

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

### **November 6, 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, Scott Hess, Jon Jewett, Town Administrator (“TA”) Gina Jenkins, Town Treasurer Michelle Pallas.

**Remote SB Attendance:** Zoe Christiansen.

**In-Person Public Attendance:** Edward Deegan and Keri-Ann Black-Deegan, town residents; Zach Zorn, Orca Media.

**Remote Public Attendance:** Deborah Fillion, Board of Listers and Board of Auditors; Rachael Grossman and Hobie Guion, Four Corners Schoolhouse Association.

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

**Additions to the agenda:** Consideration of KnowBe4 Cybersecurity Training Subscription

**Minutes:** The board reviewed the draft minutes of the October 16, 2023 Board meeting.

**Motion: To approve the minutes from the October 16, 2023 Board meeting as amended.**  
Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

### **Consideration of Resident Request to Discontinue Town Right of Way on Property**

The Selectboard considered the request from Edward Deegan and Keri-Ann Black-Deegan to remove the town right of way on their property, 455 Codling Road, Parcel ID: 10-024.000. A map of the area was provided. The right of way appears as an extension of Wheeler Road, connecting with Codling Road. It now appears on a satellite map to be a treeline between two fields.

Mr. Deegan and Ms. Black-Deegan said they have owned the parcel for 37 years and that the right of way was unused prior to their purchase. They said there’s now a beaver dam and a pond on the right of way. There was a deer stand placed on the right of way earlier this year. They would like to address drainage issues on the land without worrying about the right of way. Mr. Gardner confirmed their description of the land, from his experience farming it.

Mr. Etnier described rights of way as assets to the town and referred to Vermont statute that requires the SB to base its decision on whether “the public good, necessity and convenience of the inhabitants of the municipality” require the highway, or bridge, or highway and bridge, or trail to be discontinued (19 V.S.A. § 710). He asked what arguments there are that public good, necessity, and convenience of the inhabitants of the municipality would require discontinuing the right of way.

Mr. Deegan disputed that the right of way is a town asset and added that any hindrance to him improving the drainage on agricultural land reduces the value of the land, which he described as an asset to the town.

Mr. Jewett pointed out that even if the right of way is not being used now, it may be used in the future, and he asked how discontinuing it would affect neighbors. There was some discussion of who the neighbors were who might be affected. Mr. Deegan argued that the right of way is inaccessible without crossing someone's property, and therefore neighbors would not be affected by removing it.

Mr. Etnier referred to the work of a committee around the beginning of this century that had examined "ancient roads" in town and made recommendations about rights of way. He hoped to find the report and understand what that committee had said about this right of way, if anything.

There was no definitive answer to questions about the current legal status of the right of way—is it a Class 4 Road, a trail, or has legislation wiped it away in recent years?

Mr. Etnier asked that the property owners do the initial legal legwork to describe their proposal and the status of the right of way. However, the other SB members were willing to work with the proposal as received and refer it to an attorney to describe the legal process for the Town to use in responding to the proposal.

**Motion: To authorize the Town Administrator to contact the Town's attorney to investigate the potential for the Town of East Montpelier to consider relinquishing its right of way on a portion of Wheeler Road.** Made by Mr. Hess, second by Mr. Jewett. Passed unanimously.

#### **Consideration of Disbursement of Carlton C. Smith Funds to Four Corners Schoolhouse**

The Carlton C. Smith Fund has accumulated \$2,897 in interest. The Four Corners Schoolhouse Association has requested this money to continue work on mold remediation in the building.

The Selectboard has previously authorized \$30,000 from the Town's ARPA (American Rescue Plan Act) funds to support the mold remediation project, matching a grant from the Vermont Arts Council.

Mr. Guion reported that the total cost for the project would be around \$70,000. Besides the work funded by the VAC and the Town, they would also be replacing the closet doors on the closets that line the north end of the building with louvered doors for ventilation purposes, installing humidity sensors that will automatically record the data and also alert people if things are not working properly, and paying Washington Electric Cooperative for a new transformer to service an upgraded electrical panel. There's also roughly \$1660 of in-kind work that he hopes the Association board will contribute.

Ms. Grossman added that the Association board has already donated equipment and many hours of labor to the project.

Four town organizations are eligible to receive monies from the Carlton C. Smith Fund: the Four Corners Schoolhouse Association, the East Montpelier Recreation Board, East Montpelier Trails, Inc.,

and Rally Day. The East Montpelier Recreation Board and East Montpelier Trails, Inc. have both written to endorse this use of the Smith Fund. There is currently no Rally Day organization.

**Motion: To authorize the Treasurer to disburse the accumulated interest in the Carlton C. Smith Fund to the Four Corner Schoolhouse Association for mold remediation.** Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

### **Consideration of September 30, 2023 Monthly Financial Reporting Package**

Treasurer Pallas provided the September 30, 2023 financial reporting package for Selectboard review. The SB reviewed the package. There was some discussion of three CDs the Town has recently invested in, thanks to the research of Mr. Hess. At around \$250,000 apiece, they are earning around 5.5% interest; they are at three different financial institutions so as to fall under the limits of federal insurance.

The Town has three other, smaller-value CDs earning 1.5-1.8% interest. Mr. Hess encouraged Ms. Pallas to investigate whether it would be to the Town's advantage to cash them in before maturity and reinvest the funds in another higher-interest CD.

The SB suggested considering eliminating the line item for the Rally Day account, since there has not been a Rally Day for many years. If there are other long-unused line items, they could also be removed.

### **Report from the Delinquent Tax Collector**

Ms. Pallas reported that she had begun the tax sale process on ten properties. One is now paid in full, two are partially paid, three are on payment plans, and four did not respond at all. Attorney Jim Barlow wants to know whether the SB authorizes him to move forward towards a tax sale on the four that did not respond. The SB approved the move by consensus.

Mr. Etnier wondered about the naming of property owners with whom the town had begun the tax sale process in documents posted on the web; he thought we'd decided not to publicly post the identifying information. Mr. Jewett pointed out that the SB has not memorialized its wishes along these lines in written policy, so it's hard for new employees to look up what the policy is.

Ms. Pallas also asked for input from the SB on her idea of preparing a template for those who have missed tax payments but are not yet on the tax sale list, inviting them to set up a payment plan. The SB said it was a great idea.

### **Review of CV Fiber 2023 Annual Report**

The SB reviewed the written report and decided to invite the town representative to the CV Fiber board to answer questions, e.g., do they have any functioning fiber connections in East Montpelier?

### **Update on Town Garage RFP**

Mr. Gardner and Mr. Jewett reported that they had worked with contractor Cathleen Gent and energy committee member Andy Shapiro to finalize the Request for Proposals (RFP) for architectural and

engineering services for a new Town garage. The SB approved the RFP and discussed ways to distribute the RFP.

The current activity area for the Town garage encroaches on another Town-owned parcel, part of the town forest. Mr. Gardner will work with the firm Chase and Chase to draw up a boundary line adjustment proposal and submit it to the Zoning Administrator; the SB approved this by consensus.

**Motion: To authorize the Town Administrator to release the request for Proposals for architectural and engineering services for a town highway garage for bidding by qualified firms.** Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

#### **Update on July Storm Damage and FEMA Reimbursements**

The work continues. TA Jenkins meets with FEMA on a weekly basis and is working through the required documentation to seek reimbursement for repairs from the July storm. The first project has been submitted for reimbursement, Project 730555, Emergency Protective Measures, for the emergency/temporary work performed on Horn of the Moon Rd., Sodom Pond Rd., and Sparrow Farm Rd. The total costs of \$15,283.12 include road crew labor, equipment hours, materials and rental equipment costs. The town has a total of 10 projects under FEMA DR4720VT eligible for reimbursement. TA Jenkins will continue working with FEMA and Road Foreman Perry to document the town's impacts and seek FEMA reimbursement of costs. TA Jenkins will also be working with the town's external auditor, Sullivan & Powers, to properly reflect the costs and reimbursements in the town's general ledger.

#### **Consideration of Town Office Network Cabling Quote**

RbTechnologies recommended and facilitated obtaining a quote to update the network cabling in the town office. The current infrastructure includes single lines run from the basement to the office locations with individual switches providing network connectivity to the phone, printers, computer in the workspaces. RbTechnologies judges the current infrastructure to be outdated, inefficient to manage, and increasing security vulnerability. The quote is for \$4,360.22.

Mr. Etnier asked that the finished work be accompanied by an as-built drawing, so it's easy to get an overview of the network in the future. Ms. Jenkins said that the cabling would be clearly labeled.

**Motion: To authorize the Town Administrator to accept the quote for network cabling in the town office and to use ARPA funds to pay for the work.** Made by Mr. Etnier, second by Ms. Christiansen. Passed unanimously.

#### **Consideration of Invitation for Vermont 250th Anniversary Resolution**

The Vermont 250<sup>th</sup> Anniversary Commission is inviting all towns, cities, and villages in Vermont to participate in the upcoming commemoration of the 250<sup>th</sup> anniversary of events of or related to the American Revolution, beginning in 2025 and concluding with the anniversary of the founding of the Republic of Vermont in 2027. The Commission says that the "participation" they're requesting can be "simply assigning a liaison for information sharing, establishing a local committee, organizing events and activities, or whatever your community decides."

Mr. Etnier reported he had spoken to Sandal Cate of the East Montpelier Historical Society about the Commission's request. She thought the Historical Society would be interested in it.

By consensus, the SB authorized the Town Administrator to reach out to the Historical Society about their interest in taking a leading role in the town's celebrations. However, Ms. Christiansen volunteered to take the assignment off the desk of the TA, and the SB accepted.

#### **Consideration of Letter of Support for Plainfield Co-op**

Plainfield Co-op is investigating purchasing the current Plainfield Hardware and General Store, on Route 2 in East Montpelier. The plan is to keep the operation very similar to what Plainfield Hardware's is now, with more local food. The Co-op is applying for a grant from the Vermont Housing and Conservation Board's Rural Economic Development Initiative, and they requested a letter of support from the Town. Mr. Gardner provided a draft letter.

**Motion: To authorize the chair to sign a letter to the Vermont Housing and Conservation Board's Rural Economic Development Initiative, in support of Plainfield Hardware's grant application.**

Made by Mr. Hess, second by Mr. Jewett. Passed unanimously.

#### **Appointment: Zoning Administrator**

Mikaela Engert has been hired by the town to serve as Zoning Administrator, and now a formal appointment is necessary.

**Motion: To appoint Mikaela Engert as Zoning Administrator, effective November 6, 2023.** Made by Mr. Hess, second by Ms. Christiansen. Passed unanimously.

#### **Consideration of a Curb Cut Application**

The application is for application 23-042, for Parcel #03-063.000, for an undeveloped parcel on County Road. Road Foreman Guthrie Perry has signed off on the application. No culvert is needed.

**Motion: To approve application 23-042, for a curb cut.** Made by Mr. Etnier, second by Mr. Hess. Passed unanimously.

#### **Consideration of KnowBe4 Cybersecurity Training Subscription**

The Vermont League of Cities and Towns (VLCT) has announced a program to fully reimburse towns for subscribing to KnowBe4 Diamond Level Cybersecurity Training. The platform provides cybersecurity training for employees to equip the employees with tools and resources to mitigate a potential cybersecurity hack. The quote is for \$1,047.50.

**Motion: To authorize the Town Administrator to sign the quote, pay the subscription cost, and submit for reimbursement from VLCT.** Made by Mr. Etnier, second by Mr. Jewett. Passed unanimously.

#### **Warrants**

The November 6, 2023 Regular Expense Warrant was approved via signature of all the SB members.

**Town Administrator Report**

The Board of Civil Authority's decision dated October 3, 2023 has been appealed by the landowner. Town Clerk has provided the required documents to the Superior Court and notified the town attorney of the appeal.

There have been three zoning applications since the last meeting, for a wood shed, an accessory dwelling unit (ADU), and the curb cut approved this meeting.

**Adjourn**

**Motion: To adjourn.**

Made by Mr. Jewett, second by Mr. Hess. Passed unanimously. Adjourned at 8:05 p.m.

Respectfully submitted by Carl Etnier.