

Minutes of the East Montpelier Selectboard

April 18, 2022 Selectboard Meeting

This meeting was held in-person at the Emergency Services Facility (the new fire station) with a remote participation option using the Zoom conferencing platform.

Prior to the meeting, Tree Warden Cate and Resilient Roads Committee Chair Cueto led the SB on a site visit to review roadside ash tree and hedgerow management projects.

SB Attendance: Chair Seth Gardner, Jon Jewett (remote; 6:35 p.m.), Judith Dillon (remote) and Carl Etnier; Town Administrator Bruce Johnson

In-Person Public Attendance: ORCA Media; EM Tree Warden Paul Cate; EM Resilient Roads Committee Chair Jeff Cueto; Rick Barstow; Michael Duane; Eric Sibley; Patrick McCoy

Remote Public Attendance: Bonnie Waninger, CVPRC; EM Road Foreman Guthrie Perry; EM Clerk Rosie Laquerre; David Delcore, Times Argus; Bonnie & Jeff Sibley

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 April 4, 2022 board meeting.

Motion: To approve the April 4, 2022 minutes as presented. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

[Mr. Jewett entered the meeting]

Public Comment:

Mr. Duane requested that the Selectboard, Planning Commission and Development Review Board meeting agendas be posted on Front Porch Forum.

Discussion on Proposed Shade Tree Preservation Plan

The board and Tree Warden Cate held a public hearing on March 7th on the plan developed by the Resilient Roads Committee working in concert with Joanne Garton of the VT Urban & Community Forestry Program. The concept behind these plans is to provide clarity regarding management of trees on public lands and road rights-of-way. 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 at the hearing 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. After the hearing the board decided to provide additional opportunities for feedback before moving forward with the plan.

Chair Gardner opened the floor for public comment. One commentator expressed the view that the definition of "shade tree" needed to be sharpened to eliminate any question as to the breadth of the plan's jurisdictional expansion. If the intent is to cover all trees in the designated zones, it's simply too broad. Others decried the need for landowners to get permission from the tree warden before culling trees on their own land. One noted that trees in road rights-of-way are problematic for the maintenance of roads in general and get in the way of the town's efforts to hold down invasives through roadside mowing.

Chair Gardner read letters from two landowners. One letter writer shared his family's long history of roadside tree management. His concerns centered on the idea that those that tend to do such management have the tools and skills to do so without oversight. There's no need to burden the tree warden, road foreman and Selectboard with direct responsibility for these issues when there is no actual, identified problem with landowner management. The other letter writer emphasized the overly broad reach of the plan and suggested that the plan be shifted to be more of a guidance document than regulatory scheme.

Mr. Cate thanked the commentators for the feedback. He'd like to see the plan reflect the desires of the community as a whole. He sees the plan as a living document that can be revised regularly to fit the needs and wants of the town.

Mr. Etnier pointed out that East Montpelier town plans consider roadside trees to be part of the scenic beauty of East Montpelier and endorse the system of a tree warden working with others to determine how to manage them.

The board will continue discussion on the plan at upcoming meetings.

Discussion on Deputy Town Tree Warden Position

In previous discussions Mr. Cate, Mr. Cueto and board members had agreed that it might be advisable to add at least one deputy tree warden to both learn from and share the work burden with Mr. Cate. Mr. Cueto requested that the board solicit candidates to gauge interest in the position. The board agreed to do so. Mr. Cueto would like to see the town develop a list of qualifications and requirements for the position. He recommends that the position be limited to town residents.

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

After leading discussion on this topic at the board's April 4th meeting, Ms. Waninger returned to assist the board in making a final decision on whether the town will take the "standard allowance" option for the town's funding allocation under the American Rescue Plan Act. This decision has to be conveyed to the US Department of Treasury by April 30, 2022 as part of the town's mandated reporting of ARPA funds utilization.

VLCT's final guidance on this issue states that:

All recipients have only ONE CHANCE to elect the standard allowance and that's as part of the reporting that is due April 30th. Taking the Standard Allowance doesn't change the amount of your award nor does it constitute an obligation of funds or a project. It just says "We intend to use some or all of our award under Revenue Loss up to the Standard Allowance". The Project and Expenditure Report asks you to choose whether or not you want to take the standard allowance and how much of your award you are going to use toward lost revenue. The recommendation is to say "YES" we want to take the standard allowance and enter your entire award amount. This eases the overall administrative burden, simplifies the reporting requirements, and allows for the most flexibility in using the funds.

Ms. Waninger recommended that the board take the standard allowance for the entire award. Decisions on use of the funds can be made at a later date. Mr. Etnier noted that he is continuing to research the viability of transferring a portion of the town's award to CVFiber to support its mission to bring fiber broadband to underserved residents in East Montpelier and other local communities. The state legislature may include language in the appropriations bill that would eliminate the concern that such a transfer violates the current prohibition on towns funneling tax monies to communication union districts like CVFiber.

Motion: To move that the Town of East Montpelier make the one-time irrevocable decision to elect the "Standard Allowance" approach for the town's ARPA award in the amount of \$762,560.33. Made by Ms. Dillon; second by Mr. Etnier. Passed unanimously.

Town Treasurer Report

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

WEC Annual Meeting Voting Authorization

The town is a corporate member of Washington Electric Cooperative. In order to submit a ballot for the May 5, 2022 WEC annual meeting, the board needs to authorize a representative to formally cast the ballot. There are seven candidates for the three slots on the WEC board up for

election and there is a proposed bylaw amendment to modernize meeting & voting protocols. Two of the board slots are open, as the incumbents are not running for re-election.

Board members agreed to support the amendment and then discussed the WEC candidates, deciding to support two candidates. One candidate was chosen because he is an incumbent—on the grounds that the board benefits from continuity—and both Mr. Etnier and Mr. Gardner respect his work. The other is an East Montpelier resident whose background brings useful expertise to the board.

Motion: To vote “yes” on the proposed bylaw amendment, to vote for WEC board candidates Steven Farnham and Olivia Campbell Anderson, and to authorize TA Johnson to cast the town’s ballot for the 2022 WEC Annual Meeting. Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Consideration of NEMRC Annual Disaster Recovery Contract

This is the annual renewal of the main off-site back-up program for our NEMRC modules. The cost last year was \$756.30; this year is \$778.99, the standard NEMRC 3% increase.

Motion: To approve the renewal of the NEMRC annual disaster recovery contract at a cost of \$778.99. Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Consideration of rbTechnologies Services Agreement

This is an updated version of the standard agreement the town has been operating under for a decade. The new price structure actually saves the town \$1.75 per month for normal costs (\$586.25/month going forward compared to the current \$588).

Motion: To approve the rbTechnologies services agreement and to authorize TA Johnson to sign the agreement on behalf of the town. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Discussion on 2023 Mack Truck Purchase Surcharge

The town has been hit with a second materials surcharge for the Mack truck we contracted for in January. The new surcharge is \$4,000 on top of the prior \$2,500 jump. The cost of the truck chassis is now \$147,400 compared to the initial \$140,900 quote. The town can break this contract with no ramifications until April 22, 2022. Board members discussed the need for the truck and the ramifications of canceling, such as losing our place in line for difficult to procure trucks, the likelihood that a new contract would be at a higher price, and the certainty that any new agreement would push out the date of delivery well beyond the current timeframe. By consensus the board agreed to accept the surcharge.

Discussion on EM Personnel Policy Revisions

Ms. Willis previously suggested that the board make the current vacation leave benefit provided to town employees more generous. TA Johnson crafted proposed personnel policy revisions to

that effect. With Ms. Willis unable to attend this meeting, the board decided to push the discussion to the May 2nd board meeting.

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 as of April 18, 2022, has risen to 397/100,000 and the county remains at "medium" under the CDC's community level tool. The board decided to maintain the current protocol and revisit the issue at its May 2, 2022 meeting.

Access Permits

- **22-013: New Curb Cut Opposite 375 Old Trail Road**
 - This is a residential curb cut request on a legal trail that is subject to a town-endorsed maintenance agreement. The "Riley Lot", now owned by Kyle Komline & Herrie Son, is a part of that agreement and the town understood that at some point this lot would become an active development lot.
 - Road Foreman Perry recommends approval. The town will be installing both a drive culvert and a cross culvert to ensure an effective drainage pattern in a challenging area.
- **22-016: 2nd Curb Cut at 75 Fair Road**
 - This is essentially a request for after-the-fact approval of an existing commercial access point on Fair Road servicing Shawn Dion's heavy equipment sales use. This would be a 2nd curb cut on one lot, which requires the board to make a finding of "unusual circumstances as determined and approved by the EM Selectboard" under LUDR Section 3.3(D)(1)(d).
 - Road Foreman Perry recommends approval and notes that the existing residential access would not be able to safely handle the movement of large vehicles into and off of the property.
- **22-018: Revised Coburn Road Curb Cuts for Orchard Valley Waldorf School**
 - OVWS is accessed from Coburn Road under the terms of Access Permit 04-030, which allows two cuts. The cut further away from VT Rte. 14 N is for ingress and the nearer cut is for egress. There is an additional approved curb cut (13-039) further down Coburn Road for special event overflow parking that is not at issue in this application.
 - The intent of this application is to improve the vehicular flow and pedestrian safety on the campus. The two cuts will be improved, with the nearer cut limited to a parking lot use, both for ingress and egress. The further cut will feed both parking and general traffic flow into the property. It, too, will be used for both ingress and egress.
 - Road Foreman Perry supports the improvements. VTrans has already issued its permit for connected improvements to the VT Rte. 14 N access.

Motion: To find that due to unusual circumstances a second curb cut for the 75 Fair Road property is appropriate, to approve curb cut applications 22-013, 22-016, and 22-018 as presented, and to authorize Chair Gardner to sign the permits on behalf of the board.
Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Appointments

- **Revolving Loan Fund Advisor: Rebecca Schrader**
 - **Motion: To appoint Rebecca Schrader as the Revolving Loan Fund advisor for a term ending March 2023.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Warrants

- **April 18, 2022 Regular Warrant for Approval**
 - Board members reviewed the warrant. With only two members attending the meeting in person, the board decided to approve the warrant by motion and have Chair Gardner sign the warrant as certification of board approval.
 - **Motion: To approve the April 18, 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.

Other Business**Town Administrator Report**

- April 14, 2022 EMFD Budget & Service Status Report:
 - Two items of interest:
 - For the fire engine replacement, EMFD has selected Toyne as the manufacturer. The price remains in the \$425,000 range and delivery looks to be 15-18 months out at best. EMFD will be presenting details on the purchase in the near future and would like the towns to both approve the EMFD capital reserve fund use and provide a timeframe for disbursing the voter-approved town “contributions” to the purchase.
 - EMFD would like to upgrade light fixtures both inside and out to LEDs. There is also a small area just to the south of the paved lot by the bays that EMFD would like to improve/pave. Both could fall under the town’s protocol for use of the ESF bond remainder fund, which has about \$13,830 left. The board should expect a request for use of this fund soon.
- Doner Road Access Request:
 - Today the town received the anticipated curb cut request for the 16-acre “Estate of Glenn Bailey” parcel recently transferred to Nate Hausman & Christine Hertz-Hausman. The new owners intend to construct a single-family residence. The requested curb cut is on the Class 4 portion (“untraveled” in VTrans terminology; pretty much non-existent in layman’s terms), about mid-way between the short Class 3 element of Doner Road off Fitch Road and the intersection with Wheeler Road in Calais. Two other residences are already in place on this stretch of road, but much closer to Wheeler Road, which is used as the access route.
 - The board decided to schedule a site visit with RF Perry and the road’s property owners. Preferred time & date is May 2nd at 5:00 p.m. Alternative options would be for the same time on a subsequent board meeting date.
- Meeting Schedule:

○ May 2, 2022	6:30 pm	Selectboard regular meeting
○ May 5, 2022	7:00 pm	PC Town Plan Amendments Hearing
○ May 16, 2022	6:30 pm	Selectboard regular meeting

Zoning Administrator Report

- 12 new zoning permit applications has been submitted since the April 4th SB meeting. There have been 21 applications to date in 2022.
- The next DRB meeting is scheduled for May 3, 2022. There are 4 warned hearings:
 - 22-012/U-32, for recreation program improvements including 2 new dugouts and 3 scoreboards;
 - 22-015/Dion/75 Fair Road, for the addition of a commercial use (heavy equipment sales) to an existing residential use;
 - 22-017/OVWS, for a new agricultural barn plus numerous site improvements; and,
 - 22-019/Land Care/2368 Towne Hill Road, for 2 new structures, one for materials storage and the other for equipment storage/service.

Personnel Matters [Potential Executive Session]

- **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 Ms. Dillon. Passed unanimously.

The board entered executive session at 9:02 p.m. and exited at 9:48 p.m.

Motion: To increase the annual salary of Town Clerk Rosie Laquerre to \$62,000 and to increase her vacation leave benefit to 120 hours per year, effective immediately. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Motion: To confirm the employment offer to Gina Jenkins as the East Montpelier Town Administrator at an annual salary of \$80,000. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

The board directed TA Johnson to advertise the zoning administrator job as a part-to-full time position in the usual places with an application deadline of May 9, 2022. The Planning Commission will be responsible for interviewing candidates and presenting recommendation(s) to the Selectboard for consideration.

Motion: To adjourn. Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously. Meeting adjourned at 9:53 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: May 2, 2022 East Montpelier Selectboard meeting