**

The town has no outstanding appeals of 2021 grand list assessments. The town listers, who have already signed the certificate, and board members certify this fact in accordance with 32 V.S.A. §4155. The town clerk subsequently attests to the certification, which then prevents challenges to the validity of the grand list in any court action.

**Motion: To certify that there are no appeals or suits pending relating to the 2021 Grand List and, due to the constraints imposed by the COVID-19 pandemic, authorize Chair Gardner to sign the certificate on behalf of the board.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

**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> and January 24<sup>th</sup> meetings. The board's next meeting on February 28<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 finally heading down, the board wanted to do what it could to continue the positive trend and decided to approve a third 30-day extension.
- **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 Mr. Jewett. Passed unanimously.

The past two board meetings have been held virtually utilizing Zoom. Board members discussed the viability of shifting back to a more hybrid meeting format, with at least some in-person component at the town office. The next meeting includes the town forum, which has been warned as a virtual event. Board members agreed that even absent the publicized notice, the potential in-person turn-out for the forum was beyond anyone's comfort level at this time. The board will revisit the meeting format topic at the February 28<sup>th</sup> meeting.

**Appointments****➤ Town Treasurer Selection Committee: Jane Burroughs**

- The committee became concerned that committee member Ryan Black-Deegan had a conflict of interest that would essentially end his ability to be a functioning member of the committee. Mr. Black-Deegan, who filled the town charter-mandated “CPA slot”, has now resigned his position on the committee. Jane Burroughs, a local CPA, has volunteered to serve on the committee.
- **Motion: To appoint Jane Burroughs to the Town Treasurer Selection Committee.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

**Warrants****➤ February 14, 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 Chair Gardner sign the warrant as certification of the board approval.
- **Motion: To approve the February 14, 2022 expense warrant and authorize Chair Gardner to sign the warrant on behalf of the board.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

**Work Session on 2022 Town Meeting and Town Forum**

The purpose of this agenda item was to allow the board an opportunity to reflect on any public feedback received during the open forum with an eye toward refining the board’s presentation at the next forum. With no public interaction to reflect upon, board members briefly discussed the EMFD fire engine warning article and then moved on to the next agenda item. The mandatory public informational forum on the 2022 town meeting warning articles will be held February 28<sup>th</sup> at 7:30 p.m. utilizing Zoom remote conferencing services.

**Discussion with Resilient Roads Committee on Shade Tree Preservation Plan**

Tree Warden Paul Cate and RRC Chair Jeff Cueto presented a draft Shade Tree Preservation Plan at the board’s January 24<sup>th</sup> meeting and returned for a more in-depth discussion. 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.

Board members were generally receptive to the plan, with no substantive revisions proposed other than the addition of definitional statements to appendices C & D to better explain exactly what the information contained in the appendices is intended to convey. Chair Gardner noted that one aspect of roadside tree management that has long been a troublesome legal grey area is the balance of rights held by the town and landowners. It appears clear, however, that no person, including landowners, may cut or otherwise damage any trees in road rights-of-way defined under the plan as “shade trees” absent prior approval by the tree warden.

There will be a public hearing, hosted by the board and the tree warden, on the proposed plan at 7:00 p.m. on Monday, March 7, 2022 as part of the board’s regular meeting that evening.

### **Other Business**

#### **Town Administrator Report**

- VTrans Excess Weight Notice:
  - The notice has been filed with the town/Selectboard and will be formally posted as required in advance of the town’s standard March 1<sup>st</sup> mud season window commencement.
- Meeting Schedule:

○ February 17, 2022	7:00 pm	Planning Commission public hearing
○ 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”
○ March 7, 2022	6:30 pm	Selectboard regular meeting

#### **Zoning Administrator Report**

- Two new zoning permit applications have been submitted since the January 24<sup>th</sup> SB meeting. There have been 4 applications to date in 2022.
- The next DRB meeting will be held on March 1, 2022. There are two warned hearings, including the expected one for a new shed structure at the Central VT Humane Society. The other is for a seemingly complex reconfiguration of the three parcels comprising the former 54-acre Ferrada property along County & Morse Roads. The actual effect of the plan is to wash away the four subdivisions/boundary adjustments made over the past 22 years in favor of a simple division of the property into two parcels for the two single-family residences.

**Motion: To adjourn.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.  
Meeting adjourned at 7:31 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

**Approved: February 28, 2022 East Montpelier Selectboard meeting**