

TOWN OF ELMORE, VT

Select Board Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Approved with the attached comments from Nancy Davis

Meeting Date: August 14, 2024 Start Time: 6:02 pm Adjourn: 7:27 pm

Meeting Attendees: See attached attendance sheet

AGENDA

Call To Order: C. DeVore

- **Review/approve previous meeting's minutes** – Since W. West was not at the last meeting and C. DeVore did not have a chance to review the minutes of the 7/10/24 Meeting, comments/approval will be at our next meeting
- **Review additions or deletions to today's agenda** – None
- **Conflict of Interest review for agenda items**- None

1. SPECIAL TOPICS (Note: Topic will be addressed for time noted with follow-up as needed and noted by the SB.)

a. DISCUSSION: Town flooding event of 6/22-23 and 7/10

Notes: M. LaCasse presented the attached hand written notes. The Highway Department is trying to work within the budgeted amount by utilizing Town forces. The amount spent to date on storm related damage is approximately \$120,000.00. This has been offset by payment received from FEMA from last years damage. The total cost for repairs is expected to be approximately \$500,000.00

b. UPDATE: Fire Station boiler replacement

Notes: T. Braun stated that the new propane boiler has been installed at slightly below the budgeted amount. The buried oil tank is still in place. The Fire Department has received a proposal to remove the tank for \$5,000.00. The tank is currently empty of oil. The price of removal includes all required testing and paperwork. If soil contamination is found the State would cover the cost for the cleanup.

2. ACTIVE ITEMS

a. UPDATE: Resignation of Town Attorney; new attorney outreach

Notes: C. DeVore reached out to 4 attorneys. She received 3 responses from the following firms

- Monaghan Safar
- SP&F Attorneys
- Tarrant Gillies & Shems

C. DeVore to setup interviews with all three firms prior to the next ESB Meeting

b. UPDATE: Grant for State Park passes (Schwartz 5 min)

Notes: GS submitted a new grant to the Vermont Governor's Council on Physical Fitness & Sports Community Wellness Grants on August 9,2024. This grand would be good for the 2025 summer season.

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- c. **DISCUSSION:** Board vacancies; EPC and terms to be filled

Notes: The EPC currently has two openings. One position to fill the remaining portion of K. Sprague term and the other to replace D. Valentine. This item will be on the September EPC meeting. In addition, the current Town Moderator has resigned and will need to be replaced. Since this is an elected position, the ESB will discuss this at the next ESB Meeting in September.

- d. **UPDATE:** Review of written guidelines for SB meetings

Notes: C. Devore presented the following attached procedures for review prior to the next ESB Meeting. These procedures will be discussed at the next ESB Meeting.

- Standard Operating Procedure for calling meetings of the Select Board
- Standard Operating Procedure for contacting the Town Attorney
- Request for outreach to Town Attorney

- e. **UPDATE:** Traffic speed signs; 2 signs funded by LCSD to be installed.

Notes: As per Scott at WorkSafe, the two speed signs are in production and are slotted to ship from the factory on August 8th. They should arrive by the 13th; at which time they will inspect them and get the necessary hardware ready to ship to the new Town Garage. M. LaCass to submit the required State permit application as soon as possible.

- f. **UPDATE:** Email Alias setup for Town boards

Notes: C. DeVore to submit all Town email addresses. All board members of the Town have a Town email address and must use them. No one should be using their private email for Town business.

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

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

Notes: See attached report from M. LaCasse

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

Notes: See attached report from C. Burnham

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
W. West to setup an open meeting training session for all Town Boards

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- 5. EXECUTIVE SESSION:** Planned for discussion of employee salaries. SB plans to enter Exec Session at conclusion of regular meeting.

Notes: The Select Board voted to enter Executive Session at 7:27 pm no Minutes were taken during this session. Executive Session ended at 7:50 pm

Next meeting: Wednesday, September 11, 2024 @ 6:00pm. Requests to be on the SB agenda must be received by the Chair before the last Friday of the preceding month.

Proposed addition to August Select Board Minutes

1.a: Town Flooding Event

Taxpayer in attendance raised concerns about the impact of unmaintained private driveways. The Road Commissioner concurred that this was an issue causing culverts to be compromised and filled with debris and gravel roads to be negatively impacted during rain events. C. DeVore will contact the Elmore ZA and request that he look into how other towns use zoning laws to address this issue. Taxpayer suggested that the Select Board also reach out to other Select Boards for insight into ways they are exploring and/or solutions to these and other costly road events.

4. Non-agenda items

W. West will post the changes to the Vermont Open Meeting Laws for public information and review.

Add to August minutes.

Flooding event of 6/23

- RAIN started Afternoon of the 20th and ended with very heavy showers on 23rd.
- At 5:00p.m Bedell, Mowry and Earlgray ARE closed 4" of rain. All roads one lane by 10:00p.m on the 23rd.
- mowry And Earlgray Fixed in the week.
- Bedell had two washed out sections
first one 483' long 12' wide 5' deep.
Second one 380' long up to 20' wide 6' deep
A total of 54 load ~~of~~ were hauled and almost completed. est cost \$50,000 gone

Flooding event of 7/11

- 5"-7" of rain
- 10 roads impacted meeting FEMA requirements
- Symond's mill, E. Elmore Box culvert became an island. lost 60' feet either side. 40' wide 8' deep. East Elmore, Brown hill area ~~extensive~~ residences unable to leave. No access to ~~get~~ out on E. Elmore or Kate Brook roads.
- MSI asked to help us out. Brought in two very large EXAVATORS and two trucks. with our crew by Friday noon roads were one lane.

Fema - No declarations made, only a state of emergency.

Does not look good for the June flooding. Damage limits for damage approval keeps go up.

one change is how much work on one project can be completed. years past it was 40%. Fema personal had to see to approve. Now, we are at 85% work completed. last years flooding Elmore had approval in 8 days. Nothing yet, so we can not go and finish any projects until approval.

State est [#] 1-3 million in damage goal [#] 500,000.00

We need to thank Quint, ISSIAC, Jack and many other who helped with their personal tractors and excavators. Elisah cloakly for repairing trucks. MSI dirt word crew. Manosh and Salvas for providing us materials. last of all our Highway crew who has gottons back to this point

Town of Elmore
Standard Operating Procedure for
Calling Meetings of the Selectboard

1. Purpose This SOP outlines the procedure for calling, scheduling, and conducting meetings of the Elmore Selectboard to ensure consistent and efficient operations.

2. Scope This procedure applies to all members of the Elmore Selectboard.

3. Definitions

- **Quorum:** The minimum number of members required to be present for the meeting to be considered valid, which for the Elmore Selectboard is any 2 out of the 3 members.
- **Chairperson:** The presiding officer of the Selectboard.

4. Regular Meetings

- Regular meetings will be held on the 2nd Wednesday of each month at the Town Offices at 6:00 PM.
- An agenda will be prepared and distributed by the Chairperson or designated staff at least 48 hours prior to the meeting.

5. Rescheduling Due to Lack of Quorum

- **Pre-Meeting Quorum Check:** If the Chairperson cannot confirm a quorum (2 members) at least 1 week prior to the scheduled meeting, the meeting will be rescheduled to the 3rd Wednesday of the month at the same time and location.
- **Loss of Quorum Before Meeting Start:** If a quorum is lost at any time before the meeting is officially started, the Chairperson will reschedule the meeting in accordance with this SOP.
- If a quorum cannot be met on the 3rd Wednesday, the Chairperson will poll members to determine the earliest possible date following the scheduled meeting date when a quorum can be present. The Chairman will select the date and the new meeting date will be communicated to all members and the public at least 48 hours in advance.

6. Agenda Submissions

- Proposed agenda items must be submitted to the Chairperson for inclusion on the agenda at least 10 days prior to the meeting date.
- Agenda submissions must include all relevant supporting documents. If supporting documents are not supplied, the agenda item will be deferred until the following meeting.

7. Special Meetings

- Special meetings may only be called by the Chairperson or by a majority of the Selectboard members.

- A request for a Special meeting should be sent to the Chairperson who will poll members to see if a quorum supports calling a Special Meeting.
- Notice of Special meetings will be given to all members and the public at least 24 hours in advance, including the purpose, date, time, and location of the meeting.

8. Emergency Meetings

- Emergency meetings may be called in situations that require immediate action to protect public health, safety, or welfare.
- An Emergency meeting may only be called by the Chairperson or by a majority of the Selectboard members.
- Notice of Emergency meetings will be given as soon as practicable to all members and the public.

9. Meeting Agendas

- The Chairperson is responsible for preparing and distributing the meeting agenda.
- The agenda will be posted at the Town Offices, Town Hall, Elmore Store and on the official town website 48 hours before the meeting.

10. Conducting the Meeting

- The Chairperson will call the meeting to order, verify the presence of a quorum, and proceed with the agenda.
- Meetings will follow Robert's Rules of Order to ensure orderly conduct.
- Minutes will be recorded and submitted for approval at the next meeting.

11. Draft and Approval of Meeting Minutes

- Following each meeting, draft minutes will be posted within 5 days to the Town website.
- These draft minutes will be reviewed, discussed, and approved at the next regular Selectboard meeting.

12. Public Participation

- Public participation is encouraged and will be scheduled during the designated time on the agenda.
- Members of the public wishing to speak must sign in before the meeting and adhere to time limits set by the Chairperson.

13. Record Keeping

- Minutes of each meeting will be recorded by the designated recorder and submitted for approval at the next regular meeting.
- Approved minutes will be posted on the town website and archived in the Town Offices.

14. Amendments to the SOP

- This SOP may be amended by a majority vote of the Selectboard members at any regular meeting.

15. Effective Date

- This SOP is effective as of [Date].

16. Contact Information

- For any questions or clarifications regarding this SOP, contact the Chairperson of the Elmore Selectboard.

Town of Elmore
Standard Operating Procedure for
Contacting the Town Attorney

1. Purpose This SOP outlines the procedure for initiating and following up on contact with the Town Attorney to ensure proper authorization, documentation, and use of legal resources for the Town of Elmore.

2. Scope This procedure applies to all members of the Elmore Selectboard, Planning Commission, Development Review Board (DRB), other town boards, and Town employees.

3. Authorized Contacts

- Only the following Town officials may contact the Town Attorney directly:
 - Selectboard Chairperson
 - Town Clerk
 - Town Treasurer
 - Zoning Administrator
- **All other contacts:** Chairpersons of the Planning Commission, DRB, and any members of Elmore's boards or Town Employees must complete an Elmore Town Attorney Outreach Request Form and gain approval from the Selectboard prior to contacting the Town Attorney. The Request Form can be obtained from the Town Clerk.

4. Initial Legal Outreach

- **Primary Contact:** Initial legal outreach should begin with the Vermont League of Cities and Towns (VLCT) legal department.
- **Follow-Up Outreach:** Should follow-up outreach to the Town Attorney be required, the individual seeking contact must first obtain approval from the Selectboard Chairperson.
 - Requestor should complete the Elmore Town Attorney Outreach Request Form.
 - The Selectboard Chairperson will review the request with the full Selectboard at the next regular meeting.
 - If the matter is urgent, the Selectboard Chairperson may call a Special or Emergency meeting of the Selectboard to review the request and determine whether outreach to the Town Attorney is warranted.
 - Only by a majority decision of the Selectboard will follow-up outreach to the Town Attorney proceed.
 - If the request is approved, the Selectboard Chairman will notify both the requestor and the Town Attorney by email supplying the approved Request Form and supporting documentation.

- All requests and documentation including the completion of Elmore Town Attorney Outreach Request Forms are subject to Vermont open meeting law.

5. Review of Legal Advice

- The Town Attorney will deliver their response to the Selectboard and the Requestor. Any further inquiries or redirects to the attorney must be approved by a majority vote of the Selectboard. The redirect request will be made to the Selectboard Chairman.
- A maximum budget will be established for the inquiry on the approved Request form.
- If a deliberative or executive session is required with the Town Attorney, that meeting will be validated by a majority vote of the Selectboard and will be scheduled according to the established Town of Elmore Selectboard meeting SOP and VT open meeting laws.

6. Communication Protocol with the Town Attorney

- The Town Attorney will be instructed to respond only to questions submitted by authorized Town officials or employees (as specified in Section 3) or by receipt of an approved Request form with supporting documentation.
- Any questions or requests for clarification by the Town Attorney can be directed to the Requestor.

7. Record Keeping and Reporting

- The Selectboard Chairperson is responsible for maintaining a record of all communications with the Town Attorney, including the nature of the inquiry, the advice provided, and any follow-up actions.
- Communication that legally falls under attorney/client privilege will be marked as such and will adhere to VT statutes on attorney client privilege and open meeting laws.
- A summary of these communications will be presented at the next regular Selectboard meeting for review and documentation.

8. Amendments to the SOP

- This SOP may be amended by a majority vote of the Selectboard members at any regular meeting.

9. Effective Date

- This SOP is effective as of [Date].

10. Contact Information

- For any questions or clarifications regarding this SOP, contact the Chairperson of the Elmore Selectboard.

Town of Elmore

Request for Outreach to Town Attorney

Instructions for Submission:

- Complete all sections of this form and submit to the Elmore Town Clerk with any supporting documentation.
- Completed forms will be submitted to the Elmore Selectboard and reviewed at their next regular meeting. If the request is urgent, submit to the Elmore Selectboard Chairman who may, at their discretion, call a Special board meeting to review.
- Once approved, this form will be sent to the Town Attorney along with the maximum budget approved.
- If the maximum budget is reached before the inquiry is concluded, the applicant must submit an additional request form for approval.

Date of Request: _____

Title/Position: _____

Submitted By: _____

Contact Information:

Phone:

Email:

1. Description of the Legal Issue/Question:

(Please provide a detailed description of the issue or question that requires legal consultation. Attach any relevant documents that may assist in the review process.)

2. Initial Outreach:

- **Has the Vermont League of Cities and Towns (VLCT) legal department been contacted?**
 - Yes
 - No

- **If yes, please summarize their guidance or response:**

3. Reason for Contacting the Town Attorney:

(Explain why the issue cannot be resolved without the Town Attorney's involvement and why VLCT's guidance, if provided, is insufficient.)

4. Requested Actions/Questions for the Town Attorney:

(Please list the specific actions you would like the Town Attorney to take or the questions you need answered.)

5. Approval:

- **Selectboard Chairperson Approval:**
 - Approved
 - Not Approved
- **Selectboard Meeting Review Date:** _____
- **Maximum Budget Approved:** Up to _____ Hours or \$\$ _____
Note: Once budget is reached, additional approval will be required for follow-up.
- **Majority Selectboard Approval:**
 - Approved
 - Not Approved
- **Date of Approval/Decision:** _____

6. Next Steps:

(Indicate any follow-up actions required after approval, such as scheduling a meeting with the Town Attorney or further consultations.)

Applicant Name: _____

Applicant Signature: _____

Date: _____

Signature of Selectboard Chairperson: _____

Date: _____

Road Commissioner report

Aug 14, 2024

This report covers from July 11 thru Aug 14

work completed or in process

1. Flood repairs near 60 percent done
2. Roadside mowing done
3. Maintained ^{ing} our grading ~~schedule~~ ^{schedule}
4. Wind storm on the 9th. Mt Road hit hard. trees in roadway and power lines. Brown Hill and Gates Farm the same.

Employee's

Claude Cross has been part of the crew since July flooding and will remain until snow comes.

Equipment

New truck has been delivered to H. P. Fairfield in New Hampshire to get equipment built. November delivery?

other

1. FEMA paper work done for 2023 flooding awaiting reimbursement.
2. Hazard mitigation grant applied for back. 110 power at Brown Garage

ELMORE ZONING ADMINISTRATOR REPORT

This report covers July 1st through July 31st, 2024.

Tasks included:

- 12days in the office
- Continued processing current pending applications - 5
- Office conferences with landowners – 16
- Phone inquiries – 17
- Site visits – 7
- Application consultation & assistance – 6
- Response to tree cutting requests – 2
- Land Record research – 3
- Planning Commission support – 3
- Selectboard meeting, follow up & prep – 3
- NOAV (Notice of alleged violation) – 2
- Forms update – 2 (Fee schedule, Fee worksheet)
- Correspondence & Inquiries – 9
- Submitted 3 **Front Porch Forum** articles
- Environmental Board attention – 3
- Applications review and follow up – 11
- Private Road research & conf – 5 (Hayford, Overlook, W. Loop)
- DRB Agenda, prep, Findings & Decisions – 8
- Listers assistance – 4
- VLCT & Professional inquiries – 2
- Forest Land research - 2

Upcoming and continuing projects:

- Updating Application Indexes: 2019. Reformat with E-911 addresses.
- Conduct “drive bys” and phone follow-up on permits issued in the last two years for compliance.

July Permits:

7/2/24	24-26	MACHIA, Robert KITONIS, Ashley	984 King RD	12 x 20 open shed
7/11/24	24-27	DAVEY, William & Kristi	199 Sterling View Annex	24 x 24 garage
7/23/24	24-28	BUSH, Michelle	867 Symonds Mill RD	10' x 22' Shed

7/30/24	24-29	WATERHOUSE 3, LLC	272 Camp RD	Demolish Camp
7/31/24	24-30	MARTIN REVOCABLE LIVING TRUST	Yankee Way	4 Lot Subdivision

Charles Burnham

Zoning Administrator