

Selectboard Meeting Minutes

Monday, July 22, 2019 at 6:30 pm at the Calais Town Offices

Present: Denise Wheeler (Chair), John Brabant (Vice Chair), Rose Pelchuck (Member), Sharon Winn Fannon (Member), Clif Emmons (Member), Jerome Lipani (ORCA), Katie Lane-Karnas (Recording Secretary), Judy Fitch Roberts, Jim Barlow, Esq. (Town Attorney), Andy Christiansen (PHCA), Juanita Nunn (Calais Cemetery Commission), John Simanskas (Calais Cemetery Commission), Stanley Peter Christiansen (PHCA), Lilla Christiansen, Paul Mascitti (PHCA), Laura Brown (PHCA), Janet Ancel (VT State Representative), Wilson Hughes (Animal Control Officer), Chris Martin (Marshfield Selectboard), Bobbi Brimblecombe (Marshfield Town Clerk), Evan Hinchliffe (ORCA), Cyrus Parker (Dwinell House), Linda Emmons, Brian Emmons, Scott Bassage, Mary Rogstad, Syver Rogstad, Peg Tassej, Ken Tassej

1. Poplar Hill Cemetery Closing: The Trustees of the Poplar Hill Cemetery Association (PHCA) signed a resolution authorizing their President to sign to dissolve the Association and transfer all of the assets of the PHCA to the Town of Calais. All PHCA funds and records were provided. Andy Christiansen stated that he attempted to contact as many successors of those buried at the PHC as possible to make them aware of the transfer of ownership. The Town Attorney will record the deed and do a property tax transfer return. The Town Attorney reviewed each details of the documents to be signed. The Association has liability insurance through 7/22/19.

John Brabant made a motion to approve the Cemetery Asset Transfer Agreement between the Town of Calais and the Poplar Hill Cemetery Association and authorize the Chair to sign the Cemetery Asset Transfer Agreement. Rose Pelchuck seconded, and the motion passed unanimously.

The Town Attorney led the group in a review of the deed, which identifies a “Parcel I”(1986) and “Parcel II” (1866), and a piece of land that was deeded to the State in 1939, as well as an easement to the utility company. Andy Christianson thanked the town for their efforts and offered to assist the Town in his area of expertise, archival standards. The Town thanked the former PHCA for their efforts.

2. Call to Order: Denise Wheeler called the meeting to order at 7:00 pm.
3. Public Comment: None.
4. Review, Additions/Changes to Agenda: None.
5. Roaming Horses and Legislative Change: The Chair described the ongoing and escalating situation in Calais in which one resident’s unbridled horses roam, trample fences and gardens, and have nearly caused tragedies with vehicles. Neighbors have filed complaints and office staff have fielded those complaints for years. The horses’ issues with a contagious disease and injury appear to have cleared up and there is no sign of malnourishment. The horses are kept in

a very small area, with food, water, and shelter, but the fences are single wire fence and the horses are motivated to leave to gain access to green grass outside their highly restricted area.

Marshfield's selectboard member and town clerk described the troubling situation their town has had with roaming cattle. The nearly 20 roaming meat cows, the largest over one ton in weight, owned by one person, have taken up selectboard, town clerk, and office staff time over the last thirty years. The animals get into VT State Route 2, and have been roaming on a half dozen other properties doing damage, especially during the night. Marshfield tried having fence viewers follow the process laid out for them; talked with the state police (who don't have the time, interest, or authority to work with the Town); there are some provisions for penalties under Title 20, but it is not clear who is able to enforce this Title. A Marshfield Selectboard member tried to encourage the cows out of the road and inside of an enclosure, but the cattle trampled through those fences.

Discussion moved into clarification, with the Town Attorney, of the existing state statutory and municipal options for addressing situations of roaming large livestock and an unresponsive owner. Any person can impound an animal roaming at large, and may charge an amount which is limited by state statute. If the animals are on private property, there is little the Town can do; private property involves private citizens filing a civil action which people are reluctant to do (due to finances and the tedious process). The Town becomes involved when the Town Right of Way is involved. The Animal Control Officer commented that the Dept of Agriculture is only concerned with malnourishment. The Town Attorney pointed out that the system in place has remained unchanged since the early 1800s, and made good sense then, when everyone was a farmer. Any person may impound an animal, notice the owner, assess the damage done by the beast that was roaming at large (assessment performed by three uninterested parties), set the amount to release, and a fine of not more than \$10 and not less than \$3. By today's standards, the average resident does not have a barn and ability to round up horses or cattle and the expense of caring for an impounded cow or horse is significant, with minimal chance of payment of a fine, and potential for being harassed by a livestock owner. The fines for a roaming stallion are defined under a different statute, Title 20, (\$100-\$500, a larger fee to discourage allowing a stallion to range, possibly impregnating horses and endangering the public by their unpredictable nature). Even with this larger sum to discourage roaming stallions, there is no answer as to how the funds would be gained (it would require a civil summons, which does not guarantee the owner will show up for court).

State Rep. Janet Ancel, the Town Attorney, the Animal Control Officer, and the Calais and Marshfield group brainstormed a wide variety of options:

- Bump up the cost of dealing with this for the owner by rounding the horses up and impounding them. However, this places a significant burden and liability on the person who impounds them.
- The town to define animals running at large as a "public nuisance," and adopt an ordinance with a penalty and defined remedial steps needed to address the problem, in the same general way the Town would make any ordinance. The limitations of current statute would contain fines to \$800 per day. Enforcing the ordinances remains the challenge.
- State Rep Janet Ancel asked Michael Grady at Legislative Council to do some research on the issue. The research he did suggested that a federal agency considered legislation

that would *indemnify* livestock owners from any fines due to roaming livestock; Rep. Ancel suggested the importance of being clear about what it is the towns want, as there are farm interests that oppose the idea of a roaming livestock fine.

- Marshfield reported on draft ordinances from other towns, but the group was not aware of whether they had ever been adopted.
 - Permitting or regulations for fencing could be required; but, animals as disparate as fallow deer, elk, bison, and rabbits require very different fences.
 - Give the town authority to place a lien on the property
 - Contract with a private pound keeper, and finding grant monies to build a county impound. The Town's insurance does not cover an accident that happens to a pound keeper on private property.
 - Rep. Ancel reminded the group of the important of getting the relevant committee on board (Operations and Ag). She stated that she sees the ordinance as both the easiest and the hardest solution.
 - Introduce legislation to allow towns to make ordinances more enforceable, have more weight and teeth than they currently do (Judiciary Committee).
 - The Title 20 "Public Nuisance" section has never been tested to include livestock—this may be a place that the legislature can *specify* inclusion of livestock in permitting towns to enact penalties.
 - Contract with a farmer with existing facility space, allowing animals to be held until payment is made. Again, existing statute impoundment fees are sensical only to the 1800s; they would not even cover feed. The analogy was made that horses are like pianos—they are difficult to sell, and that aspect of the law has not been tried in a hundred years.
 - A fixed facility owned by a nonprofit, such as the humane society, with a regional pound keeper (retained by multiple municipalities) may be an option.
 - The group discussed having Plainfield, Marshfield, and Calais work together soon with Rep. Ancel, Sen. Perchlik, Humane Society (Wilson Hughes will contact), UVM or VT Tech, and someone from the Department of Agriculture to flesh out a path forward.
 - Jim Barlow, Esq., will draft an interlocal agreement, and the legislation potentially could support the fines in such an agreement.
 - Rep. Ancel pointed out that the legislative drafting deadline occurs sometime in December.
6. Traffic in East Calais: The Selectboard reviewed the minutes about calming traffic in East Calais from years past. Scott Bassage pointed out that the traffic issues there have existed for years and all agree it is scary. The size of heavily loaded granite trucks, many close calls, and the rattling walls of village houses were discussed. Woodbury's solar speed limit signs were purchased by their town after expending much energy looking for and not finding grants. Action steps discussed:
- Consider a line item in the highway budget or a warned item for Town Meeting for purchase of a set of two solar powered speed limit signs (\$11, 231 for a set); Scott Bassage shared information about the permits, contractors, and work necessary.
 - In considering the upcoming state paving of Rt. 14 in 2021, the group considered working on extending designated (East Calais) village limits (allowing an extended village speed limit) and

- Establish a lighted crosswalk at the store and ballfield.
 - Town ownership of the village section of Route 14; David Ellenbogen will be asked to work on this possibility with TAC.
 - Request CVRPC to do another updated traffic study (using the 2016 parameters);
 - Try to use the sheriff's speed carts;
 - Pre-paving Route 14, narrow the roadway;
 - Post-paving Route 14, get permits for crosswalks and change the speed limits.
 - The Board will ask the Operations Manager to work on traffic calming.
7. IT RFP: Clif Emmons reported that the office was fully focused on the audit over the past week, and the upcoming staff meeting will include consideration of office staff IT needs in relation to the submitted bid descriptions. Vendors have been alerted about adjusted timelines. Tax collection (September through December) is best not interrupted by an IT changeover.
8. Delinquent Taxes, Concerned Resident: Peg Tasse and Ken Tasse, step-children of town resident and delinquent property owner David E. Rogers, described the situation by which David E. Rogers developed dementia after the death of his wife, and the siblings eventually requested a welfare check-in for their step-father. An Assistant Attorney General opened an investigation into elder exploitation. The name of the person caring for David E. Rogers was added to the deed during the time of his dementia care. They have very recently learned this information about David E. Rogers as well as the fact that his family home is delinquent on taxes, and communication with their step-father is currently being blocked. Therefore, they are asking for time for the elder exploitation investigation to be completed in order to understand what is happening before the property is sent to tax sale. The Tasses reviewed the timeline of events and do not know when the investigation will be concluded. The Board expressed their empathy for the situation; they pointed out that a payment plan will need to be made (a reprieve will not alleviate tax responsibility indefinitely). The Chair made a motion that David E. Rogers' parcels number 140020 and 461240 not be sent to tax sale at this time. Clif Emmons seconded, and the motion passed 5-0.
9. Outstanding Delinquent Taxes: The group referenced a spreadsheet that they have been reviewing and discussing thoroughly for several months (see minutes from [4/22/19](#), [6/10/19](#), [6/24/19](#), and [7/8/19](#)). The spreadsheet identifies the delinquent tax parcels that have made no effort for a payment plan (they are identified by numbers to maintain privacy). The Board removed numbers 19/20 and 21 from the list of outstanding parcels (see item 8 on this agenda). Denise Wheeler made a motion and John Brabant seconded that parcels number 5, 17, 18, 22, 23, and 25 (as noted in the Delinquent Tax Collector's spreadsheet dated 7/22/2019) be turned over to the attorney for tax sales. The motion passed 5-0. The Board acknowledged their heartfelt wish to have every taxpayer keep their property and that there are a number of steps between this sending of parcels to the tax attorney and the parcel being actually sold at tax sale. There remain opportunities for delinquent taxpayers to right their situation before the house is sold.
10. Chair Updates:
- Update and discussion with Sheriff are tentatively scheduled for an August meeting
 - The Operations Manager has not yet contacted Tyler Brown (regarding the beaver dam on

Kent Hill Rd.)

- Office staff have been in contact with possible contractors for a phone system fix
- John Brabant will ask Andy DeFelice to open the roof up to explore the status of the roof issue and communicate with Greenline Builders about what they would charge to repair needed structural issues.
- Board of Abatement will hold a meeting on 8/12/2019, 6 pm
- Curtis Pond Greeter Grant Program: the employees, the Chair, and the program administrator will meet tomorrow to improve communication and processes.
- The Conservation Commission's establishing article needs to be clarified, and may require a "housekeeping"-type article at Town Meeting.
- The truck that the Board approved for purchasing is no longer available; the Road Commissioner is investigating options at Clark's. The Board noted that twice already, specific proposals were brought before them and approved after lengthy discussion; the Board preferred to have John Brabant be the point of contact on additional truck purchase proposals. When the Road Commissioner, Operations Manager, and John Brabant identify a truck to purchase, they will then bring it in front of the full Board.

11. Review and approve minutes, warrants

- a) The Board reviewed the invoices and orders were processed for payment.
- b) Approval of minutes was tabled until a subsequent meeting.

12. Executive Session for Personnel Matters: This item was not needed.

13. Other Business/Old Business/New Business: A memo to employees regarding changes in town policies is going to be mailed out by the office staff (pending changes to those policies).

14. Adjournment: John Brabant made a motion to adjourn at 9:21 pm. The motion was seconded, voted on and carried 5-0.

Date: 7/23/2019 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary
Approved by the Selectboard at the 8/26/2019 meeting

Click on the link below to view documents associated with this agenda:

<https://drive.google.com/open?id=1wfu5lGMqQZBrq5qyq-SX-jdXx6AOFOM3>