

Minutes for the East Montpelier Selectboard November 20, 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.

In-Person Public Attendance: Adrienne Allison, AllTogether Now! (ATN); Michele Braun, Friends of the Winooski; Richard Brock, East Montpelier Trails, Inc. (EMTI); Carol Cannaveno, ATN; Paul Cate; Gregory Chamberlin; Erin Clark, supporting ATN; Tom Fisher, CV Fiber; Allan Serrano, EMTI; Mary Stone, EMTI; Janice Walrafen, ATN; Thomas Weiss, Friends of Coburn Pond; Zach Zorn, Orca Media.

Remote Public Attendance (some information is incomplete, from Zoom screen names): “Ben’s phone;” “Bethel Selectboard;” Ginny Callan; Sue Carey; Renee Carpenter; Ed Deegan, Capital Improvements Committee and Board of Auditors; Deborah Fillion, Board of Listers and Board of Auditors; Taylore G.; Ben Gabos; Aliza Lapaglia; “Mia;” “Mica;” Steven Miracle; Sharon Plumb, Vermont Trails and Greenways Council; David Webb; Denise Wheeler, Twin Valley Senior Center.

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

Additions to the agenda: A personnel matter; discussion of steps in removing the town-owned building on Route 2.

Minutes: The board reviewed the draft minutes of the November 6, 2023 Board meeting.

Motion: To approve the minutes from the November 6, 2023 Board meeting as amended.
Made by Mr. Hess, second by Mr. Jewett. Passed unanimously.

Public Comment

Mr. Chamberlain reported that Gould Hill Road has been dumping water under their foundations, causing major damage. He gave a letter to Mr. Gardner and an oral report to the entire SB:

This has been going on for years and is worse this year. The road crew has made the issue worse by raising the grade of the road. The road was even with the bottom of house in 1987, when he and wife moved in. Now the road is 31” higher than the bottom of a garage they just put in. They are looking at spending tens of thousands of dollars to repair water damage, and they’re not sure it’s going to stay repaired. The road crew put in a culvert 10 years ago, which now is almost completely plugged. A swale was put in 5 years ago, and it is not maintained. He would like another swale.

Mr. Gardner noted that he is one of the road commissioners, and he said he would make an appointment to come and take a look at the site with the road foreman.

Discussion with CV Fiber Town Representative

Mr. Fisher attended the meeting at the SB's request, to answer questions about the annual report and the current work on extending fiber internet in East Montpelier. His report, partially in response to questions:

The organization is shifting its structure as it grows, with less volunteer involvement than six to twelve months ago; now there are three paid staff. So he is passing on information from staff.

There are residences in East Montpelier with CV Fiber service now, probably 30 or 40. The work is going slower than expected. There are seven teams in field installing the fiber on poles. The slow side is installing fiber to people's houses. There is only one team doing this work, and they can do seven installations a week. (He signed up months ago himself and doesn't have service yet.) There's enough fiber on poles to serve 1,200 premises now; they expect about 40% uptake from people who are in the service area.

Financially, they are facing a crunch in the summer of 2024. The first round of grant money will run out in the middle of the summer, with the next round coming out at the end of summer. They are trying to figure out bridge funding, like short-term loans, and looking at other grant opportunities.

The pricing is competitive, and customers are paying for higher tier levels than CV Fiber expected. If the trend continues, it will mean they'll be able to lower prices in the future.

People in the CV Fiber service area can enter their address at cvfiber.net to find out whether they can sign up for service now; the same page has a map showing where there is service and where people can sign up for service.

[The map shows no current service in East Montpelier, but portions of the northern part of town are marked "Sign Up Now Available."]

The SB thanked Mr. Fisher for his service and his report.

Consideration of Contributions to East Montpelier Nonprofits

The Town has announced that it would make a portion of its funding available from ARPA (the American Rescue Plan Act) to nonprofits based in town. As a result, four non-profits pitched projects to the SB.

Ms. Wheeler presented a proposal from Twin Valley Senior Center for \$50,000 to pave their parking lot. The proposal included a written request and quote for the paving for \$39,750 in August of 2022; she expects the price to be considerably higher if they do the work in 2024. In response to a question from Mr. Hess about how they could use partial funding, she said they would have a hard time coming up with half or even a quarter of the cost from other sources. She offered to meet SB members on Wednesday to show the parking lot.

Ms. Stone, along with Mr. Brock, presented a two-part proposal from East Montpelier Trails, Inc. (EMTI); the proposal was also submitted in writing:

They are seeking \$14,500 to replace a bridge over Mallory Brook that was built somewhere around 2005. The original bridge's lifetime ended ten years later, and people have not been able to cross the water without a bridge this wet year. EMTI is very close to achieving their long-time goal of a circle of trails through town. Without the Mallory Brook bridge, however, that trail is a dead end.

On a new section of trail, they built a bridge this fall with steel I-beams, black locust decking, and cedar rails. The same design could work on Mallory Brook. EMTI has permission from Chris Pratt, the property owner, and the bridge could be constructed next year.

EMTI has been seeking funding for this bridge for several years. Grants are very competitive, and they are a volunteer-run organization competing with organizations with in-house grant writers.

They are also seeking \$4200 to replace a 700-foot boardwalk over wet ground on the Sparrow Farm trail. The original boardwalk was built in 2016 and is rotting.

EMTI has more than \$4,000 in their accounts and so can carry out one or both projects with partial funding from ARPA monies.

Ms. Walrafen presented a proposal from AllTogether Now! Community Arts Center (ATN); a proposal was also submitted in writing:

She has owned the property ATN is on since 2004. The farm house on Cherry Tree Hill Road is home to long-term residents and two businesses: Her art tile business and ATN, the non-profit that runs a pre-school, summer camps, seasonal celebrations, and unique arts cultural opportunities. The property is now owned by a co-housing LLC. The non-profit is a long-term tenant.

They have 9 weeks of summer camps, this year with over 120 individual campers. They raise money for summer camp scholarships for low-income and BIPOC campers. There are three administrative staff working for ATN year round, and two residents in the building.

Other off-site but nearby (in Montpelier) projects of ATN include Ice on Fire, an Imbolc celebration that raised \$2700 this year; All Species Day, which regularly attracts 600 or 700 participants; and the Enchanted Forest in Hubbard Park, which sold over 1000 tickets this year. Plus they do workshops on the property, like one on building a stone masonry cellar this past summer.

The ATN pre-school has been ordered to stop using the building, by the state Department of Fire Safety. The department is requiring them to install a new boiler, egress windows in the upstairs residences, and a fire-rated boiler room. They estimate the total cost to be \$63,500, including \$9,000 for administrative and legal expenses. They have set up a GoFundMe page that has raised \$7,000 in less than two weeks.

In response to a question from Mr. Gardner on the age of the non-profit, Ms. Walrafen said she joined its board in 1996 and has been on the board since then; the non-profit changed its name to AllTogether Now! Community Arts Center in 2019.

Mr. Jewett asked about the square feet of heated space in the building. Ms. Walrafen reported that it's around 5100 square feet and is heated with two boilers now. One needs to be replaced.

Ms. Clark spoke to support the ATN request, based on economic benefits to the community. She said her two kids had attended ATN day care and attend the summer camp every year. Because of this, she has been able to go back to school to get a nursing degree and now works as a registered nurse for Central Vermont Home Health and Hospice.

Mr. Etnier spoke in support of ATN's work in the community. He also asked about how to justify using public funds to support work in a building that the nonprofit doesn't own, but is a long-term tenant in. Ms. Walrafen said the building is vital for the nonprofit's success. She explained the second floor is used for the residences. The first floor is used partially for ATN activities, and the plan is for ATN to use the entire first floor. The basement is her art tile studio plus the boiler and storage for the residents. She says ATN has a five-year lease and she intends to extend it. She said ATN has acted as a fiscal agent for other organizations in the past, taking 10% for administrative costs, and they could do that in this case, too.

Mr. Etnier asked about the fuel the boiler would use. Ms. Walrafen replied that it would use propane. She said they investigated wood pellets, wood chips, and heat pumps, and experts told them that the most effective course of action would be to put in a new propane boiler. Mr. Etnier said he had reservations about using public funds to install new fossil fuel infrastructure and he was glad that they had examined alternatives.

Ms. Carpenter spoke in support of ATN, stressing the workshops they've held over the years aimed at increasing local food security. She also said the organization has been under stress since the death of its co-leader, Ellen Leonard.

Ms. Braun commented favorably on ATN, saying her kids went there.

Ms. Cannaveno spoke in support of ATN. She has been living there since 2013, and she said they have a commitment to providing affordable housing that really is affordable to low-income people.

The East Montpelier Historical Society submitted a letter requesting \$10,000 for improvements to the Four Corners Schoolhouse that would benefit the Historical Society: display cabinets to be kept for exhibiting various historic artifacts and paper materials, two sets of steps to access the stage, and a portable ramp to access the stage. No one from EMHS attended the meeting to present the request.

The SB will consider the requests at a future meeting.

Discussion with Friends of Winooski

Ms. Braun presented—but then seemed to withdraw—a proposal for Friends of the Winooski to work with the Town on a 78-acre parcel of land around and including the popular swimming hole at Coburn Pond, to mitigate downstream flooding on the Winooski River. The land currently belongs to VTrans, who acquired it to construct wetlands to mitigate the impact of wetlands destroyed in widening Route

2. The Friends of the Winooski proposed that the Town purchase the land from VTrans; she said VTrans would love to transfer the land to another public entity.

Ms. Braun explained, in a letter to the SB and at the meeting:

There is considerable interest in giving the river access to the wetland on the property. Doing so would provide more than five acres of valuable flood storage. She believes the project would not negatively affect the use of the pond for swimming, and there may be potential for enhancing the pond.

Friends of the Winooski cannot use state clean water funding for this work as long as VTrans owns the parcel; if the town owned it, then state clean water funding could be used.

There are conversations with private property owners nearby who are interested in dedicating a portion of their lands as floodplain forest or something similar to respond to how dynamic the river is in that section. During the course of these conversations, they looked at the VTrans parcel across the river.

The idea would be to create an upstream and downstream hole in the berm that separates the river from the rest of the parcel, so the river could overflow into the parcel as its waters rose. Engineering studies would be required.

However, she had a conversation with Ms. Carpenter of Friends of Coburn Pond, who told her the organization was not open to data collection or anything of this sort happening on the parcel, and Ms. Braun is not interested in working on the project against local opposition.

Mr. Hess asked what reasons the Town might have for not wanting to own the land. Ms. Braun couldn't provide any. Ms. Carpenter indicated she would address that question.

Mr. Etnier asked if there was any information on the price VTrans would ask for the parcel. While no one had information specific to this parcel, Mr. Jewett said VTrans has a history of giving land to towns.

Friends of Coburn Pond submitted a letter to the SB, and Ms. Carpenter described their position:

The organization worked, with support from the Town in the Act 250 process, during VTrans work in constructing wetlands on the site. There are two reasons that Friends of Coburn Pond doesn't support further investigation of the site: 1) Anything done on the site will compromise the water quality and the existing use of the swimming hole, which is protected by Act 250. 2) The berm already has four places below the 10-year flood level, plus the entrance to the pond along Coburn Road is lower than the elevation of the 10-year flood. These five locations already allow flood waters to enter the pond site and the constructed wetlands.

The amount of water entering the area also impedes snowmobile access to the land.

Further flooding of the land would violate an agreement with the abutting neighbor to the north and would compromise the water quality of the swimming hole.

She supports the general work of Friends of the Winooski and increasing flood mitigation using flood plains.

The town has previously declined to buy the land because of not wanting the liability of managing the recreation on the site. The Friends of Coburn Pond has been managing the recreation there, and they organized a cleanup of the pond after the July flood, in response to a call from Friends of the Winooski. They are interested in taking over ownership of the land from VTrans, rather than having the Town do so.

The SB thanked Ms. Braun and Ms. Carpenter for the information and ideas.

Presentation of FY2025 Capital Improvement Committee Plan

Mr. Deegan, as chair of the Capital Improvement Committee, presented an updated FY2025 plan for future anticipated capital expenditures. (Mr. Hess and Mr. Jewett are also members of the committee.) He explained that they have added funding for technology—like the server for the office—and sidewalks, with a total increase in requested funding of \$10,000, or approximately 2%.

In the context of adding the server to the budget, Mr. Etnier asked what constituted “capital” for the purposes of this plan—how big an expenditure does it have to be and how infrequent?

Ms. Jenkins reported that she’d asked a similar question when she first sat in on a Capital Improvement Committee meeting and found there were no clear rules. In the corporate world that she came from, servers and such significant investments (tens of thousands of dollars for a server) would definitely be in the capital budget. The phone system may or may not belong in the capital budget; it’s not there now.

Others added that what is included in the capital budget is an ongoing discussion. Mr. Jewett advocated for any expected, recurring large expenditure to be included in the capital budget.

The server is in the budget for \$1,000 this year. Mr. Deegan explained that this is just a start; they didn’t want to add more than 2% to this year’s budget.

The SB will vote on the capital budget when it adopts a budget to present to Town Meeting.

Town Treasurer Report

The SB reviewed the Treasurer’s monthly report. Ms. Jenkins was asked about any red flags in it, and she said there were none. Mr. Hess renewed his call for the Town to purchase more CDs and more T-bills.

Discussion on Request to Discontinue Right of Way on Parcel 10-024.000

The Selectboard continued discussing the request to remove a right of way from parcel 10-024.000, reviewing an email from attorney Jim Barlow outlining the process for moving forward on the request.

The right of way is marked as a legal trail on the 2018 VTrans map of East Montpelier highways.

The first step outlined by Mr. Barlow is to review town records to determine all the persons entitled to notice of a discontinuance hearing and site inspection.

Motion: To authorize town attorney to review town records to determine all the persons entitled to notice of the discontinuance hearing and site inspection. Made by Mr. Jewett, second by Mr. Hess.

Mr. Etnier expressed continued discomfort at expending Town money to start a process for the benefit of an individual land owner. He said he'd prefer to put the onus on the land owner to pay an attorney to do what needs to be done. However, he acknowledged the other SB members had previously chosen to use the Town's attorney to start this process, and that it is in the Town's interest to accurately identify anyone entitled to notice of the hearing, to prevent legal problems down the line.

Mr. Jewett said that when he was a town manager, he hated the idea of giving up rights of way. For the most part, they're an asset, but they can be a liability, too. He's not sure whether this trail is more of an asset or a liability. He also has experienced that people will build along a trail—which a town has no legal obligation to maintain—and then demand that the town maintain the trail as a road.

The motion was passed unanimously.

Consideration of Engineering Firms

In response to a request to build a relationship and contract with an engineering firm for highway projects, the town received responses from two firms: DeWolfe Engineering Associates and DuBois & King.

The SB is satisfied that either firm would provide good service. Both are based in Vermont; DeWolfe has an office that is closer to East Montpelier, but employees for both firms may live at varying proximities to East Montpelier. The rate structures for the two firms are similar.

It is not necessary to make a long-term decision; the Town could pick a firm on a project-by-project basis.

The SB by consensus authorized the Town Administrator to pick a firm for future highway projects, after investigating the availability of both of these firms for each project. She said she would consult with Road Foreman Perry in the process.

Preliminary Discussion on 2024 Town Meeting Warning

Ms. Jenkins provided an early draft of the 2024 Town Meeting Warning, including a number of potential articles based on prior Warnings. These draft articles do not reflect any current determination by the Selectboard and are presented to provide potential formatting should the board decide to move forward with some of the articles as presented.

The SB took no action.

Preliminary Discussion on FY2025 Budget Development

Ms. Jenkins reported she has started drafting the FY2025 budget. A draft will be presented at the next SB meeting. She asked the SB to provide guidance or address specific questions about the FY2025 budget. The SB had no immediate guidance or questions.

Appointment

The Emergency Planning Committee could use more members, and Jennifer Zollner has offered to serve on it.

Motion: To appoint Jennifer Zollner to the Emergency Planning Committee. Made by Mr. Hess, second by Mr. Etnier. Passed unanimously.

Discussion of Removal of a Town-Owned Building

Mr. Gardner wants to begin the process of removing a town-owned building on Route 2 in the village. He characterized the building as a tear-down. The Town has no firm plans for the use of the building. He said the first step is to call the state and ask about the process for doing an assessment of asbestos presence and any need for removal. Ms. Jenkins agreed to contact the state and find out what the steps are in asbestos assessment.

Warrant

The November 20, 2023 Regular Expense Warrant was approved via signature of all the SB members.

Town Administrator Report

There have been no permit applications since the last meeting.

The site visit for the town garage project was held on Monday, November 20th. A total of eight firms attended the site visit. Questions from the participating firms are due by November 22, with a written summary of the questions/town responses due December 1.

Personnel Matter

Motion: To enter executive session under 1 V.S.A. §313(a)(3) – the appointment or employment or evaluation of a public officer or employee. Made by Mr. Etnier, second by Mr. Hess. Passed unanimously at 8:46 pm.

The SB exited executive session at 9:07 pm.

Motion: To offer compensation to minutes takers for the Development Review Board, Planning Commission, and Select Board at the budgeted rate. Made by Mr. Hess, second by Mr. Jewett.

Because good minutes are a fundamental part of governmental transparency and therefore accountability, the SB wishes to compensate those who put in the time to take the minutes for these three bodies. While other Town organizations are required to take minutes, the work required is generally *de minimis*.

The motion passed, 3-0-1, with Mr. Etnier recusing himself.

Adjourn

Motion: To adjourn.

Made by Mr. Jewett, second by Mr. Hess. Passed unanimously. Adjourned at 9:10 p.m.

Respectfully submitted by Carl Etnier.

**Town of East Montpelier
Selectboard Memo
November 20, 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.

- Personnel Matter

Discussion with CV Fiber Town Representative

- Tom Fisher, EM CV Fiber Town Representative, is in attendance to review the CV Fiber annual report with the Selectboard.

Consideration of Contributions to East Montpelier Nonprofits

- The Selectboard to consider requests from local nonprofits for contributions. The intent is that these contributions will be made with a portion of the town's ARPA funds:
 - Twin Valley Senior Center: \$50,000
 - EM Trails, Inc.: \$14,500 (Mallory Brook Bridge) & \$4,200 (Sparrow Farm Boardwalk Replacement)
 - AllTogetherNow!: \$63,500
 - East Montpelier Historical Society: \$10,000

Discussion with Friends of Winooski

- The Selectboard to discuss email from Michele Braun, Executive Director of Friends of the Winooski River, regarding parcel at Coburn Rd and US Rte 2.
- The Selectboard to review materials presented by Friends of Coburn Pond with information about the property.

Presentation of FY2025 Capital Improvement Committee Plan

- The Capital Improvement Committee is presenting an updated FY2025 plan for future anticipated capital expenditures.
- If comfortable with the plan presented, the Selectboard should adopt the plan and set the FY2025 budget line at the desired level via motion.

Town Treasurer Report

- The Town Treasurer has provided the October standard monthly reporting package for Selectboard review.

Discussion on Request to Discontinue Right of Way on Parcel 10-024.000

- The Selectboard to continue discussion on the request to remove the right of way from parcel 10-024.000.
- Email from Jim Barlow, Town Attorney, provided for Selectboard review and consideration.

Consideration of Engineering Firms

- In response to a request to build a relationship and contract with an engineering firm for highway projects, the town received responses from 2 engineers: DeWolfe Engineering Associates and DuBois & King.
- The Selectboard to discuss the next step in engaging a firm.

Preliminary Discussion on 2024 Town Meeting Warning

- The preliminary draft of the 2024 Town Meeting Warning includes a number of potential articles based on prior year Warning. These draft articles do not reflect any current determination by the Selectboard and are presented to provide potential formatting should the board decide to move forward with some of the articles as presented.

Preliminary Discussion on FY2025 Budget Development

- TA Jenkins has started drafting the FY2025 budget. A draft will be presented at the next Selectboard meeting.
- The Selectboard to provide guidance or address specific questions about the FY2025 budget that TA Jenkins should take into consideration when drafting the FY2025 budget.

Appointment

- Emergency Planning Committee: Jennifer Zollner
- Energy Committee: There was a bit of confusion over an email from the Energy Committee. The EC may appoint a new member in the future. They are not ready to appoint at this time.
 - If the Selectboard is comfortable with the appointment, the Selectboard to appoint position via motion.

Warrant

- **November 20, 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

- There have been no permit applications since the last meeting.
- The site visit for the town garage project was held on Monday, November 20th. A total of 8 firms attended the site visit. Questions from the participating firms are due by November 22nd with a written summary of the questions/town responses due December 1st.
- Meeting Schedule:

December 4, 2023	6:30 p.m.	Regular Meeting Date
December 18, 2023	6:30 p.m.	Regular Meeting Date
January 8, 2024	6:30 p.m.	Special Meeting Date
January 22, 2024	6:30 p.m.	Special Meeting Date
February 5, 2024	6:30 p.m.	Regular Meeting Date
February 26, 2024	6:30 p.m.	Special Meeting Date (February 19 th is President’s Day)
March 4, 2024	6:30 p.m.	Regular Meeting Date / Town Meeting Forum
March 5, 2024	9:30 a.m.	Town Meeting