

Minutes for the East Montpelier Selectboard

September 11, 2023 Public Hearing and 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, Scott Hess, Town Administrator (“TA”) Gina Jenkins

Remote SB Attendance: Zoe Christiansen, TA Jenkins

In-Person Public Attendance: ORCA Media; Deirdre Connelly; Ed Deegan, Michael Duane

Remote Public Attendance: Deb Fillion, Ginny Callan, Renee Carpenter

Public Hearing

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

Additions to the Agenda: None

Public Comment: None

Chair Gardner explained that the town received approximately \$763k in ARPA funding and has approximately \$292k remaining to commit. The Board invited public input on the use of the remaining funds.

Ms. Fillion made a request for three items on behalf of the listers: a fireproof file cabinet, a town laptop that the listers could use in the office and in the field for site visits, and funds to complete scanning surveys.

Ms. Callan suggested opening a portion of the funds to local non-profits and groups such as Twin Valley Senior Center, Four Corners Schoolhouse, the East Montpelier Trails group, or the Friends of Coburn Pond. She commented that nearby towns Calais and Middlesex are doing some nice community projects with ARPA funds and would like to see East Montpelier do something as well.

Mr. Deegan suggested focusing the remaining funds on capital projects and noted that the town garage has been on the capital budget list for many years. He expressed support for using ARPA funding to move forward on a new town garage.

Ms. Carpenter suggested using some of the funds to help residents recover from flood damage. She noted the Vermont Home Improvement Program requires a 20% match and suggested ARPA funds might be used to help residents meet that match. She also suggested using the funds for promoting affordable housing and senior housing in town. Ms. Carpenter asked if the Selectboard has discussed any ideas for the use of funds. Chair Gardner explained that they have discussed using funds for one-time expenses, a few capital projects, and ash tree removal. He added that the town also voted to commit funds to CV Fiber for broadband expansion.

Ms. Callan asked what the Board’s next steps are with regard to this funding. Chair Gardner explained that the Board will review the suggestions from tonight’s hearing and make decisions at a later date.

The group discussed opening up funds to local non-profits. Mr. Etnier suggested inviting organizations that request money through the Funding Request Committee to make a proposal for additional ARPA funding. TA Jenkins explained that it's too late to do that for the coming year. Ms. Callan suggested setting aside a portion of the funds for a grant program and soliciting applications. TA Jenkins and Mr. Hess were both uncomfortable with the idea of setting aside ARPA funds without knowing the exact need.

Chair Gardner closed the hearing at 7:05 p.m.

Selectboard Meeting

Chair Gardner called the Selectboard meeting to order at 7:05 p.m.

Additions to the Agenda: Mr. Etnier requested time to discuss a letter of recommendation for a local farmer in connection to a funding request.

Minutes: The board reviewed the draft minutes of the August 21, 2023 Board meeting.

Motion: To approve the minutes from the August 21, 2023 Board meeting as presented. Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

Public Comment: None.

Consideration of Delinquent Tax Engagement Letter

The Board reviewed the letter; Mr. Jewett noted that it will cost approximately \$1k per property that goes to tax sale for administration and the attorney's time. Mr. Hess asked if that cost is borne by the town or the property owner. Chair Gardner explained that the fees for the sale and attorney's time come out of the sale. Mr. Etnier asked if property owners pay a fee to cover the expense of sending out the delinquent tax engagement letters if they pay before the property goes to a tax sale. Mr. Jewett suggested that those expenses are covered by the interest and penalties for the late tax payments.

Ms. Fillion asked if the town has reached out to these individuals to let them know they are delinquent. TA Jenkins explained that they receive monthly bills and they always have the option to reach out to the town to arrange a payment plan. Mr. Jewett added that the town isn't helping them by waiting to move forward with tax sales, as the penalties and interest will continue to accumulate the longer the town waits.

Motion: To authorize Delinquent Tax Collector Pallas and Chair Gardner to sign the delinquent tax engagement letter from the attorney. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Consideration of The Housing Foundation, Inc. Mortgage Discharge (Sandy Pines)

Chair Gardner noted he had signed this document already as it needed to be notarized.

Motion: To approve discharge of The Housing Foundation Inc. mortgage dated March 18, 1998, and recorded at book 61, pages 497-503 of the East Montpelier land records. Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

TA Jenkins explained that she was told by the state that the town's revolving loan fund is in non-compliance, so the funds can be returned to the state or assigned to Downstreet. She explained that the town would not be hiring Downstreet to manage the fund, the money would be given to Downstreet. Representatives from Downstreet will attend the next Selectboard meeting to discuss this topic further.

Listers Errors & Omissions

Chair Gardner explained that the Board was looking for more information about the Error & Omission for SPAN 195-062-11220. Ms. Fillion explained that a subdivision was recorded in 2023, but the new lots did not transfer to new owners until after April 1st. The 6.46 acres had to be reinstated due to this error.

Motion: To accept the Errors & Omissions certificate for 2023 as presented tonight. Made by Mr. Hess, second by Mr. Jewett. Passed unanimously.

Consideration of Town Office Cleaning Quote

TA Jenkins explained that the town currently pays \$100 per week for cleaning services and she recently reached out to Lamco Cleaning Services for a comparison quote. She felt good about both the quote and the conversation with Lamco and would like to make the switch. Mr. Etnier asked what the term will be for the contract and TA Jenkins explained that it will be one year, with an option to cancel at any time.

Motion: To accept the quote and authorize TA Jenkins to draft a contract with Lamco Cleaning Services. Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

Town Garage Project Update

Mr. Etnier had an update on the recent supreme court ruling regarding wetlands. He recently interviewed Jon Groveman from the Vermont Natural Resources Council, who explained that the state's standards are more stringent than the federal standard so towns should not worry about compliance issues.

Mr. Etnier also updated the board on his conversation with VLCT about a committee structure to manage the project. VLCT recommended forming a committee, but also said that a town employee could manage the project and confer with anyone they'd like. The group discussed project management options for the town garage and TA Jenkins reiterated that she does not have the bandwidth to manage this project. Chair Gardner suggested the Board wait to find out the results from the wetland determination and look at the responses to the RFP before deciding the management structure. Chair Gardner offered to be a point of contact for Cathleen Gent with regards to the RFP.

July 2023 Storm Damage FEMA Update

The Board reviewed the damage inventory document and TA Jenkins noted that four locations will have an upcoming site inspection. Mr. Etnier asked what the percentage of completion means in the document. TA Jenkins explained that a high percentage means most of the work is complete, and also relates to the cost of the work. Ms. Fillion asked about the timeline for work on Horn of the Moon Road. TA Jenkins explained that the first goal was to make the road passable, and now the road crew is working to finish. Chair Gardner reported that he'd heard neighboring towns were waiting to pay contractors until the town received FEMA money. He asked if East Montpelier is also waiting to pay contractors. TA Jenkins explained that the town hasn't hired any contractors yet for flood remediation, but when they do she plans to pay contractors immediately.

Town Administrator Report

TA Jenkins asked the board to sign the curb cut permit that was approved at the last meeting. The Board considered the schedule for January 2024 and decided to move meetings to 1/8 and 1/22.

Meeting Schedule:

- 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

Other Business

Mr. Etnier explained that Eric and Olivia Anderson own a farm on Horn of the Moon Road and applied for a regional economic development grant. They requested a letter of support from the Selectboard to submit with their application. Due to time constraints, Chair Gardner and Vice Chair Etnier signed a letter of support as individuals. Mr. Etnier asked the Board to authorize Chair Gardner to sign the letter on behalf of the full Board.

Motion: To authorize Chair Gardner to sign the letter of support for the Andersons. Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

Mr. Jewett asked if there were any updates on the e-charger in the park and ride lot. Mr. Etnier commented that he needs to follow up with a contractor.

Warrants: September 11, 2023 Regular Expense Warrant

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

Motion: To adjourn. Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

Meeting adjourned at 8:02 p.m.

Respectfully submitted by Deirdre Connelly.

Approved September 18, 2023 Selectboard meeting.

Public Hearing on American Rescue Plan Act (“ARPA”) Town Funds

Discussion on Potential Projects to be Funded by American Rescue Plan Act (“ARPA”) Federal Funds

- The town received \$762,740.11 in ARPA funds with \$470,302.38 committed and \$416,568.38 expended to date. The remaining funds to commit by December 31, 2024 and expend by December 31, 2026 are \$292,437.73.
 - A schedule outlining the status of the ARPA funds has been provided for Selectboard review.
- Selectboard to review letter submitted by Hobie Guion for mold remediation in the Four Corners School House. At the April 17, 2023, the Selectboard voted to commit up to \$30K in funds to match anticipated grant funds for the project. The grant request was approved. The work is expected to be completed by August 30, 2024. If the project is funded with ARPA funds, the cost needs to be committed via formal contract with contractor or completed with all funds expended by December 31, 2024.
- The Selectboard to consider funding FY 2024 Ash Tree Management project with ARPA funds. It was discussed at the May 1, 2023 Selectboard meeting that the need exists to expand on this effort to mitigate the impact of the emerald ash borers. The annual funding provided for this effort is \$15K per year, which has not covered the cost over the past couple of years.
 - The Resilient Roads Committee provided an update for the Selectboard as follows:
 - The grants available for the ash tree management efforts are only \$5K, covering a minor portion of the total costs expended. The town has removed about 800 trees thus far, including some non-ash hazard trees. That’s about one third of the ash from our original inventory work. Community and Urban Forestry just released information on grant programs for 2024. The Caring for Canopies grant limit is still \$5K unfortunately. They do have a new grant program, Growing Urban Forests in the Face of Emerald Ash Borer Grants, which is also limited to \$5K. Only roads within a mile of designated village centers (e.g., North Montpelier, Adamant) are eligible. Therefore, the total grant funds available would be a maximum of \$10K.
 - The committee is suggesting Brazier, Center, and Lyle Young Roads for 2024. That’s roughly 400 trees. Based on the spending thus far, it is safe to assume that the cost for this effort will be at least \$60K.
 - One consideration is that many of the trees can be considered utility trees. While GMP has removed a good number of roadside ash trees in East Montpelier, WEC has been focused on transmission corridors instead. Overall, our inventory showed that about 10% of the roadside trees are within town/utility shared rights of way. There is a potential to partner with WEC on tree removal to get them to chip in on the cost.
 - The Resilient Roads Committee provided a summary of the Annual Ash Tree Project for Selectboard review.

Selectboard Meeting

Additions to the Agenda

None

Consideration of Delinquent Tax Engagement Letter

- Delinquent Tax Collector (“DTC”) Pallas has been working with Jim Barlow, Town Attorney, on issuing demand letters to the delinquent taxpayers. DTC Pallas provided the engagement letter for Selectboard review and approval.
 - If the Selectboard is comfortable with the letter, the Selectboard to authorize Chair Gardner to sign the letter via motion.

Consideration of The Housing Foundation, Inc. Mortgage Discharge (Sandy Pines)

- The balance of The Housing Foundation loan funded by the Revolving Loan Fund was paid off in September, 2022. In order to finalize the mortgage discharge, Treasurer Pallas provided the Mortgage Discharge to be signed by Chair Gardner.
 - If the Selectboard is comfortable with the Mortgage Discharge, the Selectboard to authorize Chair Gardner to sign the letter via motion with the motion reading as follows per Town Attorney Jim Barlow: “To approve discharge of The Housing Foundation Inc. mortgage dated March 18, 1998, and recorded at book 61, pages 497-503 of the East Montpelier land records.”
 - The document is to be notarized at the time of signing.
- TA Jenkins has scheduled Downstreet to meet with the Selectboard at the September 18th meeting to discuss the potential to assign the remaining balance of the Revolving Loan Fund (\$262,629) to Downstreet. At the May 2, 2022 meeting, the Selectboard discussed the potential with Rebecca Schrader, Revolving Loan Fund Advisor, to transfer the funds to an organization focused on affordable housing, such as Downstreet. At the time, Downstreet was restructuring and not authorized by the state to receive the funds but is currently eligible to receive funds. At this time, the town is out of compliance with state guidelines on managing these funds. Per the state, the town needs to either transfer the funds to Downstreet or return the funds to the state.

Listers Errors & Omissions

- The Listers provided additional information for the Errors & Omissions form reviewed at the last SB meeting.
- Per the Listers, the Error & Omission for SPAN 195-062-11220 is to increase the total value \$10,500 to reflect the reinstatement of 6.46 acres that were removed in error. A subdivision creating 2 lots of 3+ acres each was recorded in the 2023 tax year; however the 2 lots did not transfer to new owners until after April 1st (which will appear in the 2024 grand list).

Consideration of Town Office Cleaning Quote

- Municipal Coordinator Canada obtained a quote from Lamco Cleaning Services, LLC. as a comparison to the company currently cleaning the town office. The quote from Lamco was \$80 per week compared to the current rate of \$100 per week.
 - In February, the current cleaning service increased the rate from \$60 per week to \$100 per week.
 - The FY2024 budget for office custodial services is \$3,000 per year which was based on historical rates and is too low for current market rates.
 - At the current rate of \$100 per week, the annual cost would be \$5,200 per year. At the Lamco quote of \$80 per week, the annual cost would be \$4,160. The FY2025 budget will be adjusted to reflect the market rate of cleaning services.
 - The Selectboard to consider the quote from Lamco Cleaning Services, LLC. If comfortable with the quote, the Selectboard to authorize TA Jenkins to contract with Lamco Cleaning Services, LLC. for town office custodial services via motion. If approved, TA Jenkins will draft a contract based on the template provided by the Town Attorney for the services.

Town Garage Project Update

- The Selectboard to discuss next steps regarding the potential replacement of the current town garage. Mr. Etnier to discuss information received on best structure (committee, etc.) for the town to manage the project and define the scope.

July 2023 Storm Damage FEMA Update

- The FEMA Recovery Scoping Meeting was held on Wednesday, September 6, 2023. TA Jenkins and Road Foreman Perry reviewed damage and finalized the Damage Inventory eligible for FEMA funding. The next step is the FEMA site inspection of the damaged areas not at least 90% complete. There are 4 locations that the FEMA Site Inspection team will visit:
 - Sanders Circle Culvert
 - Sparrow Farm Road Culvert
 - Sodom Pond Road Culvert
 - Guyette Road Culvert
- The site inspection will be scheduled for either next week or the week after.
- The Damage Inventory has been provided for Selectboard review.
- TA Jenkins will continue working with FEMA on the process to document damages and expenditures incurred.

Warrant

- **September 11, 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

- Selectboard to sign curb cut permit 23-031 approved at last meeting.
- Zoning Update will be provided at the September 18, 2023 meeting.
- Selectboard to discuss January meeting dates. Regular meetings would be held on January 1, 2024 and January 15, 2024. Proposed dates of January 8, 2024 and January 22, 2024 presented for Selectboard consideration.
- Meeting Schedule:

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