



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

Monday June 2nd 2025

6:30pm

Town Office (86 Mountain Road)

View Recording:

https://www.youtube.com/playlist?list=PLrBf_FpjKbwcSJm_gBqfFSmPGaVWJXBB7

In attendance: Charlie Hancock, Daniel Kahn, Leanne Barnard, Suzanne Dollois

Visitors: Bethany Remmers, Theresa Almay, (Zoom:) Amy Godfrey, Roberta Baker, Larry Letourneau, Ed Debtula

1. Review and make any changes to the agenda – Charlie added “Mindful Bellies, dba Omakase, outside consumption permit” to *Liquor Licenses* under *New Business*

2. Review/approve minutes of the May 19th regular meeting and May 30th special meeting

→ Leanne makes a motion to approve the May 19th minutes as written. Dan seconds. 4 0.

→ Dan makes a motion to approve the minutes from May 30th, with an amendment to correct Dan’s last name to “Kahn” as well as to add text to the end of the first paragraph: *once grant funds are received the line of credit will be closed*. Leanne seconds. 3-1 (Suzanne abstains)

3. Public Works

a. Municipal Wastewater Project Updates (*discussion*)

i. Easement Response update and next steps

→ about a dozen people waiting for response

→ next step: scheduling individual landowner follow-up(s) with engineers to address property specific questions

ii. Single Audit update

→ waiting on final review from KBS

iii. Engineering Service Agreement Amendment #12 (*board action*)

- Table pending approval by DEC before board adoption signature

b. Streetscape Project Updates (*discussion*) with Bethany Remmers representing NWRP

i. Preliminary Cost Estimate, TAP status, next steps (*discussion/potential board action*)

→ NEPA clearance imminent; VTRANS response to preliminary design pending

→ Next steps for town: TAP funds are expended; Discussion of funding gap to get from preliminary design through Right-of-Way

- Discussion of pros and cons of phased project; concern around the logistics, cost impacts. Discussion of potential funding sources for construction.
- Charlie will work with Bethany and Hoyle Tanner team to follow up on options moving forward for board consideration

c. General Updates (*discussion*)

- i. Road Crew Vacancy
 - Taking applications
- ii. CV Truck update, financing, next steps (*discussion/potential board action*)
 - potential to swap truck for a newer one at the same debt ratio
 - will post the 2017 International Tandem for sale
- iii. Roads updates
 - grading and chloride in process; completion delayed by continues rain
 - roadside mowing in process

4. Visitors

- Theresa: Inquires about locations of W W pump stations. Charlie described locations.
- Roberta: Inquires about follow-up on ditching and mulching/chipping.

5. Old Business

- a. Town Hall Committee – Building Repairs (*update*)
- b. Deputla Complaint (*executive session per 1 V.S.A. § 313/potential board action*)
 - Charlie discussed applicability of *ex parte* communications (re: 24 V.S.A. § 1201) and applicability to concerns raised over email correspondence. Consultation with counsel confirmed ex parte communication was not applicable under Town's Complaint Policy. Concerns with ex parte communication re: DBA hearing/decision would be addressed by environmental court.
 - Leanne makes a motion to enter into executive session to deliberate on Deputla Complaint. Suzanne seconds. 3-0-1 (Dan abstains). 7:54PM. Suzanne makes a motion to exit executive session. Leanne seconds. 3-0-1 (Dan abstains). 8:12PM. Charlie reads out the decision:

Regarding access and hours operation of the Zoning Administrator – this is a Board dictated function, not directed unilaterally by the ZA. The board will collect additional feedback and discuss the potential for expanded hours of operation if appropriate.

The complaint has raised a number of deficiencies re: ADA Accommodation Policy and Procedure, as well as training, in local government/municipal process. The Board will work to correct this by developing policies and training for municipal officials. It's the opinion of the Board that an employee cannot be held accountable to following a policy which does not exist and for which the employee has not been trained. If there was a mis-step the employee is not at fault. This is not say that ignorance is grounds for not handling ADA Accommodation related requests properly, rather it is incumbent on the community/municipal government to ensure that all actors are informed of such.

Upon review of the written record and recording of the DRB hearing in question, the Board did not find that conduct by the employee was malicious, improper, incompetent, or otherwise

inappropriate, acknowledging that a side conversation conducted during hearing was unprofessional, for which the employee has apologized.

Therefore, it is the opinion of the Board that no disciplinary action is warranted.

6. New Business

a. ADA Policy(s) and Training for Municipal Officials (*discussion*)

→ existing and/or absent municipal policies are being reviewed in consultation with VT Center for Independent Living to be implemented, revised, or otherwise improved upon. Board will also investigate training opportunities for municipal officials.

b. Conservation Commission Appointment (*potential board action*) no action

c. Lister Appointment (*potential board action*) no action

d. July 4th Parade permit approval

→ Dan makes a motion to approve the VTtrans letter. Leanne seconds. 4-0.

e. Liquor/Tobacco Licenses (*board action*)

→ Outside Consumption Permit Mindful Bellies DBA Omakase; Dan makes a motion to approve the permit. Leanne seconds. 4-0.

g. Fleet Permits (*board action*)

7. Open Mail / Sign Orders / Administrative Matters

8. Review Action Items for Board Members

9. Adjourn

Suzanne makes a motion to adjourn. Daniel seconds. 4-0. 8:15PM.