

# TOWN OF ELMORE, VT

## Select Board Meeting

Meeting Minutes – prepared by G. Schwartz  
Status: Approved

**Meeting Date:** June 14, 2023

**Start Time:** 6:00 pm **Adjourn:** 7:46 pm

**Meeting Attendees:** See attached attendance sheet

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CALL TO ORDER: Chairman

The minutes of the 5/10/23 Select Board Meetings were approved as written.

The Chair of the Board asked if anyone on the ESB had a conflict of interest regarding the agenda items to be discussed tonight. W. West and G. Schwartz replied no. C. DeVore stated that she had a possible conflict since she also serves on the DRB.

**1. SPECIAL TOPICS (Note: Topic will be addressed for no more than 15 minutes with follow-up as needed and noted by the SB.)**

**a. DISCUSSION:** Letter of Support for LFCUD 2023 Construction Grant Application

**Notes:** Randy Tomlin provided the following update on the Elmore Fiber buildout

- The buildout will occur in 2 phases
- All of Elmore will be included in Phase 1 which will be completed in 2024
- Every home in Elmore will be included
- Fidium will be the provider and they have existed for 7 years
- Fidium will supply a maximum speed of 1 Gig with different levels of speed service at different pricing
- Fidium will provide internet service only
- The Select Board voted unanimously to sign a support letter

**b. UPDATE:** Elmore water system update; Water system

**Notes:** Jon Osborn provided the following information regarding the Water System

- The existing water system has been in place since 2014
- The water system has a 30 year loan for the construction cost
- Outstanding loan payments are made by customers using the water system and the Town's yearly budget of approximately \$9,000.00
- The Board consists of Jon Osborn, Bob Burley and Nancy Davis
- The water system consists of approximately 20 connections that serves the village area
- Extensive water testing is done on a monthly basis with additional testing done quarterly
- The water quality is excellent
- Money has been put into the Town's budget in case of an emergency

**c. DISCUSSION:** Town survey of Micklin Farm Road to establish center line and setbacks

**Notes:** Since the DRB Meeting that was held on June 1, 2023 was not properly warned, this item will be tabled until a formal request from the DRB is made. The Select Board voted on this item and the vote was G. Schwartz yes, Warren West yes and C, DeVore abstained

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- d. **DISCUSSION:** Website support; webmaster plan for transition by EOY

**Notes:** Kent Shaw has decided to retire from this position at the end of this year. The Town will have to hire an outside firm to maintain the Town's website and email addresses. The ESB will review the proposals presented by Kent and review at our next SB Meeting.

- e. **UPDATE:** September Town Event; Fireworks; 5k; Planning Commission Update

**Notes:** The Elmore Planning Commission is making progress on the 5K race. A suggestion has been made to have a shorter race for some of the young children to participate in. The Town has budgeted \$2,500 for the fireworks this year. The EPC is working with the Elmore Store to work out the details.

- f. **REVIEW:** Letter received from Don Valentine regarding DRB Open Meeting Laws

**Notes:** The attached letter was discussed and it was determined that the letter should have been submitted to the DRB for them to respond. Don Valentine will decide how he is to proceed. No further action is required by the ESB at this time.

## 2. ACTIVE ITEMS

- a. **UPDATE:** Painting contract for Town Offices; discuss waiving insurance requirement for painting

**Notes:** The ESB discussed the lowest priced proposal received for the painting of the Town Office. The problem of insurance was also discussed and a possible solution of putting R. Draper on the Town's payroll and the Town will pay directly for all materials was suggested. G. Schwartz to discuss with Sandra LaCasse to see if this is feasible.

- b. **UPDATE:** LCPC Grant updates; Municipal Energy Resilience Program

**Notes:** LCPC presented the following information

- Municipal Energy Resilience Program are available for up to \$500K with no match
- LCPC will apply for a level 2 assessment next month
- Grants are good for energy efficient upgrades to existing buildings only
- The new garage is not eligible for this grant opportunity
- Tasha Walis stated that the LCPC would fund the proposed park design out of their budget. The EPC will be discussing this matter in depth later this year.

- c. **UPDATE:** Listers; (a) open position, (b) grand list extension and communication

**Notes:** June McKinley presented Seth Hayden to replace Susan Rousselle as the 3<sup>rd</sup> lister. Seth went over his resume and the Select Board voted unanimously to accept Mr. Hayden

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- d. **UPDATE:** Elmore highway maintenance facility; funding, site work, budget, schedules, etc.

**Notes:**

- Continuing to have weekly progress meetings and review schedule with MSI.
- Site work west of the garage building are 100% complete
- Concrete foundation is 100% complete
- Building steel is fabricated and was delivered on 6/12/23 on schedule
- Steel Erection began on 6/14/230
- Daily photographs of the construction are available on the Elmore Website <https://www.elmorevt.org/> under Photo's

**3. CONTINUING ACTIVE ITEMS** (Update status by primary owner)

- a. **UPDATE:** Town lot sale

**Notes:** The Town continues to receive conflicting legal opinions regarding the sale of the property. W. West will reach out to an attorney that specializes in Town issues. James Barlow will be contacted as it appears that he has the experience we are looking for. W. West will get rates and this will be discussed further at our next ESB Meeting

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

**Notes:** See attached report

- c. **UPDATE:** Zoning Administrator's Report

**Notes:** Don mentioned a tree cutting incident on Camp Road. The tree contractor was asked to cease operations and new trees will be required to be planted.

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

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

**Notes:** The Check Warrant Reports were reviewed and approved at this meeting

**Next meeting: Wednesday, July 12, 2023 @6:00pm. Requests to be on the agenda must be received by June 29, 2023.**

Town of Elmore  
Meeting Attendance Record

ENTER MEETING DATE	6/14/23
ENTER MEETING NAME	Select Board

Check all that apply

Reason for Attending

Reason for Attendance

YOUR NAME (printed)	<i>Observer</i>	<i>Interested Party</i>	<i>Principal Party</i>	<i>Expert or Consultant</i>	WHY ARE YOU ATTENDING?
Walter West			x		SB
Michel LACASSE			x		R.C.
Don Valentine			x		ZA
Jill Lindenmeyr			x		DRB
June McKinley			x		Lister New
EMBURLEY			x		
Dawn Kress	x				
Nancy Davis			x		Water
Seth Hayden		x			LISTER
KANON TAMM		x			LETTER OF SUPPORT
Tadra Wallis				/	LCPC
Gleed Schwartz			x		SB Member
Caroline DeVore			✓		SB Member
Jon Osborne			x		Elmore Water
Kate Lalley		x			VIA ZOOM
Victoria (LCPC)		x			"

**Town of Elmore**  
**PO Box 123**  
**Elmore, Vermont 05657**  
**802-888-2637**

Office of the Zoning Administrator

3 June 2023

To the Elmore Selectboard

The purpose of this letter is to record for the permanent record my concerns regarding the Development Review Board meeting of the evening of 1 June. In the first instance I do not believe the meeting was legally warned. Since becoming Elmore's Zoning Administrator I have found that while the ZA is not a member of the DRB it is the responsibility of the ZA to schedule and warn such meetings 15 days ahead of the date on which they are to be held, usually the first Thurs. of each month. Thus if there were no permit requests or related issues that needed to be addressed by the DRB there was no reason to schedule a meeting. Such was the case on 1 June until I was notified by our Town Clerk, following a telephone call from DRB Chairperson Jill Lindenmyer, that there would be a meeting at 5:30 that evening, though the public was not provided with any notice of it. This is the first basis for my questioning whether this was a legally warned meeting. If it is found that it was not it would seem the only thing further needing to be done would be to notify those in attendance that the meeting was not legally warned. thus the decisions made were void, and would a meeting would have to be held again after being properly scheduled and warned.

Arriving at the meeting it was soon found that its purpose was to consider an application from Brent Miller to rebuild his 20 x 30 ft. equipment shed that was taken down last fall because it was found that he had begun construction without a building permit several months earlier and continually alleged that he didn't need one. It was also found early on that the shed extended 12 ft. into the set back requirement from the edge of Micklin Farm Road. Mr. Miller was sent a building permit application on 25 April 2023 and asked to complete it and return it to my office if he wished to have the matter scheduled for a DRB hearing. This was never done. Instead he arrived at the meeting and submitted the completed form only then, dated 1 June, continuing his by then well established method of trying to circumvent all regulations. Given the fact that he had also complained to Kate Sprague,

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as Chairperson of the Planning Committee, seeking help over the setback issue, it seems evident that he has complained at length to DRB Chair Jill Lindenmyer as well about the situation he has created for himself. Let the record show it has been found that he also constructed a horse barn several years ago without a permit and has tried to claim that he didn't need one for that structure and, thus, should not need one for his shed.

The outcome of the Thurs. DRB meeting also raises questions based upon a decision made that I believe was improper unless approved at some point by your board. Not gaining what he wished with regard to the setback requirements and being allowed to rebuild the entire structure where it was, as shown in the finally received permit application, Mr. Miller proceeded to suggest that the Town Highway has been shifted several feet onto his property over the years so as Zoning Administrator I had no right to object to his encroachment. In response to this the DRB than unanimously voted to have the Town of Elmore pay for a survey of the Micklin Farm Rd. to more properly determine the boundary of this 50 ft. wide town highway. I question whether the DRB can legally offer a decision creating such an expense for the town without prior approval of the Selectboard, especially when based upon conjecture of a person who has refused to follow normal procedures from the outset of this matter. As an Elmore taxpayer I would also object to such a decision based upon the terrible precedent it establishes. The more usual procedure I have seen used would have required a petitioner to pay for any survey needed to make his case, not the party to which his case must be made. Thus I request that the Selectboard void the DRB decision even if you somehow find the meeting itself was legally held.

Lastly it should be noted that no minutes of this meeting were taken as it proceeded nor could one attend by Zoom. Only after the decision to have a survey made did anyone begin taking notes. This is by far the sloppiest and poorest run required public meeting I have ever attended. While I have done everything within reason possible to minimize the expenses of the Zoning Administrator's Office I feel it is necessary to require that all future meetings of this kind either have a stenographer present for their duration or have them recorded and preserved as a written record would be.

Respectfully submitted.

Donald B. Valentine

# Road Commissioner Report

June 14, 2023

## Work To Date:

1. Repaired or put up numerous road signs that were needed.
2. Clean out several culverts inlets and outlets.
3. Working on side roads, clean up, grade and gravel.
4. Haul in gravel to stockpile for summer use.

## Equipment:

1. Full services done on Truck # 1, grader, loader and backhoe.

## Upcoming Issues and Projects:

1. Symond's mill culvert. Late summer.
2. Elmore pond rd. This year trim back trees, deburm, and ditch both sides of road and change out culverts.
3. 2024 grind and repave pond rd.
4. Culvert work will be done on King, Camp, Hardwood Flats, will post in advance.
5. Tandem Truck will need to be ordered in August if we want delivery by November of 2024. \$285,000.00?

*Mike O'Carroll*