

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

### **August 21, 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; Town Treasurer Michele Pallas; Ken Trask; Albert Petrella, EMFD Chief; Paul Guare; Ken Trask

**Remote Public Attendance:** Town Clerk Rosie Laquerre; David Delcore, Tom Fisher, Andy Shapiro, Ben McCall, Stephen Miracle

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

**Additions to the Agenda:** Chair Gardner noted the additions listed in the annotated agenda- review of errors & omissions certificate, meeting minutes taker position, and ash tree management projects.

Ms. Christiansen requested time to discuss speeding concerns on County Road.

**Minutes:** The board reviewed the draft minutes of the August 7, 2023 Board meeting.

**Motion: To approve the minutes from the August 7, 2023 Board meeting as presented.** Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

**Public Comment:** None.

### **Delinquent Tax Collector Report**

Treasurer Pallas provided a list of delinquent taxes and explained that she plans to give this list to the town’s attorney and he will begin sending out letters about tax sales. She added that generally people pay after receiving the tax sale letter. Mr. Etnier clarified that the list is of people who are delinquent for more than one year. Chair Gardner explained that a person is considered delinquent after missing two payments.

Treasurer Pallas added that overall delinquency is down and two estates were paid off this year. The town is in better shape than in previous years.

Treasurer Pallas noted that tax bills were mailed out today and she is nearly done with the audit. The Board thanked her for her time and diligence.

### **Consideration of Justice of the Peace Candidates**

The Board reviewed the two candidates and Mr. Jewett noted that both were excellent candidates. Mr. Etnier asked Town Clerk Laquerre to explain the process the Board needs to follow to fill this position. Town Clerk Laquerre explained that, because the Justice of the Peace who stepped down was an independent with no party to caucus for their replacement, the Board must approve candidates and then send them to the Governor’s office for the final appointment of one candidate.

**Motion: To approve both candidates presented for Justice of the Peace to send to the Governor's office.** Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

### **EMFD Meeting Update**

Chair Gardner reported that he, Ms. Christiansen, and TA Jenkins attended the meeting and it went well. Mr. Jewett commented that the finances were clear and easy to read. TA Jenkins added that there were some mis-codings that would be corrected in a future version.

### **Town Garage Project Update**

TA Jenkins identified Dori Barton from Arrowwood Environmental as a consultant to perform the informal mapping of the wetlands on the proposed town garage parcel. She added that Cathleen Gent has worked with Ms. Barton in the past and spoke highly of her. TA Jenkins noted that this preliminary mapping is expected to cost approximately \$800.

Mr. Jewett asked how well the property withstood the recent flooding. Chair Gardner stated that there was no flooding at the existing town garage. Mr. Etnier asked if TA Jenkins mentioned to Ms. Barton the recent Supreme Court Ruling and TA Jenkins replied that she had not.

Chair Gardner suggested the group proceed with the mapping project with Ms. Barton and the Board agreed.

**Motion: To accept the pricing structure provided by Arrowwood Environmental and to authorize TA Jenkins to enter into an agreement with them to map the wetlands on the parcel adjacent to the current town garage.** Made by Mr. Jewett, second by Mr. Etnier. Passed unanimously.

Mr. Shapiro from the Energy Committee read the following statement: "The Energy Committee would like to ensure that the current RFP process for the Town Garage does not end up yielding a structure that has low initial cost but high long-term costs and high carbon emissions. The Committee recommends that the Town look at what other Vermont towns have done recently in their garage projects; establish energy, functional, and environmental goals; and consider a design/bid/build process as elements of the forthcoming RFP."

Mr. Etnier asked the group what made sense for integrating this advice into the process and TA Jenkins asked that the group define who should be involved in having direct communications with Ms. Gent. Mr. Shapiro shared his experience with building the new fire station, which had a committee made up of fire department employees that communicated with the architect on the project. Mr. Jewett shared his knowledge of the process at Central Vermont Solid Waste District, which had two specialists overseeing the design process. TA Jenkins stated that ideally the town would hire a project manager to oversee the town garage project.

Mr. Jewett suggested that Ms. Gent could receive materials in response to the RFP and help schedule meetings. The Board discussed putting out separate RFPs for an engineer and an architect and decided this made sense; they agreed that they would also consider proposals from a consolidated architect and engineer group. Mr. Shapiro recommended adding language to the RFP to indicate that carbon emissions and energy efficiency are a consideration on this project.

TA Jenkins will bring the RFP draft to the Board at a future meeting. Mr. Jewett and Chair Gardner offered to be points of contact for Ms. Gent while TA Jenkins is on vacation.

Chair Gardner noted that members from the East Montpelier Fire Department were present to answer questions about the meeting. The Board had no questions; they thanked the department members for stopping by.

### **Discussion on Engineering and Estimating Services for Road Projects**

TA Jenkins noted that Doug Newton was the engineer for past road projects in town, and that the town will need to identify a new engineer for upcoming projects. She explained that Chase & Chase have added an engineer named Ryan Libbey to their practice and he worked with the town on the County Road project. TA Jenkins and Road Foreman Perry were very pleased with his work. The Board supported working with Mr. Libbey of Chase & Chase for upcoming projects and asked that TA Jenkins bring a contract to a future meeting.

TA Jenkins noted that Sanders Circle, Sparrow Farm Road, and Guyette Road were the three projects that will need engineering work. She added that the road crew can probably handle the work on Sparrow Farm Road, but the town will likely need to hire a contract for the work on Sanders Circle.

Mr. Trask asked when the town planned to address the ditches on Hammett Hill Road. Chair Gardner explained that the road crew prioritizes washouts and making roads passable. He added that the frequent rain the past few months has made it challenging for the road crew to complete repair work, but that they will get to the road as soon as they can.

Mr. Fisher noted that Sanders Circle is a hazard and suggested adding more visible signage. TA Jenkins commented that Road Foreman Perry is looking into jersey barriers for that road. Mr. Fisher noted that he has already reached out to the Elementary School to talk about bus routes once school begins.

### **Review of CV Fiber Audit Annual Report**

Mr. Fisher was present to answer questions about the CV Fiber Audit Annual Report. Mr. Etnier asked how the \$100k that the town donated to CV Fiber is being applied. Mr. Fisher explained that the money has allowed CV Fiber to roll out service to more people in a shorter period of time. He added that the cost to connect sites to fiber is approximately \$1,500 per site; customers typically pay \$99 and CV Fiber covers the remainder. Mr. Etnier asked for more clarity on the cost of connection. Mr. Fisher explained that the basic charge for all customers is \$99, but if the residence is more than 400 feet from the utility pole then there is an additional cost of \$1 per foot beyond the 400 feet. Mr. Jewett asked if the cost is the same if the connection needs to be run underground. Mr. Fisher explained that CV Fiber doesn't cover the cost of conduit or digging, but does have conduit available for customers to purchase and can connect customers to contractors for the digging work.

The Board thanked Mr. Fisher for his time.

### **Consideration of Quotes to Replace Town Office Oil Tank**

The Board reviewed the quotes from Gillespie and Packard. Mr. Jewett pointed out that no warranty or life expectancy is mentioned in either quote. He also noted that neither quote states whether the quoted tank is double- or single-wall. He added that the double-walled tanks have a life expectancy of around 50 years, while single-walled tanks have an expected life of just 10-15 years.

**Motion: To accept the quote from Gillespie Fuels & Propane for a new oil tank in the municipal building.** Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

### **Curb Cut Application: 23-031**

The Board reviewed the application; there was no discussion.

**Motion: To approve access permit 23-031.** Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

### **Warrants: August 21, 2023 Regular Expense Warrant**

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

### **Town Administrator Report**

TA Jenkins reminded the Board that the Tax Appeal Hearing will be Wednesday, 8/23. She noted that state debris removal contractors will be collecting debris from eight addresses tomorrow. She noted that the external auditors completed onsite review and there are a few questions for TA Jenkins and Treasurer Pallas to resolve. There have been two zoning permit applications since the last meeting. TA Jenkins will be on vacation next week.

Meeting Schedule:

- 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
- November 6, 2023 6:30 p.m. Regular meeting date
- November 20, 2023 6:30 p.m. Regular meeting date
- December 4, 2023 6:30 p.m. Regular meeting date
- December 18, 2023 6:30 p.m. Regular meeting date

### **Review of Errors and Omissions**

The Board reviewed the certificate. Mr. Etnier requested someone attend an upcoming meeting to explain the increase in acreage.

### **Ash Tree Management Project**

TA Jenkins explained that with the incoming FEMA funds, the town needs to keep an eye on its federal funding used in FY24 to avoid passing the threshold for a single audit. She discussed allocating the FY23 Ash Tree removal costs to ARPA funds to use some of that federal money outside of FY24. Mr. Jewett agreed with avoiding the single audit, adding that it can cost \$12k-15k in addition to the standard audit. The Board supported this allocation of ARPA funds.

**Motion: To allocate \$31,934 from the ARPA fund to the FY23 Ash Tree Management Project.** Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

### **County Road Speeding Concerns**

Ms. Christiansen explained that she has received many concerns from residents about speeding along County Road and asked what the town can or can't do about these concerns. TA Jenkins reported that she has asked the Sheriff's Department to post up along County Road. The Board discussed whether a traffic study could help lower the speed limit. Mr. Jewett explained that the traffic study could end up raising the speed limit because they collect data on the actual speeds along the road and adjust based on that data. Mr. Jewett suggested asking the Sheriff's Department to collect some data on speeds along County Road.

### **Other Business**

Mr. Etnier reported that he and Mr. Hess attended the recent meeting in Montpelier to discuss flood solutions for the city. Some radical ideas were discussed, including raising the downtown or moving the downtown to higher ground. This was the first of an ongoing series of meetings, the next is coming up this week.

**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 8:12 p.m. and exited at 8:21 p.m.

The Selectboard authorized TA Jenkins to advertise the open position for the Meeting Minutes Taker position for the Selectboard, Development Review Board (“DRB”), and Planning Commission by consensus.

**Motion: To adjourn.** Made by Mr. Jewett, second by Ms. Christiansen. Passed unanimously.

Meeting adjourned at 8:23 p.m.

Respectfully submitted by Deirdre Connelly.

Approved September 11, 2023 Selectboard meeting.

**Town of East Montpelier  
Selectboard Memo  
August 21, 2023 SB Meeting**

**Additions to the Agenda**

- Review of Errors & Omissions Certificate (Form PVR-4261-E).
  - Adjustment of Parcel 195-062-11220 value from \$324,400 to 334,900 to correct an error in the total acreage, increasing the acreage by 6.46 acres)
  - If the Selectboard is comfortable with the change, the Selectboard to approve the change via motion. The certificate 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.
- Personnel Matters:
  - Meeting Minutes Taker Position
    - 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.
- Ash Tree Management Projects
  - TA Jenkins would like to discuss the potential for the Selectboard to reallocate the expenditure for the FY2023 Ash Tree Management Project as an ARPA expenditure. The costs incurred in FY2023 were \$31,934.00, \$16,934.00 more than the \$15,000.00 budget.
  - TA Jenkins discussed this approach with the town’s external auditors, Sullivan & Powers, who agreed that there are benefits to considering the town’s ash tree efforts as ARPA expenditures. Reallocating these funds is a benefit both as the town manages federal funds received considering the recent natural disaster and to mitigate a budget over-run for the recent fiscal year.

**Review of Minutes: ~~July 24, 2023~~ August 7, 2023**

- Correction of date presented in agenda for minutes review from July 24, 2023 to August 7, 2023.

**Delinquent Tax Collector Report**

- Delinquent Tax Collector Pallas will be in attendance to discuss the delinquent taxes with the Selectboard. From Delinquent Tax Collector Pallas:
  - We are in great shape with our delinquent taxes compared to prior years:
    - Delinquency as of August 16, 2023: \$99,723
    - Same time in 2022: \$139,774
    - Same time in 2021: \$110,308
    - Same time in 2020: \$193,592
    - Same time in 2019: \$140,139
    - Same time in 2018: \$127,250
    - Same time in 2017: \$143,164
    - Same time in 2016: \$180,894
  - There are TEN taxpayers more than one year delinquent; in the past these are the types of delinquency we would potentially take to tax sale.
  - DTC Pallas recommends we take all ten to tax sale to be fair and consistent across the board.
  - The first step is to send the list of delinquent properties to the Town’s attorney, who will then prepare a tax sale engagement letter. Please see the attached notes on the DTC process, per the Town’s attorney.
  - DTC Pallas will provide the Selectboard with the Delinquent Tax List of 08/16/23 via email, as well as provide any additional information under separate cover.

### **Consideration of Justice of the Peace Candidates**

- Town Clerk Laquerre is presenting Justice of the Peace candidates for Selectboard consideration.
- From Town Clerk Laquerre:
  - As you are aware, Lindy Johnson has resigned as an Independent Justice of the Peace (JP). When a JP resigns and is a member of either the Republican or Democratic Party, the party sends names of candidates from their party to the Governor's office for review and await his decision for an appointment. After conferring with the Governor's office, the procedure for filling an Independent position is as follows:
    - Recruit candidates (must be willing to be considered Independent party)
    - Send candidate names to Selectboard for approval to forward to Governor's office
    - Send approved names to the governor's office and await appointment of one candidate.
  - Presuming there is no objection to either of the candidates presented, the board should vote via motion to approve the candidates presented and direct the Town Clerk to forward the candidate names to the Governor's office for selection and appointment.

### **EMFD Meeting Update**

- Chair Gardner, Ms. Christensen, and TA Jenkins attended the EMFD meeting held on Thursday, August 10, 2023. The meeting is hosted by the EMFD and includes representatives from East Montpelier and Calais.
  - Jay Copping, EMFD President, presented the FY2023 department financial results.
  - The department is currently working through, and making positive progress, on the change in department leadership.

### **Town Garage Project Update**

- Per direction from the August 7, 2023 Selectboard meeting, TA Jenkins identified a wetlands consultant to evaluate the vacant parcel adjacent to the current town garage (Parcel Id: 04-02-46.000, Tax Map: 195-062-10299).
  - Dori Barton, Arrowwood Environmental, has the capacity to perform a preliminary walk around to informally map wetlands and get a sense of where there are buildable areas. If an area is identified, Ms. Barton would then formally delineate any wetlands in proximity to that location. This would be considered phase 1 to determine a suitable location to construct a new garage.
  - Ms. Barton can map the wetlands end of September/early October at a rate of \$95 per hour with an estimate of approximately \$800 to perform the preliminary work.
- As requested, Selectboard to consider statement from the Energy Committee:
  - "The Energy Committee would like to ensure that the current RFP process for the Town Garage does not end up yielding a structure that has low initial cost but high long-term costs and high carbon emissions. The Committee recommends that the Town look at what other Vermont towns have done recently in their garage projects; establish energy, functional, and environmental goals; and consider a design/bid/build process as elements of the forthcoming RFP. "Consented to by all present members on 8/14/2023
- TA Jenkins and Road Foreman Perry are continuing to work with Cathleen Gent on the Town Garage RFP.
  - TA Jenkins to discuss approach to move forward with project. Given the recent natural disaster, the town should consider hiring a full-service firm that can potentially design and build the town garage. The process will benefit from having a project manager that can oversee the project, communicate with all stakeholders and present findings to the Selectboard. The Selectboard and TA Jenkins to discuss a strategy moving forward that will yield the most efficient results without straining town resources.
  - The Selectboard to discuss how to structure this project going forward.
    - Identify stakeholders.
    - Seek committee members to oversee process?

### **Discussion on Engineering and Estimating Services for Road Projects**

- Road Foreman Perry and TA Jenkins are meeting with Ryan Libbey, Project Engineer with Chase & Chase Surveyors, on Tuesday, August 22, 2023 to look at 2-3 locations requiring design prior to repair.
- Doug Newton was the previous engineer working with the town on road projects. The town has not yet identified a new engineer since Doug's passing.
- Mr. Libbey was the lead on the County Road oversight provided by Chase & Chase during construction. Ryan's engagement on the project was valuable both for the Road Foreman and in providing reporting to the Selectboard.
- TA Jenkins would like to discuss the need for an engineer and determine the next steps with the Selectboard. TA Jenkins presented a letter from Chase & Chase to provide engineering services to the town.
  - It is important to consider that the long-standing relationship with Doug Newton allowed for an efficient and effective approach to engineering design given Mr. Newton's knowledge of the town and relationship with stakeholders, such as the Town Administrator and Road Foreman. Establishing a relationship with a professional creates efficiencies in many areas, including financially. Chase & Chase was engaged by Mr. Newton and the town on past projects and has the capacity to support the town in engineering projects.

### **Review of CV Fiber Audit Annual Report**

- In compliance with 30 V. S. A. Chapter 82, CV Fiber distributed CV Fiber's Financial Report and Management Representation Letter (aka Single Audit) to the legislative bodies of each member district. As such, the audit report is being presented to the Selectboard for their review. The auditor has presented the findings to the CV Fiber Governing Board at our June 2023 Governing Board meeting and the Governing Board approved the Management Representation Letter at the August Governing Board meeting.
- The Selectboard to send any questions or comments to CV Fiber Chair, Jerry Diamantides.

### **Consideration of Quotes to Replace Town Office Oil Tank**

- During last year's evaluation of the town office oil tank, Packard Fuel reported that the tank needed to be replaced.
- The Selectboard to consider 2 quotes for the replacement of the 275-gallon town office oil tank.
  - Packard Fuels: \$3,090.00
  - Gillespie Fuels & Propane Inc.: \$2,693.73
- If the Selectboard is comfortable with one of the quotes, the Selectboard to authorize TA Jenkins to sign the quote and move forward with replacing the oil tank.
  - ARPA funds could be used to fund this project or the costs could be charged to the Office Repairs/Maintenance general fund budget (\$3,000 budget). Charging the costs to the building maintenance budget will likely result in a budget overage for the year given the other work needed in the building.

### **Curb Cut Application: 23-031: Curb Cut 870 Cummings Rd**

- Application is for a new access to replace the existing access on Cummings Rd. The proposed new access will be approximately 210 feet from the driveway centerline to the centerline of North Street. The existing driveway will be removed.
  - If the Selectboard is comfortable with the application, the application should be signed by all Selectboard members present. If an "in-person" quorum is lacking, the application should be approved by one of the in-person Selectboard members authorized to sign the application on behalf of the Selectboard.

**Warrants**

- **August 21, 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**

- Town Clerk Laquerre requested that TA Jenkins remind the Selectboard of Tax Appeal Hearing to be held on Wednesday, August 23, 2023 at 6:30 p.m.
- The state debris removal contractors, Ceres and Tetra Tech, are collecting debris from 8 addresses on Tuesday, August 21, 2023. The pickup was originally scheduled for Monday, August 20, 2023, but a truck issue delayed the pickup a day.
- Sullivan & Powers, external auditors, completed an on-site review of the town’s financial records on August 17, 2023.
  - There are some follow up items that will require the attention of TA Jenkins and Treasurer Pallas.
- There have been 2 zoning permits applications since the last meeting as follows:
  - 23-033: Changing Out a Single-wide Mobile Home for a Double-wide Mobile Home.
  - 23-034: Subdivide 47 acres into 3 lots.
- TA Jenkins is on vacation and will be out of the office the week of August 28<sup>th</sup>.
- Town Office to be closed from 2:00 p.m. – 3:00 p.m. on Thursday, August 24, 2023, for a staff meeting.
- Selectboard to discuss meeting schedule for the remainder of the year. Specific date in question is November 20, 2023 (Thanksgiving is November 23<sup>rd</sup>). The Selectboard to also consider schedule conflicts with the holidays.
- Meeting Schedule:

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