



Town of Montgomery - P.O. Box 356
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Unapproved Minutes of the
REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION

Monday, February 19th 2023

6:30pm

Town Office Conference Room (86 Mountain Road)

View Zoom Recording:

<https://us02web.zoom.us/rec/share/0EOxid-mOsLVFGzLZL5or-0FA7REnAutiSjAuQRkf6kFHQQOBKdr4Euem3Q94x-q.r-wm4vwiNLcG46Zw>
Passcode: 9z@yUj.M

In Attendance: Suzanne Dollois, Charlie Hancock, Mark Brouillette, Emily Kimball

On Zoom: Leanne Barnard, Jackie Doyle, Mary Beth Doyle, Kip Potter

1. Review and make any changes to the agenda – no changes made
2. Review/approve minutes of the 1/22 and 1/26 meeting minutes (*note: 1/5 meeting canceled due to lack of a quorum – Town Plan Hearing rescheduled to March 11th at 6pm*)
 - a. The 1/22 minutes need to be amended to reflect the vote for 7b: adding items to TM Warning via petition as advisory.
 - b. Mark motioned to approve minutes of 1/22 and 1/26 as amended. Suzanne seconded. Motion passed 5-0-0.
3. Public Works
 - a. Updates
 - i. Shane Lumbra has given his notice and will move on as of 3/8/24. We will begin advertising the position.
 - b. Longley Bridge Road Project – D&K Contract Extension
 - i. Original project design engineers are needed to close out the project. This is to extend their contract to 11/15/24 in order to handle the administrative end. Mark motioned to extend the contract, Suzanne seconded. Motion passed 5-0-0.
 - c. Certificate of Compliance
 - i. This certificate needs to be filed stating that we are in compliance with town road and bridge standards as expected from the state. Mark motioned to sign and submit this certificate. Suzanne seconded. Motion passed 5-0-0.
 - d. Water Department
 - i. Shut Off Notices

1. Shut off notices need to be sent. The motion is to direct Erin to send out these notices to the list provided. Suzanne made the motion, Emily seconded the motion. Motion passed 5-0-0.
- e. Black Falls Road Correspondence
 - i. Correspondence was received from four homeowners on the road last week with regard to petitioning the board to make a plan to bring the road up to standards (*letter attached*).
 - ii. Charlie has discussed this with Scott Ovitt and Mark Brouillette and there is an action plan that is being developed to address the concerns of the road and the homeowners.
 1. Mark hopes to get someone from VTrans in to get their feedback and critique on the road and with that information to move forward to meet the standards. Better Backroads grants have been used to address concerns on this road and that work has been completed to the standards of the grant administrators.
 2. Mark is applying for more grants, to be used to continue “up” the road but that will not be in this fiscal year.
 3. The plan will include culvert work, ditching, continuing to work in sections up the road and repair to standards of the Better Backroads grant.
 4. Sequencing of work will be based off of the feedback received from the 3rd party report.
 5. Jackie requests as part of this plan that VTrans be invited to come here in the spring to see the road during mud season so that they are fully aware of what it looks like.
4. Visitors
 - a. Kip would like project updates for wastewater and streetscape (see below)
5. Old Business
 - a. Town Meeting check-in
 - i. Town Reports are here and will be available starting tomorrow 2/20/24 with a digital version posted online.
 - ii. Town meeting is March 5th at the Town Hall “Grange”
 - b. Town Hall Committee Charter Adoption
 - i. We do not have a clean copy of the charter from the committee and no representatives are present, we will table until next meeting
 - c. Streetscape Project update
 - i. Continued engineering work is in process
 - d. Wastewater Project update
 - i. Meeting of all funding partners was held last week. The project continues to be viable, but in order to advance the Center as a ‘stand along’ project we will have to give back (deobligate) the USDA grant/loan. In order to use this funding we have to use the full amount of the loan before accessing the grant dollars, and the overall reduced project budget does not support that. Charlie has to check to make sure that we can still use the loan without using any of the grant dollars, with a 1.3% interest rate.

- ii. To complete just the Center System the cost is about \$10.5M.
 - iii. The user rates for Center residents can continue to be at the level of affordability that was previously determined (targeting 1% of MHI)
 - iv. There is a potential to access more ARPA monies from the state due to other failed bond votes for projects in other towns and cities across the state
 - v. Status of Village system plan development
 - 1. There are new preliminary plans to begin looking at properties that could handle the system using a multiple disposal field model (“clustered systems”. A handful of potential sites have been identified with preliminary screening pending by Stone Env.
 - 2. Costs and possible viability of the Village system is currently being considered and we are awaiting initial results from the engineers.
- e. 98 Main St. / USPS
 - i. Charlie has not heard back from his contact yet
- f. TD Bank ATM
 - i. Waiting for design plans for a standalone unit

6. New Business

- a. Conservation Commission Appointment to fill Vacancy
 - i. Sue and John resigned, there is one seat to be filled. Marielle Ambroch has been recommended by the board to complete the term vacated by John. Suzanne nominated Marielle Ambroch. Marielle was appointed, 5-0-0.
- b. Certificate of No Suits Pending
 - i. There are no suits pending. Mark motions to accept the certificate, Suzanne seconded. Motion passed 5-0-0.
- c. Financial Controls – reconciliation review process
 - i. Sue has been filling this position. We need to fill this position. Suzanne will volunteer to fill this position.
- d. Liquor/Tobacco Licenses
- e. Fleet Permits
 - i. G.W. Tatro Construction, Inc.
 - ii. Gosselin Water Wells, Inc.
 - iii. RG Gosselin, Inc.
 - iv. Jack F. Corse, Inc.
 - v. OnSite Septic Solutions LLC
 - vi. Chevalier Drilling Co., Inc.
 - vii. Working Dog Septic Service, Inc.
 - 1. Mark motions to approve the above listed fleet permits. Emily seconded the motion. Motion passed 5-0-0.

7. Open Mail / Sign Orders / Administrative Matters

8. Review Action Items for Board Members

9. Adjourn

- a. Emily motioned to adjourn, Mark seconded. Motion passed 5-0-0. Meeting adjourned at 7:18.

**Black Falls Road Taxpayers
Montgomery, Vermont**

February 9, 2023

To the Selectboard:

Whereas we are frustrated by five years of unkept promises & assurances from the Montgomery Select Board and Public Works Department that our road will be improved to the standards found in the Agency of Transportation's *Vermont Better Roads Manual 2019*, compounded by the decades long failure of the Public Works Department to flush out Town-mandated and Town maintained driveway culverts, and culminating in recent road repairs that are costly and ill-conceived and do not alleviate the problems caused by extreme run off, icing and mud on our uncrowned dirt and gravel road, we are invoking Title 19: Chapter 009: Repairs, Maintenance, and Improvements; Subchapter 007 : Enforcing Repairs V.S.A. § 971.

Black Falls Road is a Class 3 town highway that the State of Vermont requires be maintained by the town as follows:

The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance...

Our road has not met these standards for at least five years and what the Town currently does defies best practices for keeping water off the road in our rapidly changing climate of frequent freeze-thaw cycles and more rain than snow.

Despite ample electronic and in person conversations with Select Board and road crew members regarding the substandard maintenance of Black Falls Road, little has been accomplished.

That puzzling steep deforestation clear cut along the north side of the first half mile of the road into that deep, rock lined culvert is ill-conceived and resulting in hillside erosion into the culvert and increasingly visible tree roots that portend these trees falling across the road.

And still, no crowning, no aggregate, no fabric beneath the road with deeper, treacherous water and ice filled ruts all the way across a road that is flatter and broader every year.

The Town allows the Public Works Department to add tons of dirt and small grade gravel year after year and little else. This has created ideal conditions for muddy water pouring down the center of the uncrowned road, deep ruts that fill with water and freeze, causing damage to vehicles and life threatening skids and rolls off the road, and mud so paralyzing that the Public Works Department cannot conduct essential repairs, because, as we have been told, "The town doesn't have the equipment" to get up here. 2

In March 2022, for 21 days there was no sign of the Public Works crew on our impassable road that bogged down a garbage truck and FedEx truck.

We have had to park in the Village and hike up and down to our vehicles in order to get groceries, prescription drugs, mail and make it to essential appointments. Last winter, one resident needed emergency transport for medical treatment and no ambulance could get up the road.

Because you have not listened nor undertaken essential repairs that have been long-promised, this letter serves as formal notice that the Select Board has, as per statute, Enforcing Repairs V.S.A. § 971, seventy-two (72) hours to respond in writing or begin repairs that address our complaints that:

1. Despite many promises, there has yet to be a restored road bed to reduce runoff.
2. There is no surface layer with 4"-6" of well-graded aggregate and crushed rock.
3. There is no 12" minimum of processed gravel recommended by Vermont Agency of Transportation's Vermont Better Roads Manual
4. There is no crowning on our road that should be crowned with a slope of at least 1/2" – 3/4" for each foot of lane width or 4% - 6%.
5. There is no removal of berms left on the road from winter sanding and scraping that add to the amount of water and mud since outlets for water flow are blocked and stormwater and snowmelt further erodes the road surface. There have been dirt berms over a foot high on roadsides well into May.
6. Driveway culverts have not been cleaned in at least 20 years even as the Town diverts mud, sand and gravel into those culverts and had hired a contractor to clean culverts on North Hill.

All of the above requested repairs and maintenance are described and recommended in the Agency of Transportation's Better Roads Best Practices checklist.

In a town that never denies the Public Works Department a truck, a grader, a new building and any other materials, it is absurd that we are in the position of sending this letter, prepared to take the next step, as directed by 19 V.S.A. § 972, of adjudicating our complaint in Superior Court and awaiting a road audit by the Agency of Transportation.

We await your required action.

Jackie Doyle
Mary Beth Doyle
Mary Niles
Jonny Betts