

Minutes of the East Montpelier Selectboard

April 4, 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 (remote), Jon Jewett (remote), Amy Willis, Judith Dillon and Carl Etnier; Town Administrator Bruce Johnson

In-Person Public Attendance: ORCA Media

Remote Public Attendance: Bonnie Waninger & Brian Voigt, CVPRC; EM Treasurer Don Welch; EM Clerk Rosie Laquerre; Scott Hess; Jim Barlow; Deb Fillion

Chair Gardner called the meeting to order at 6:33 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the March 21, 2022 board meeting.

Motion: To approve the March 21, 2022 minutes as amended. Made by Ms. Willis; second by Ms. Dillon. Passed unanimously.

Chair Gardner presented the draft minutes of the March 28, 2022 board meeting.

Motion: To approve the March 28, 2022 minutes as presented. Made by Ms. Dillon; second by Mr. Jewett. Passed unanimously.

Public Comment: None

Consideration of VTrans Paving Grant Application

➤ Required Complete Streets Determination

- 19 VSA §309d requires consideration of complete streets principles for all projects involving paved highways. If not incorporating complete streets principles, a written determination needs to be made that circumstances exist warranting such a decision.
- The town, for last year's application and previous County Road paving projects, has already determined that County Road, due to its inherent natural limitations, is not a good area to try to incorporate such principles.
- **Motion: The Selectboard finds that it has considered complete streets principles for this project area and the cost of incorporating complete streets principles is disproportionate to probable use, due to natural resource**

constraints imposed by long stretches of ledge near the road (19 VSA §309d(2)). Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

➤ **Approval of Application Submissions**

- **Motion: To authorize TA Johnson to complete and submit a FY2023 VTrans Class 2 Roadway Paving Program grant application for the proposed paving project on County Road.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.

Update on County Road Paving & Culvert Replacement Project

The town had a major road project on County Road postponed last summer due to the pandemic-driven inability of our culvert fabrication contractor to fulfill its contract in a timely manner. Contractors are on board for an early-July start this year, with a projected completion date in mid-August.

The anticipated cost of the project, involving the reclaiming/paving of the southern 3.83 miles of County Road (up to Horn of the Moon Road) plus two major culvert replacements (just south of Morse Sugarshack and 800 feet north of Barnes Road, has jumped \$258,693 (23.4% increase in total cost; 35.9% when comparing actual cost to the town) since last year's aborted effort. The town's capital reserve fund has the resources to handle this long-planned project. The cost could come down to a degree if the town is offered award bumps for the three existing VTrans structures & paving grants involved in this project or lands the paving grant discussed above. A fourth grant, a VTrans Better Roads grant for the "North of Barnes" culvert, does not have an award increase option.

Discussion on ARPA Funds Focused on the Standard Allowance
Bonnie Waninger, CVRPC Executive Director

The town has been allocated \$762,560.33, half already in house and the second half arriving in August 2022, in funding from the American Rescue Plan Act. A significant challenge in utilizing the funds was the limited number of acceptable uses initially allowed by the US Department of Treasury under the interim rules guiding use of the ARPA funds. Ms. Waninger provided an update on the program guidelines now that Treasury has issued its Final Rule, which took effect April 1, 2022.

- ARPA reporting for the period ending March 31, 2022 is due to the US Treasury by April 30, 2022.
- Municipalities that want to choose the Standard Allocation method of Revenue Replacement must choose this method by April 30, 2022. The selection of this method is irrevocable, but it simplifies things for municipalities.
- Standard Allocation: The US Treasury's Final Rule allows towns receiving less than \$10 million in ARPA funds to use those funds for the Provision of Government Services (Revenue Replacement). This negates the need to calculate an exact figure for revenue loss. This Rule went into effect on April 1, 2022. If a municipality elects this eligible expense, it cannot reduce the amount it requested for tax purposes. However, it can generate a "surplus" and use that surplus to pay for other expenses, including using the surplus funds as match to federal grants. There are a few cautions, but not many. Municipal accounting practices and policies are important to using this method correctly.

- Municipalities that want to use the Standard Allocation method must select it with their April 30, 2022 ARPA reporting.
- The Standard Allocation method negates the need to link every expense to the other ARPA expense categories. It simplifies tracking and reporting.

Ms. Waninger and board members discussed the advantages and pitfalls of taking the standard allowance. At this point there are no identified disadvantages and only a few caveats regarding how the funds could be ultimately used, so both VLCT and CVRPC are encouraging towns to accept the standard allowance. Mr. Etnier reminded the board that it had previously endorsed the concept of funneling some of the town funding to CVFiber if that possibility proved both feasible and legally advisable. He would like clarity on the issue before the town selects the standard allowance for the entire allocation.

The board decided to defer a decision on the standard allowance until its April 18th meeting and will continue to gather information on the town's options in advance of the April 30, 2022 reporting deadline. Ms. Waninger will attend the April 18th meeting if her schedule permits.

Consideration of Local Emergency Management Plan (LEMP)

Towns are required to adopt updated local emergency management plans annually by May 1st. The 2022 East Montpelier LEMP has the same basic framework and information as the 2021 plan, updated for changes in personnel, contact information and available emergency equipment.

Motion: To adopt the 2022 East Montpelier Local Emergency Management Plan and authorize TA Johnson and Chair Gardner to sign the associated municipal adoption form.
Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

Discussion on E911 Street Address Corrections

TA Johnson, the town's E-911 coordinator, presented a list of a dozen challenging property address situations that have, for the most part, been in existence and technically incorrect for decades. There is a dynamic that exists with long-term addressing errors that, in a perfect world, should be immediately corrected, but in reality have to be balanced against the perceived harm done to the landowners when existing addresses are changed.

With the imminent changing of the guard at the town office, TA Johnson was requesting direction as to whether the board would prefer that he force the corrections now or pass the list along to the next E-911 coordinator to continue the long-standing strategy of picking these issues off one at a time as the conditions for doing so improve.

The board, by consensus, directed TA Johnson to push forward with the address updates for the Northwood Apartments and neighboring Goddard College facilities plus three situations along Wheeler, Donor and Cherry Tree Hill Roads where unrelated ongoing development will make the current addressing pattern unsustainable. The other issues should be handled when circumstances allow for the changes to be made without undue hardship to the property owners.

Discussion on Town Management in Light of COVID-19

The board's resolution on face coverings and vaccinations states that the board will continue to review the matter at every regularly scheduled meeting. Board members discussed the current situation in Washington County. The weekly case rate on April 4, 2022, is 222/100,000 and the county is at "medium" under the CDC's community level tool. The board decided to maintain the current protocol and revisit the issue at its April 18, 2022 meeting.

Appointments

- **Conservation Fund Advisory Committee: Nora Duane**
- **Cemetery Committee: Tim Lamson**
- **CVFiber Representative: Tom Fisher**

Motion: To appoint:

- **Nora Duane to the Conservation Fund Advisory Committee for a three-year term ending March 2025;**
- **Tim Lamson to the Cemetery Committee for a one-year term ending March 2023; and,**
- **Tom Fisher as the town's representative to the CVFiber Governing Board for a one-year term ending April 30, 2023.**

Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Warrants

- **April 4, 2022 Regular Warrant for Approval**
 - Board members reviewed the warrant and the three board members attending the meeting in person signed the warrant.

Other Business

Town Administrator Report

- **Act 250 Notice of Permit Application:**
 - Wheeler Development LLC (Alco Energy), 2045 VT Rte. 14 S, is applying for an Act 250 permit amendment to enable the transfer of 10.6 acres from Wheeler Development to the abutting residential property of Brian & Tracy Phillips (2075 VT Rte. 14 S; the listed owners of Wheeler Development LLC).
 - The boundary adjustment has already been approved at the town level (Permit 22-008). The board doesn't need to take any action on the Act 250 notice.
- **Update on April 5, 2022 Community Forum on Drugs & Alcohol:**
 - When CVPC's Olivia Leclerc was at the board's March 21st meeting she stated that she was hoping to add an in-person component to the then-remote only forum. This has now happened – site location is Room 128/131 at U-32.
- **Meeting Schedule:**

○ April 5, 2022	6:00 pm	Community Forum on Drugs & Alcohol
○ April 14, 2022	7:00 pm	EMFD budget/service update
○ 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 21st SB meeting. There have been 9 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]

- **Discussion on Town Treasurer Transition**
- **Discussion on Town Administrator Transition**
- **Discussion on Zoning 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 Mr. Jewett. Passed unanimously.

The board entered executive session at 7:40 p.m. and exited at 8:35 p.m.

The board directed TA Johnson to make contingent job offers to a candidate for the town treasurer position and a candidate for the town administrator position. Final decisions, along with the associated reasoning, on any hiring will be publicly announced when made.

Motion: To adjourn. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously. Meeting adjourned at 8:36 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: April 18, 2022 East Montpelier Selectboard meeting