

Minutes for the East Montpelier Selectboard

February 27, 2023 Selectboard Meeting

This meeting was held in-person at the Municipal building with a remote participation option using the Zoom conferencing platform.

SB Attendance: Chair Seth Gardner, Carl Etnier, Jon Jewett, Amy Willis, Town Administrator (“TA”) Gina Jenkins

Remote SB Attendance: Judith Dillon

In-Person Public Attendance: Sean Temple, ORCA Media; Deirdre Connelly; Town Treasurer (“TT”) Michele Pallas; Town Clerk (“TC”) Rosie Laquerre; Megan Cicio, Northfield Bank; Chad Hewitt, Sullivan & Powers; Jordan Plummer, Sullivan & Powers; Melissa Gorham; Bonnie Hall; Larry Gilbert; Mary Stone; Gerald Rokes; Veronica Rokes; Patty Giavara; Michelle McFadden

Remote Public Attendance: Scott Hess; Deb Fillion; Kate Phillips; Ann Gilbert; Nancy Schultz; Alicia Lyford, East Montpelier Elementary School Principal; Kim Watson; Road Foreman (“RF”) Guthrie Perry

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

Additions to Agenda:

TA Jenkins noted the addition about Kellogg-Hubbard Library and the Town Meeting ballots.

Minutes:

The board reviewed the draft minutes of the February 13, 2023 board meeting. Mr. Etnier recommended a few changes for clarity.

Motion: To approve the February 13, 2023 minutes with tonight’s amendments. Made by Ms. Dillon, second by Ms. Willis. Passed unanimously.

Public Comment: None.

Review Northfield Savings Bank (“NSB”) Services Proposal

Ms. Cicio gave an overview of the options she presented to TA Jenkins and TT Pallas in the RFP. The first option is for a standard checking and savings account that would allow municipal staff to transfer money between the accounts as needed. The second option is for a sweep account that would automatically transfer funds between the two accounts at the end of each business day. Ms. Cicio noted that the NSB online banking interface allows custom controls on transactions and that NSB also offers positive pay, which means the bank will only pay checks that are approved by town staff. TA Jenkins commented that she and TT Pallas would like to go with the sweep account option, and she noted that NSB will provide a representative onsite to help with the transition.

Ms. Dillon asked TA Jenkins why she would like to go with the sweep account. TA Jenkins explained that it is less work for the office. Without the sweep account, she and TT Pallas would need to establish a process to manage daily transactions. With the sweep account, the transactions are posted to the account throughout the day and then funds are transferred at the end of the day based on the deposits and receipts.

Mr. Etnier asked why NSB rose to the top out of all the banks TT Pallas and TA Jenkins met with. TA Jenkins explained that they also met with Union Bank and Community Bank. Union Bank is very small, has few municipal clients, and they were not available to be onsite to help with the transition. Community Bank is a larger bank with similar options to NSB, but TA Jenkins and TT Pallas both prefer the online interface that NSB offers. TA Jenkins added that interactions with NSB have felt very positive, and that the auditors recommended NSB. Mr. Etnier asked Ms. Cicio who owns NSB. Ms. Cicio explained that NSB is a mutual savings bank owned by depositors.

Mr. Hess asked what interest the town could anticipate with the sweep account. Ms. Cicio stated that the town balances average over \$1 million, so the rate would be 1.25% and the yield 1.24%. Mr. Hess asked if there would be opportunities for the town to make investments. Ms. Cicio pointed to the page in the RFP on investment services and added that NSB is currently offering nine-month CDs paying 3.5%. Ms. Willis asked TA Jenkins if the town has an investment policy. TA Jenkins found an investment policy but noted that it should be revisited if the town would like to make investments.

Mr. Jewett asked how long the banking transition would take. Ms. Cicio stated that she would leave paperwork for the Board to sign if they chose to approve the move to NSB. She added that the platform is already partially built and the team at NSB will work with TA Jenkins and TT Pallas to get the new scanner onsite, get checks ordered, and get ACH files built so the new accounts can go live.

Motion: To transition banking services to Northfield Savings Bank as recommended by municipal staff. Made by Mr. Jewett, second by Ms. Willis. Passed unanimously.

Mr. Etnier stated that the Board has talked about moving town funds to a local bank for a while and he is glad to see this move. Chair Gardner echoed the sentiment.

Sullivan & Powers FY2022 Audit Report Presentation

Mr. Hewitt reviewed the audit with the Board. He began with the Independent Auditor's Report and noted that the Town of East Montpelier is getting an unqualified opinion, the highest level of assurance the auditors can provide. He explained that the Management's Discussion and Analysis is prepared by the town staff and gives a good sense of the municipality's FY2022 finances in plain language.

Mr. Hewitt directed the board to the Basic Financial Statements and focused on exhibit C. He explained that this exhibit outlines the five major funds the town has for money: the general fund, the capital reserve fund, the community development fund, the ARPA fund, and the non-major governmental funds. He noted in the general fund column that the receivables line refers to money the town plans to give back to taxpayers in the town and the prepaid items refers to money assigned to vacation payouts for municipal staff. The capital reserve fund has approximately \$1.8 million and he noted that he is aware the town has a plan for how to utilize these funds. Under the community development fund, Mr. Hewitt explained that the town received a grant from the state of Vermont that they loaned out to Sandy Pines. As Sandy Pines repays the loan the town pays some of that money back to the state of Vermont, and the remainder is kept in the community development fund for future community development projects. Mr. Hewitt pointed out that the ARPA funds are considered deferred revenue until the town decides how to spend the money. Finally, he noted that the non-major government funds encompass several smaller funds such as the reappraisal fund and the cemetery fund.

Next, Mr. Hewitt noted the budget and actual on pages 41-46. He noted that the major variances were explained in the Management's Discussion and Analysis and he added that there is nothing wrong with going over budget as long as the variances can be explained.

Ms. Willis asked if there were any material weaknesses. Mr. Hewitt commented that there were no material weaknesses, which are considered the most serious issues a town should address. The audit did note two significant deficiencies, which Mr. Hewitt explained are not as serious as material weaknesses. The two significant deficiencies are in grant accounting and classification of grant revenues. Mr. Hewitt and TA Jenkins explained that part of the reason for these deficiencies was due to TA Jenkins and TT Pallas starting at the very end of FY2022. Both the municipal staff and the auditors are confident the deficiencies won't be repeated in future years.

Mr. Hewitt also noted the audit recommended reviewing the rec department activity more than once a month and recommended the town complete a fraud risk assessment. He added that these recommendations are not required, but the auditors feel they would make the town more efficient and resilient.

Mr. Etnier asked how long the town should wait after the bank transition to begin a fraud risk assessment. Mr. Hewitt explained that bank fraud is separate from the kind of fraud the risk assessment would examine, so the risk assessment could happen at any time. He went on to explain that the risk assessment is an exercise in looking at the possible weaknesses in town operations where fraud could occur. He gave an example of purchasing parts or ordering diesel as possible openings for fraud.

Mr. Etnier recalled Mr. Hewitt's comment that there is nothing wrong with going over budget and asked how Mr. Hewitt thinks the town's vote on a budget might constrain how the Selectboard spends money. Mr. Hewitt said he believes the vote does not constrain the way the Board chooses to spend money and gave an example of severe winter weather causing overages on the highway budget. He added that the most important considerations are having an explanation for the overage and an income source to cover the expense.

The Board thanked Mr. Hewitt for his time.

Town Treasurer Report

The Board reviewed the January 31, 2023 monthly reporting package prepared by TT Pallas.

TT Pallas reported that as of February 22nd the town had almost \$190k in outstanding taxes, approximately \$20k higher than last year. Mr. Etnier noted that the amount fluctuates from year to year. TT Pallas reported that she has drafted some letters and notices to send out and asked Chair Gardner to review the drafts and discuss the process for sending them out. Mr. Jewett commented that the town should have a written policy outlining the process for the town as soon as taxes become delinquent. Chair Gardner and TT Pallas will connect to review the drafts and discuss the process.

TA Jenkins reported that Sullivan & Powers was engaged to perform the town's audit through FY2022. She and TT Pallas asked Mr. Hewitt to draft an engagement letter to continue working with Sullivan & Powers for FY2023 and delay the RFP. TA Jenkins commented that the company has history with the town, and it would be helpful for TA Jenkins and TT Pallas to tap their knowledge for another fiscal year. The Board agreed that it would be helpful to work with Sullivan & Powers for the next audit.

Motion: To accept the Sullivan & Powers engagement letter for the FY2023 audit and to authorize TA Jenkins to sign the letter. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Discuss Village Center Crosswalk & Traffic Safety

Ms. Gorham explained that she came to the Selectboard to raise awareness about the safety issues for pedestrians in the village center. She pointed out that the crosswalk sign is frequently hit by cars backing

out of the post office parking area and she also noted that vehicles regularly drive through the village center above the speed limit. She added that she noticed that VTrans has placed vertical reflective stripes on the poles of the crosswalk signs, but the stripes do little to improve the visibility of the signs.

Mr. Jewett mentioned previously discussed improvements such as crosswalk signs with a button that pedestrians can push to activate a blinking light or buckets of flags on each sign pole for pedestrians to carry as they cross in the crosswalk. He added that Mr. Kaplan from VTrans had also suggested the option of a bump-out at the crosswalk to make pedestrians more visible before they step into the road. Mr. Jewett noted that the pricing for the button-activated flashing crosswalk lights is around \$8k.

RF Perry commented that it's a difficult area and that he is open to ideas for improvements. He suggested the town might run into some difficulty adding a flashing crosswalk light to a federal highway and he also said he didn't think raising the sidewalks in front of the post office would make much of a difference. Mr. Etnier asked why RF Perry felt raising the sidewalks wouldn't help. RF Perry suggested that raising the crosswalk would be a better solution. He added that it wouldn't be a full speedbump, but that raising the crosswalk would visually remind drivers to slow down. Ms. Watson noted that when the sidewalks were added to the village center, the town couldn't add them in front of the post office or Dudley's. Chair Gardner added that the previous owner of Dudley's was difficult to work with, but the current owner might be more open to adding sidewalks.

Ms. McFadden pointed out that many towns along Route 14 have a lit sign showing drivers their speed and suggested adding one such sign to the village center could help with speeding concerns. She also suggested adjusting the parking area around the post office so cars don't back out into traffic on the road.

Chair Gardner wrapped up the conversation by suggesting the Board look into pricing on a lit speed sign for the village center and reach out to the owner of the post office to discuss parking and traffic flow around the building.

Discuss East Montpelier Elementary School Traffic Management

Chair Gardner began the discussion by explaining that on school day afternoons, parents waiting to pick up their children from the elementary school park along the school side of Vincent Flats Road, lining up from the Four Corners School to the Rec Field. The line of cars reduces the drivable space to just a lane and a half, making it difficult for trucks to navigate the road when driving to or from Fairmont Farm.

Ms. Hall, owner of Fairmont Farm, noted that the line of cars typically begins building at 3 p.m. and doesn't clear out until around 3:40 p.m. Mr. Etnier asked if kids walk along the road to get to their parents, or if the cars advance to the school to pick up each kid individually. Chair Gardner explained that the line of cars advances and children are released to parents only when the car is at the school door. He asked if encouraging parents to use the school bus could help mitigate the number of cars waiting for pickup.

Principal Lyford said she is willing to work with the town on this issue. She noted that the Washington County Sheriff's Department audited the pickup process in September 2022; their opinion was that the current process is the safest for cars and students. She added that the majority of students do ride the school bus, and that there are a number of reasons parents may need to pick up their children rather than have them ride the bus. She stated that she did not feel it was her place to tell parents to put their kids on the school bus. She asked if signs could be put up along Vincent Flats Road to indicate that it is a school zone. She also mentioned that she is open to using the Rec Field parking lot for parent parking, but that it

would need to be plowed and sanded in the winter and a clear path needs to be established between the parking lot and the school.

Chair Gardner asked if “no parking” signs along Vincent Flats Road might help deter parents from parking there. Principal Lyford pointed out that parents park along the road for school events because there isn’t enough space at the Rec Field lot or the staff parking lot for all of the cars. She argued that it isn’t feasible to ban parking along the road, even at specific times of day, because of these school events.

Chair Gardner suggested the town could widen the road to make more room for traffic to flow around the parked cars. Ms. Watson pointed out that there may be drainage issues.

Ms. Dillon asked for more information about the audit conducted by the Washington County Sheriff’s Department. Principal Lyford explained that sheriffs came out to the school over several days to observe the pickup procedure from both the road and the building. They watched the flow of traffic throughout the afternoon and concluded that the current practice is safe. Ms. Dillon asked how many cars are typically lined up for afternoon pickup. Principal Lyford estimated 20-30 cars. Ms. Dillon asked how long the dismissal process takes. Principal Lyford stated that dismissal begins at 3:25 p.m. and takes about ten minutes. Ms. Dillon suggested asking parents not to line up along the road until 3:15 p.m. to reduce the amount of time the line of cars is standing in the road.

Ms. McFadden asked how the Rec Field parking lot could help with the traffic issues. Chair Gardner explained that parents could park in the lot and then walk up to the school doors to pick up their child. Ms. Stone suggested directing parents to park in the Rec Field lot until pickup begins, to reduce the amount of time the cars are parked along the road.

Principal Lyford commented that she is open to parents parking in the Rec Field lot, but she thinks that some parents will still prefer driving to the front door of the school for pickup.

Ms. Dillon stated that she supported adding signs to make the area a school safety zone.

Mr. Jewett suggested a motion to offer the Rec Field parking lot for school parking. Mr. Etnier said that he supports the idea, but would like more information before voting on it. Ms. Dillon pointed out that there could be liability questions if the town offers the Rec Field parking lot for school use, and suggested looking at the insurance policies before voting. Mr. Jewett noted that the school already uses the field and path.

Motion: That the town offer the Rec Field parking lot for school parking and help with improving a path to the school, contingent on a positive response from Road Foreman Perry. Made by Mr. Jewett, second by Ms. Willis. Passed 4-1. (Mr. Etnier)

Discuss Proposal to Close County Road for Recreation Events

Chair Gardner began the discussion by stating that 69% of the feedback TA Jenkins gathered from 70 townspeople was not in favor of the proposal. 27% was in favor, and 4% gave a conditional response. TA Jenkins also noted that the Vermont League of Cities and Towns (“VLCT”) offered some good feedback and specifically recommended that if the town decides to proceed with the event, the town should manage the logistics.

Mr. Gilbert explained that the proposal is to close County Road to through traffic on six Sundays between May and October from 9 a.m. until noon. The closure would be 2.1 miles between Barnes Road and Templeton Road and he noted that the proposed detour would be 4.1 miles. He added that he drove both the stretch of County Road and the proposed detour and found that the detour would add approximately

six minutes to a driver's trip during the closure. He added that the November 2022 closure received a warm and positive response and many participants asked when it could happen again.

Mr. Etnier noted a mention of Montpelier's Complete Streets Committee and asked why Mr. Gilbert had chosen to get Montpelier involved in the proposal. Mr. Gilbert explained that a member of the Complete Streets committee had attended the November closure and wanted to support future events.

Ms. Dillon asked how volunteers would ensure residents and emergency vehicles could drive along the closure and how the organizers would ensure the safety of pedestrians along the road if cars needed to pass. Mr. Gilbert explained residents and emergency vehicles will be able to drive along the closure route as needed. He added that during the November closure a state trooper was parked at the southern closure point and volunteers placed cones along the center of the road to visually remind vehicles to slow down. He plans to take both of these steps again for future closures, and he also suggested he would reach out to residents along the proposed closure route to talk about the closure. He added that participants would be told that some vehicles may drive along the road during the closure.

Chair Gardner invited members of the public to offer their input.

Mr. Rokes stated that he lives along the portion that was closed in November. He believes a road is meant to be driven, not closed for recreation, and he pointed out that there are dedicated hiking and biking paths around the state. He commented that the closure would prohibit taxpayers from utilizing the infrastructure they paid for. He added that during the November closure some participants approached his home and he was uncomfortable with their casual approach to his property.

Ms. Stone stated that she lives along the portion that was closed in November. She initially thought the closure was dangerous and didn't plan on participating. However, during the closure she went out on her bike and changed her mind. She described it as an exceptional experience and a wonderful gathering opportunity, and she said she hopes it can happen again.

Ms. Phillips stated that she lives along the portion that was closed in November. She commented that she loved the November event and enjoyed being on the road at a slow speed. She noted that rural life can be isolating and that this was a wonderful community building event. She added that rural areas are very dependent on cars and she enjoyed the opportunity to engage with the road without a vehicle.

Ms. Gilbert stated that she lives on County Road and was part of the work group to organize this proposal. The work group evaluated the November event and made some changes to improve on it, including shortening the route and planning for more volunteers in vests to help direct any vehicular traffic. She stated that she hopes to work with the town on this proposal to figure out a compromise that works for all.

Ms. Shultz stated that she is a member of the Montpelier Complete Streets committee. She attended the November closure and enjoyed it for all of the reasons previously mentioned. She added that it was wonderful to enjoy the road at a slower pace.

Ms. Dillon thanked the members of the public for their comments. She suggested that six closures might be too much and added that the state police have limited availability, so dedicating their time to these events might not be equitable to the community. She suggested considering a single closure in 2023, and added that the organizing group needed to think about training for volunteers and their liability as organizers of the event.

Mr. Etnier made an argument for visionary thinking regarding this proposal and he gave examples of major road closures in Boston for the pope's visit in the 1980s or the New World Festival in Randolph, VT that closes the main street in town. He also gave the example of the EM Selectboard's decision to continue with the proposed intersection design for the junction of Route 2 and Route 14. He pointed out that some of the responses that TA Jenkins collected were responding to a proposal for no traffic during the closure and he noted that Mr. Gilbert's plan does allow for residents to drive during the closure. He added that more people might support the closure if they had the opportunity to experience it.

Mr. Jewett stated that one of his main concerns is the liability question and he noted that if the proposal was adopted as written the organizers would be personally liable for any injuries. He commented that he would like sheriffs posted at both ends of the closure and that all volunteers should be trained on safety and flagging. He added that he thinks the town should have a written policy that outlines the roles for everyone involved. Ms. Willis agreed with Mr. Jewett's points.

Chair Gardner suggested considering a proposal for a once-a-year closure with police posted at both ends and training required for volunteers. Mr. Gilbert stated that he would like the Board to vote on the proposal as it was presented, and if it doesn't pass the working group can consider other options. Mr. Etnier suggested proposing three closures instead of six.

Motion: To accept the proposal to close County Road three times per year on a Sunday for three hours between 9 a.m. and noon, contingent on working out the details of insurance coverage and volunteer training. Made by Mr. Etnier, second by Ms. Willis. Not passed, 2-3. (Mr. Jewett, Ms. Dillon, Chair Gardner)

Chair Gardner invited Mr. Gilbert to propose a new version of the event. Mr. Jewett encouraged the working group to look at the materials provided by VLCT and consider their suggestions. Mr. Etnier offered to be the Board liaison for this work group moving forward.

Access Permit: 23-003: New Curb Cut on Horn of the Moon Road

Ms. Dillon asked whether this curb was for residential use or farm operations. Chair Gardner explained that the curb cut will allow access for housing that the farm plans to build. TA Jenkins noted that RF Perry and Zoning Administrator Brown were both comfortable with moving forward on this permit.

Motion: To approve access permit 23-003. Made by Mr. Etnier, second by Ms. Dillon. Passed unanimously.

The present board members signed the permit.

Discussion on Town Management in Light of COVID-19

Using the CDC's community level tool, Washington County is at "Low." The latest data is as follows:

- Case Rate per 100,000 population: 39.38
- New COVID-19 admissions per 100,000 population: 5.4
- Staffed inpatient beds in use by patients with confirmed COVID-19: 3%

Warrants: February 27, 2023 Regular Expense Warrant

The present board members signed the warrant.

Town Administrator Report

TA Jenkins reminded the Board that Zoning Administrator Brown is currently out of town. Mr. Jewett noted that he won't be able to attend Town Meeting.

Meeting Schedule:

- March 6, 2023 6:30 p.m. Regular meeting date/Town Meeting Forum
- March 7, 2023 9:30 a.m. Town Meeting
- March 20, 2023 6:30 p.m. Regular meeting date
- April 3, 2023 6:30 p.m. Regular meeting date

Other Business

TC Laquerre noted that article five for the Kellogg-Hubbard Library was not printed on the ballots for Town Meeting. She spoke with the town attorney and the secretary of state and the solution they suggested is that the town call a special town meeting for the purpose of voting on the Kellogg-Hubbard Library. The Board will need to adopt a resolution stating that this was an oversight, and then the town will hold another election for Article five with a simple yes/no ballot mailed to all voters. She added that the Board can't make a resolution or warning until after Town Meeting.

TC Laquerre proposed warning the meeting on March 20 and holding the election at the town office on a Tuesday. She noted that they will not need a moderator or tabulator for this election because it is a simple yes/no ballot.

Selectboard Work Session on Municipal Assistant Position Transition

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 into executive session at 9:30 p.m. and exited at 9:52 p.m.

No action taken.

Motion: To accept the counter proposal from Municipal Assistant candidate as described to the Selectboard. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Motion: To adjourn. Made by Ms. Willis, second by Ms. Dillon. Passed unanimously.

Meeting adjourned at 9:53 p.m.

Respectfully submitted by Deirdre Connelly.

Approved March 6, 2023 Selectboard meeting.