

TOWN OF ELMORE, VT

Select Board Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Approved

Meeting Date: October 12, 2022

Start Time: 6:01 pm **Adjourn:** 8:01 pm

Meeting Attendees: See attached attendance sheet

- The minutes of the September 8, 2022 Select Board Meeting were approved.
- The Chair of the Board asked if anyone on the ESB had a conflict of interest regarding the agenda items to be discussed tonight. All members replied no.

1. SPECIAL TOPICS

- DISCUSSION:** Town land/parcel – purchase interest.

Notes: Warren West contacted the Attorney at Law at Primmer Piper Eggleston & Cramer PC and received the following response;

The Selectboard is able to sell the land. It just must follow the provisions regarding sale of property. It is essentially either (a) giving the public notice of the sale and an opportunity to petition a vote on whether to sell the property or (b) you can go straight to the vote. The relevant statute is stated below.

24 V.S.A. § 1061 Conveyance of real estate

(a)(1) If the legislative body of a town or village desires to convey municipal real estate, the legislative body shall give notice of the terms of the proposed conveyance by posting a notice in at least three public places within the municipality, one of which shall be in or near the municipal clerk's office. Notice shall also be published in a newspaper of general circulation within the municipality. The posting and publication required by this subsection shall occur at least 30 days prior to the date of the proposed conveyance. Unless a petition is filed in accordance with subdivision (2) of this subsection, the legislative body may authorize the conveyance.

(2) If a petition signed by five percent of the legal voters of the municipality objecting to the proposed conveyance is presented to the municipal clerk within 30 days of the date of posting and publication of the notice required by subdivision (1) of this subsection, the legislative body shall cause the question of whether the municipality shall convey the real estate to be considered at a special or annual meeting called for that purpose. After the meeting, the real estate may be conveyed unless a majority of the voters of the municipality present and voting vote to disapprove of the conveyance.

(b) As an alternative to the procedures set forth in subsection (a) of this section, the legislative body may elect to have the voters decide, at an annual or special meeting warned for that purpose, whether the real estate should be conveyed. If a majority of the voters of the municipality present and voting vote to approve the proposed conveyance, the real estate may be conveyed.

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(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the legislative body of a town or village may authorize the conveyance of municipal real estate if the conveyance:

(1) Is directly related to the control, maintenance, construction, relocation, or abandonment of highways.

(2) Is directly related to the control, maintenance, operation, improvement, or abandonment of a public water, sewer, or electric system.

(3) Involves real estate used for housing or urban renewal projects under chapter 113 of this title.

(4) Involves lease land pursuant to chapter 65, subchapter 1 of this title.

(d) Subject to the provisions of subsections (a) and (b) of this section, real estate owned by a city, town, village, or town school district may be conveyed by an agent designated by the legislative body for that purpose, and the conveyance shall be under the hand and seal of the agent. The legislative body shall certify the designation of an agent and have the certificate recorded by the clerk.

(e) Nothing in this section shall be construed to impair or affect the authority or responsibility of any municipality or the legislative body thereof with respect to any real estate held or acquired in a fiduciary capacity.

(f) Nothing in this section shall be construed to impair or affect any provisions in a charter of a town or village involving the conveyance of real estate.

It is our understand based on the above, the first year after the town acquires the property is the period that the town has the responsibility to find the previous owner and paid them the difference between the sales price and the outstanding tax bill. Since we are past that period of time the town no longer has that obligation.

The SB decided to pursue the sale of this property with all proceeds being applied to the construction cost of the new Maintenance Facility. All bids would be by sealed offer and a possible minimum reserve was discussed. Warren to follow-up with S. Draper and report back next meeting.

b. DISCUSSION: Morrystown Library Funding

Notes: Julie Pickett and Steph Hoffman representing the Morrystown Library presented their request for additional funding of the Library. The Library looked into where the current Towns appropriation of \$1,000 came from but were unable to determine. C. DeVore stated that she believes it began during the Library's remodel many years ago. Since then, contributions in that amount have been made when requested through appropriations.

It was stated by the Library representatives that the Library has a new director and have collected statistics regarding users of the Library by Elmore and Morrisville Residents. They also stated that the Library is a 501 (3)c and is not a municipal Library and are partially supported by an endowment. They suggested increasing Elmore's contribution in the next few years as follows;

- 2023= \$4,500.00, 2024=- \$8,750.00 and 2025 = \$13,000.00

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The Select Board reminded the representatives that the deadline for submitting their written request is January 21, 2023. The Select Board would then review their request and make a recommendation to be approved at Town Meeting.

c. DISCUSSION: Town Acting Zoning Administrator Appointment

Notes: It is the EPC responsibility to nominate the Zoning administrator / Assistant Zoning Administrator. The nomination should include the following information:

- a) Define why this position is needed
- b) Name and qualifications of individual nominated
- c) Full description of the Assistant Zoning Administrator responsibilities
- d) The Assistant Zoning Administrator will work directly with the Zoning administrator only.
- e) The official title of the individual will be Assistant Zoning Administrator
- f) All invoices submitted by the Assistant Zoning Administrator will be documented including the work activities and hours performed

The Elmore SB tabled this item until additional information is provided by the EPC

d. DISCUSSION: Town Admin/Zoning/Assessor/Clerk/Listener– Planning and needs discussion.

Notes: The following items were discussed regarding the Town Admin/Zoning/Assessor/Clerk planning:

- a) The SB needs to develop a long term plan for Town Clerk, Assessor and possible Town administrator. This is a long-term planning item and a multi-year project.
- b) Can these positions be filled by one person or multiple people?
- c) If the office is open 5 days per week can one person cover all positions?
- d) How many Towns of our size have these full time positions?
- a) C. DeVore will check with VLCT to procure guidelines for salaries for these positions.
- b) David Boudreau was in attendance to introduce himself regarding the open lister position. C. DeVore will research the Select Boards responsibility regarding the hiring of an interim Town Listers. The SB voted unanimously that if this is a requirement of the Board Mr. Boudreau was acceptable. No additional meetings would be required.

C. Devore to place this item on next month's agenda for continued conversation.

e. DISCUSSION: Town Meeting/Recording Posting

Notes: All Town meetings are currently recorded on our Zoom account and can be accessed if requested under the public information act. The Town currently meets all State requirements by providing meeting minutes for all of its meetings. The recording of these meetings is beyond what is required. A motion was made to have future meetings made public via a link on our website beginning on January 1, 2023. The motion passed two votes yes and one vote no. D. Patrick to coordinate this effort so that it is in place to meet the January 1st date.

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2. ACTIVE ITEMS

- a. **UPDATE:** Elmore highway maintenance facility; working group; land; funding, site work, etc

Notes: The following items were discussed:

- a) The Keith property to be purchased has been removed from current use
- b) The Elmore DRB approved the Subdivision Plan and Building Permit. The adjacent property owner waived her right for a 15 day window for appeal.
- c) The Vermont DOT Permit was approved and recorded
- d) Cross has stated that the bid package should be complete by next week
- e) Once the land is purchased, S. Draper is to make a submission for reimbursement under the ARPA funding received
- f) The bond application is due by the first week of December 2022.
- g) The Town Audit should be complete and they will make a presentation to the Select Board at the next meeting on November 7th.
- h) The Select Board unanimously elected to have Sargent Law Office to be the Towns power of attorney and represent the Town in the closing of the property.
- i) Closing date to be set for the earliest time available.

3. CONTINUING ACTIVE ITEMS

- a. **UPDATE:** Road Commissioner's Report

Notes: See attached Report

4. NON-AGENDA/OTHER ITEMS (Time Available and As Needed)

- a. Routine Administrative, operations items and payment approvals.

- 1. The Check Warrant Reports were reviewed at this meeting

5. EXECUTIVE SESSION AS NEEDED

Notes: The Select Board voted to enter Executive Session at 8:02 pm no Minutes were taken during this session. Executive Session ended at 8:10 pm

Road Commissioner Report

October 12, 2022

This report covers September 9, thru October 12, 2022.

Work Done:

1. Sand Pile done.
2. Working on gravel stockpile for mud season.
3. Ice house box culvert project complete MSI was the contractor. Nice Job.
4. Deburred sections of Lacasse road and Symond's Mill.
5. Cleaning up ditch lines, catch basins and culvert out lets that appear plugged up before ground freezes.

Equipment:

1. Truck # 2 2013 Freightliner back in service. Brakes and suspension redone. Will be on the replace list next year or so. 18 Month waiting list cost has risen presently to \$250,000.00 - \$275,000.00 and rising.

Upcoming:

1. Ditch and culvert work has not happened yet on Symond's mill, on next week's list.
2. Prep equip for winter in next two weeks.

Michel Lacasse

Road Commissioner