

Minutes for the East Montpelier Selectboard

July 24, 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, Zoe Christiansen, Scott Hess, Town Administrator (“TA”) Gina Jenkins

Remote SB Attendance:

In-Person Public Attendance: ORCA Media; Deirdre Connelly; Veronica Rokes; Gerald Rokes; David Pope; Rubin Bennett, Owner & Senior Network Engineer, rbTechnologies; Ed Deegan

Remote Public Attendance: Larry Gilbert, Patty Giavara, Stephen Miracle

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

Additions to the Agenda: TA Jenkins requested time to discuss town response to flood debris. She also mentioned that Lindy Johnson has resigned as Justice of the Peace because she is moving out of the area. Town Clerk Laquerre will be posting notices to seek a replacement that will be acting for the independent party. The candidate will be presented for Selectboard approval once identified. Mr. Hess requested time to discuss when it is necessary to call a Selectboard meeting and Mr. Etnier requested time to discuss CV Fiber connection costs.

Minutes: The board reviewed the draft minutes of the June 19, 2023 Board meeting and made an amendment for clarity.

Motion: To approve the minutes from the June 19, 2023 Board meeting with tonight’s amendment. Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

The Board reviewed the draft minutes of the July 17, 2023 Board meeting and made an edit for clarity.

Motion: To approve the minutes from the July 17, 2023 Board meeting with tonight’s amendment. Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

Public Comment: None.

Discussion on County Road Event

Ms. Rokes made a statement about the County Road event, noting concerns about trash, pedestrians stepping on private property, potentially dangerous interactions between event participants and drivers during the closure, and receiving dirty looks from event participants when trying to drive out of her residence. She and Mr. Rokes voiced strong opposition to future closure events. Ms. Christiansen asked some clarifying questions about the interactions between event participants and drivers; Mr. and Ms. Rokes described seeing people on bicycles who seemed unprepared to interact with car traffic during the closure.

Mr. Pope made a statement about the event regarding long-term safety implications. He stated that he believes the event encourages cyclists to use County Road outside of the closures and he noted that the road is very narrow and has a lot of speeding vehicles that make it particularly unsafe for bicycles. Ms. Christiansen asked a few clarifying questions about speeding concerns and noted that she has also heard from residents along County Road about increased speeding in the past few years. Mr. Rokes commented

that he has also noticed an increase in speeding and dangerous passing on County Road. Mr. Pope added that County Road is a major connector to popular destinations such as Curtis Pond and neighboring towns such as Calais and Woodbury. Residents of those towns and tourists may be unprepared for closures on this major road.

Mr. Gilbert made a statement about the event. He estimated 75-80 people participated and he received a lot of positive feedback from participants. He and Mr. Etnier made participant surveys available to the Selectboard. He added that the group does not want to proceed with a closure in August given the ongoing storm damage from recent floods, but he would like to proceed with the September and October events. He offered to answer questions.

Mr. Hess suggested doing targeted surveys of the residents along County Road impacted by the closure to get a clearer sense of the community's feedback about the event.

Ms. Giavara asked how many of the volunteers at the event completed flagger training. Mr. Gilbert explained that he and one other volunteer completed the training and passed along the information to other volunteers. He added that the group had difficulty scheduling the flagger training for all volunteers in time for the event. Ms. Giavara expressed concern that she didn't see a Washington County Sheriff along the route during the closure. Mr. Gilbert shared Ms. Giavara's concern and explained that the group had coordinated with the Sheriff's department and expected their presence at the event. Ms. Giavara asked if the volunteers had counted the number of cars diverted during the closure and shared that she felt she saw more cars turned away than she saw participants at the event. Mr. Gilbert did not have a count of cars diverted, but he agreed that there were likely more cars diverted than people participating in the event. He added that many people in diverted cars didn't know about the event and were interested in coming back to participate later that day or at a future date. Ms. Giavara stated that she feels there are valid concerns about the closure event, particularly given that the flagger training and law enforcement aspects of the event did not go as planned.

Mr. Etnier commented that he shared the concerns about the lack of law enforcement at the event. He agreed with Mr. Hess's suggestion to survey residents along the closure route. Mr. Jewett commented he feels it is a public road and should be open to all of the public and not just a small portion, and that the closure inconveniences commuters and residents in other towns. He added that he would be more comfortable with a closure event on a class 1 road in a quiet setting, and noted that County Road is a class 2 road and major connector for the area. Mr. Pope added that he feels these event closures set a precedent for other groups to request road County Road be closed for other events.

Chair Gardner mentioned he had heard from some people that Mr. Gilbert was selling a bike at the event. Mr. Gilbert explained that this was not true.

TA Jenkins asked Mr. Rokes, Ms. Rokes, and Mr. Pope if they received information about the closure or saw signage the help them navigate the event. Mr. Rokes explained that he received a postcard, but there was not signage in view of his driveway. Mr. Gilbert explained that signs were posted at both of the closure points.

Chair Gardner wrapped up the discussion by stating that more information should be gathered before the Selectboard makes a decision about future events. The Board will return to the topic at the August 21, 2023 meeting.

Town Treasurer Report

TA Jenkins presented the report for the Board to review. She noted that the budget status will change as more journal entries are posted. She also commented that Treasurer Pallas completed the internal controls

checklist. TA Jenkins asked Treasurer Pallas to check if the elected town auditors attended financial trainings. Mr. Etnier asked if there were any changes from the last year. TA Jenkins stated there were none, unless Treasurer Pallas needs to update the response to the question about whether the auditors attended financial trainings.

TA Jenkins commented that there may be one more journal entry that could swing the budget to the positive. She will have more information at a future meeting.

Review Draft of 2023-2024 Property Tax Rates

TA Jenkins offered two tables showing the draft tax rates. One showed the rates for the current year budget without reforecasting, which were approximately 2.54 for homesteads and 2.42 for non-homesteads. The other showed the rates if the reforecast is considered, which were approximately 2.53 for homesteads and 2.40 for non-homesteads. Chair Gardner noted that the tax rate went down last year and asked what it was the previous year. TA Jenkins looked it up and found that it was 2.48 for homesteads two years ago.

The Board will review the rates again at the next meeting.

Review Technology Quotes

Rubin Bennett of rbTechnologies explained that the town office's server is due for replacement, so the quote he provided to TA Jenkins covers the machine and setup. He also included a quote for three security measures to provide added security to town employee emails. TA Jenkins explained that it would be difficult to get a comparison quote for this work because it requires a company to know the town's existing IT infrastructure. She added that she is pleased with Mr. Bennett's work and trusts his expertise.

Mr. Etnier asked how the security measures would relate to Selectboard members' email accounts. Mr. Bennett explained that the spam protection will be in effect on all town emails, including those of the Selectboard.

Mr. Hess asked why the town is going with a new physical server rather than moving to the cloud. Mr. Bennett explained that moving the town's systems to the cloud is more expensive in the long run, particularly to run NEMRC. Mr. Hess asked why quote is for refurbished equipment rather than new. Mr. Bennett explained that he has a relationship with a company that provides this refurbished equipment. It is technically considered refurbished, but it is in fact unused. Mr. Hess asked if the physical server runs backups. Mr. Bennett explained that it backs up daily onsite and at rbTech.

Mr. Etnier asked what the expected lifetime of the server will be. Mr. Bennett stated it is four years, but may be extended an additional year if the server is in good condition. Mr. Etnier asked if the cybersecurity is a one-time cost or ongoing. Mr. Bennett explained that most of the quote is for one-time setup costs, and the ongoing cost will be approximately \$100 per month.

Mr. Jewett pointed out that money should be set aside in the capital plan for future server purchases and TA Jenkins agreed.

Motion: To accept the quotes from rbTechnologies for a town office server and cybersecurity training and protection, and to authorize TA Jenkins to sign the quotes. Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

Consideration of Employee Laptop Purchase

TA Jenkins explained that this laptop would facilitate remote work for the Municipal Coordinator as discussed during the interview for the position. Chair Gardner asked if the laptop would be used for both

in-office and at-home work and TA Jenkins confirmed it would be used for both. She added that she eventually hopes to move all town employees to laptops. Mr. Hess asked why the quote is as high as it is. Mr. Bennett explained that there are setup costs to get the machine ready, so that is part of the quote. He added that the machines for business use are more durable and have more CPU and memory, so they will last longer and perform better over time than cheaper laptops available at stores like Best Buy.

Motion: To accept the quote from rbTechnologies for a new laptop and to authorize TA Jenkins to sign the quote. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Consider Consultant to Draft Request for Proposal to Design Town Garage Replacement

The Board reviewed Ms. Gent's resume and proposal. TA Jenkins reminded the group that Ms. Gent would be tasked with writing the RFP for the Town Garage replacement. Chair Gardner asked if ARPA money would fund this contract and TA Jenkins confirmed that it was an allowable expense for ARPA.

Motion: To authorize TA Jenkins to draft a contract for Cathleen Gent to perform services outlined in the provided memo with the not-to-exceed amount of \$5k, and to authorize TA Jenkins to coordinate Ms. Gent's work with town staff. Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

Discuss Town ARPA Spending Plan

TA Jenkins presented a table of the current status of the town's ARPA funds in the annotated memo. The Board discussed using some or all of the remaining ARPA funds for the Town Garage project, and Chair Gardner noted that the town will have to take out a bond for the project regardless. TA Jenkins explained that she was nervous to leave so much of the funds still uncommitted, and she pointed out that if the town allocates ARPA funds for expenses like equipment and salaries for the town office, it will free up other funds to direct to the Town Garage project later on.

Mr. Deegan commented that he and Ms. Callan intend to hold a public meeting to invite input from the town on the use of funds. TA Jenkins also mentioned that Twin Valley Senior Center had approached the Board in the last year to request ARPA funds to help with some projects, and she noted that allocating the money to a non-profit is an allowable use.

Chair Gardner suggested using a September Selectboard meeting for the public meeting to invite input.

Consideration of Northfield Savings Bank Town Investment Account

Mr. Hess reported that he, TA Jenkins, and Treasurer Pallas met with a representative at Northfield Savings Bank about investment account options. Chair Gardner asked if the funds would be liquid and Mr. Hess confirmed that they will be. TA Jenkins clarified that they are bringing this to the Board to get the account setup, but that Treasurer Pallas is still working on defining the process for allocating funds to the investment account. TA Jenkins stated that no funds will go into the investment account until the process is established, and she intends to revise the investment policy as part of this process.

Motion: To authorize TA Jenkins to sign the documents to establish an investment account with Infinex Financial Group. Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

VCRD Community Leadership Summit Attendee Nomination

Mr. Etnier suggested Ms. Christiansen would be a good candidate to attend and the other Board members agreed.

Motion: To nominate Ms. Christiansen to attend the 4th VT Community Leadership Summit. Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

Consideration of FY2024 Grants in Aid Agreement

TA Jenkins explained that the town has already applied for this grant; she brought this before the Board to get authorization to sign the agreement.

Motion: To authorize TA Jenkins to sign the FY2024 Grants in Aid Agreement. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Update on Road Repairs from Storm Damage

Chair Gardner read out the following statement from Bruce Chapell: “The Friday after the flood I was @ Shaws in Montpelier. I ran into a member of our road crew, he was volunteering in Montpelier cleaning out debris from businesses. I thanked him for all the road crew’s efforts in East Montpelier following the flood and explained many residents in town were very pleased with all their work. He went on to say that the road crew is very proud of Guthrie’s leadership in dealing with all the storm damage and getting so much done in such a short time. I feel this is very telling about the quality of our town employees and their recognition of Guthrie’s leadership skills. We are very blessed to have such a dedicated road crew.”

Road Foreman Perry reported that Sanders Circle is damaged but low priority as the detour is not significant. The road crew is working to get Fitch open in the coming days; Horn of the Moon Road will be a more intensive repair job. Mr. Hess asked how the new hire is working out. Road Foreman Perry reported that he is doing great work.

TA Jenkins noted that she and Road Foreman Perry reviewed locations with a river scientist and two permits came out of that visit. The permits give the town five years to perform work.

Mr. Etnier noted the ditch formed on lower North Street and noted that it has been a problem area for years. He asked if the road crew could make the ditch a permanent feature to help with drainage. Road Foreman Perry commented that he’d hoped to modernize drainage in that area even before the flooding. He hopes to put in a ditch there to help manage water along that stretch.

The Board thanked Road Foreman Perry and the road crew for their work.

Flood debris discussion

Chair Gardner explained that he spoke with someone from the state of Vermont and learned that the town is not obligated to provide trash pickup or a dumpster for flood waste. He added that if the town chose to offer a dumpster for household waste, they would also need to offer a dumpster for hazardous waste. Ms. Christiansen noted that a small number of households were impacted by flooding from the storm. The Board discussed the potential problems with offering a dumpster and noted they would need to staff the location to ensure proper use. Chair Gardner will make a post on Front Porch Forum to explain that the town is not offering a dumpster or pickup service for flood waste.

Discussion on calling Selectboard meetings

Mr. Hess asked for clarity on why a meeting needed to be called on July 17, 2023. Mr. Etnier explained that while the Chair has some power during emergencies, hiring decisions must be made by a quorum of the Selectboard. Mr. Jewett added that the group cannot make decisions via email, they must meet.

CV Fiber Connection Costs

Mr. Etnier explained that he had heard from a townsperson concerned about the hookup cost to connect to CV Fiber; he added that his understanding was that the town's allocation of ARPA funds was to go toward making those hook-up costs less expensive. Chair Gardner expressed curiosity at how the town's funds were being allocated for this fiber rollout project. Mr. Etnier will do some outreach.

Warrants: July 24, 2023 Regular Expense Warrant

The board reviewed and signed the warrant; there was no discussion.

Town Administrator Report

TA Jenkins reported that there have been two zoning permits issued since the last meeting.

Meeting Schedule:

- August 7, 2023 6:30 p.m. Regular meeting date
- August 10, 2023 7:00 p.m. EMFD meeting date
- August 21, 2023 6:30 p.m. Regular meeting date
- September 11, 2023 6:30 p.m. Special meeting date
- September 18, 2023 6:30 p.m. Special meeting date
- October 2, 2023 6:30 p.m. Regular meeting date
- October 16, 2023 6:30 p.m. Regular meeting date

Consideration of FY2024 Employee Pay Rates

Personnel Matter

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. Hess. Passed unanimously.

The Board entered Executive Session at 9:10 p.m. and exited at 9:30 p.m.

Motion: To change the compensation structure for current Zoning Administrator, Tyson Brown, from a part-time, benefit eligible position to an as-needed part-time position at a pay rate of \$40 per hour and authorize TA Jenkins to post the job opening for the Zoning Administrator position as a part-time, benefit eligible position. Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

Other Business

None.

Motion: To adjourn. Made by M, second by M. Passed unanimously.

Meeting adjourned at 9:31 p.m. Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

Respectfully submitted by Deirdre Connelly.

Approved August 7, 2023 Selectboard meeting.

**Town of East Montpelier
 Selectboard Memo
 August 7, 2023 SB Meeting**

Additions to the Agenda

If Executive Session Desired: Move 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.

- The Selectboard to discuss a personnel matter.

Setting of the 2023-2024 Property Tax Rates

- The tax rates have been calculated based on the latest information available.
- Based on the latest 411 report and the FY2024 budget, the proposed final tax rates for the 2023-2024 period are as follows:

	FY24 Rev Tax Rate	FY23 Tax Rate	Increase (Decrease)	
Municipal Tax Rate	0.7233	0.6796	0.0437	6.4%
Homestead Education Tax Rate	1.7968	1.7030	0.0938	5.5%
Local Agreements Rate	0.0029	0.0028	0.0001	3.6%
Total Homestead Tax Rate	2.5230	2.3854	0.1376	5.8%
Municipal Tax Rate	0.7233	0.6796	0.0437	6.4%
Nonhomestead Education Tax Rate	1.6765	1.6294	0.0471	2.9%
Local Agreements Rate	0.0029	0.0028	0.0001	3.6%
Total Nonhomestead Tax Rate	2.4027	2.3118	0.0909	3.9%

- If the Selectboard is comfortable with the rates as presented, the Selectboard to approve the 2023-2024 property tax rates as presented via motion.

Consideration of Homestead Filing Penalty Waiver

- 32 VSA §5410 sets a penalty for late filing of homestead declaration. The town has a higher homestead rate, so the standard penalty is 8% if late in declaring homestead and 3% if incorrect in declaring homestead when should be non-residential.
 - Selectboard can decline to charge the penalty if it so chooses. The Selectboard has declined to assess the penalty for the past decade due to the following reasons:
 - The penalty only affects those who do file but file late. Those who are required to file but don't file are not penalized if the lack of filing is not realized.
 - The town's revenues are not affected by whether someone declares a homestead in town or not.
 - It is in the town's interest to encourage accurate information about who is a town resident. Waiving the penalty encourages people to file a homestead declaration, even if it is late.
- If the board declines to waive the penalty for all, the board can abate the penalty in individual cases of hardship under the following circumstances:
 - Full-time active military duty of declarant outside state
 - Serious illness or disability of declarant
 - Serious illness, disability, or death of immediate family member of declarant
 - Fire, flood, or other disaster
- The Selectboard to vote on whether to charge penalty or not via motion.

Discuss Maintenance of Town Office Building

- Chair Gardner has identified a contractor who can repair and paint the exterior of the town office building at an hourly rate of \$35 per hour.
 - The contractor is insured and will provide a certificate of insurance prior to performing the work.
 - The Selectboard to consider the contractor and approve via motion if comfortable with proceeding.

Designation of Town Delegate to 2023 VLCT Annual Meeting

- The VLCT Annual Meeting is on Tuesday, September 26, 2023 from 1-2:30 p.m. Per VLCT, “The annual meetings are where you will elect the VLCT Board of Directors, hear updates on recent program changes from VLCT leadership, learn about the financial health of the member-owned risk pools, and meet VLCT’s new Director of Intergovernmental Affairs. This is your annual opportunity to weigh in on how VLCT represents you in the state house, share insights into what services you need VLCT, PACIF or VERB to offer your municipality, and question both staff and board members about why we do things the way we do. Voting Delegates will need to register separately from their Town Fair registration.”
- The Selectboard should select a voting member to represent East Montpelier.

Town Garage Project Update

- TA Jenkins and Road Foreman Perry met with Cathleen Gent to discuss the needs for the town garage on Thursday, August 6, 2023.
- Upon review of the site, Ms. Gent noted that there was a potential wetland on the property. TA Jenkins reached out to Shannon Morrison, District Wetlands Ecologist, VT Agency of Natural Resources, who confirmed that there are identified wetlands on the parcel identified as the potential site for the new garage. Ms. Morrison provided a map of the parcel with potential wetlands noted and recommended that the town engage a wetlands consultant to draft a wetland delineation to determine the boundary of the wetland in relation to the project.
 - TA Jenkins has provided the list of the wetland consultants from the VT Agency of Natural Resources website and seeks Selectboard guidance for next steps.
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- Cathleen Gent will continue to work on RFP draft for Selectboard review at an upcoming meeting.
- The Selectboard to consider the dissolution of the Town Garage Facility Improvement Committee. Given that the Selectboard has engaged a consultant to draft the RFP to hire an architect/engineer for the project and will approve all future actions taken, there is no longer a need for a committee. Stakeholders in the process will be identified and be engaged as the process continues (Planning Commission, Energy Committee, DRB).

Update on Road Repairs from Storm Damage

- The Road Crew is continuing repairs from the storm damage.
 - The Road Crew expects to open Horn of the Moon Rd for through traffic on Monday afternoon (8/14) or Tuesday (8/15). The contractor working on the culvert work near the dam expects to finish by Saturday (8/12).
- TA Jenkins attended the FEMA Applicant Briefing held at the state offices in Waterbury on Friday, August 4th and submitted East Montpelier’s Request for Public Assistance (“RPA”) for event DR4720, Severe Storms Incident.

Update on County Road Events Proposal

- Email from Larry Gilbert is presented stating that the County Road events team has no additional events planned for 2023.

Curb Cut Applications

- 23-030: 1500 US Rte 14 N
 - A field access request was submitted for access to 1500 US Rte 14 N off of Daggett Rd. Road Foreman Perry reviewed and approved the request. The purpose of the request is for the landowner to be able to access the field for the property.

Warrants

- **August 7, 2023 Regular Expense Warrant**
 - The warrant should be signed by all Selectboard members present. If an “in-person” quorum is lacking, the warrant should be approved by one of the in-person Selectboard members authorized to sign the warrant on behalf of the Selectboard.

Town Administrator Report

- Sullivan & Powers, external auditors, will be on-site Wednesday, August 16th, and Thursday, August 17th.
- A representative from Central Vermont Solid Waste visited the town office on Monday, August 7th to discuss the potential for the town to assist residents with flood debris. The contractor working with the state will be engaged for a few more weeks. Does the Selectboard wish to pursue a debris pick up for town residents?
- There have been 2 zoning permits issued since the last meeting as follows:
 - 23-029: Two-story addition on side of house.
 - 23-032: Additions to home; kitchen, mudroom/utility room, garage.
- TA Jenkins is on vacation and will be out of the office the week of August 28th.
- Meeting Schedule:

<i>August 10, 2023</i>	<i>7:00 p.m.</i>	<i>EMFD meeting date</i>
August 21, 2023	6:30 p.m.	Regular meeting date
September 11, 2023	6:30 p.m.	Special meeting date
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