

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

### **May 16, 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, Carl Etnier, Jon Jewett (remote), Amy Willis (remote), Town & Zoning Administrator Bruce Johnson; Town Administrator Gina Jenkins

**In-Person Public Attendance:** ORCA Media; Zach Sullivan, Planning Commission Chair; Larry Smith, EMFD Fire Chief; Sandy Conti; Albert Petrella; Jay Copping, Alex Boguzewski; Paul Guare; Thomas Parker; Veronica Lowe; Kim Rencello; Toby Talbot

**Remote Public Attendance:** Bob Fitch, Recreation Board; Scott Hess; Clarice Cutler; Christine Hertz-Hausman; EM Town Treasurer Don Welch; EM Road Foreman Guthrie Perry

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

#### **Additions to Agenda:**

- **Discussion on Potential Change of Tay-Con Drive to Tay Con Drive**
- **Discussion on Potential Change of Delinquent Tax Collector**
- **Confirmation of Agreement for FY 2022 Sullivan Powers Audit**

**Public Comment:** None

#### **Minutes:**

Chair Gardner presented the draft minutes of the May 2, 2022 board meeting.

**Motion: To approve the May 2, 2022 minutes as presented.** Made by Ms. Willis; second by Mr. Etnier. Passed unanimously.

#### **Discussion with Recreation Board on Social Media Policy**

**Bob Fitch, Recreation Board**

Mr. Fitch presented and explained the social media policy to the board. The policy provides guidelines; best practices; and management of comments and messages. The board was comfortable with the policy as written and thanked the recreation board for their work.

**Motion: To adopt the East Montpelier Recreation Board Social Media Rules & Guidelines as presented.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

#### **Discussion on Potential Change of Tay-Con Drive to Tay Con Drive**

The board discussed an issue brought to light due to a recent sale of property on Tay-Con. The state no longer allows hyphenated names. Removing the hyphenation will cause some additional work in the town office, but it will ultimately remove a potential source of confusion in databases. The board discussed and agreed to rename the road Tay Con Drive.

A letter will be sent from the town to the landowners affected by the change.

**Motion: To rename Tay-Con Drive to Tay Con Drive.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

### **Discussion on Potential Change of Delinquent Tax Collector**

The current Delinquent Tax Collector, Bruce Johnson, is retiring. The board named the new EM Treasurer, Michele Pallas, the Delinquent Tax Collector.

**Motion: To appoint Michele Pallas the Collector of Delinquent Taxes for a term ending June 30, 2022.** Made by Mr. Jewett; second by Ms. Willis. Passed unanimously.

### **Confirmation of Agreement for FY 2022 Sullivan Powers Audit**

The board reviewed the FY 2022 Sullivan Powers Audit Engagement Letter. In December 2019 the town signed an agreement with Sullivan, Powers & Co., P.C. to do the town's financial audits for FY2020, 2021 & 2022. The company likes to "certify" the individual year components, when they come up, for multi-year agreements and so has presented an agreement for the town's FY2022 financial audit. While the agreement's boilerplate language has changed slightly since the town signed off on the 3-year agreement, due to accounting standard shifts, the actual terms remain the same. With only two members attending the meeting in person, the board decided to approve the letter by motion and have Chair Gardner sign the letter as certification of board approval.

**Motion: To approve the FY 2022 Sullivan Powers Audit Engagement Letter and authorize Chair Gardner to sign the agreement on behalf of the board.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

### **Access Permit: 22-021; New Curb Cut Along Doner Road**

The board reviewed the requested curb cut along the Class 4 portion ("untraveled" in VTrans terminology) of Doner Road. The landowners were present and participated in discussion with the board. The board recognized that the road requires significant work to be used regularly and reliably, especially for the sort of equipment required in home construction. However, the parcel meets zoning requirements, and there does not appear to be a better place for a curb cut. Whether and how the road will be upgraded, and who will pay for it, will be the subject of future discussions.

**Motion: To approve Access Permit 22-021, New Curb Cut on Doner Road, conditional on permit being signed by EM Road Foreman Guthrie Perry.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously

**Discussion with Planning Commission Chair Zach Sullivan**

- Presentation to Selectboard of Proposed Town Plan Amendments
  - PC Chair presented the PC-recommended amendments to the 2018 Town Plan. The changes mostly deal with issues revolving around the siting of telecommunications facilities.
  - The board agreed to move forward with scheduling a hearing on the 2018 Town Plan amendments at the June 20, 2022 Selectboard meeting.
- Review of Proposed Revisions to EM Land Use & Development Regulations
  - PC Chair presented the proposed amendments that are intended to integrate the zoning plan laid out in the 2017 EM Village Master Plan into the town's land use regulations. The remaining more broad-based items focus on certain specific issues designed to deal with state statutory/regulatory updates (accessory dwelling conceptual expansion plus reformatted definitions/wording required ag practices and planned unit developments) and items brought to the attention of the PC by the ZA and DRB (setback definitional refinement and general relaxation, PUD refinement, removal of certificates of compliance for most circumstances).
  - The board agreed to move forward with scheduling a hearing on the Proposed Revisions to the EM Land Use & Development Regulations at the June 20, 2022 Selectboard meeting.

**Conversation with EMFD Fire Chief Larry Brown**

Mr. Brown discussed the transition of the EMFD Fire Chief from Ty Rolland to Larry Brown. Mr. Brown provided copies of the EMFD bylaws and discussed his approach in managing the department going forward. Mr. Brown stated his desire to foster an environment to develop future leaders within the department roster and ensure an open, transparent relationship between the EMFD board and the EM Selectboard.

**Town Treasurer Report**

Board members reviewed Treasurer Michele Pallas'/Don Welch's standard monthly budget and accounts update for the period ending April 30, 2022. The town remains in good shape with both revenues and expenses on budget.

**Discussion on Green Up Day Funding**

The Town budget includes a \$600 budget for Green Up Day. The budget was previously earmarked to cover expenses charged by Casella to dispose of trash collected at event. Casella is no longer charging for disposing trash from Green Up Day. The board agreed by consensus to eliminate the stipend approved at the May 2, 2022 Selectboard meeting and allocate the current Green Up Day budget for other purposes to support the event.

**Consideration of MAMBA Event Use of Town Lands**

The board reviewed and discussed the proposal from MAMBA to host an event on Saturday, September 24, 2022 with a rain date of October 1, 2022 with 75 participants biking on gravel roads and EM trails. MAMBA is seeking approvals from both landowners and the town to host

event. The board reviewed the map provided and agreed to allow event to take place on the EM trails on town land.

**Motion: To approve use of EM trails on town land for MAMBA bike event.** Made by Ms. Willis; second by Mr. Etnier. Passed unanimously

### **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. Washington County remains at "high" under the CDC's community level tool. The board decided to maintain the current protocol and revisit the issue at its June 6, 2022 meeting.

### **Appointments**

- **CVRPC Representatives:**
  - Lead Representative: Spencer Hardy
  - Transportation Advisory Committee Representative: Frank Pratt
- **CVFiber:**
  - Alternate Representative: Marshall Cottrell
- **Funding Request Study Committee**
  - Sarah Kinter, Ginny Callan, Paul Erlbaum, Kate Rader and Lindy Johnson

**Motion: To approved appointments as presented.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously

### **Warrants**

- **May 16, 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 May 16, 2022 expense warrant and authorize Chair Gardner to sign the warrant on behalf of the board.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.

### **Town Administrator Report**

- Preliminary Update on Property Tax Payments
  - Current status: \$41,857 from the first installment and \$192,075 from the second installment remain due; this remains preliminary and the second installment figure is expected to drop before the delinquent tax warrant is generated.
- Grant Update
  - The town has received notice that we will be awarded the requested VTrans Better Roads grant for the culvert replacement on Cherry Tree Hill Road; this is a \$60,000 state funds grant with a \$15,000 town match.

## ➤ Meeting Schedule

- |                 |         |  |
|-----------------|---------|--|
| ○ June 6, 2022  | 6:30 pm | Selectboard regular meeting                                |
| ○ June 20, 2022 | 6:30 pm | Town Plan Amendments Hearing                               |
|                 | 6:30 pm | Revisions to EM Land Use & Development Regulations Hearing |
|                 | 6:30 pm | Selectboard regular meeting                                |

**Personnel Matters**

Board discussed pay rate change for current and outgoing minutes taker for Planning Commission and Development Review Board to \$20/hour.

**Motion: To approve pay rate of \$20/hour for current and outgoing Minutes Taker, Kristi Flynn.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously

**Follow Up on Access Permit: 22-021; New Curb Cut Along Doner Road**

EM Road Foreman Guthrie Perry joined meeting. Chair Gardner asked Mr. Perry if he had any concerns with approving the curb cut. Mr. Perry indicated that he agreed with approving the curb cut as previously approved via motion earlier in the meeting.

**Discussion on Potential Issuance of Notice of Non-Renewal for EMFD Service Agreement**

The board discussed the need to enter executive session as there could be a significant disadvantage to the general public to hear the premature discussion on the EMFD service agreement.

**Motion: To go into executive session under 1 V.S.A. §313(a)(1)(A) – contracts; requires a specific finding that premature general public knowledge would clearly place the public body at a substantial disadvantage; if such a finding is made, a second motion is then necessary to formally enter executive session.** Made by Mr. Etnier; second by Ms. Willis. Passed unanimously.

**Personnel Matters [Potential Executive Session]**

## ➤ 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 into executive session at 8:20 p.m. and exited at 9:05 p.m.

No action taken.

**Motion: To adjourn.** Made by Ms. Willis; second by Mr. Jewett. Passed unanimously.  
Meeting adjourned at 9:06 p.m.

Respectfully submitted by Gina Jenkins, Town Administrator

**Approved: June 6, 2022 East Montpelier Selectboard meeting**