



Town of Montgomery - P.O. Box 356
Montgomery Center, VT 05471
802-326-4719
www.montgomeryvt.us

REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION

Monday, September 16, 2024

6:30pm

Town Office Conference Room (86 Mountain Road)

Zoom Link:

<https://us02web.zoom.us/j/84461212345>

Attendees: Chris Pattullo, Theresa Almy, Penny Demar, Peter Locher, Brad Elliott, Tosca Smith, Merle VanGieson, Scott Ovitt, Suzanne Dollois, Charlie Hancock, Emily Kimball, Mark Brouillette, Leanne Barnard, Aleen Baker, Roberta Baker, Joanne Dennis

On Zoom: Larry Letourneau, Mike Sarnacki, Amy Godfrey, Colin Sorenson

1. Review and make any changes to the agenda
 - a. Change the date (typo) on the meeting agenda to reflect 9/16/24
 - b. One Addition under New Business: Filling a vacancy left by Carissa Stein on the Conservation Commission
2. Review/approve minutes of the September 3rd special meeting
 - a. Suzanne motioned to approve the minutes, Leanne seconded. Motion passed 4-0-1 (Mark Abstained)
3. Penny Demar addressed the meeting letting constituents know that he was running for re-election, asked if there were any questions that he could answer. He asked that people reach out to him with questions via phone or email and that he would do his best to get answers to any questions asked.
4. Public Works
 - a. Municipal Wastewater Project
 - i. Updates/Discussion
 1. Voter Petition; revisit request for Special Meeting
 - a. Charlie read the petition as it was submitted to the board.
 - b. 119 signatures were validated by the Town Clerk.
 - c. The petition was then sent to Town Counsel: the guidance received was that the board should not deem the petition valid for a special town vote given that the first article concerned a bond vote, which is governed by specific statutes re: reconsideration, and the second article asked to rescind a tax

which does not exist (and was therefore not based in reality).
Legal opinion attached to these minutes.

- i. Suzanne motioned to deny the petition. Leanne seconded the motion.
 - ii. Vote was called, motion passed 5-0-0.
 2. Charlie opened the floor for public comment – discussion ensued.
- b. Streetscape Project Update
 - i. No update at this point
- c. Driveway Permit – Salmon, West Hill Road
 - i. Scott has reviewed the driveway permit and reports that it looks fine.
 1. Suzanne motions to approve the permit, Mark seconded the motion. Motion to approve the permit passed 5-0-0.
- d. Agreement for Municipal Assistance NRPC re: Grants-in-Aid
 - i. Agreement for SFY25 Agreement for Support in Municipal Assistance. Mark motions to approve the agreement as written, Emily seconded. Motion passed 5-0-0.
- e. General Updates
 - i. Municipal Grants in Aid reimbursement status/FY25 GIA location selection
 1. This project has been approved for work on Regan Road. This work should begin in about 3 weeks.
 - ii. Regan Road Power Project
 1. Waiting for the power company to come and hook up and the power should be up and running.
 - iii. There was a hydrant on Main Street that was hit and destroyed. Scott will order a new hydrant and the driver's insurance will be covering the cost of the replacement. Scott will bring all documentation to Liz.
 - iv. A question was asked about replacement of other hydrants that were previously slated to be replaced and Scott reports that the town has the hydrants but is waiting for someone to install them and that there is a backlog of work for these installations due to all of the flooding this summer in other areas of the state.
 - v. West Hill Brook work
 1. Permit is needed through Chris Brunnell. The state paid for a clean out of the area that St. Onge did after the Halloween Flood (\$25,000). VTrans has reported at this point they cannot help with project. All work in a river needs to be completed by 10/1 and they have reported that they will not do this work until the spring.
 2. Mark reports that this will be a priority in the spring, but it is the responsibility of VTrans to do. He also reports that when they replaced the bridge that he told them to raise the bridge as well as completing the dredging.
 - vi. Mark and Scott report that as a board we need to be considering that a new truck needs to be purchased in the coming budget cycle as there have been very costly repairs to the trucks and one of the trucks is currently in the repair shop.
 - vii. Roberta reports that there is washout happening due to driveways without culverts on West Hill. She also reports that the ditches need to be cleaned.

- viii. Scott has followed up on the in person grader training, it is booked for the rest of this year. The training is two weeks and it is no longer on site.
- 5. Visitors – see video recording
- 6. Old Business
 - a. Town Hall Committee - Food Shelf relocation/Building Use Policy
 - i. The committee will discuss this and make a request to the board once the draft document is discussed and agreed upon by the Committee
 - b. Municipal Parking lot use request
 - i. Battle of the Bands is happening on 9/20/24 and there is a request to use some of the municipal parking lot space for this event. Brad has discussed this use with Sylvester's and The Shoe, neither have issue with this use for the event. This would be set up on Friday morning and would be torn down by Saturday morning.
 - 1. Joanne asked about capacity, the Town Hall capacity is 200
 - 2. The event will be indoor and outdoor, people will be in and out
 - 3. Event insurance will be procured for this event because there will be a skate ramp
 - ii. Leanne motioned to approve the request for the lot use, Suzanne seconded the motion. Emily suggested that it seems the best course of action would be to not erect the skate ramp on the front lawn of the Town Hall. Motion passed 5-0-0.
- 7. New Business
 - a. Delinquent Tax Collector Resignation / Appointment
 - i. Robbie resigned from this position. Katherine Barnard has expressed interest in this position. Suzanne motioned to appoint Katherine Barnard, Mark seconded. Motion passed 5-0-0. Merle notes that the position is Collector of Delinquent Taxes not Delinquent Tax Collector.
 - b. KBS FY24 Audit agreement
 - i. Tabled until next meeting
 - c. NWATV Request
 - i. Because of the loss of user base, they are projected to lose about 10% of their funding. They are requesting an additional contribution, the cost of their services to the Town is \$3,500 annually.
 - d. Conservation Commission vacancy; the commission has put forward Kip Potter. Mark nominates Kip Potter for this position. Nomination was approved 5-0-0.
 - e. Liquor/Tobacco Licenses (*board action*)—none
 - f. Fleet Permits (*board action*)—none
- 8. Open Mail / Sign Orders / Administrative Matters
- 9. Review Action Items for Board Members
- 10. Adjourn
 - a. Suzanne motioned to adjourn at 8:24, Emily seconded. Motion passed 5-0-0.

TARRANT GILLIES & SHEMS

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ATTORNEY – CLIENT PRIVILEGE/ CONFIDENTIAL COMMUNICATION

Charlie Hancock, Chair
Town of Montgomery Selectboard
86 Mountain Road; P.O. Box 356
Montgomery Center, VT 05471

Sent via Electronic Mail

RE: Petition to hold Special Meeting to Consider Two Articles

September 16, 2024

Dear Chair Hancock,

This letter responds to your request for review of the petition submitted to the selectboard (“Board”) on September 11, 2024 requesting that a special municipal meeting be held to consider two questions related to votes of the electorate held in 2020 and 2021 (“Petition”). My review concludes that the Board should deny the Petition for the following reasons:

1. The Petition calls for the voters to rescind questions voted at previous annual or special meetings that were held over three years ago, which substantially exceeds the thirty (30) day timeline set for reconsideration or rescission of a vote, pursuant to 17 V.S.A. §2661(b).
2. Regarding proposed Article 1, Vermont law prohibits “any action brought directly or indirectly attacking, questioning, or in any manner contesting the legality or validity of bonds, issued or unissued, . . . after six months from the date upon which the voters . . . met pursuant to a warning and voted affirmatively to issue bonds to defray costs of sewer or water improvements or upon vote of a question of rescission thereof...”
3. Regarding proposed Article 2, the Petition asks the voters to rescind a vote that was not affirmed by the voters in the election cited and is therefore incorrect.

Vermont law provides that the electorate may petition government to hold a vote on public questions brought before it, but places limitations on how these petitions may be submitted and considered and how the resulting votes may be held. In doing so, the law seeks to balance the rights of the citizens to petition government and have their views conveyed through an election process, with the important governmental interest in providing public officials with certainty that the outcome of an election process is final. The State is particularly interested in the finality of votes regarding the issuance of bonds, as the obligation to secure such indebtedness is ultimately backed by the State. The State’s liability for a municipality’s debt has far-reaching implications.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Sarah E. Buxton". The signature is written in a cursive, flowing style.

Sarah E. Buxton, Esq.
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