



MONTGOMERY
FOUNDED 1788

**Town of Montgomery - P.O. Box 356
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Minutes of the
REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION
Monday, August 3rd 2020
6:30pm
Unapproved Minutes

Full Recording of the Meeting can be found here:

<https://us02web.zoom.us/rec/share/39xxC6PgsU9LXrPu2Qb0GawNMIL1X6a8hHUWqaFcmB7X-WKwWjDSrh0TpOxf6VOB> Password: !7k.4N^^

Attendees: Charlie Hancock, Mark Brouillette, Jacob Racusin, Suzanne Dollois (joined at 6:45)
Absent: Leanne Barnard, Clerk: Genevieve Lodal-Guild
Visitors: Sue Wilson, Larry Letourneau, Anita Woodward, Arnold Mercy, Darren Drevik, Pat Farmer, Sabra Massey

1. Review and make any changes to the agenda

Charlie asked to remove “2019 Audit” under New Business from the agenda.

2. Review/approve minutes of the July 20th meeting

Mark made a motion to approve the minutes of the July 20th meeting, Jacob seconded.
Vote: 3-0, Aye. Motion passed.

3. Public Works

a. Roads and Bridges

i. Grant updates - no updates at this time

ii. Fixed Radar Speed Signs (*update*)

Michael said that Lafayette will be in town on Thursday to put in the concrete footing/base installation (*note: this has since been moved to Monday*). Michael reported that Consolidated Communications has been cutting through the culverts when putting in burial lines, so he would like to not allow them to put in lines over culverts.

b. Buildings and Grounds

- i. 98 Main Street (*update—discussion under USPS, Old Business*)
No updates at this time.
- ii. Generator repairs (*discussion, potential board action*)

Charlie heard back from Brookfield that there is no value in the existing generator (they suggested to try selling it privately). Charlie contacted other generator service companies and discussed a replacement generator; at Milton CAT for a 50kw generator (ours is a 40kw), the cost would be \$30,000 (compared to a 38kw replacement for \$18,600 from Brookfield). Tom from Milton CAT is going to give us an estimate on a replacement panel (the estimate for one from Brookfield is about \$10,000).

c. Transportation Alternatives Program (TAP) update re: Longley Bridge Road project (*update*)

Charlie said we just received the paperwork to execute the engineering with Dubois King, so that work is progressing.

d. FEMA (*update*)

Michael and Charlie were out one full day of the previous week going over the final inventory with the FEMA representatives. We have submitted for the first round of reimbursements.

4. Visitors

Larry reminded the Board that the hole (from the storm last fall) on Regan Road at Route 58 is very deep and still needs to be fixed.

5. Water Commission Issues

Charlie checked with Ross, who is going to start with hydrant flushing this Thursday.

6. Old Business

a. COVID-19 and Municipal/Local Response (*updates/discussion*)

Mark mentioned hearing that mandatory masks would be offered to the Town. Charlie will check with VLCT and the town clerk's office to clarify.

b. Electric Vehicle Charging Stations (*update*)

Suzanne reported that Doug will scope out the spot at the Grange this week.

c. Wastewater and Streetscape Projects (*updates*)

i. Status updates

The Town is waiting on the underwriting offer from the USDA as well as the engineering service agreement from Hoyle Tanner for the next stage,

which is final engineering. There is a tentative August informational Zoom meeting (Charlie will confirm shortly and send out notices ASAP).

- ii. Timeline—Action Items/Next Steps: pending details

7. New Business

- a. ATV Petition to open Town Roads (*review, discussion*)

Charlie stated that last week the Board received a petition for a question on opening of town roads for ATV traffic to be added as an Australian ballot item at the November General election. The petition met the number of signatures needed of registered voters. Charlie explained that Montgomery is considered a “floor town”, so all business is conducted from the floor at Town Meeting, unless otherwise statutorily required (such as the recent Bond vote). Towns can vote to conduct three types of business by Australian ballot: election of officers, budget passing, and “all other business”. Towns can elect to vote on one, two, or all of these items in this way, but the town has to elect to vote in this manner before a vote on a specific measure can occur. And once a Town elects to vote by this method (Australian ballot or Floor vote), all future measures must be voted on in the same manner. Therefore, this petition is considered not valid because the Board cannot put a question like the one in the petition to the voters by Australian ballot at the November General Election. This was not the fault of the petitioners, who did their due diligence, however the advice they received from the Secretary of States office re: the petition did not take into account that Montgomery is a floor town.

Jacob asked if there was any mechanism to amend the current petition to be valid or compliant with Montgomery’s voting procedures. Charlie reported that he consulted with the Town’s attorney, Charlie Merriman, who said that if the petition is not valid for the November General, it would not be automatically moved to Town Meeting. Mark asked if it could work if there were a petition that asked for a question to be voted on at Town Meeting from the floor. Charlie suggested that there might be two options: the Board could ask the petitioners to make a new petition, or the Board could take the petition in good faith and unilaterally add the question to the Town Meeting warning to “save them the hassle”. Suzanne asked for clarification on why the Wastewater Bond vote was done by Australian ballot; Charlie clarified that a vote for a bond like that is required by Vermont law to be voted by Australian ballot.

Larry offered to write an addendum to change the time and date for the petition. He had hoped that the vote could happen at the November General so that more voters could be involved and to avoid further conflict. Darren reminded everyone that this issue came up about 3 years ago where the town was divided and

suggested that there might be a way to work out a compromise between now and Town Meeting. Pat Farmer said he liked the idea of the compromise. Arnold Mercy mentioned that a floor vote might not be fair. Charlie reiterated that there is a current legal framework around how measures are voted that we must operate in, unless the Town decides to change this framework. Sabra Massey said she thought it would be worth having the two sides get together and talk. Mark said that Newport has opened up their town to ATVs, and he talked to members of their Selectboard to see how it's going, who said it's being policed better. Suzanne mentioned that Danville has an ATV committee made of community members and has some other ideas that might be useful for Montgomery. Discussion ensued.

Jacob stated that he does not want this issue to change the structure of how the town votes (Australian ballot or Floor vote); he is more interested in seeing a group form with a community buy-in approach instead of further entrenchment. Charlie added that the Board does not have the bandwidth to resolve this issue/chair a committee process.

Jacob suggested that the Board reject this petition as invalid based on the fact that they cannot legally put a question like the one in the petition to the voters by Australian ballot at the November General Election. He also strongly encouraged formation of a citizen-led group to come up with some solutions around this ATV issue, which the Selectboard can help facilitate. Charlie will email petitioners and others invested to suggest them getting together to find some compromise and a community-led solution.

Charlie made a motion to reject the petition on the grounds that Montgomery is a floor vote town and, therefore, cannot bring this question to the voters as an Australian ballot item at the General Election, Suzanne seconded. Vote: 4-0, Aye. Motion passed.

b. Voter Check List re: general election (*discussion*)

Charlie said he would meet with Liz to schedule a more formal review of the checklist so that the BCA can be involved.

c. Driveway Permit—Joe Starr (Hazen's Notch Road, 00058.077x)

Michael reported that the site would need a culvert and he is concerned about the width of 12' stated on the application (the minimum is 30'). Mark said it might be worth a call to ensure the property owner is aware of the minimum.

Suzanne reminded the Board of the Creamery Bridge swimming hole dumping ground and said that someone discarded remnants of a chicken slaughter down the bank. She requested for some help in this matter by putting up a fence or some

other physical barrier. Sue asked if the Conservation Commission might be addressing this type of issue with signs. Discussion ensued.

- d. Overweight Truck Permits - none
 - e. Liquor/Tobacco Licenses - none
8. Open Mail / Sign Orders / Administrative Matters
 9. Review Action Items for Board Members
 10. Adjourn

Mark made a motion to adjourn the meeting, Jacob seconded. Vote: 4-0, Aye. Meeting adjourned at 7:48pm.

Respectfully submitted,
Genevieve Lodal-Guild, Clerk