



REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION
Town Hall/Grange Hall
Monday, October 1st 2018
6:30pm

Charlie called meeting to order at 6:52PM.

Select Board members present: Charlie Hancock, Darren Drevik (@ 7:04PM), Jacob Racusin, Leanne Barnard, Mark Brouillette

Selectboard clerk: Suzanne Dollois

School Board members present: Mary Niles, Charlie Purrier, Christina Suarez, Kathy Howell, John Witherspoon

Visitors: Matt Silva, Sarah Silva, Karie Quinton, Jean Trauther, Jonathan Betts, Marge Cummings, Richard Bocian, Diane Bocian, Thomas Oliver, Rob Barnard Jr., Lisa Erickson, Joe Sherman, Alissa Hardy, Martin Vallender, Meagan Robidoux, Tosca Smith, Nashira Tuting, Paddy Tuting, Erin Kopacz, Doug Kopacz, Jennifer McCluskey, Joanne Dennis, Dana Kennison, Jennifer Kennison, Cindy Weed, M. Lamothe (VSP), Erik Kemmers, Allen Kalsmith, Priscilla Stutz-Lumbra, Dean Lumbra, Annie Purrier, Kristina Bowen, Shaun Bowen, Sue Bennett, Lisa Perry, Curtt Perry, Charlie Carpenter, Michael Carpenter, Pat Carpenter, Linda Carpenter, BobbiJo Lumbra, Marijke Dollois, Carol Farmer, Pat Farmer, Wendy Howard, Sue Wilson, Shirley Carlson, Sandy Alexander, Daniel Jackson, Beth Crane, Morgan Daybell (Clerk, School Board), Todd Lantary, Barry Kade, Jared Jewett

1. Review and make any changes to the agenda

Add VT State Police Security @ Halquist event to “New Business” (requested by VSP)

Add PSB Spetic to “Buildings and Grounds”

Add Cota/Chase to “Water Commission Issues”

Add Bylaws Amendment Warning to “Old Business”

2. Joint School/Select Board hearing to discuss and vote on whether to pursue legal action in the event of a forced merger of Montgomery Elementary School District:

Mary Niles presented an overview of the current status of Act 46 process for the Town of Montgomery, including testimony on July 18th to the State Board of Education (SBE) and review of Section 9 Proposal. SBE decision expected by mid/late November. Potential for town to join joint complaint to be filed requesting temporary injunction against forced mergers. School and Select Board seeking constituent feedback on action moving forward pending decision. Currently: 11 other towns confirmed joining

lawsuit, 4 towns pending, 2 waiting on state decision, 1 will not join. Discussion: does Montgomery want to participate in legal action if we are legislatively forced to merge?

Charlie Hancock summarized memo from Town legal council, Charles Merriman on legal process and responsibilities for Montgomery should we elect to join lawsuit.

Tim Murphy: moderator

Discussion key points:

-Complaint seeking preliminary injunction would be filed as a “pause button” while full suit seeking permanent injunction against forced merger filed/heard.

-Out of 90 schools that responded with Section 9’s, 14-15 were honored without consistent standards.

-What are the legal costs? (Charlie Merriman + est. 5 additional lawyers, 3 pro-bono lawyers, outside donated funds...) No cost to town join complain seeking temp injunction (prepared pro bono). Long term cost depends on # of towns involved, term of lawsuit. Would be determined following announcement by SBE of Section 9 proposal approval/denial(s).

-Currently, Berkshire and Bakersfield have approved the merger, Sheldon (FNWSU) has filed Section 9.

Current bond indebtedness of proposed Montgomery merger schools:

Bakersfield = \$843,750

Berkshire = \$2,860,000

Montgomery = 520,000

Current capital funds of proposed Montgomery merger schools:

Bakersfield = 194,000

Berkshire = 327,000

Montgomery = 56,604

Current bond pay-off year for proposed Montgomery merger schools:

Bakersfield = 2032

Berkshire = 2033

Montgomery = 2026

Charlie Hancock moved to exit public comment period. Leanne seconded. Unanimous 5-0.

School Board approves their own motion to join lawsuit (see School Board mins).

Jacob moved that the Montgomery Select Board join the legal action/ lawsuit in the event that the SBE denies the MES Section 9 proposal, thus forcing merger. Seconded by Charlie.

Discussion ensued. Charlie offered friendly amendment:

Move that Town of Montgomery join lawsuit in the event of SBE denial of Section 9 proposal, with funds from general fund allocated in the amount to be determined and approved following a favorable ruling on the temporary injunction.

Discussion ensued.

Final motion: The Town of Montgomery will join the legal action/lawsuit in the event that the SBE denies the MES Section 9 proposal, thus forcing merger, with funds from the general fund to be allocated in an amount to be determined and approved following receipt of the temporary injunction.

Motioned carried 4-1 (Charlie yay, Jacob yay, Mark yay, Leanne yay, Darren nay).

2. Review/approve minutes of September 17th meeting.

Mark moved to approve minutes. Leanne seconded. Passes 5-0 Unanimous.

3. Public Works

a. Roads and Bridges

b. Grants: Status Updates:

a. Structures Grant for Route 58

- b. USFS Culvert Grant for AOP design
- c. Municipal Grants in Aid Pilot Project
 - i. Charlie moved to approve Mark's independent authority to sign off on Municipal Grants-in-aid program paperwork. Jacob seconded. 5-0 Unanimous.
- d. SFY Transportation Alternatives
- e. Municipal Roads Grants-in-aid program
 - i. Mark met with Northwest Regional Planning Commission to develop and follow-up with back-roads grants. Pending.
- c. Brady Road
 - a. Pending St. Onge action.
- d. Creamery Bridge Repairs

Buildings and Grounds

Generator Training

Septic at PSB

-Needs to be pumped. Located where Joan Spindler gardens are, and will require excavation to be completed, which may impede on front of building. Efforts will be made to restore primary shrubbery of the existing gardens.

-Other municipal buildings will soon also require septic pumping. Carry over.

5. Visitors

-Mike Snyder: Sanitary Survey results: Screen needed on storage tank, repair to lid latch on one tank, retrieve inspection report in order to establish cost for future inspections. Mark will draft letter to VT Water Supply Division addressing listed requests.

6. Water Commission Issues

- a. Cota/Chase.

- Hook-up charges in question (shall the board waive the requisite fees as determined by Ordinance). Mark motioned to work with Cota/Chase to establish payment plan, however, full amount must be remitted. Darren seconded. 5-0 Unanimous.

7. Old Business

- a. Cemetery Commission Consolidation. Carry over.
- b. VCRD Community Visits update
 - Second meeting on October 22nd @ 6:30PM at the Grange Hall.
- c. Therese Demar letter to Town re: property—Penny Demar will attend October 15th meeting
- d. Grant Updates:
 - a. USDA Community Development Grant
 - b. Municipal Planning Grant
 - i. Mark motioned to accept the FY19 Municipal Resolution. Darren seconded. 5-0 Unanimous.
 - c. Electric Vehicle Charging Station Grant (VEC)
- e. Ratify and Sign Bylaws Amendment. Mark motioned to ratify, adopt, and approve Bylaw amendments. Jacob seconded. 5-0 Unanimous.

8. New Business

- a. Overweight Truck Permits. n/a
- b. Liquor/Tobacco Licenses. n/a

c. VSP Security: Sargent inquiry for potential risk of protest at upcoming Christine Halquist visit. No known risk or response brought to attention. Board does not recommend police presence.

9. Open Mail / Sign Orders / Administrative Matters

10. Review Action Items for Board Members

11. Adjourn. Jacob moves to adjourn at 9:53PM. Mark seconds. 5-0 Unanimous.