

CALAIS SELECTBOARD MEETING

MONDAY, APRIL 11, 2016

7:00 PM TOWN OFFICE

Approved Minutes

Present: Denise Wheeler, Selectboard Chair; Scott Bassage, Rose Pelchuck, Toby Talbot; Lou Cherry, Administrative Assistant; Alfred Larrabee, Jan Ohlsson, Millie Brumback, Michael Fullerton, Wilson E. Hughes and Nedene Martin
Absent: John Brabant

Denise Wheeler called the meeting to order at 7:11 pm.

ADMINISTRATIVE WORK AND CHANGES OR ADDITIONS TO THE AGENDA

Denise Wheeler asked that the Selectboard authorize her to sign a letter asking the Vermont Arts Council Facilities Grant Programs for funds for a new roof and insulation for the Adamant Community Club. Rose Pelchuck moved and Scott Bassage seconded. Toby Talbot asked if there was any funding involved. Denise Wheeler said that \$3,000 had already been allocated in 2014. Motion passed 4-0

Denise Wheeler requested authorization to sign the contract for \$10,500 for the Conservation Commission to proceed with Phase II of the Natural Resources Inventory. Scott Bassage moved and Rose Pelchuck seconded. Jan Ohlsson asked where the \$3000 additional funds would be coming from since the voters approved \$7500. Scott Bassage said in part from Conservation Commission funds and part raised by donations. The motion passed 3-1. Toby Talbot voted against the motion.

Denise Wheeler welcomed Millie Brumback. Since she was not on tonight's agenda, Millie wanted to be sure she would be on the next meeting's agenda to discuss TH16 closure. Denise Wheeler said Millie Brumback will be on the agenda for next meeting.

TOWN INVOICES and HIGHWAY ORDERS

The Orders and invoices were reviewed and approved by the Selectboard.

APPOINTED OFFICIALS

Denise Wheeler moved that the following appointments for a one year term, expiring in 2017 be approved. Toby Talbot seconded and the motion carried 4-0.

Animal Control Officer – Wilson Hughes
Second Animal Control Officer – Nate Singleton
CVRPC Delegate – Paul Rose
CVRPC Delegate Alternate – John Brabant
CVRPC TAC Committee – David Ellenbogen
CVSWMD Delegate – Bill Powell
CVSWMD Delegate Alternate – John Brabant
First Constable – Wilson Hughes
Second Constable – Nate Singleton
Delinquent Tax Collector – Nedene Martin
Emergency Plan Coordinator – Toby Talbot

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Energy Coordinator – Bill Powell
Gospel Hollow Warden – Ernie Parish
Inspector of Lumber – Greg Pelchuck
Tree Warden – Neal Maker
Assistant Tree Warden – Drew Lamb
Website Masters – Judy Roberts & Scott Bassage
Weigher of Coal – Peter Harvey

Denise Wheeler made a motion to appoint the following slate to the respective terms as follows:

Conservation Commission – Lou Cherry to fill the vacant four-year position, term expires 2018.

Planning Commission – appoint Melanie Kehne to fill the vacant four-year position, term expires 2020.

Historic Preservation Commission - Scott Bassage, Curtis Johnson and David Schutz were reappointed to three-year terms, expires 2019.

Vermont State Police Advisory Board - Peter Harvey and Toby Talbot were reappointed to one-year terms, expires 2017.

Dam Monitors - Chris Miller and Lewis Franco were reappointed to one-year terms, expires 2017.

Trails Committee - Reed Cherington and Randy Allen were reappointed to two-year terms, expires 2018.

The motion was seconded, voted and carried 4-0. Denise Wheeler said she would revise the announcement she and Rose Pelchuck had prepared for Front Porch Forum, removing the positions just appointed. Some vacant positions remain to be filled.

APPROVAL OF MINUTES OF MARCH 28TH MEETING: Denise Wheeler indicated a few corrections. She asked that the amounts of the bids for the replacement of the Culvert on Center Rd be included in the Minutes. Denise Wheeler moved to approve the Minutes with the noted corrections, Toby Talbot seconded. Denise Wheeler asked Scott Bassage to clarify what needed to be done to the Town Hall foundation. Scott Bassage moved to amend the motion by having the sentence indicate how high to make the foundation in order to clear the 100-year flood area. Rose Pelchuck seconded. Motion passed 4-0.

ROAD COMMISSIONER UPDATE

Alfred Larrabee said they will start grading as soon as weather dries. He expects to be able to start this weekend. Both graders and both rakes are ready to go. The Worcester road crew returned the grader they borrowed, having installed a new blade. He said he ordered the new 10-wheeler. It should be all fitted out with the cab and equipment by the end of August. He said it usually takes 60 days to get all the equipment put on it. He

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said the cost came in under \$155,000 which was less than the initial estimate of \$168,000. He said it was the result of some hard bargaining.

OPERATIONS MANAGER UPDATE

Toby Talbot indicated that since the wet weather has put us so far behind grading the roads, and since very little overtime funds have been expended, he has given permission to the crew to do road grading on weekends, approving the use of overtime.

SALVAGE YARD UPDATE: Toby Talbot said Mr. Bruce Cliche is renewing his permit for his salvage yard and needs the Town to issue a Certificate of Approval that the location doesn't violate Town Zoning Regulations. Toby said that since Mr. Cliche had been operating the salvage yard since before the Town had zoning regulations, he did not have to get a Conditional Use Permit. Once we approve that, then the State will consider renewing Mr. Cliche's permit to operate his salvage yard. Toby moved to approve the State Certificate of Approved Location for Mr. Cliché. Scott Bassage seconded. Motion passed 4-0.

GRANT(S) UPDATE: Toby Talbot said that Better Roads grants for Jack Hill Road and Apple Hill Road are due on Friday. Also, a structures grant will be submitted for the North Calais retaining wall project again. He also pointed out that there is a culvert on Apple Hill Road that is in dire need of replacement. He is checking to see if it qualifies for a Better Roads grant, but it may be too large a project for their program. If it is too large, he would then apply for a structures grant.

TRAILS COMMITTEE & VLCT INSURANCE POLICY FOLLOW-UP: Denise Wheeler said that Michael Fullerton had been asked to research some liability and insurance coverage issues regarding the construction and use of our trails. Michael said that there were two questions at issue: One, if we were to have an agreement with a landowner that the Town would hold the landowner harmless if there was an injury on the trail, would the VLCT insurance cover us and two, if somebody should get hurt while working on the trail, would the Town's policy cover. Michael said in regard to the first question, maybe. The VLCT would need to see the agreement before they would comment. He pointed out that that the Recreation Land Use statute protects the landowner provided he does not act in a willful or wanton manner. However, if a jury were to be looking at a very sympathetic victim, they might decide the landowner is liable. Since the landowner's homeowner's policy is usually limited, the lawyers would sue the Town. The Town would be protected by the VLCT but would they protect the landowner. That depends upon the agreement. It would have to be drawn up by an attorney, which would cost and the Town's condition regarding the Trails Committee was that the Committee wouldn't incur the Town expense. Michael pointed out that we either get an attorney to draw up a sample agreement or we ignore the whole thing. Denise Wheeler asked about someone getting hurt working on the trail. Michael Fullerton said that volunteers were covered but elected and appointed people are not volunteers, and are not covered. Denise Wheeler will contact VLCT to see if they would develop an agreement that would cover the landowner.

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DELINQUENT TAX COLLECTOR DISCUSSION AND UPDATE: Denise Wheeler told Nedene Martin that she had just been reappointed. Nedene Martin said that she wanted to get permission from the Selectboard to move ahead with tax sales. She said that two properties that had been scheduled for a tax sale April 25th, are now both paid up. She said we have a total of 42 properties in delinquency. One is town owned and one is in foreclosure. Nedene has five properties that have not responded that she would like the Selectboard's approval to give them to Gloria Rice to begin the tax sale process. Denise pointed out that she already has permission. Nedene would like to send her an additional 14 properties who have made only minimal efforts to pay, but would like to wait until after the 15th to see if they're waiting for tax refunds. She has one property who is calling frequently and seems likely to do something. Another owner who has four properties, which are all delinquent. She has contacted Nedene. There has been a death in the family. There are 12 owners who are paying on regular basis. There are five properties whose delinquencies are under a dollar. Nedene will ask Abatement Committee to abate their delinquencies so that they can be removed from the delinquency list. Nedene said the Town has less than \$75,000 in delinquencies. She will be simplifying policy for next year. Toby Talbot asked what demarcation triggers a tax sale. He pointed out that it was important to emphasize to the property owner that once the matter has been placed in the hands of our lawyer, the owner has to pay the entire amount, there is no longer a possibility of a payment plan.

ZONING – WHERE ARE WE AND PROCESS GOING FORWARD? Denise Wheeler reminded folks that we couldn't go forth with zoning during Town Meeting due to a legal error. She suggested that we try to have the revised zoning regulations ready by the primary in August or Presidential election in November for voter approval. Jan Ohlsson said that the Planning Commission wished to work on the zoning regulations starting from scratch. Toby Talbot asked if the clock starts from zero. Jan Ohlsson indicated that yes, we'd be starting all over, public hearings, etc. will be taking place. Jan Ohlsson stressed that the Commission wished to focus on making changes to regulation in the shoreland district and impervious surfaces and litigation.

Denise Wheeler asked that there be a better agenda and minutes. Toby suggested that Donna, our Town Clerk, had a sheet that tracked records and periods of time that should be used. Jan Ohlsson said that actually Ronnie Shaw is the new keeper of the record and as a banker is very organized. Toby Talbot moved and Scott Bassage seconded that we send the zoning changes back to the Planning Commission for a restart, in particular refining shoreland district regulations. Motion passed 4-0. Jan Ohlsson reminded the Selectboard that the Central Vermont Regional Planning Commission will be reviewing our Town Plan the last week in April. The Town Plan that is now on our website is the one to be reviewed. The Commission meets twice at the end of April, then will meet with the Selectboard. Jan Ohlsson shared that Neal Maker has agreed to serve on the Solar Advisory Committee, a subcommittee of the PC.

REVIEW RECENT ICS 402 TRAINING EVENT: Denise Wheeler and Rose Pelchuck attended the Incident Command System training and now have certificates. The training was very informative. She said that the Regional Planning Committee will resume

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having a Local Emergency Planning Committee to meet bi-monthly and will let us know when that will start. She said they also talked about ordinances for emergency management. She suggested having Laura Ranker come to a Selectboard meeting so we are all on same page. She is willing to come to our meeting on the 25th of April or 9th of May. Bonnie Waninger was also at the session. Denise said that she had difficulty connecting with her on previous occasions and thought it would be useful for her to attend one of our meetings to fill us in with what services they have to offer, what programs they have and improve communications. Rose Pelchuck said that she was already familiar with some of the training due to her experience in the hospital and the fire department. She suggested a Saturday drill would help us get more familiar with the Plan. Toby Talbot pointed out that the Selectboard's role is as administrators and monitors, responsible for maintaining all paperwork and approving expenditures during an incident.

TOWN HALL CLG GRANT UPDATE Denise Wheeler asked Scott Bassage if there was anything new on the Town Hall Grant. Scott Bassage said there was only one response to the RFP. The Historic Preservation Commission is meeting this Wednesday. They are trying to modify the contract, cutting the \$30,000 price tag in half with the Town's share only \$6,000 most of which they hope to get in kind. The contract is an engineering base elevation study. Scott Bassage asked the Selectboard to authorize Denise Wheeler to sign the contract. Rose Pelchuck moved and Scott Bassage seconded to authorize Denise Wheeler to sign the contract for the 2016 CLG grant. The motion passed 4-0,

Zoning Violations, Appeals, Litigation, and Personnel Matters – Denise Wheeler made a motion to go into Executive Session at 8:45pm in accordance with 1 V.S.A. subsection 313 (a) (1) for the purpose of discussing personnel matters. The motion was seconded, voted and carried 4-0. The regular session resumed at 8:55pm. Denise Wheeler stated the Selectboard had nothing to publicly report.

Scott Bassage made a motion to continue the meeting to Thursday, April 14, 2016 for the quarterly meeting with EMFD and the East Montpelier Selectboard at 7:00 pm at EMFD Station 2. The motion was seconded, voted on and carried 4-0.

Respectfully Submitted,

Lou Cherry, Administrative Assistant