

Minutes of the East Montpelier Selectboard

March 21, 2022 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, Amy Willis, Judith Dillon (remote) and Carl Etnier; Town Administrator Bruce Johnson

In-Person Public Attendance: ORCA Media; Lt. David White & Sgt. Bill Warner, VT State Police; EM Tree Warden Paul Cate; EM Resilient Roads Committee members Jeff Cueto & Steve Justis; Eric Sibley; Michael Duane; Bruce Chapell

Remote Public Attendance: Don Welch, VSP Community Advisory Board; Olivia Leclerc & Eva Zaret, Central VT Prevention Coalition; EM Road Foreman Guthrie Perry; Scott Hess; Colin Blackwell; Joanne Garton, VT Urban & Community Forestry Program; Patrick McCoy; Bonnie & Jeff Sibley

Chair Gardner called the meeting to order at 6:30 p.m.

Additions to Agenda:

- **Consideration of Agreement for James W. Barlow, PLC Legal Services**
- **Discussion on Worcester Selectboard Email Regarding Proposed Cell Tower**

Minutes:

Chair Gardner presented the draft minutes of the March 7, 2022 board meeting.

Motion: To approve the March 7, 2022 minutes as presented. Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

Public Comment: None

Before moving on with the meeting Chair Gardner explained to members of the public that the listed agenda item for the shade tree preservation plan was simply to determine the timing and format for the next substantive discussion on the plan.

Conversation with VT State Police

Lt. David White, VSP Middlesex Barracks Commander
Sgt. William (Bill) Warner, VSP Middlesex Barracks

- **Consideration of Contract Renewal for VSP Services**
 - Lt. White provided a brief update on VSP service to the town. The proposed contract remains at the reduced level of 20 hours/month with a 1.5% increase in the hourly rate. VSP continues to struggle to meet the time allotment due to

staffing availability, managing to provide a pro-rated 81% of the contracted hours through the first 10.5 months of the contract. Any desire to increase the contract back to 40 hours/month, as it had been for over a decade until two years ago, will need to wait another year.

- Lt. White introduced Sgt. Warner, a recent transfer to the Middlesex barracks who has taken over the management role for the town's contract. Sgt. Warner provided the crime & service statistics for the first 11 months of the period covered by our expiring contract, April 1, 2021 through March 31, 2022.
- **Motion: To approve the contract for VSP services at the level of 20 hours/month and authorize Chair Gardner to sign the contract on behalf of the board.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

State Police Community Advisory Board Report

Don Welch, wearing his hat as one of the town's representatives on the Central Vermont State Police Community Advisory Board, provided a history of the organization, which acts as conduit of information between the VSP Middlesex Barracks and the municipalities the barracks serves. The CAB has been on limited duty during the pandemic, although the members were able to host its popular picnic for barracks personnel and families in 2021 after missing 2020. Like last year, there remain questions as to whether the organization has a purpose going forward. The vast array of direct communication options coupled with the speed of interactions may negate the need for and value of an intermediary contact organization. CAB has not yet had the opportunity to see if it has a place in the ongoing community policing discussions on racial equity and social justice issues. Board members encouraged the CAB to continue its current activities and look for ways to expand its contacts with the community, perhaps conducting outreach to improve its visibility and connections to younger community members and racial justice organizations.

Conversation with Central VT Prevention Coalition on April 5th Community Forum on Drugs & Alcohol

Olivia Leclerc & Eva Zaret

Ms. Zaret and Ms. Leclerc returned to the board to promote an upcoming school-district-based community event on drug and alcohol use proposed during the November 1, 2021, board meeting discussion on building safe harbors in central Vermont for those battling substance use disorders. CVPC has held two such events to date, for the Northfield/Williamstown district and the Montpelier/Roxbury district. The April 5, 2022 forum will be a Facebook event (Zoom remote; no in-person component as yet) for the WCUUSD 5-town community.

North St/Sparrow Farm Rd Ash Tree Management Project

➤ Consideration of UCF Caring for Canopy Program Grant

- The town received the requested \$5,000 grant from the Urban & Community Forestry Program's Caring for Canopy Program for the town's fourth ash tree management project (the third with partial grant funding), this time in the North Street/Sparrow Farm Road area. The granting agency is VT Forests, Parks and Recreation. Once again this is a 50/50 grant with the town match expected to be much higher than the grant award (likely 5 times higher this time).

- **Motion: To accept the 2022 UCF Caring for Canopy Program Grant and authorize TA Johnson to complete the necessary paperwork.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.
- **Consideration of North Street Project Contractor Bid Results**
 - As the North Street ash tree management project is operating under a \$5,000 federal funds grant from VT Forests, Parks & Recreation, a formal contractor bid process is required. The town put the RFP out in mid-February, with a bid deadline/opening on March 18th and a targeted June 3rd project completion date.
 - The town received three bids for the project (out of 17 invitations to local arborist and logging firms):
 - Foxfire Tree Care LLC: \$29,700
 - VT Arborists: \$40,400
 - Marshfield Tree Service: \$41,950
 - The board budgeted \$15,000 in FY2022 (and FY2023) for ash tree management. The combination of budget funds and grants funds comes up well short of the expected project costs. The board has previously accepted these grants knowing that all of the town match would come from unbudgeted general funds – this is the first year we’ve had any funds budgeted for this purpose.
 - Mr. Cueto and Mr. Cate noted that Foxfire Tree Care, owned and operated by local resident Nate Ebert, had the contract for last year’s County Road ash tree management project and did an excellent job. They both encouraged the board to award this contract to Foxfire Tree Care.
 - The per tree cost for ash tree removal continues to increase with no signs that the trend will abate. Both Mr. Cueto and Mr. Cate encouraged the board to continue to support these projects as the time available to proactively and safely remove ash trees from roadsides is running out. The emerald ash borer has now been found in East Montpelier and its spread through the community is expected to be rapid.
 - **Motion: To award the North Street/Sparrow Farm Road ash tree management project contract to Foxfire Tree Care LLC and authorize TA Johnson to complete the necessary contract documents.** Made by Ms. Willis; second by Mr. Etnier. Passed unanimously.

Discussion on Next Steps for Shade Tree Preservation Plan

The board decided to hold a public forum on the shade tree preservation plan concept as part of an upcoming board meeting. The meeting will be held at the emergency services facility (the new fire station) if the use restrictions imposed during the pandemic have been lifted. First date of choice, dependent on ESF availability, is April 18th.

Mr. Cueto suggested a site visit to the Jacobs Road/Sparrow Farm Road intersection area to review hedgerow maintenance and ash tree management issues. After refinements on the concept, now expanded to include a second site along Center Road in the EM Center area, the board agreed to hold the site visit in advance of the shade tree preservation plan meeting time. The site visit will commence at 5:00 p.m. at the Jacobs & Sparrow Farm Roads intersection on April 18th (if that date works out). The board meeting will follow at the ESF starting at 6:30 p.m. with the shade tree preservation plan set as the first agenda item.

Preliminary Review of Proposed Amendments to East Montpelier Land Use & Development Regulations

The proposed amendments were formally passed along to the Selectboard by the Planning Commission at the March 7th meeting. The SB is supposed to hold a statutorily required hearing between 15 and 120 days after PC submittal of the amendments. 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 17, 2022, PC hearing date to adopt the amendments. One unusual aspect of zoning amendment processes is that when the SB warns the first public hearing on proposed amendments, for the next 150 days the zoning administrator must review applications under both the existing and proposed regulations.

The board decided to schedule a board discussion/work session on the proposed amendments as part of its May 2, 2022, meeting. The board will invite PC Chair Zach Sullivan to the June 6, 2022, meeting for a conversation on the amendments. The current plan is to hold a public hearing at the emergency services facility in late June/early July.

Consideration of Liquor License Renewal for CP Dudley Store

The store is requesting renewal of its second-class license to sell liquor.

Motion: To approve the liquor license renewal for CP Dudley Store. Made by Ms. Willis; second by Mr. Etnier. Passed unanimously.

The four board members in attendance at the town office signed the license renewal form.

Discussion on Town Management in Light of COVID-19

➤ **General Issue:**

- Using the CDC's community level tool, last updated March 17th, Washington County is at "Low" (in VT all are at that level except for four counties at "Medium" – Addison, Caledonia, Essex & Windsor). Case rates in VT counties remain somewhat high, but the CDC indicators (COVID-19 admissions and in-patient bed utilization) remain comparatively low. All the rest of the northeast except for extreme northeastern Maine are in the "Low" category.
- Over the last seven days there have been 111 cases in Washington County, for a 185/100,000 weekly rate. This rate rose substantially (nearly tripled) over last week's rate.

➤ **Review of Order Regarding Municipal Operations During Pandemic**

- This order, initially put in place March 16, 2020, was last amended back on August 12, 2021, to institute a mask mandate for all when in presence of others. Office staff is comfortable with lifting the mask expectation. They would like to keep the restricted access rules, which limit the flow of traffic through the office.
- Board members decided the time was ripe to end the emergency order, with the understanding that the board retains the ability to institute protective measures if necessary. The board expressed support for the continuation of commonsense access rules as a practical way to deal with the limitations of the town's antiquated offices while effectively meeting the needs of the public.

- **Motion: To rescind the March 16, 2020, as last amended August 12, 2021, East Montpelier Selectboard Order Regarding Municipal Operations During COVID-19 Pandemic.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.
- **Review of COVID-19 Vaccination & Mitigation Policy for Employees**
 - Board members expressed continued strong support for the policy, adopted October 18, 2021, requiring town employees to be fully vaccinated or comply with mitigating measures. After a brief conversation regarding the categories of employees affected by the policy, the board decided to suspend discussion due to the sensitive nature of the topic. This review will be taken up later in the meeting during the personnel matters agenda item, likely in executive session.
- **Review of Resolution Encouraging the Wearing of Face Coverings**
 - Although the mask mandate was repealed at the board's March 7th meeting, the August 30, 2021, resolution encouraging mask use in indoor public settings as well as encouraging vaccination remains in place. Mr. Etnier presented a new resolution designed to retain the vaccination component of the existing resolution while shifting the face covering element to an encouragement for entities to develop policies of their own choice. After some language refinement, the board decided to adopt the proposed resolution and repeal the August 30, 2021, resolution.
 - **Motion: To repeal the August 30, 2021, Town of East Montpelier Selectboard Resolution *Wearing Face Coverings Encouraged* and adopt the proposed Town of East Montpelier Selectboard Resolution on Face Coverings and Vaccinations.** Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Appointments [Potential Executive Session]

- **Consideration of Annual Appointments to Committees/Boards/Positions**
 - The CVRPC lead representative slot remains essentially vacant. Clarice Cutler, the alternate, has operated under an "interim" label since Julie Potter resigned last May. Ms. Cutler is comfortable accepting reappointment as alternate. The Planning Commission is trying to find a candidate for the lead representative slot.
 - Tom McMurdo has declined reappointment as the town's CVFiber alternate representative. The CVFiber terms run through April, so those aren't on this slate. Tom Fisher, our lead representative, will accept reappointment and suggests the town look to add one or two alternates.
 - Ann Stanton has declined reappointment to the CVSWMD board. Jon Jewett has agreed to fill the slot. He recommends finding an alternate.
 - The constable position remains elected for this year. The shift to appointed commences at the end of the current elected term, 2023 Town Meeting.
 - The "Assistant Animal Control Officer" position will be renamed "Second Animal Control Officer" to emphasize the intent that the ACO and 2nd ACO positions be considered equivalent.
 - **Motion: To approve the slate of 2022 appointments and authorize Chair Gardner to complete the board representation form for CVSWMD.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously. The slate of appointments is appended to these minutes.

The board discussed the need to move forward with the formation of the voter-approved, back in 2020 right before the pandemic struck, East Montpelier Conservation Commission. A conversation on the topic of creating the commission will be included on an upcoming meeting agenda after board members have an opportunity to review the materials documenting the development and ultimate 2020 Town Meeting approval of the concept.

Warrants

- **March 10, 2022 Special Expense Warrant**
 - This was a between-meeting warrant to replace a lost town appropriation check to the Central VT Memorial Civic Center. In accordance with board warrant protocol for time-sensitive issues, this was previously approved by Chair Gardner and is presented for board member review only.
- **March 21, 2022 Regular Warrant for Approval**
 - Board members reviewed the warrant and the four board members attending the meeting in person signed the warrant.

Consideration of Agreement for James W. Barlow, PLC Legal Services

The town has utilized the services of Attorney Barlow, a veteran attorney in the fields of administrative and governmental law, for specialized purposes over the past few years under project-based engagement agreements. This agreement will enable more generalized use of the firm's services as needed. The board welcomed the opportunity to work with Attorney Barlow and approved the agreement subject to a minor edit and proof of malpractice insurance.

Motion: To approve the engagement agreement for town use of James W. Barlow PLC legal services subject to conditions precedent regarding the requested edit of the agreement and proof of malpractice insurance, and to authorize Chair Gardner to sign the agreement once the conditions are met. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Discussion on Worcester Selectboard Email Regarding Proposed Cell Tower

After speaking with Chair Gardner, John Kaeding, Worcester Selectboard member, forwarded an email to the EM Selectboard that he had originally sent to the Middlesex Selectboard. The gist of the email is that Worcester is facing the possibility of construction of a cell tower on Norton Road. The Worcester Selectboard and Planning Commission are unanimously opposed to the plan. The Worcester Selectboard is concerned that the will of the community will be ignored by the state's Public Utility Commission process and is reaching out to neighboring boards requesting letters of support for the Worcester position.

Board members discussed the request and decided against providing the requested letter.

Other Business

Town Administrator Report

- VT Homeowners Assistance Program:
 - The state is starting to heavily advertise this program, funded by state ARPA funds, designed to assist homeowners who have financially struggled during the

pandemic. Income eligible homeowners can get assistance with mortgages, utilities, taxes and other expenses. The town has already been notified of one EM resident who has applied for assistance with taxes. If granted, the taxes are paid directly to the town. Treasurer Welch is processing the necessary paperwork for acceptance of such funds.

- WCUUSD Board Vacancy in an East Montpelier Slot:
 - Stephen Looke is stepping down with one year left in his term. WCUUSD has formally notified the town of this vacancy. By statute the school board is supposed to appoint someone to fill a board vacancy after an ill-defined “consultation” process with the affected town’s Selectboard. Board members decided by consensus to accept the notification as sufficient consultation and to decline any further involvement in the effort to fill the vacancy.
- Treasurer Selection Committee Update:
 - The committee conducted first round interviews with selected candidates on March 18 & 21, 2022, and has recommended two candidates to the Selectboard. Two potential interviewees did not make their appointments on March 21st. They will be given 24 hours from the time of their appointments to make contact and potentially be given a second opportunity for an interview.
 - The Selectboard decided to schedule a special meeting on March 28, 2022, starting at 5:00 p.m., for both a work session on the treasurer position transition and to conduct second round interviews with the recommended candidates.
- Meeting Schedule:

○ 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
○ May 2, 2022	6:30 pm	Selectboard regular meeting

Zoning Administrator Report

- One new zoning permit application has been submitted since the March 7th SB meeting. There have been 8 applications to date in 2022.
- The next DRB meeting is scheduled for May 3, 2022. There are no applications as yet.

Personnel Matters [Potential Executive Session]

- **Continuation of Review of COVID-19 Vaccination & Mitigation Policy for Employees**
- **Discussion on Town Administrator Transition**
- **Other Personnel Matters**

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 9:00 p.m. and exited at 9:34 p.m.

The board by consensus determined that the COVID-19 Vaccination & Mitigation Policy for Employees does not apply to part-time, outdoors-based, seasonal employees.

The board will add an agenda item on the town administrator transition to the March 28, 2022 special meeting.

Motion: To adjourn. Made by Mr. Jewett; second by Ms. Willis. Passed unanimously. Meeting adjourned at 9:38 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: April 4, 2022 East Montpelier Selectboard meeting

Slate of appointments approved by the EM Selectboard on March 21, 2022:**Four Corners Schoolhouse Association Representative**

- Carolyn Shapiro, current representative **Term End: 03/2023**

Animal Control Officer

- Carl Etnier, current officer **Term End: 03/2023**

2nd Animal Control Officer

- Amber Perry, current officer **Term End: 03/2023**

Emergency Management Coordinator

- Toby Talbot, current coordinator **Term End: 03/2023**

2nd Emergency Management Coordinator

- Jon Boucher, current 2nd coordinator **Term End: 03/2023**

Development Review Board

- Norman Hill, current member **Term End: 03/2025**
- Jeff Cueto, current member **Term End: 03/2025**
- Steve Justis, current member **Term End: 03/2025**

Central VT Regional Planning Commission**Alternate:**

- Clarice Cutler, current alternate **Term End: 03/2023**

State Police Community Advisory Board

- Carol Welch, current representative **Term End: 04/2023**
- Don Welch, current representative **Term End: 04/2023**

Conservation Fund Advisory Committee

- Hannah Phillips, current member **Term End: 03/2025**
- Bruce Howlett, current member **Term End: 03/2025**

Cemetery Committee

- Emily Goyette, current member **Term End: 03/2023**
- Jon Boucher, current member **Term End: 03/2023**
- Mark Lane, current member **Term End: 03/2023**
- Elliott Morse, current member **Term End: 03/2023**

Capital Improvement Committee

- Jon Jewett, current member **Term End: 03/2023**
- Don Welch, current member **Term End: 03/2023**
- Kim Watson, current member **Term End: 03/2023**
- Ed Deegan, current member **Term End: 03/2023**
- Scott Hess, current member **Term End: 03/2023**

Central VT Solid Waste Management District

- Jon Jewett **Term End: 03/2023**

Town Service Officer

- Rachael Grossman, current officer **Term End: 03/2023**

2nd Town Health Officer

- Rachael Grossman, current officer **Term End: 03/2023**

Forest Committee

- Paul Cate, current member **Term End: 03/2025**
- Colin Blackwell, current member **Term End: 03/2025**

Regional Emergency Management Committee

- Seth Gardner, current representative **Term End: 03/2023**
- Jon Boucher, current representative **Term End: 03/2023**