

Minutes of the East Montpelier Selectboard

March 7, 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 members Jeff Cueto & Steve Justis; EM Road Foreman Guthrie Perry; EM Clerk Rosie Laquerre; EM Planning Commission Chair Zach Sullivan; Veronica Eldred; Karen Lieberman; Crystal Rose Pierce; Scott Hess; Colin Blackwell; Herbert Hatch; Angela Biron; Chuck Smith; Kim Watson; C. Russell; 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:

- **Planning for ARPA Discussion at the Selectboard's April 4, 2022 Meeting**
- **Personnel Matters: Town Clerk Leave Bonus For Holiday Election Work**

Minutes:

Chair Gardner presented the draft minutes of the February 28, 2022 board meeting & town meeting information forum.

Motion: To approve the February 28, 2022 minutes as presented. Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

Public Comment: None

2022 Selectboard Organization

Mr. Etnier, as senior board member after Chair Gardner, assumed control of the meeting and called for nominations for the chair position. Ms. Willis nominated Mr. Gardner. There were no other nominations.

Mr. Etnier called for a vote. Mr. Gardner was elected chair unanimously and resumed control of the meeting.

Chair Gardner called for nominations for the vice-chair position. Ms. Willis nominated Mr. Etnier. There were no other nominations.

Chair Gardner called for a vote. Mr. Etnier was elected vice-chair unanimously.

Chair Gardner opened discussion on the issue of assigning individual board members to review and approve payroll warrants, payroll vendor warrants, and occasional special warrants. The reason for assigning this duty is that warrants of this nature are for time sensitive payments that do not conform to the schedule of the board's regular meetings. The records of these orders are made available to board members in both hard copy and digital form.

Motion: To designate authorization authority under 24 V.S.A. §1623(1) to Chair Gardner for the following:

1. **Regular payroll warrants;**
2. **Regular payroll vendor warrants; and,**
3. **Special warrants for standard expenditures under the town-approved budget and reserve fund expenditures authorized by the Selectboard when such warrants are necessary due to required payment timing.**

Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Motion: To designate authorization authority under 24 V.S.A. §1623(1) in the absence of Chair Gardner to Mr. Jewett for the following:

4. **Regular payroll warrants;**
5. **Regular payroll vendor warrants; and,**
6. **Special warrants for standard expenditures under the town-approved budget and reserve fund expenditures authorized by the Selectboard when such warrants are necessary due to required payment timing.**

Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

2022 Selectboard Rules of Transaction

The board reviewed the draft 2022 rules, which are essentially identical to the current 2021 version. Mr. Etnier suggested removing the phrase "of the minutes" from the last sentence of Section 5.11 for purposes of clarity. Board members agreed to the revision. No further changes were proposed.

Motion: To adopt the 2022 Selectboard Rules of Transaction as amended. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

2022 Town Meeting Review

The board noted the solid voter turnout for the all-Australian Ballot town meeting, with 811 ballots cast in the town election and 800 for the school election.

Board members were effusive in their praise for Clerk Laquerre's election management. Ms. Laquerre explained that the state would be providing new tabulators to municipalities for the next election cycle, replacing the current two-decade old models. The school district will receive its own tabulator which will result in a more efficient handling of ballots as there will no longer be a need to reset the town's tabulator to accept the school ballots. The new tabulators will have expanded capabilities, including the ability to separate out ballots with write-in votes, which is currently done manually, and, possibly, enable the town to print its own ballots.

Town Treasurer Report

Board members reviewed Treasurer Don Welch's standard monthly budget and accounts update for the period ending February 28, 2022. The town remains in good shape with both revenues and expenses on budget.

Consideration of Annual Highway Financial Plan

The board needs to approve the highway financial plan for FY2023 and certify that the town budgets funding of at least \$300 per mile for the town's highway system. Conservatively calculated, we town-fund at around \$10,000/mile.

Motion: To approve the FY2023 highway financial plan, certify that the town will raise by municipal taxes at least \$300 per mile for each mile of Class 1, 2 & 3 town highways and authorize TA Johnson to sign the form on behalf of the board. Made by Ms. Willis; second by Mr. Etnier. Passed unanimously.

Consideration of Annual Certification of Compliance for Town Road & Bridge Standards and Network Inventory

Annually the board needs to certify that the town complies with the state's minimum road & bridge standards. The town's current standards, tracking the most recent VTrans template, were adopted in July 2019. The second part of the certification is to confirm that the town has an up-to-date highway network inventory. The town's road network inventory was completed in 2019 by Central VT Regional Planning Commission. The inventory is one of the required elements of the municipal roads general permit that all towns must comply with.

Motion: To certify that East Montpelier is in compliance with the state expectations for town road & bridge standards and highway network inventories and authorize TA Johnson to sign the form on behalf of the board. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Special Joint Public Hearing with Town Tree Warden on East Montpelier Shade Tree Preservation Plan

Chair Gardner opened the public hearing on the proposed shade tree preservation plan at 7:01 p.m.

This plan has been developed by the Resilient Roads 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.

Tree Warden Cate provided a summary of the plan's purpose. Prior to the 2020 statutory changes the tree warden had jurisdiction over all shade trees on town lands and town road rights-of-way. The scope of this jurisdiction was narrowed by the 2020 changes to trees actually planted by the

town along the roadsides and on town-owned land. The proposed plan, from Mr. Cate's perspective, will cause the tree warden's jurisdiction to revert to pretty much the way it was perceived back before the changes.

The proposed plan would extend the tree warden's authority to all trees along the roadsides greater than 4" in diameter (measured at a height of 4'6") 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 management expectations for the designated shade trees.

Concerns were raised that this expansion of jurisdiction is too aggressive, potentially cutting into landowner rights and expanding their exposure to penalties, hampering the road crew's ability to manage roadsides for traffic safety, and significantly increasing the time involved in managing roadside trees. This last concern highlights the fact the tree warden is currently a volunteer provided a small stipend. The plan states that the tree warden will conduct annual inspections of shade trees and handle basic tree care. These duties are well above and beyond the current job expectations, which revolve around the tree warden working with landowners and the road foreman on individual tree issues. Mr. Cate noted that the tree warden duties have expanded greatly over the past few years, mostly due to the Resilient Roads Committee's efforts to improve management of the town's roadsides and proactively deal with the anticipated devastation of ash trees by the Emerald Ash Borer. The possibility of adding a deputy tree warden position to share the workload has previously been raised by the committee and the board budgeted for the position in FY2023. That position, like the tree warden, is designed to be filled by a volunteer paid a small stipend.

Chair Gardner closed the hearing at 7:57 p.m.

Review of Hearing on East Montpelier Shade Tree Preservation Plan and Consideration of Plan Adoption

Board members determined that further discussion on the plan was necessary, and any consideration of adoption was premature. The board will revisit this topic at its March 21st meeting.

Conversation with Planning Commission Chair Zach Sullivan on Proposed Zoning Regulation Amendments

PC Chair Sullivan provided an update on the public feedback from the PC's February 17th hearing on a set of amendments to the East Montpelier Land Use & Development Regulations. For the most part the comments were positive, although some were more applicable to the current effort to amend the town plan to provide a more robust framework for town participation in cell tower applications and other projects seeking state approval from the Public Utility Commission. There were some practical suggestions for minor tweaks to the accessory dwelling section that the PC has now incorporated.

Mr. Sullivan then formally passed the amendment packet on to the Selectboard for action. The SB is supposed to hold the statutorily required hearing between 15 and 120 days after PC

submittal of the amendments, although a failure to hold the hearing in a timely fashion does not affect validity of any subsequent adoption. The board has one year from the February 17th PC hearing date to complete the adoption process.

Mr. Sullivan went on to provide a brief update on the proposed town plan amendments. The PC is planning to hold a public hearing on the telecommunication infrastructure amendments in early May 2022. The PC is also working on development of an enhanced energy plan. The town's energy committee started on this plan in 2016, but the project has been mostly dormant since 2017. When complete, this plan will need to be added to the town plan through another amendment process. The PC had considered holding off on the telecommunication infrastructure amendments to avoid two sets of plan amendments within a relatively short time period, but decided that the importance of getting the telecommunication infrastructure amendments in place quickly outweighed the administrative burdens of multiple amendment efforts.

On a final note, Mr. Sullivan suggested that the time may be right to move forward with creation of the voter-approved East Montpelier Conservation Commission. Some elements of the energy plan as well as other environmental arena planning projects could be handled more effectively by a conservation commission than by the PC.

Discussion on Town Management in Light of COVID-19

➤ Consideration of Mask Mandate Rule Repeal

- The board extended the town's mask mandate for another 30 days, through March 16th, at its February 14th meeting. At its February 28th meeting the board discussed possible action due to the caseload decrease and revised CDC guidance but decided to postpone any action until this meeting. Using the CDC's community level tool, last updated March 3rd, Washington County is at "Medium". The last seven days there have been 65 cases in Washington County, for a 108/100,000 weekly rate, compared to 142/100k last week at this time.
- Mr. Etnier presented a summary of the responses to his Front Porch Forum posting providing a series of options for board action on the mask mandate.
 - 18 preferred ending the mandate immediately.
 - 7 would like to see the board decline to extend the mandate and allow the mandate to expire effective on March 17th.
 - 13 would like the board to approve a 30-day extension of the mandate.
- Angela Biron, owner of C. P. Dudley Store, stated that although she initially supported the town mandate, it's become a burden on store management as the COVID-19 caseload has fallen off and people have become less tolerant of required mask use. She'd like to see the mandate end and allow personal choice to determine mask use. Other members of the public agreed with Ms. Biron, calling for the board to end the mandate immediately.
- Mr. Etnier noted that regardless of whether the board ends the mandate immediately or simply allows it to expire naturally, the Selectboard's August 2021 resolution encouraging mask use in public settings (along with encouraging vaccination of all eligible town residents) remains in place at this time.
- Chair Gardner expressed that he'd like to see the mandate ended immediately and polled board members on the issue. Mr. Jewett and Ms. Willis responded that the time had come to end the mandate. Mr. Etnier and Ms. Dillon would prefer to see

the mandate expire at the end of the current extension period. Mr. Jewett followed with a motion to end the mandate immediately.

- **Motion: To repeal the East Montpelier COVID-19 Rule *Wearing Face Coverings Required effective immediately*.** Made by Mr. Jewett; second by Ms. Willis. Passed 3-2 (Mr. Etnier & Ms. Dillon).
 - The dissenting members requested that the minutes include statements explaining why they voted the way they did:
 - Mr. Etnier: I would prefer to let the current mandate die a natural death and expire when it's due to expire, not extend it.
 - Ms. Dillon: I would concur with Carl and also based upon the feedback that there were a number of folk who were interested in extending it and also those who wanted it to expire on its own, but I do appreciate the comments that were made by folks seeking that it be ended today.
- **Discussion on Selectboard Meeting Methodology**
 - The board shifted to all-remote meetings in January due to the surging COVID-19 caseload, fueled by the Omicron variant. With case numbers falling off rapidly, board members decided to revert to in-person meetings with a hybrid Zoom component. There remains a mask mandate in place at the town office.

Appointments [Potential Executive Session]

- **Consideration of Annual Appointments to Committees/Boards/Positions**
 - Only a few of the standard annual appointments were presented for this meeting due to the quick turn-around from town meeting to the first SB meeting post-town meeting. The major slate will be presented at the March 21st board meeting.
 - Proposed appointments:
 - Tree Warden: Paul Cate (1-year term)
 - Green Up Day Coordinator: Chris Racanelli (1-year term)
 - Recreation Board (3-year terms, through March 2025)
 - Jack Zeilenga; Jan Aldrich; Darci Coleman-Graves
 - **Motion: To approve the slate of appointments.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Planning for ARPA Discussion at the Selectboard's April 4, 2022 Meeting

The board will be meeting on April 4th with CVRPC's Executive Director, Bonnie Waninger, to discuss the town's options for utilization of the funds appropriated to the town under the American Rescue Plan Act. There had been some thought that the board should solicit feedback from the community regarding possible fund usage in advance of this meeting, but the board decided that the public engagement effort should commence after the April 4th meeting when the full range of options available to the town should be better understood.

Personnel Matters: Town Clerk Leave Bonus For Holiday Election Work

The board annually considers providing additional leave time to Town Clerk Laquerre in appreciation for her willingness to put in the long hours necessary during the town meeting election period.

Motion: To provide Town Clerk Laquerre with 32 hours of sick leave in compensation for her recent evening and holiday workload. Made by Ms. Dillon; second by Mr. Etnier. Passed unanimously.

Warrants

- **March 7, 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 March 7, 2022 expense warrant and authorize Vice-chair Etnier to sign the warrant on behalf of the board.** Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

Other Business

Town Administrator Report

- Update on North Street Ash Tree Management Project:
 - The town received the requested \$5,000 grant from the VT Urban & Community Forestry Program, although the paperwork is delayed due to employee transitions over at VT Department of Forests, Parks & Recreation.
 - The RFP has been released to the arborists/loggers in the central Vermont area for the project along North Street and Sparrow Farm Road. Bids are due Friday, March 18th. The Resilient Roads Committee intends to present a recommendation to the Selectboard at the board's March 21st meeting. The desire is to complete the project by early June.
- Treasurer Selection Committee Update:
 - The committee will be meeting Friday, March 11th to review applications.
- Meeting Schedule:
 - March 21, 2022 6:30 pm Selectboard regular meeting
 - April 4, 2022 6:30 pm Selectboard regular meeting
 - April 14, 2022 7:00 pm EMFD budget/service update (tentative)
 - April 18, 2022 6:30 pm Selectboard regular meeting

Zoning Administrator Report

- One new zoning permit application has been submitted since the February 28th SB meeting. There have been 7 applications to date in 2022.
- The next DRB meeting is tentatively scheduled for April 5, 2022. There are no applications as yet.

Motion: To adjourn. Made by Ms. Dillon; second by Mr. Jewett. Passed unanimously. Meeting adjourned at 9:00 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: March 21, 2022 East Montpelier Selectboard meeting