

Selectboard Meeting Minutes

October 12, 2015

Approved

Present: Selectboard members Scott Bassage, John Brabant, Rose Pelchuck, Denise Wheeler Toby Talbot; Donna Fitch, Clerk; Stephanie Kaplan, Conservation Commission; John McCullough and Jan Ohlsson, Planning Commission; John Simanskas and Fletcher Dean, Cemetery Commission; Michael Gokey.

Chair Denise Wheeler called the meeting to order at 7:02pm.

Non-agenda Items

The Board of Civil Authority (BCA) will meet at 6:45pm on October 26 to vote on the abatement request of Rachael Bliss as there was not a quorum at the BCA meeting held prior to the Selectboard meeting at 6:15pm.

PACIF Loss Control Action Plan – Toby will complete the survey for the town garage. Scott will complete the survey for the town hall.

The Board's annual stipend will be paid in December.

Denise requested the Board vote to ratify her votes at the VLCT Annual Meeting. The motion was moved and seconded. Motion passed 5-0.

Town Hall Task Force Update

Scott reported 160 surveys have been returned (includes both on-line and hard copy). Two informational meetings were held. The consultant, Arc & Arrow, is working on the final report. There will likely be an article on the warning at Town Meeting requesting approval for pursuing grants. The close-out period for the current grant is September 2017. The remainder of the grant money may be used to hire an architect or engineer to refine the budget numbers (for foundation, heat or other options that may result from the consultant's work). The Task Force meets one more time.

Appointments and Resignations

Chris Cochran resigned from Historic Preservation Commission.

Denise made a motion to appoint Steve Owens to the Development Review Board. Toby seconded the motion. Motion passed 5-0. (The 3-year term expires in 2015 and replaces the position Steve Duke held.)

Toby made a motion to appoint Maria Melekos as Health Officer for the 3-year term that expires in 2018. Scott seconded the motion. Motion passed 5-0.

Minutes

The minutes of 9/28/15 were unanimously approved after several changes were made.

Operations Manager Report

Work on Mirror Lake Road may be done this fall depending on weather. In November the road crew will begin cutting brush along the roadsides. John Brabant said he had received complaints about the new T intersections. He responded to the complaints by explaining the purpose of the reshaping is to force people to stop at the intersections.

40 Fellows Road Property

Michael Gokey appeared before the Board to explain the issues he has experienced trying to gain access to the property on which he has made a down payment to the town. The town acquired the property through tax sale. Access to the property is via a right-of-way through David Austin and Sherry Fellows property. According to Michael, David Austin refuses to believe the ROW is legal and his behavior is threatening. Michael wants his deposit returned. John made a motion to return the deposit of \$1,850 minus tax sale advertising costs. Scott seconded the motion. Motion passed 5-0. Agreeing that the situation needs to be addressed by the Selectboard before the property can be sold, Denise agreed to talk to Sheriff Sam Hill, Town Constable Wilson Hughes and Attorney Gloria Rice. She is willing to talk with David.

Cemetery Commission

Cemetery Commissioners John Simanskas and Fletcher Dean requested an allocation to cover an expected shortfall. Fletcher explained the Commissioners had hoped to take money out of the endowment for cleaning stones at Robinson Cemetery last year. However, a withdrawal at this point in time does not adhere to the Trustees of Public Funds' investment plan. The Commissioners were under the impression the Selectboard had agreed to provide additional monies, which would be moved into their budget, based on a conversation at the April 13, 2015 selectboard meeting. Minutes from that meeting state: "The Selectboard agreed to cover the overage as the cemetery budget has had a surplus the last four years." The Cemetery Commissioners have a \$14,000 special allocation in the FY16 budget that has not been spent. The cemetery budget had a FY surplus of \$498.41. The Board explained it cannot appropriate money; only the voters can. Budget surpluses cannot be carried over to the next fiscal year unless there is a reserve fund. The voters will be asked to approve a cemetery reserve fund at next Town Meeting. Bids for trimming hedges at Fairview Cemetery are coming in higher than expected. John Brabant asked if removal of the hedge and installation of fences would be less expensive in the long run. John S. explained the contractor will trim the hedges down to 12 feet so that future trimming will be less work. Toby suggested a capital plan for the cemeteries. John S. said he has a list of work that needs to be done and is working on a capital plan. The Selectboard pointed out that the budget is a plan and if the cemetery budget was over in FY16 for good reason, it would be understandable.

Town Plan

Denise suggested that before the Selectboard moves ahead on the Town Plan, that the Conservation Commission review the Regulatory Implementation list in the Natural Resources

section in light of the comments that were made at the Selectboard's hearing and afterwards by email. The Selectboard agreed on the following process:

- 1) The Conservation Commission (CC) will hold a special meeting.
- 2) The CC will review the language paying attention to public comments and written feedback.
- 3) CC will forward any revisions to the Selectboard and Planning Commission (PC).
- 4) The PC will forward to Selectboard with a complete report as required by law.
- 5) Selectboard will hold a public meeting.

Timeline: The rewrite will go to the Selectboard before December 1st. The Selectboard will hold a special meeting.

Denise will find out if this restarts the legal process spelled out in the "Certificate of Municipal Plan." Stephanie Kaplan noted it may be possible to include some of the regulatory language in other places, not only the 13 directives. Stephanie will warn a special meeting of the CC. It was noted that conflicting definitions in the plan should be addressed.

Toby pointed out they have heard from voters who want to vote on the plan if it has new regulatory language that affects their property. Denise, Scott and Stephanie said the Town Plan has always contained regulatory language. John said the Selectboard votes on many things that affect people's property, for example, the tax rate. Toby responded that zoning regulations are voted on. There was general agreement the Town Plan should be visionary, but because of the language in Act 250 that proposed development must be in conformance with the town and regional plans, the courts have ruled that for the town plans to have any effect, the town's wishes must be expressed in mandatory and specific language. Stephanie explained that Act 250 must follow the Town Plan if the Plan is clear. If the plan is ambiguous, Act 250 looks at zoning regulations to see if the zoning clarifies the unclear language in the Plan. Other than that, the zoning is irrelevant in Act 250. Rose pointed out that anyone needing an Act 250 permit would come before the town's Development Review Board first before going through Act 250 permitting. It was also pointed out that there have not been many development projects in Calais large enough to need an Act 250 permit, so the regulatory language would most likely apply to few people.

Social Service Requests

The Board reviewed a social service appropriation policy Donna drafted based on a policy from VLCT. New agencies or agencies with an increase in funding would submit a petition to be on the warning. Agencies whose request has been approved at the last town meeting would submit a letter stating the amount of the request including a description of how the agency serves Calais. Donna had previously provided information on how other towns handle social service requests.

Scott wants to continue using the current questionnaire. (Available at www.calaisvermont.gov)
The Board voted that the draft policy be sent to the nonprofit review committee to revise with

a deadline for completion of December 1. (At the last meeting, Donna requested that town office staff be taken out of organizing the review process due to the amount of time it takes and suggested the process could be made more efficient. At that time, the board agreed to take office staff out of the process and have the committee develop a protocol.)

Selectboard Assistant

Donna currently takes minutes and assists the Selectboard. These tasks mean she cannot keep up with the clerk/treasurer workload, and she is requesting that the SB hire a part-time assistant who would also ease the burden on the chair. She has drafted a job description based on samples provided by VLCT. Currently, there is \$1,500 in the budget which will not cover the amount of time involved. An additional \$1,200 in the budget could be used for the position. A stipend of \$2,500 a year was discussed, prorated for this fiscal year, with the amount re-evaluated annually. The Board agreed to use their own resources to find someone within the next two weeks. If that is not fruitful, the position will be advertised.

The meeting was continued until October 15, 2015 for a joint meeting of the E. Montpelier Fire Dept and E. Montpelier and Calais Selectboards.

The meeting adjourned at 9:15pm.

Respectfully submitted,

Donna Fitch, Clerk