

## **Minutes for the East Montpelier Selectboard**

August 7, 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, Zoe Christiansen, Scott Hess, Town Administrator (“TA”) Gina Jenkins

**In-Person Public Attendance:** Zach Zorn, Orca Media

**Remote Public Attendance:** Steven Miracle; Rosie Laquerre, town clerk.

Chair Gardner called the meeting to order at 6:31 p.m.

**Additions to the agenda:** TA Jenkins requested time to discuss a personnel matter. Mr. Etnier requested time to discuss a proposal to postpone this Thursday’s meeting with East Montpelier Fire Department and the Calais Selectboard, as it conflicts with an important regional meeting in Montpelier on flood response and rebuilding.

**Minutes:** The board reviewed the draft minutes of the July 24, 2023 Board meeting.

**Motion: To approve the minutes from the July 24, 2023 Board meeting as submitted.**  
Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

### **Setting of the 2023-2024 Property Tax Rates**

TA Jenkins calculated the residential and non-residential tax rates using the usual formulas and presented them to the SB. The Homestead Tax Rate presented was 2.5230, and the Non-Homestead Tax Rate presented was 2.4027.

Mr. Hess asked what the usual procedure of the Selectboard is in setting the tax rate. Is it simply determined based on the budget, grand list, and other fixed numbers, or does the SB have discretion in setting the rate?

Mr. Gardner explained that the SB usually just goes by the numbers, in the budget and elsewhere. We did have discussions earlier about applying ARPA money to reduce the tax rate, but that’s not what is being proposed tonight.

Mr. Etnier pointed out that this year's tax rate is only a 1%-per-year increase over two years ago, which is less than the rate of inflation. Using ARPA money to reduce the tax increase isn't necessary in this case, he said.

Ms. Jenkins said the SB could make the tax rate whatever it wishes, but there needs to be enough money to pay the town's bills. She also said that she would use the board's decision the next day to start the process of calculating tax bills, with a memo to treasurer.

**Motion: To approve the 2023-2024 property tax rates as presented.** Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

### **Consideration of Homestead Filing Penalty Waiver**

Under 32 V.S.A. §5410(g) the town is allowed to assess an 8% penalty for residents who file their homestead declaration late. The town also has the option to waive the penalty for everyone. There are also certain hardship exemptions.

The town has chosen to waive the late-filing penalty in the past, for a number of reasons: 1) 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 they are not caught. 2) The town's revenues are not affected by whether someone declares a homestead in town or not. 3) It is in the town's interest to encourage accurate information about who is a resident here, and waiving the penalty encourages people to file a homestead declaration, even if it is late. 4) For a time, the state allowed a homestead declaration to remain in effect until the landowner rescinded it; the SB does not see a good reason for reverting to a system requiring filing each year. Board members determined that they had seen no new information that would cause a reconsideration of the decision from previous years.

**Motion: To waive the homestead declaration late filing penalty.** Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

### **Discussion of Maintenance of Town Office Building**

The town office requires some repair work and then painting. Mr. Gardner has identified a contractor who can do the repair work at an hourly rate of \$35 per hour, and he believes he can find someone to do the painting. It's late in the season, and the SB believes that many or most contractors are already committed to work or soon will be, especially with the additional work needs after the July floods. For that reason, and because the total contract size is relatively small, the SB is inclined not to put these jobs out to bid.

**Motion: To authorize the Selectboard Chair to oversee maintenance and rehabilitation work and painting on the town office, using local workers he deems appropriate, while keeping the SB apprised at each meeting of the progress and cost. The project will use ARPA funds.** Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

### **Designation of Town Delegate to 2023 VLCT Annual Meeting**

The town delegate to the VLCT annual meeting votes on behalf of the town at the meetings—those of VLCT itself; its insurance arm, PACIF; and its retirement fund, VERB.

**Motion: I nominate Zoe Christiansen to represent the town at the 2023 VLCT annual meetings. Made by Mr. Etnier, second by Mr. Hess.** Passed unanimously.

### **Town Garage Project Update**

Ms. Jenkins reported that she and Road Foreman Guthrie 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. Ms. 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. Ms. Jenkins has provided the list of the wetland consultants from the VT Agency of Natural Resources website and seeks Selectboard guidance for next steps.

SB member Jon Jewett had reported before the meeting that he had worked with Arrowwood consultants before and recommended them. The SB asked Ms. Jenkins to contact Arrowwood and get an overview of what the process of engaging them or another consultant would be, and how much it might cost.

Mr. Etnier also pointed to a recent US Supreme Court decision that considerably narrowed the definition of a wetland. He asked Ms. Jenkins to ask Arrowwood how that decision affects wetland delineation on this project; if it does, he asks that the SB consider whether to ask for delineation based on the older, more protective standard.

The work on the town garage is now being done through the road commissioners and the road foreman, with regular reports to the SB; the committee appears to be unnecessary.

**Motion: To dissolve the town committee on the town garage.** Made: Mr. Hess. Second: Ms. Christiansen. Passed unanimously.

### **Update on Road Repairs from Storm Damage**

Sanders Circle is still impassable at one point because of a culvert that is washed out; however, all residents have access to their homes from one direction or the other. The plan is to put Jersey barriers at the washed-out spot, for now.

The road crew is continuing to work on the East Montpelier parts of Horn of the Moon Road; in the Montpelier section, it is closed for culvert work still. Road Foreman Perry expects it to open early next week, according to Ms. Jenkins.

For Sparrow Farm and Sodom Pond, the town needs an engineer for permanent repairs. The town has temporary permits to fill in the damaged spots, signed off on by river scientists.

Ms. Jenkins has submitted a Request for Public Assistance (RPA) for FEMA grants. It needs to be approved by state authorities. After that approval, the town will hold an overview meeting with FEMA, then a longer, detailed meeting with FEMA.

### **Update on County Road Events Proposal**

The previously planned road closures and Open Streets celebrations on County Road will not take place for the rest of 2023, because the organizers believe the town is too unsettled after the July floods; the organizers may return in the future with new proposals.

Event organizer Larry Gilbert emailed the SB, referring to the organizers' earlier decision not to hold the event in August, "because of a concern about closing the road unnecessarily during this crazy time. We did not want to add to the angst people were feeling because of damage to roads and homes and businesses and general psychological disruption." He continued that, in light of uncertainty about when things will come back to normal, "we have regretfully decided to end all the events for this year."

Mr. Gilbert concluded, "I believe we created a fun project the Town could be proud of. We had a lot of people tell us they so appreciated having a road without traffic. Had it not been for the flood, we would be having a very different conversation. But we all need to be nimble during times of upheaval. Perhaps we can revisit this again if and when there is a sense of normalcy."

### **Curb Cut Application**

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; it is not an agricultural request.

**Motion: To approve Curb Cut Application 23-030.** Made by Mr. Hess, second by Ms. Christiansen. Approved unanimously.

### **Warrants**

Approved.

### **Town Administrator Report**

Sullivan & Powers, the town's external auditors, will be at the town office on Wednesday, August 16th and Thursday, August 17th.

There have been 2 zoning permits issued since the last meeting as follows:

- o 23-029: Two-story addition on side of house.
- o 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:

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

#### *Post-flood debris pickup*

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 pickup for town residents?

In a previous meeting, the SB said that so few town residents needed debris pickup, we would not pursue it. However, Ms. Jenkins said all other towns are doing this, and we have learned that a hazardous waste dumpster is no longer a complicating factor. This service is at no cost to the town, other than coordinating and communicating about it.

Ms. Laquerre said that two households had registered with the town as needing help.

Mr. Miracle said he lost a few items that were on the floor at his house, and he doesn't want to burden his neighbors with the cost of his wet stuff.

The SB gave the green light to Ms. Jenkins to coordinate finding out who wants this service and sending the state-employed contractors to the correct addresses.

#### **Meeting with East Montpelier Fire Department and Calais Selectboard**

The regular August meeting with EMFD and the Calais Selectboard is scheduled for this Thursday, August 10. Mr. Etnier pointed out that there is an important meeting in Montpelier at the same time, to discuss how to rebuild after the flood. Both he and Mr. Hess would like to attend the flood-related meeting. He wondered whether to ask to postpone the EMFD meeting.

In the discussion, several people were interested in going to the EMFD meeting this week, as planned. No SB quorum is required there. The SB decided to divide its members between the two meetings and report back.

#### **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 7:46 p.m. and exited at 7:57 p.m.

The board authorized extending a temporary arrangement with a town employee.

**Adjourn**

**Motion: To adjourn.**

Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously. Adjourned at 8:00 p.m.

Respectfully submitted by Carl Etnier.

Approved August 21, 2023 Selectboard meeting.