



MONTGOMERY
FOUNDED 1780

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REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION
Temporary Town Office (86 Mountain Road)
Monday, September 4th 2017, 6:30pm
Unapproved

Selectboard Members: Charlie Hancock-chair, Darren Drevik-vice chair, Mark Brouillette (absent), Colin Sorenson, Jacob Racusin

Visitors: Sue Wilson, Brent Godin, Merle VanGiesen, Lynn Locher, Sarah Silva, Sarita Khan

Clerk: Elizabeth Reighley

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

1. Review and make any changes to the agenda. Add to the agenda under old business Item G: Hazard Mitigation Plan. Under new business Item B: Municipal Law Basics

2. Review/approve minutes of the August 21st meeting. Darren motioned to accept the minutes as written seconded by Jacob and passed 3-0-1 abstention

3. Public Works

a) Roads and Bridges

a. Grants: Status Updates: Charlie noted that the Grants-In-Aid Pilot Program application has been submitted and the town will be waiting on further updates.

i. Amended Paving Grant. Carry over

ii. Structures Grant for Route 58. Carry over

iii. Better Back Roads Bridge and Culvert Grant. Carry over

iv. USFS Culvert Grant for AOP design. Carry over

b. Longley Bridge Update

i. Easement. Charlie has spoken with the Mr Merriman, town attorney, in regards to the Mylar that was submitted to the town and whether (having been prepared by an engineer) the absence of a seal from a licensed surveyor would present an issue. Mr Merriman stated that because the draft deed does not include verbiage referencing a specific survey and the town may still choose to record the map and deed with the town offices

as is. Charlie will be reaching out to the Longley's to make sure this approach is amenable to them as well.

c. Fuller Bridge

i. Monitoring. Carry over

ii. Define Fine Structure for Damage—Ordinance Review. Board members discussed what the fine structure process would look like should this ordinance be passed and what the logistics of enforcing this would look like. Members agreed it would make sense to seek legal opinion from the town attorney on what legal recourse for enforcement the board has regarding the issuance of fines; specifically whether assessing a fine could be carried out by the board and served by the Town Constable or whether the fine would need to go through court proceedings and only be enforceable upon conviction. Discussion was had at length.

d. Brady Road; Cote Road bridge/culvert needs. Carry over

e. Insurance for Covered Bridges. Sue Wilson stated she has been in contact with Sue Scribner from VTrans and learned that they do not issue insurance for Covered Bridges. Sue stated that most other towns have insurance coverage through VLCT and the most common minimum coverage is \$150,000 (per bridge) with a \$1000 deductible. The monthly premium with the minimum coverage would amount to \$487.20 per year. Charlie noted that this should further be discussed by the Budget Committee this fall in preparation for next year's budget.

b) Buildings and Grounds

a. Generators. The scheduled service was conducted, however upon arriving the technician discovered they were missing a part and were unable to complete their task. The technician will return again to finish the job and will only charge for installation and parts (not travel) as this was an oversight on their end. Charlie will be in touch with Doug Kopacz to determine next available dates for service.

b. Monitoring Contract. The contact with Summer Electric is in the process of being signed and executed.

4. Visitors. Sue stated that Vermont Electric Coop has replaced two poles in town which means the town will need to replace two of the old electric boxes that were used for the christmas wreaths and lights. She has been in contact with VEC who has stated they will reinstall on the replacement poles for a minimal charge if we provide two new boxes and the 25ft of wiring. Sue will work with Doug to get the boxes wired up for VEC to install. Sarita asked for an update on the Cote Rd, Charlie stated they are waiting to hear about the status of the temporary bridge and will be in touch. Sarita also stated her interest in volunteering on a committee when the board begins working towards seeking out community members to help form a steering committee for economic development and future town needs.

5. Water Commission Issues

a. Ordinance Review and Amendments. Board members reviewed the amendments to the Water Ordinance with updated verbiage from Simon Operation Systems. Jacob moved to accept the ordinance to enter into discussion, seconded by Colin. Members discussed liens on unpaid bills

editing verbiage regarding the removal of dwellings from the water system, and explicitly requiring potable materials. Colin suggested inserting language that would call on all new and renewed service to use materials that are American made. Board members took up this topic and queried whether it would make more sense to pass an overall resolution directing that all town procurements be American made as feasible, or providing documentation that an attempt to locate American made products was made. Jacob withdrew his motion to accept in order for questions to be addressed and reflect further changes in the ordinance. Carry over to next meeting.

6. Old Business

- a. **Town Office Needs.** Carry over
- b. **VCRD Community Visits Program (pending announcement Fall 2017) / Economic Development—Future Efforts.** The town is currently waiting to hear back from VCRD on whether Montgomery will be the next town selected for the Community Visit Program. Whether the town is selected or not, a Steering Committee will need to be formed to direct the project (either with VCRD or a DIY approach). Charlie again tasked the board to begin drafting the framework for a project steering committee. Rather than selecting specific individuals, the board is tasked with identifying demographic groups, municipal bodies, interested parties, etc. that should be represented. Board member suggestions will be reviewed during the Sept 18th meeting.
- c. **Stanion Court Case Status.** Charlie stated that the letter to the Stanions has been sent both by regular and certified mail. He indicated they have two weeks to respond to the letter from the board, and should the board not hear a response or a settlement is not reached, then the proceedings will continue with the remand to the DRB. Merle stated to the board his concerns about whether they should have sent the letter and the necessity behind it. Discussion took place.
- d. **Sorensen Insurance Claim.** Carry over.
- e. **Vacant Building Ordinance proposal.** Member reviewed the suggested edits, encompassing prior comment, to be reviewed by Mr Merriman regarding the VBO. Charlie proposed the board schedule public meetings to solicit input from the townspeople. The public meetings will be tentatively scheduled for October 12th & 14th at 7pm and 10am respectively The board will check schedules as well as coordinate with Mark before officially selecting and posting the dates.
- f. **Fire/EMS radios.** Charlie summarized his last meeting with the Fire Dept and there is still some uncertainty regarding in impact of the communications work at Jay Peak. While the Fire and Rescue department is getting set up with the email to radio notifications to help increase chances of hearing tones in spotty service areas the problem with repeaters and overall communication still needs to be addressed. Charlie will get in contact with State representatives to try and gain more support.
- g. **Hazard Mitigation Plan.** The Hazard Mitigation Plan has officially been approved by FEMA.

7. New Business

- a. **Hectorville Bridge Committee.** Merle and Lynn, members of the Hectorville Bridge Committee, came before the board to formally request that they dissolve the committee. The Hectorville members voted at their last meeting to make this recommendation to the board following the resignation of two members and the lack of monetary funds to make the restoration project happen. Lynn stated that although the support from the townspeople is certainly present, and many people would love to see the project come to fruition, there still was not enough raised to financially back this and the timing of this project given other needs in town may not be right. Merle stated that he has been in contact with Sandy Bowman who suggested soliciting a local carpenter to construct a very scaled down version of the Hectorville Bridge using the leftover materials from the original to make a memorial to put at the Recreation Center. The board questioned what the status of the bridge is now and where the St Onges stand with continuing to rent the space to the town. Charlie will follow up with the St Onges. Darren motioned to formally dissolve the Hectorville Bridge Committee with many thanks and great appreciation for all of the members involved seconded by Jacob. Motion passed 4-0.

- b. **Municipal Law Basics.** Colin read for the board an excerpt from a 2014 handbook from the Secretary of State website regarding municipal law. He went on to state that he feels the board has violated his civil rights and broken state law in requesting the Department of Health rescind his appointment as Health Officer, and by requesting he consider resigning as a selectmen based on his absenteeism and conduct. Colin stated that the board has no authority to regulate him or instruct him on how to perform his duties as a board member and feels his Freedom of Speech has been violated by the remainder of the board. He asked that the four other members of the board resign from their positions on the board, or be prepared to rescind their previous motions otherwise this may lead to a larger problem. He stated the budget committee may need to increase the budget line item for Legal Fees. Sarah Silva asked if the board could clarify who the residents should call should there be a need for the Health Officer. Jacob pointed out that the board has only sent a request for reconsideration of appointment to the Department of Health, which is the only body with authority to remove the Health Officer, however should the Department of Health choose not to rescind the appointment the board will respect their decision and concede the point. Charlie asked if Colin could clarify what section of the handbook he printed from the Secretary of State website to ensure the remainder of the board is able to find the correct verbiage he is referencing for review. Colin declined, stating that the other board members can find it themselves. Discussion was had at length.

- c. **Overweight Truck Permits.** None

- d. **Liquor/Tobacco Licenses.** None.

8. Open Mail / Sign Orders / Administrative Matters. All order were signed at this time.

Before adjournment Lynn Locher asked whether the board could look into removing the old Town Road

#33 as it no longer exists as a true road, with the exception of the entrance and exits where the road used to begin and end, as it now leads into her meadow. Charlie will look into this and find how to begin that process.

Darren motioned to end the meeting, seconded by Colin, and the board adjourned at 8:00 p.m

Respectfully submitted,

Elizabeth Reighley