

Selectboard Meeting Minutes

Monday, September 14, 2020 at 7 pm via Zoom conference call

Present: Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Rose Pelchuck (Member), Clif Emmons (Member), ORCA Media, Katie Lane-Karnas (Recording Secretary), Barbara Butler, Judy Fitch Robert (Town Clerk), Alfred Larrabee (Road Commissioner), Paul Hannan, Ron Padgett, Toby Talbot (Operations Manager), Olivia Gay, Cornelia Carey, Meg Dawkins, Stephanie Kaplan, Fred Duplessis

1. Call to Order: Denise Wheeler called the meeting to order at 7:02 pm.
2. Public Comment: Denise Wheeler read a statement (included at the end of these minutes) expressing her sincere apology for any offense caused by her participation in the Ancel-Reynes DRB hearing. She explained the sequence of events in which she agreed to serve as an alternate on the DRB to help make a quorum and in which she participated in Selectboard discussions about hosting Town trainings about Open Meeting Law process which was informed by her participation in the DRB. It didn't occur to her at the time to step back or bring from Selectboard participation, and the other Selectboard members did not raise concerns. She didn't feel she had a conflict at the time and emphasized her sense of personal responsibility and dedication to both boards and apologized for the appearance of conflict of interest. She has recused herself from further Selectboard efforts on this hearing or permit.

John Brabant appreciated the Chair's transparency and added an apology to Walt Amses for his curt and frustrated email response around this issue. He hoped the groups can move beyond this for the public's benefit; he has communicated with the applicants about their experience of the process and has had a productive discussion. Rose Pelchuck thanked Denise Wheeler and John Brabant for their words and added that it is incumbent upon the Selectboard to take the lead, and although there may not have been a conflict of interest, spoke to the importance of taking steps to address conflicts prospectively. It is an appearance of conflict of interest that Denise didn't recognize at the time. Rose commented that it is important the Board be as transparent as possible with full and frank disclosures of any conflicts and her hope to move on in a positive way. Clif Emmons echoed Rose's statements and recognized the nature of this situation as a learning experience and the potential for it to be an effort to work for the betterment of the community. Sharon Winn Fannon thanked the Chair for her statement and agreed other Selectboard members did not suggest Denise step away in this situation; Sharon agreed that doing the good work of the Town includes the job to remind each other when a conflict potentially exists.

John Brabant explained for the benefit of members of the public that the "public comments" section of the agenda is the appropriate time to voice any and all items that are not elsewhere on the agenda and encouraged any comments. There were none.

3. Review, Additions/Changes to Agenda: The curb cut application submitted by North Calais Memorial Hall Association for GAR Road will be tabled until a subsequent meeting. Denise Wheeler recused herself from participating on this curb cut application because she is sitting on the DRB hearing on the NCMHA application.
4. Updates/Reports: Treasurer/Delinquent Tax Collector: The Town Treasurer/DTC will provide a financial report on the last Monday of the month.
5. Updates/Reports: Operations Manager: The Operations Manager is working with the State regarding the solar powered speed sign permit. It is the time of the year for the Town to sign off on the mileage (the VTRANS “Annual Financial Plan for Town Highways” form); Calais’ Highway budget number is adjusted by Shawna Clifford, AOT District Coordinator, to suit this format. The required information outlines how the town intends to use the state highway funds received this year.. Sharon Winn Fannon made a motion to approve the letter the Operations Manager presented for Selectboard signatures. Rose Pelchuck seconded. For the purposes of this form there are 73 miles of Town highway roads (does not include the State highways-“Class 2”-- that go through Town, which would bring the total miles of road to 85.03). Clif Emmons made a friendly amendment to the motion to list all Selectboard members’ names on the document and authorize Denise Wheeler to sign on behalf of the Board. Sharon Winn Fannon and Rose Pelchuck accepted the friendly amendment, and the motion was voted and passed 5-0.
6. Updates/Reports: Road Commissioner: The Road Commissioner noted that the crew has slowed down roadside trimming and crew members have had some scheduled time off. He has continued mowing less traveled roads, mixing in with other projects such as ditching and hauling gravel and he plans to continue methodically on all roads. The Board encouraged him to track road mowing by date.

Comcast, through contractor Eustis Cable, applied for a permit for use of the town highway right of way. The project is to bury a cable to two houses near the school on Lightning Ridge Road at Ron Thompson property; one requires a road bore under the road. The Road Commissioner noted his familiarity with the project and his concern that as pulling out of Gray Road onto Lightning Ridge the cable will be underground in the road (typically only three feet deep; it would be bored to insert a conduit and the cable pulled through), which is likely to interfere with ditching and road work in the future. The Road Commissioner’s suggestion is to avoid putting a wire under the road, but rather traverse a field where the pole originates. He noted this may be a shorter distance and less vulnerable to impact from future road work, especially drainage issues. The Board tabled the request until the next meeting to give the Road Commissioner the opportunity to speak with applicant contact Corey Charles. Rose Pelchuck inquired what would happen if the underground boring hits bedrock; she wondered why two more houses are getting a cable, rather than more houses getting internet access. Sharon Winn Fannon noted that the bigger picture of residents being home with poor internet may mean the Town receives more requests for expanded home internet service; she asked the Road Commissioner to begin thinking about a consistent and prepared standard that can be applied each time the Town receives a request. (Depth and use of a pathway other than under roads may be major considerations for such a standard.) Utility right of ways (ROW) can be in the Town ROW, but they can go in other locations such as across private property. The Road Commissioner will return to the Board with a response at the next meeting.

The recently purchased and immediately out of commission woodchipper has been at Milton Caterpillar where the seller asked the Town to have it evaluated at their expense. The diagnosis is that only one of the four cylinders meets the standard for operable condition; the motor is junk and not of a quality that would be a candidate for rebuilding. Virginia Heavy Equipment, the seller, was initially contacted by the Road Commissioner and John Brabant and explained their process and surprise at it having a problem. John Brabant will return to the seller with the formal written evaluation to determine next steps in resolving the issue. Rose Pelchuck gave her two cents that in the case of a blown engine or a motor failure she'd be in favor of a full refund.

The Chair asked the Road Commissioner and crew to analyze the plow route recommendations from the UVM Roads Study and get back to the Board with their preliminary thoughts at the October 12. The Road Commissioner commented that his knowledge of the Town roads as an experienced large truck driver is going to be more informed than college students. The Board emphasized they are asking for thinking about the roads differently, and to use the report for inspiration and creative solutions. They asked the Road Commissioner to use other points of input, such as this report, to respond to the needs of the Town.

The Road Commissioner inquired about the reappointment of his position and where he stands. The Chair replied that the Board is aware the appointment is outstanding and will reply when they have an answer. He noted that the Union issue has been really challenging, and he feels stuck in the middle between sides and not sure where he stands. He asked why he hasn't been able to join in an executive session with the Board to learn more. The Board explained it doesn't ~~not~~ know where this is going to end; nothing has changed with the Road Commissioner's job, role, or responsibilities and a person continues to serve in their position until reappointed. With regard to managing the crew, they are unionized but do not have a contract, so nothing has changed and they should be managed in the same manner as he did prior to the start of union ~~matters~~.negotiations. The only thing the Board asked him not to discuss with the crew is Union matters. It is not unusual for reappointments to be delayed; the Board is trying to figure out configuration of the Highway Department in a way that may be more advantageous to all involved, specifically the Town taxpayers. The Road Commissioner notes this will affect him professionally, financially, personally, and decisions should include him. The Board acknowledged Alfred's frustration.

7. Updates/Reports: Town Office: Every year the dog warrant must be signed; the Animal Control Officer (ACO) contacts everyone on the list whose dogs are not registered. The Town Clerk noted that we are behind due to a lenient time frame in the COVID-19 times. The Town Office will continue to work with the ACO to find new contact information as needed (they regularly post to Front Porch Forum to communicate with the public). Document approval was tabled for approval at a subsequent meeting.

The Town Clerk noted that tax questions are pouring into the office.

The Town Clerk reported there will be 16,000 pages of (many volumes of vault records) scanned by the "COTS" company over the course of the week. COVID-19 means the town office staff has limited hours to title researchers, while at the same time the real estate market

is booming. d The ability of researchers to search remotely makes a huge difference at this time, as well as positively impacting the carbon footprint of the Town. Even so, the Town Clerk is at the copier for hours providing documents that hadn't yet been scanned. Adding more volumes to our digitally scanned records will make the Town Office staff more efficient.

8. Conservation Commission – Tree Planting Grant; Trees Committee; Resilient Rural Roads Report: Stephanie Kaplan, Chair of the Conservation Commission, joined the group and explained that the Commission applied for and received a \$2,000 grant to deal with Emerald Ash Borer impact. They performed a town-wide ash tree inventory which incurred some expenses that are paid by this grant. The Commission decided not to take down trees preemptively (thousands of trees in Calais) and made an agreement with East Hill Tree Farm (Nicko Rubin) for the remaining \$1774 grant monies for purchase of trees and planting labor. The Commission identified the Town Office and Town Hall as locations for planting grant-funded trees and met with Nicko Rubin, Scott Bassage, and John McCullough to discuss. Nicko Rubin advised that the Town Office may enjoy three crab apple trees. John McCullough (renovation project manager) was very enthusiastic about low plantings on the slopes of the Town Hall; Hasso Ewing agreed to contribute landscaping design talents. Historic Preservation would need to be consulted. John Brabant thanked the Conservation Commission and noted the septic mound needs to be avoided. He encouraged the group to look at other Vermont town halls for admirable settings and encouraged the possibility of sugar maple planting (historically, we don't know what the plantings may have been like at the Town Hall site). The Town Clerk added her enthusiasm for a more human-scale, village feel that plantings may provide; and any plantings need to not block the already poor visibility of exiting the driveways. The group made a side note to review the edible garden maintenance plan and invite the organizing group to meet with the Board. They thanked Stephanie Kaplan for her work on enhancing the environment and bringing in many people and noted it is within the purview of the Commission. They encouraged the Commission to include the Town Office employees ahead of any plan's implementation and the possibility of a public input invitation on an upcoming agenda as they see fit.

In 2017, Joanne Garton was the person who led an assessment of Calais's roadside vegetation (Resilient Rural Roads Report, "RRRR"). An advisory committee helped determine 23.5 miles of roads to evaluate which concluded with a detailed report, that nothing ever happened with. The recent Selectboard focus on ecological practices for roadside maintenance may draw on this report for recommendations; the Conservation Commission wondered if a Calais tree committee (a subcommittee of the Conservation Commission, appointed by the Selectboard and at the behest of the Commission and following open meeting law) may be an effort that draws interest from residents. The Calais tree statute is old and vague (with references such as "shade trees" that are not relevant in rural locations) and many towns have enacted their own ordinances—an endeavor such a committee may want to pursue. A committee that is limited in scope to trees may be a way to attract residents to serve who care about this particular issue. Rose Pelchuck recommended today's EAB topic on [Across the Fence](#). Calais is putting up the lures that capture insects to be sent for analysis; so far, they have not seen EAB in Calais.

Next steps include: the Conservation Commission will invite people to serve on a tree sub-committee to address tree health along our roads and how maintenance practices affect roadside trees. The Conservation Commission/Tree Sub-Committee will develop a "charge"

for the committee and bring it to the Selectboard for approval. The Commission will work to identify members of the tree sub-committee, and bring them to the Board for appointment based on the Commission's recommendation. The Board sees the tree-subcommittee as an opportunity to create a tree ordinance that would have broad relevance in town operations, including road maintenance practices, landscaping of town properties, etc.

Stephanie said the Conservation Commission will meet in October to start this work.

John Brabant asked that shorelines where trees are absent or have recently been removed during road work be considered for re-vegetation, which would especially help with erosion (the RRRR addresses this specifically). The group discussed their hope and expectation of integrating the recommendations of great reports like the RRRR across Town practices. Stephanie Kaplan specifically noted that there are Calais and State policies to *not* create berms on roadsides following grading, and yet the berms still seem to happen. The Board appreciated Stephanie Kaplan's work comparing Calais's road policy to the State standard.

9. Town Hall – Friends of Town Hall: Clif Emmons provided the revised, proposed Friends management agreement and asked members to review it, so it may be on the agenda for approval at the next meeting. This will assist with understanding what the roles and responsibilities are at the Town Hall. The stove and refrigerator have been installed. The Friends Of annual meeting is on 9/24 at 10 am and its purpose is to elect board members and serve as an opportunity to promote what has been happening and a vision for going forward. It will include a virtual tour. All existing board members have agreed to be nominated and serve if elected, to staggered term lengths; members of the community are being solicited for board membership. Paint scraping has been underway.
10. IT Update: The Town Clerk and Clif Emmons participated in a meeting with rbTech to assess the process of server installation. Overall, everyone felt it went smoothly and came in under budget. As we face increasing requirements migrating into a fully digital age, a robust internet connection at our Town Office will need to be addressed. Clif Emmons noted it is a bit premature to know what the best option will be right now. John Brabant considered availability of federal monies to run fiber optic from Kents Corner to the Town Hall.

The Chair reported that she continues to get calls from Seacoast regarding a backup need; resolution will mean a second phone line, or possibly utilizing the second internet line from the backup system at the Town Office. The essential function of the system is there; if the phone line got knocked out to the Town Hall, chances are it would hit the second phone line as well—it is a redundancy built into the system that can't be turned off. There is a different call that goes out in the case of a fire and the Operations Manager can differentiate that call.

Clif Emmons and Denise Wheeler have reinstated the monthly check-in meetings with Town Office staff. The Zoom account could be updated to permit another Town leader to set up Zoom meetings so that Clif Emmons doesn't need to be setting up and starting every single meeting. Nick Emlen reported at the last meeting that COVID-19 funds can be used for this expense. Clif Emmons pointed out that typically, Town bodies plan to schedule for different days and times for their meetings, so a second account would allow for another meeting on the same date and with other meeting hosts. A single Zoom account costs \$150. Sharon Winn

Fannon made a motion to authorize another Zoom account and let Clif Emmons run with it. Denise Wheeler seconded the motion and it passed unanimously.

11. Appointments/Reappointments: This item was not needed.
12. Other Updates:
 - The Hitching Post project (located in Adamant) has been put on hold due to COVID-19. The Town incurred the expense (material for a sign), and will get the grant to cover that expense.
 - Budget planning scheduling will begin soon.
 - Town Meeting in the era of COVID-19 will need to be considered.
13. Review and approve minutes, warrants
 - a) The Board reviewed the invoices and orders were processed for payment.
 - b) Approval of minutes was tabled for a subsequent meeting.
14. Executive Session for Personnel Matters: Clif Emmons made a motion to go into Executive Session at 9:33 pm per 1 V.S.A. subsection 313 (a) (3), personnel matters, and invited Fred Duplessis to join them. The motion was seconded by John Brabant, voted on and carried 5-0. The Board resumed Regular Session at 10:11 pm. Denise Wheeler made a motion that the town is not going to exercise the option in the Executive Order from the President that allows employers to defer FICA withholding for the town employees. The motion was seconded by Sharon Winn, voted on and carried 5-0.
15. Other Business/Old Business/New Business: None.
16. Adjournment: Denise Wheeler made a motion to adjourn at 10:19 pm. The motion was seconded, voted on and carried 5-0.

Date: 9/16/2020 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary
Approved by the Selectboard at the 10/5/2020 meeting

Click on the link below to view documents associated with this agenda:
<https://drive.google.com/drive/folders/1ipNcfPKgnYUdlUxFHklFiIRHptn1gEx2?usp=sharing>

Denise Wheeler Comments for Monday, September 14, 2020

To start, I'd like to sincerely apologize to anyone I may have caused any offense to through my actions over the past few weeks. I strive to be respectful and kind to everyone and I would never intentionally offend anyone. I know people have questions about how and why I was involved in the Reynes/Ancel permit process, and while I can't redo what's been done, I can certainly be transparent in explaining and sharing what I've learned.

On 7/9/2020 at 6 am, I received an email from the DRB Chair asking me to serve on the Ancel/Reynes hearing that evening I assumed because of concerns there wouldn't be a quorum. I could have said "no I'm too busy" but I didn't, wanting to fulfill my responsibilities as needed. I recognize that as a DRB alternate, being asked to serve at the last minute is sometimes just what happens. When I joined the meeting that night, there was in fact a quorum and I could have stepped away. But I was already there, and it's been a long time since I had a chance to serve on a DRB hearing, so I stayed. It frankly didn't occur to me not to follow through and to serve as requested.

From that point forward, I continued to participate in the Reynes/Ancel permit process because, again, it simply didn't occur to me not to. I finish what I start, as a general matter.

However, in that same timeframe, I also participated in the Selectboard's discussions about requiring a training of the DRB regarding process. That discussion arose from the concerns I had after participating in the initial Ancel/Reynes proceeding, but in retrospect I realize I should have brought my concerns to the Board as a DRB alternate member, and then stepped away from the Board's discussions about the matter and decisions about next steps. Again, it just didn't occur to me, and it wasn't raised by anyone else on the Selectboard.

Looking back, I can see how the timing and overlap of the DRB process on this permit and the Selectboard discussions about the DRB process generally created an appearance of a conflict. I don't feel I had a conflict, and I did my very best in both roles to be impartial and objective. Those who know me know that I help out wherever I can; and most of you also know that personal integrity is really important to me.

Conflict of interest is often about the appearance of conflict, and I feel it's my responsibility to do my best at all times without any conflict and to avoid any appearance of conflict. Again now having had an opportunity to look back, I didn't meet that responsibility in this instance.

Since the final decision was issued last week, I have in fact recused myself from any further Selectboard work on this issue and I will continue to do so for as long as the Selectboard is called upon to respond to questions from people who have questions on this hearing and the permit.

I pride myself in being a dedicated and responsible member of the Selectboard, and a dedicated and responsible member of the DRB in my role as an alternate.

I am a reliable and committed volunteer and almost always willing to volunteer and make myself available to help the Town.

Thanks for listening.

Sequence of events for reference (if needed)

- 1) 7/9/2020 @ 6 am, I received an email from the DRB Chair asking me to serve on the Ancel/Reynes hearing that evening. I could have said “no” I’m too busy but I didn’t wanting to fulfill my responsibilities as needed;
- 2) 7/9/2020 attend DRB 7 pm Zoom hearing – during which I requested we conduct a site visit (which in my opinion is always a good idea) – which was then scheduled for 7/11/2020. Both Clif and John were in attendance at this hearing.
- 3) I was unable to attend the DAB site visit on 7/11 so I attended a portion of the DAB’s rewarned meeting and site visit on 7/16/2020 to have a visual picture of the project and have a better understanding of the site;
- 4) 7/13/2020 SB meeting – discussion of OML and the town attorney’s advice to ask the DAB to redo their meeting and site visit to comply – this was an opportunity to fix an issue without slowing down the DRB process and protecting and ensuring the correct process was followed now and not become an issue later. The full Board appreciated being made aware of some additional quasi-judicial process issues during the DRB hearing and realized it was our responsibility as a Board to take ownership and provide training.
- 5) The DRB began deliberations social distancing on Ruth’s porch and awaiting the DAB’s new advisory opinion which was basically the same as the original opinion issued on 6/16/2020;
- 6) DRB deliberations concluded on 7/21/2020;
- 7) 7/27/2020 SB meeting – the full Board agreed that we would ask the Town’s attorney to schedule and hold a training session for the DRB and ZA and require that everyone attend prior to any new DRB matters. This was a full Board decision.
- 8) 7/29/2020 DRB decision signed with my Comments and signature attached which indicated my concerns over the DRB’s process (not the project). My concerns were not intended as criticism but to “right the ship” and move on to improve the DRB’s important role as a quasi-judicial entity in making very important decisions for the entire town of Calais and provide equal and fair hearings to every citizen;
- 9) 8/31/20 DRB training held by the Town’s attorney – everyone who attended was appreciative and grateful for the learning opportunity;
- 10) 9/2/2020 DRB hearing on Motion to Reconsider and Recuse – because procedural issues were previously corrected the decision was not altered and was issued on 9/6/2020.