

CALAIS TOWN MEETING MINUTES

March 1, 2016

unapproved

The 2016 town meeting was called to order at the Calais Elementary School on Tuesday, March 1, 2016, at 10:25 a.m. by Gus Seelig, moderator. The ballot boxes had been officially opened by the town clerk at 7 a.m. and remained open until 7 p.m.

ARTICLE 1. To choose a moderator for the coming year.

Donna Fitch requested nominations for town moderator. Motion was made and seconded to nominate Gus Seelig. Nominations were closed; Gus Seelig was approved as moderator by voice vote. Mr. Seelig reviewed Robert's Rules of Order, and the rules of Town Meeting.

ARTICLE 2. To elect by Australian ballot all town and school officers so required, including one selectboard member, three auditors, a lister, two Calais Elementary School directors.

Mr. Seelig reminded those present that the ballot box is open for this vote.

ARTICLE 3. To vote by Australian ballot on the following questions: Shall the Town of Calais Land Use and Development Regulations which were adopted by the voters of the town on March 1, 2005 and last amended on March 4, 2014 be further amended as recommended to the voters after public hearings by the Calais Planning Commission on October 20, 2015 and by the Calais Selectboard on December 14, 2015?

Mr. Seelig explained the article is flawed and, therefore, the ballots for this article will not be counted. Donna Fitch explained the intention is to put this article forward to the voters at a future date.

ARTICLE 4. To provide the opportunity to ask questions regarding the reports in the Town Report, including but not limited to the Cemetery Commission, Conservation Commission, Planning Commission, Historic Preservation Commission and Selectboard.

Barry Bernstein asked: Why an increase in legal expenses? John Brabant, selectboard member, explained the selectboard had two major litigations this year. Every year the board incurs legal expenses, however, this year the litigation around a proposed VTEL tower was a substantial expense. He stated the selectboard's philosophy is to ensure that zoning is upheld; representing the town in this matter sometimes incurs legal fees.

Donna Fitch noted corrections to the articles as they are presented in the town report:

- Page 9, article 5: The correct amount to be raised in taxes is \$1,050,340 with \$334,975 to be raised by non-tax revenue.
- Page 10, article 13: The dollar amount for the town garage addition should read: \$36,500.
- Page 20, article 26: The dollar amount for town meeting appropriations (social service organizations) was corrected to match Article 26 with the additional inclusion of Old West Church (OWC). (OWC did not submit a request, but later in the meeting Paul Hannan asked about this usual annual amount and the general agreement was to give OWC \$100.)

Point of order: Community member asked for clarification, whether it is okay to make these changes on the floor. Mr. Seelig believes this is appropriate according to Robert's Rules of Order. Rick Kehne applauded the selectboard for its stand on the issue related to the VTEL tower. Stephanie Kaplan noted a correction on Page 6: The Lakes and Streams Committee is an independent committee; not appointed by the selectboard.

ARTICLE 5. Shall the voters approve total highway and general fund expenditures of \$1,385,315 of which \$1,050,340 shall be raised by taxes and \$334,975 by non-tax revenue? See "FY2017 Tax Request and Estimated Tax Rate" on page 20 in the town report for the expense and income figures making up this request. Additional monies appropriated in the Warning articles are in addition to these expenditures.

Motion was moved and seconded, with noted changes to the dollar amounts the numbers as stated previously by Ms. Fitch. Motion carried unanimously.

ARTICLE 6. To see if the town will appropriate the sum of \$2,700 for the Calais Swim

Program.

Motion was moved and seconded. Mr. Bernstein noted this amount has remained the same for many years. He hopes it is a worthwhile program. Motion carried unanimously.

ARTICLE 7. To see if the town will appropriate the sum of \$4,000 for the ensuing tax year, to be transferred to the reserve fund established pursuant to 24 V.S.A. 2804 for conservation and other lawful purposes of the fund.

Motion was moved and seconded. Neal Maker, Conservation Commission, explained the Conservation Fund has been around since 1989; it is used for conservation of properties in town as well as for education around conservation. There is currently \$78,693 in the Fund. Jan Ohlsson noted that when it was first voted, the Fund was meant to help acquire property for the town. She wonders how it changed from a fund to acquire property, to a fund that is used for conservation of property. She asked about criteria to use this fund. Mr. Maker explained his understanding that the Fund has always had several uses; the most common is to purchase properties. A document (based on selectboard's approval in 2011) exists that outlines criteria to make sure that projects are aligned with the intention of the Conservation Fund. Motion carried by voice vote.

ARTICLE 8. To elect all other necessary officials for the year ensuing, including a law agent, a town grand juror, a trustee of public funds, a cemetery commissioner and an agent to convey real estate. (The *law agent* assists in litigation at the request of the selectboard. The *town grand juror* helps to prosecute criminal offenses that occur in the town by giving information to law enforcement officials. The *trustees of public funds* are responsible for managing public funds, specifically cemetery funds. *Cemetery commissioners* are responsible for the care and management of cemeteries. Real estate owned by the town may be conveyed by an *agent* elected for that purpose.)

Town Law Agent: Motion was made and seconded to elect Kristina Bielenberg. Motion was made and seconded to elect Tommy Blachly. He respectfully declined. Motion was made to close nominations and have the clerk cast one ballot for Kristina Bielenberg. Motion was seconded and carried unanimously.

Town Grand Juror: Motion was made and seconded to elect Tina Bielenberg. Motion was made to close nominations and have the clerk cast one ballot for Kristina Bielenberg. Motion was seconded and carried unanimously.

Trustee of Public Funds: Motion was made and seconded to elect Steve Killoran. Motion was made to close nominations and have the clerk cast one ballot for Steve Killoran. This motion was seconded and carried unanimously.

Cemetery Commissioner: Motion was made and seconded to elect Jennifer Whitman. Motion was made to close nominations and have the clerk cast one ballot for Jennifer Whitman. Motion was seconded and carried unanimously.

Agent to Convey Real Estate: Motion was made and seconded to elect Donna Fitch. Motion was made to close nominations and have the clerk cast one ballot for Donna Fitch (herself). Motion was seconded and carried unanimously.

ARTICLE 9: Shall the voters adopt the Calais Town Plan, and any amendments to the Plan, by Australian ballot vote pursuant to 23 V.S.A. §4385(c)? Currently the Town Plan is approved and amended by the Selectboard.

Article was moved and seconded. John Brabant, selectboard member, gave his perspective. He intends to vote against the article; the main reason being that, with new legislation pending, this may involve amending the town plan numerous times. Each time the plan is amended, the Australian ballot voting process would be involved. He believes the intention of the article was good natured, but he believes the pragmatics of the article will be more complicated and give the town less of a voice. Currently any changes in zoning regulations come for a town vote by Australian ballot; changes in the town plan are voted by the selectboard.

Discussion followed regarding town plan versus zoning regulations: Town plan is more of a concept document; plots out the town's vision, e.g., energy, housing, conservation. Statute around town plan is fairly prescriptive; the legislature is reshaping some of the requirements. Zoning regulations are generally more specifically written about how the development of the town plan should be performed. Mr. Brabant explained that, despite town plans being intended as concept documents, law dictates that town plans are more than concept/visionary – they need to be very specific, e.g., in any large scale development, the town plan becomes more of a zoning document.

Jack Russell, Planning Commission Chair, said the Planning Commission is required to rewrite and propose the town plan. Zoning relates more to property rights, impacts property taxes; this is why zoning comes to the people for a vote. Since 2005, proposed changes to zoning have come to town meeting and have passed eight times; have never had to hold a special meeting. The most recent Town Plan was passed in January 2016. A new town plan is required every five years; before January 2016, the town plan was developed in 2009. Since 2009, increasingly the courts and other bodies have wanted more regulatory language (e.g., related to zoning) in the town plan. The nature of the town plan has shifted in past years; the planning commission has debated and explored this question. The way it is currently done is efficient, but efficient is not always “right.” Mr. Russell believes “the people” (not simply the selectboard) need to be able to make decisions related to the town plan. This is not about effectiveness; it’s about doing the right thing, trusting the townspeople to make these decisions.

Tina Bielenberg reiterated that, according to Public Service Board and Act 250, the Town Plan is principally a policy document. The statutory framework for towns to adopt plans has many safeguards for the townspeople to have a voice. She is not in favor of this article; she urges people to carefully consider whether the system presently works (she believes it does), and what might be the consequences of changing the present system.

Point of clarification: Would this article NOT affect the town plan which is currently in place? No, it would not.

Ms. Kaplan, Conservation Commission, stated that regulation in the town plan affects landowners if they intend to do large scale development (as per Act 250); this does not apply to “normal, every day” changes that landowners make to their property. The selectboard and the Planning Commission holds many meetings to discuss the town plan and invites the community and considers the community’s input.

Doug Lilley stated he is one of the largest landowners in town; he puts his faith in the selectboard; he is not in favor of this article.

Eileen Simpson, who was on the Montpelier Planning Commission for quite some time, confirmed changes in legislation that have taken place. Vermont is moving more in line with the rest of the country where the town plan (not the zoning) is the core document. She stated the importance of people taking a close look at the Town Plan. She spoke about funding mechanisms that require a town plan and, therefore, the importance of keeping a plan up-to-date in a timely manner. She reiterated that it is critical to spend more time becoming familiar with the Town Plan – what it permits, what it forbids.

Paul Rose, Planning Commission member, said the system has worked well over the years, However, the system is changing and we need to change with it. Regulatory language must be placed in the town plan. This will affect the property rights and values of every land owner in Calais. He spoke about the legal definition of “deference.” He explained why the town has been without a plan for a while: the Planning Commission has solicited the help of other commissions and committees in town to give input into the plan. Each was heavily weighted by their own agendas; therefore, the job of the Planning Commission became a huge filtering job to be sure that the town plan represents the entire community. He said some of the input from the committees/commissions can be explained as “radical extremism.” The fact that three people on the selectboard could pass the town plan is not acceptable to him. The townspeople need to maintain control over the town plan.

Darby Bradley noted that if you disagree with the selectboard only 66 signatures would be needed to bring a petition forward for a revote. He will vote against this article believing he could find 66 signatures if needed. Gail Graham said she feels more and more that she is losing control of her own property and believes this article helps her keep her own voice. Scott Bassage, selectboard member, does not think we should be adding any more to Australian ballot voting; he believes this is a foolish and unnecessary idea. Rose Pelchuck, selectboard member, said the community is welcome to give input at any Planning Commission or selectboard meeting. She is not in favor of this article. Rick Kehne pointed out that the selectboard is elected to carry out town business. Australian ballot allows people to have “knee jerk” votes rather than participating in discourse. He is not in favor of the article. Mr. Brabant stated the town plan should be kept up-to-date and zoning should reflect the plan; to keep up, we need to continue to update the plan. The community has the authority to elect members of the selectboard, or to override the decision

of the selectboard. Question called. Motion to end discussion passed. Paper ballot was requested and passed. The votes were counted: In favor 33; Opposed 112. The article was defeated.

ARTICLE 10. To see if the town will vote to appropriate the sum of \$7,500 for the second phase of a two-phase natural resource inventory to identify the town’s significant natural resources to support the planning process.

Motion was moved and seconded. Ms. Kaplan explained the article came from the Calais Conservation Commission to continue the work that has been done by Matt Peters, consulting ecologist and botanist. A written report dated February 8, 2016, is available on the Calais town website: *Ecological Landscapes of Calais: A Natural Resource Inventory*. Geraldine Gilman asked what happens if they are given permission to come onto your land and they discover something they want to pursue and want to impose a regulation to protect. Gail Graham expressed her concerns as a major landowner. She would not give permission for people to come on her property, but what about “drive bys” and “aerial photos”? A photograph of her property is contained in the above mentioned report. She expressed concerns with having control over her own property. Mr. Rose encouraged community members to look closely at proposed zoning regulations as a result of this inventory. He suggests postponing the vote on this article until we have a better idea of how this inventory is going to be used and applied.

Eric Sorenson stated this inventory is a common exercise; he explained how this type of inventory is used, noting that Calais has an exceptional wealth of wetlands that are already protected by the state wetland rules. He believes this is an excellent opportunity for the town and for landowners to know what valuable resources they have on their properties. A community member noted that regardless of this study, Google Earth photographs property. Motion carried by voice vote.

ARTICLE 11: To see if the town will vote to establish a “Cemetery Fund” for the purpose of retaining any cemetery fund balance available at the end of the fiscal year, to be used for deferred maintenance and unforeseen expenses; and authorize the treasurer, on behalf of the cemetery commissioners, to apply any cemetery fund balance at the end of the fiscal year to the “Cemetery Fund.”

Article was moved and seconded. Ms. Fitch explained the cemetery budget had surpluses totaling \$1,900 since 2011. However, surpluses cannot be carried over into the next fiscal year. In order to retain surplus money, a reserve fund must be created. Motion carried by voice vote.

ARTICLE 12. To see if the town will appropriate the sum of \$14,000 for cemetery special projects and deferred maintenance, to include fence repair and replacement, and stone repair and washing.

Article was moved and seconded. Randy Koch, Cemetery Commissioner, explained the money will be used for catch-up on long deferred maintenance. Motion carried by voice vote.

ARTICLE 13. Shall the town appropriate a sum not to exceed \$36,500 for an addition to the town garage to accommodate an office, a break room and a mechanical room?

The article was moved and seconded, with the corrected amount as discussed earlier in the meeting (\$36,500). Toby Talbot, selectboard member, explained this is a simple shed addition to contain a break room, office and mechanical room. Town road crew will do the excavating. Motion carried by voice vote.

ARTICLE 14. To see if the town will vote to establish a “Calais Computer, Software and Technology Reserve Fund” to cover future purchases of technology-related equipment to include computers, servers, printers, copy machine.

The article was moved and seconded. Ms. Fitch explained rbTechnologies, a company in East Montpelier, maintains and trouble shoots the town computers, server and network and backs up town data. rbTech recommends a capital plan for future technology purchases. Motion carried by voice vote.

ARTICLE 15. To see if the town will appropriate the following sums to the respective reserve funds:

- **\$25,000 to be deposited to the Calais Highway Heavy Equipment Reserve Fund;**
- **\$5,000 to be deposited to the Calais Computer, Software and Technology Reserve Fund;**
- **\$20,000 to be deposited to the Town Office and Town Hall Reserve Fund.**

Article moved and seconded. Selectboard members spoke to the needs for the funds. Currently,

there is \$128,398 in Highway Heavy Equipment Reserve Fund and \$40,000 in Town Office and Town Hall Reserve Fund. Peter Harvey asked whether this will be an annual article? Ms. Fitch stated the selectboard is planning to make this an annual article. Mr. Lilley recommends paying off the debt that we have rather than holding money aside and earning very low interest. A selectboard member explained putting money aside in a capital plan fund avoids a spike in tax rate when a large purchase is required. Geraldine Gilman expressed concerns about high property taxes. Mr. Talbot responded that, even if everything on the town warning is passed, taxes should go down this year for Calais. Motion carried by voice vote.

ARTICLE 16. To see if the town will appropriate the sum of \$17,963, contingent upon the awarding of a structures grant from the State of Vermont, for construction of the North Calais retaining wall. The total estimated project cost is \$179,627 with the State paying 90% (\$161,664) and the town paying 10% (\$17,963).

Article was moved and seconded. This project was approved in the past but did not come to fruition because bids came in higher than the amount the town had voted. This article contains updated figures. Motion carried by voice vote.

ARTICLE 17. To see if the town will authorize the selectboard to purchase a 10-wheel truck to replace the eight-year-old 10-wheel truck at a cost not to exceed \$168,000 to be financed over a period of five years. The first loan payment will take place in fiscal year 2018.

Article moved and seconded. Mr. Talbot explained the purchase is part of the highway capital plan. Doug Lilley spoke about his belief that the capital plan could reflect a longer lifespan for trucks. Motion carried by voice vote.

The meeting recessed at 12:35 for lunch. At 12:50, the meeting reconvened.

ARTICLE 18. To see if the town will authorize the selectboard to use \$25,000 of the Calais Highway Heavy Equipment Fund to pay for fiscal year 2017 heavy equipment purchases and loans.

Article was moved and seconded. Motion carried by voice vote.

ARTICLE 19. To see if the voters will approve the following: Whereas, the earth's temperature continues its historically rapid rise, polar ice is melting at an increasing rate, and we seem to be experiencing more extreme weather events than in the past; Whereas, scientists largely agree the temperature rise is the cause of the changing weather, the rise is primarily caused by the combustion of fossil fuels and, unless these emissions are cut substantially, we will leave to future generations a much less desirable place to live; Whereas, Calais town government and its various committees have the ability to effect the reduction of fossil fuel use through decisions about town infrastructure and operations, through education and assistance to residents to reduce their fossil fuel use and through implementing climate sensitive requirements in land use regulations;

Resolved, all elements of Calais government and committees should take all responsible and legal actions within their respective subject areas and in collaboration with others to reduce fossil fuel use by the town's operations and to assist residents to do the same.

Further Resolved, the selectboard or its designee should provide a report on progress under this resolution in the 2016 town report.

Article was moved and seconded. Karin McNeill, representing the Calais Energy Group, explained the article intends to work in partnership with the selectboard to acknowledge and reel in climate change in the town of Calais.

Mr. Hannan moved to amend the resolution to add "reasonable" before "responsible and legal." Motion to amend was seconded. Ms. Bielenberg asked whether the petitioners intend for the actions to include large scale solar and wind projects? Ms. McNeill replied that the Calais Energy Group is committed to working with the town selectboard and Planning Commission, however, large scale wind and solar are not tenable in Calais. Smaller scale renewable energy efforts are envisioned. The question was called. A vote was called to end discussion about the amendment. Division was called; a hand vote was tallied. Motion carried, 26 – 25. Discussion about the amendment ended.

Discussion about the original motion: Ginny Sassaman reassured that no hidden agendas exist in this article. It is meant as an aspiration, townwide. She mentioned the desire for a park-and-ride to facilitate carpooling and, hopefully, public transportation on Rt. 14 in Calais. Rose Hayes asked what kind of legal action is to be taken? Some discussion followed. Ms. Ohlsson made a motion to remove “and legal” from the article. This motion was seconded and approved unanimously. Proposed wording: “... should take reasonable and responsible actions within...” The question was called. This was voted and approved; debate ended. Motion carried by voice vote, as amended.

ARTICLE 20. To see if the town will appropriate the sum of \$25,760 for the Kellogg Hubbard Library for its operating expenses.

Article was moved and seconded. Motion carried by voice.

ARTICLE 21. To see if the town will vote to have all property taxes paid to the treasurer, as provided by law and without discount, in two equal installments as follows: The first installment will be due on or before 4:00 p.m. 30 days after the tax bills are mailed, but not earlier than August 1, 2016, and the second installment will be due on or before 4:00 p.m. on November 15, 2016.

Article was moved and seconded. Motion carried by voice vote.

ARTICLE 22. To see if the town will vote to institute a grace period after the established due dates of payments of property taxes as provided in 32 V.S.A. § 1674(3)(B). The grace period for the first payment will be two weeks after the due date. The grace period for the second payment will extend through November 29, 2016.

Article was moved and seconded. Nedene Martin, Delinquent Tax Collector, asked for the town’s support for the grace period. She spoke about various life circumstances that sometimes contribute to late payments. Motion carried.

ARTICLE 23: To see if the town will vote to contribute \$2,000 to the Calais Historical Society for the reprinting of the Calais history book “Forever Calais.” Total print cost is \$8,000 for 200 copies.

Article was moved and seconded. Motion carried unanimously by voice vote.

ARTICLE 24: Shall the town authorize the selectboard to replace the “Calais General Fund Contingency Reserve Fund” with a “Calais General and Highway Contingency Reserve Fund” to cover unanticipated revenue shortfalls and pay nonrecurring and unanticipated expenses, in accordance with 24 V.S.A. § 2804(a)?

Article was moved and seconded. Motion carried unanimously.

ARTICLE 25: Shall the town authorize the selectboard to apply any General Fund surplus at the end of the fiscal year to the “Calais General and Highway Contingency Reserve Fund,” with the fund to be capped at \$50,000, and with any surplus remaining going to reduce next year’s taxes?

Article was moved and seconded. Motion carried unanimously by voice vote.

ARTICLE 26. To see if the town will appropriate the sums of money requested by the following organizations in Calais and the Central Vermont area, as follows:

Calais Community Connections	\$1,000
Central Vermont Basic Education	\$1,000
Central Vermont Community Action Council	\$ 300
Central Vermont Council on Aging	\$1,400
Central Vermont Economic Development Corp	\$ 500
Central Vermont Home Health and Hospice	\$3,200
Central Vermont Memorial Civic Center	\$ 800
Circle (formerly Battered Womens Services)	\$ 700
Family Center of Washington County	\$ 500
Friends of Winooski River	\$ 300
Good Beginnings of Central Vermont	\$ 300
Green Mountain Transit Agency	\$ 859
Greenup Vermont	\$ 100
Home Share Now	\$ 400
Montpelier Senior Center	\$3,200

Peoples Health and Wellness Clinic	\$1,500
Sexual Assault Crisis Team	\$ 200
Twin Valley Senior Center	\$2,000
Vermont Association for the Blind	\$ 650
Vermont Center for Independent Living	\$ 415
Washington County Diversion Program	\$ 300
Washington County Youth Service Bureau	\$ 500
Woodbury/Calais Foodshelf	\$ 300
Retired & Senior Volunteer Services	\$ 200
Washington County Mental Health Services	<u>\$1,400</u>
TOTAL	\$22,024

Article was moved and seconded. Wilson Hughes stated the social service request review committee meets once or twice a year. He invited townspeople to join the committee. Mr. Hannan asked whether the Old West Church continues to be on this list. They had not requested the \$100 this year, but Ms. Fitch noted the \$100 contribution is included in the town budget by mistake. Dot Naylor moved to amend the article to take \$200 from the Montpelier Senior Center and give \$200 to Home Share Now. Motion was seconded. Several community members spoke about the value of the Montpelier Senior Center. A suggestion was made to work toward carpooling measures to the Montpelier Senior Center. Question was called to end debate on the amendment. This motion carried. The amendment was voted on and was defeated.

A motion was made to amend the original article to add \$200 to Home Share Now. This motion was seconded. Mary Alice Proffitt expressed her thanks to the seniors in Calais for supporting the school and other town programs. She encouraged the town to support more programs for seniors. Ginny Sassaman stated that supporting Home Share Now is also supporting energy efficiency by the sharing of homes. This amendment was voted on and approved. The article as amended was voted on (including the additional \$200 for Home Share Now), bringing the total to \$22,224. Motion carried.

ARTICLE 27. To see if the town will appropriate the sum of \$5,000 to be deposited to the “Calais/East Montpelier Fire Department Capital Reserve Fund” for the Calais portion of future fire department equipment purchases in accordance with 24 V.S.A. § 2804(a).

Article was moved and seconded. Motion carried unanimously.

ARTICLE 28. To transact any other business that may legally come before the meeting.

Wilson Hughes reminded attendees to register their dogs by April 1, 2016. A one-month grace period exists. After the grace period, a substantial fine is imposed by the town and by the state.

Mac Gardner-Morse expressed appreciation for dedicating the town report to the Morse family.

Rose Pelchuck reminded attendees of the rabies clinic. (March 10th at East Montpelier Fire Department).

Tina Bielenberg expressed appreciation for the format and clarity of the town report.

Karin McNeill explained the opportunities for home energy audit visits. People can contact her if interested.

Thanks to Abby Rose Hannan for running the microphone!

Fletcher Dean, Green Up Day coordinator, reminded people Green Up Day is Saturday, May 7th 9 to noon. He asked for a volunteer to help him.

ARTICLE 29. To adjourn the meeting: A motion was made to adjourn the meeting at 2:55. This motion was seconded and carried unanimously.