

Selectboard Meeting Minutes

Monday, September 28, 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), Rowan Jacobsen, Barbara Butler (Assistant Town Clerk); Sandra Ferver (Town Treasurer), Brian Clark, Toby Talbot (Operations Manager), Alfred Larrabee, Cathleen Gent, Nick Emlen

1. Call to Order: Denise Wheeler called the meeting to order at 7:04 pm.
2. Public Comment: Rose Pelchuck and John Brabant both have received complaints from residents on County Road where the speed limit (??) is 50 mph, noting dangerous driving and requesting reduction of the speed limit. They invited them to write letters to the Selectboard. A speed limit change would require a traffic study. The Board recalled the details of Calais's efforts to have its legislator introduce legislation allowing a town to make speed limit reductions. Board members attended Statehouse meetings and continued to pursue the bill but it was treated as a "constituent bill" and did not get moved. John Brabant noted the stalled legislative process sometimes reflects urban-rural tension and the heavier weight of the agenda of the more populous areas. Traffic calming options may be a way to reinforce the need to slow down, such as adjustments that give the perception of a narrower roadway.
3. Review, Additions/Changes to Agenda: None.
4. Updates/Reports: Treasurer/Delinquent Tax Collector: The Town Treasurer explained that as of August 31, two months into the fiscal year, expenses are on target, and taxes are coming in. The tax grace period has ended (although postmarks are accepted and tax checks continue to come in). \$155,000 remains to be collected, but in comparison, on the same day last year \$192,000 remained to be collected. Almost a third of the second payment has been collected as well. Delinquent taxes as of today are down to \$9,053; the DTC has spoken to all of the parcel owners and anticipates that it will all be collected. She thanked the Selectboard for their strategy which has been found to encourage folks who have been delinquent for years to get better into the tax payment cycle. COVID-19 grants are all in place.

The auditors gave the Board the opportunity to decide how to manage the Town Hall Renovation Fund (THRF) (for the purposes of the audit). The Town Treasurer explained that the Selectboard decided to use the entire Town Hall Reserve Fund to reduce the FY20 negative balance of the THRF. To accomplish this, at the end of this fiscal year, a journal entry will empty the Town Hall Reserve Fund to clear the balance and to the extent there are not enough funds the general fund balance will be used. This gives the Board far more latitude to have oversight on future expenditures for the project. The draft audit will be reviewed with the Town Treasurer this week and then Sullivan & Powers will present the final audit to the

Board. Even with that negative balance, the General Fund Balance is higher than last year and the Town's position "looks good." The Chair appreciated the Board and Town Treasurer's work to manage the Town's funds.

5. Updates/Reports: Operations Manager: The Operations Manager reported that he met with VTRANS personnel regarding the East Calais Route 14 right-of-way permit for the speed limit radar signs and their installation. The cost of the AOT approved signpost (concrete base with breakaway bolts) is significantly more than he had expected (\$1,000 for two). The manufacturer expects the signs are about a week away. The ROW application for Eustis Cable (Comcast) to bury cable on Lightening Ridge Rd. (Ron Thompson property) was WITHDRAWN.
6. Curb Cut Application for NCMHA on GAR Rd. (#11-2020-04): The Chair recused herself from this discussion due to her work as an alternate on the DRB for the North Calais Memorial Hall Application. The Road Commissioner visited the site and measured line of sight on each side of the proposed curbcut to learn if it meets the standard in the Calais Curbcut Ordinance (the standard for a 25 mph road is 155' in both directions). The Road Commissioner reported the measurements to be 200' on the south side but only 120' could be measured on the other side of the road, and then only IF brush cutting on the opposite side occurred. The group questioned if the hill could be lowered with excavation. John Brabant visited the proposed area and noticed a lot of people walking and his preference that it stay narrow and park-like. He noted it is a class 4 road, and the board noted class 4 roads are included in the Curbcut Ordinance.

Rose Pelchuck reviewed the site and reminded the Board that the curbcut permit is for creation of an ADA parking area. She noted the value of going through the curbcut evaluation process, even if it is a Class 4 road, to further evaluate; exceptions should be possible since it is a low-traveled road. She pointed out that Project Manager Brian Clark was the named applicant for this permit, and requested that a form filed in the permanent Town records be amended to be filled out under applicant "North Calais Memorial Hall Association."

Rowan Jacobsen supported clearing out the hedges and reminded that the only change is for handicapped parking. In 2017, the Town considered turning the road into a trail for only local traffic. The Vice Chair noted the trail idea is outside the scope of the meeting. GAR Road resident Barbara Butler is concerned about clearing the hedges and increasing the perception of how fast the road can be driven; there are walkers, bikers, and children using the road daily, year round. She commented on her preference that the road environment be kept as intact as possible. The Operations Manager commented that 25 mph and resulting 155' sight distance requirement is not relevant when cars cannot travel that fast on that road; he suggested the Town lower the speed limit and safe sight distance. (The Town lowering the speed limit would include requirement to perform a traffic study.)

Rowan Jacobsen commented that the NCMHA already plans to cut trees in one area, particularly cedar trees. Clif Emmons asked the Road Commissioner how much sight distance there is without trimming; he replied that it would be 200 feet on one side without drastic trimming, and approximately 50-60 feet on the other side without cutting. He pointed out that trucks moving in and out for the renovation are a factor as well. The NCMHA found there is

very little room for adjustment to the curbcut location especially because of the ADA factor of the project.

The Board reviewed the language of the Curbcut Ordinance, identifying Article IV, Section 1:

The guidelines and standards set forth by the State of Vermont Agency of Transportation and by the Vermont Local Roads Program shall be used as a basis for the design. These requirements may be waived, at the discretion of the Selectboard, if the applicant can demonstrate that due to site conditions the requirements are not appropriate or applicable to the applicant's specific situation.

John Brabant argued that the applicant is trying to place the ADA and environmental impact factors forefront, and the road is low-travelled, and that this is where the Board may want to use its discretion waive the full sight distance requirement to maintain the neighborhood and allow the project, an asset to our community, to go forward, without any additional cutting beyond the 200' and the 120' sight distance improvement.

The Vice Chair identified three paths forward:

- NCMHA meet with Road Commissioner and do initial brush cutting;
- Set the sight distance at 120' instead of the 155';
- Table until a subsequent meeting

The NCMHA has some time limitations on this situation, as they cannot return to DRB until the Selectboard has granted this curbcut permit.

John Brabant made a motion that the Board conditionally approve the applicant's curbcut permit application, with the condition that the Road Commissioner set up the degree of most minimal brush cutting possible to maintain the character of the neighborhood, to achieve the 120' sight distance in one direction, and 200' in the other direction. Brian Clark will update the name of the permit applicant from his personal name to the "North Calais Memorial Hall Association." Clif Emmons seconded the motion.

Rose Pelchuck commented on the need to strike a balance; it is a Class 4 road that can get some minimal maintenance once a year from the road crew, which may not have happened in a while, keeping the rural character and providing for safety. Barbara Butler agreed that the motion seems reasonable. At her property, she witnesses a fair amount of traffic, including trucks pulling trailers, and definitely 35-40 mph, and wouldn't characterize the road as low-usage. This curbcut application stretch of the road is different and she feels it seems reasonable. Rowan Jacobsen offered NCMHA to assist in lowering the speed limit and traffic calming measures in the future.

The Road Commissioner asked about the NCMHA's intention for cutting the hedgerow out; this is the property of the NCMHA and their team will do that work, not the Town. The NCMHA recognizes that achieving the line of sight distance involves their role in hedge cutting, which they acknowledge and are eager to do. This permit is filed in the land record and is limited to one year, after which it would expire (per Section 5 of the Ordinance).

The motion was voted and passed 4-0 (Denise Wheeler was recused and did not participate).

7. Updates/Reports: Road Commissioner: John Brabant shared an updated status of the woodchipper repairs. The broken chipper has been picked up from seller Virginia Heavy Equipment and the invoice for the initial repair sent to them. Clif Emmons and the Chair attended a VLCT Webinar, “How are your roads? Technology training, Safety and More.” They learned about software that is available for tracking roads maintenance.
8. Dog Warrant: The warrant, signed yearly by the Board, allows the Animal Control Officer and Assistant to contact people whose dogs need licensing. Sharon Winn Fannon made a motion to authorize the Chair to sign the dog warrant on behalf of the Board. The motion was seconded by Clif Emmons, voted, and passed 5-0.
9. LGER Grant: The group reviewed a document, “Summary of LGER grant application for town of Calais,” prepared by Nick Emlen, The grant application was approved Sept. 24, and includes \$10,962 in completed and anticipated purchases. The Board thanked Nick Emlen for his initiative and good results.
10. Zoning Administrator Training: The Chair is investigating an opportunity for ZA specific training (how to review an application to see if it complies; notification of the DRB that references the zoning regs; etc.). John Brabant commented that it may be good to schedule a meeting between the Board and the ZA, which would also provide a good field perspective on our ordinances and continuing communication of expectations between both parties.
11. CVSWMD - Calais Recycling: John Brabant explained the background events that led to the Chittenden Solid Waste District – CSWD - to be applying for after-the-fact permits for the use of glass processed at its MRF as fill material in a landfill cap repair project and as a subbase for a regrading project on an area of the facility’s property. The Selectboard sent a formal request that the Secretary of ANR convene a formal public informational meeting for discussion (Calais is a member town of the Central Vermont Solid Waste Management District – CVSWMD – with an affected interest).

Central Vermont’s recyclables are routed to CSWD for processing. John Brabant shared the context of central Vermont having had a mandatory recycling ordinance before the State. The CWMD co-mingles single-sort through one facility operation using magnets, a picking line, and separation into various side streams, and then further processes to render the material marketable. Glass gets run through a set of screens and when there is no market out of state to remanufacture it into something new, there is an ability under state regulations that allows processed glass that meets a specification for minimal contamination to be reused as a sub-base in construction, drainage, road base.

When you contract with a hauler for recycling, through our solid waste district, the expectation is that they will be recycled and that the entity operating will act in compliance with applicable state law. There were thousands of tons of glass on the CSWD property that didn’t meet the standard, but CSWD dumped it off the back of their property and stuffed glass underneath a cap material in a closed landfill, without any prior engineering design and approval from a state agency. After being caught for this behavior by the State, the CSWD has two after the

fact permits pending. Do taxpayers intend that this is what recyclables will be used for? Our Selectboard sent a letter requesting that a public informational meeting be held (a public meeting allows anyone to ask questions of the regulators and the applicant); ANR replied that a meeting will be scheduled in the future. John Brabant emphasized it is important for us to know what is going on; taxpayers spend a lot of money funding these programs and educating the public as to the value of recycling, taking the extra effort to separate recyclables. Entities that might just dump this stuff and be allowed to get away with it may have the effect of undermining the efforts of our education and environmental care. He questioned why CVSWMD has not weighed in yet.

Cathleen Gent, CVSWMD, attended the meeting and said her board has talked about this issue. She explained there is a “ruling” the District is waiting to see from the VT Attorney General related to the ANR issuing an alleged violation. They believe this ruling should wend its way through the state agencies. The Chair asked how the State can issue an after the fact permit if they are pending investigations?

John Brabant explained that the AG is not the adjudicator; he is the attorney representing ANR. The AG’s office is negotiating with CSWD trying to achieve a settlement, not a ruling. Without filing an administrative order in Superior Court, you can’t “stay processing of permits.” This situation went straight to settlement instead of filing an administrative order to prosecute a case. Calais’s interest is that when we pay a fee to contract with someone, make an investment, we expect to get the service performed as agreed (marketing the recyclables instead of them being dumped). He argued our Town and our SWD should take action, having independent interests as investors. The CVSWMD, as our point experts, should be advocating for the Town and a simple fine doesn’t correct the injury to our Town. He expressed disappointment that the SWDs have done nothing to act on behalf of our towns.

Cathleen Gent commented that the market is challenging for recyclables. She will bring this to their executive board chair and vice chair. John Brabant reiterated that if a settlement agreement is arrived at it has nothing to do with whether a violation occurred or not. The “wait and see” on the settlement is separate from whether the act occurred, and whether Calais’s interest was negatively impacted. Even if there is a settlement, how will Towns that were impacted be reimbursed for services that were not performed as paid for?

The Board questioned how the Town will go forward knowing their District is not on top of things. They requested Cathleen Gent email the Board with the date of the meeting where the executive board will discuss Calais’s concerns.

12. Appointments/Reappointments: The Chair recused herself from the discussion because she is an alternate member of the DRB. Ruth Porter and Barbara Weedon requested reappointment to the DRB. Sharon Winn Fannon made a motion to retroactively appoint Ruth Porter to a three-year term that began in March and expires in 2023 and to reappoint Barbara Weedon to finish the term she had previously held which expires in 2021. Clif Emmons seconded the motion and it passed 4-0. John Brabant noted his support and he is glad both valued members of the DRB are returning; a letter of apology was discussed. Clif Emmons added he is very glad they are willing to participate in the training (which is available recorded).

13. IT Update and Town Hall Update: The backup device has been installed at the Town Hall (to back up data from the Town Office). A new set of cables from the upstairs closet to the fire alarm would be needed to utilize Town Office internet for fire alarm at Town Hall. Clif Emmons suggested that activating a second phone line to the Town Hall may be the best path forward, and he will present cost at a future meeting. Painting of the Town Hall proceeds seven days a week. Some wood that has been uncovered has held moisture from fog and dew and needed time to dry.

Denise Wheeler made a motion to authorize Clif Emmons to purchase a Town camera for Town use by the Town Health Officer, cost to be around \$400 and Windows 10 compatible (Selectboard budget line item for supplies or miscellaneous). The motion was seconded and voted and passed 4-0 (Clif Emmons recused himself).

Clif Emmons will review the “Guidelines for Use Of Calais Town Hall” under Policies and Ordinances on the Town website and return to the Board for full review, ahead of review of the Friends Management Agreement. The Friends group is asking whether a guided tour of the Town Hall during Fall Foliage weekend is possible. Denise Wheeler and Clif Emmons shared the details of the proposed tours.

The Board decided to deviate from their current policy disallowing use of the Town Hall and noted this is a one-time allowance, a way of giving the community a chance to see firsthand what has happened at the Hall. Because of the nature of the event, it is nothing like holding a meeting or cultural event there. Maple Corner folks host the Fall Foliage weekend.

Clif Emmons made a motion to allow the Friends of the Town Hall group to conduct guided tours on one day this coming weekend for no more than a two hour windows; led by a Friends board director; groups limited to 6 in the building at any time including the tour guide; CDC guidelines and precautions will be taken; tours themselves will be no more than 15 minutes in length; the tours will enter through one door and exit through another. Denise Wheeler seconded the motion and it passed 5-0.

Jamie Moorby is looking for an outdoor venue for a play to take place; the Chair suggested she contact the Memorial Hall Association.

14. Other Updates

- The Chair suggested the budget planning schedule happen on Mondays alternate from Selectboard regular meetings, with scheduled start and end times, and to include personnel items as well

15. 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.

16. Executive Session for Personnel Matters: Sharon Winn Fannon made a motion to go into Executive Session at 9:39 pm per 1 V.S.A. subsection 313 (a) (3), personnel matters. The

motion was seconded by Rose Pelchuck, voted on and carried 5-0. The Board resumed Regular Session at 9:52 pm. The Chair reported the Selectboard will meet every other Monday, on the first and third Mondays, to work on personnel matters.

17. Other Business/Old Business/New Business: The Selectboard discussed working on budget planning for the next fiscal year and personnel matters, these meetings will be scheduled for the 1st and 3rd Monday of the month via notice of a Special Meeting agenda(s). The Selectboard will send the CVSWMD a letter requesting that the CVSWMD Board have an agenda item for discussion at their next meeting with member towns regarding the issuance of after the fact permit amendments to Chittenden Solid Waste Districts request to the Dept. of Env. Conservation for 1) the use of glass processed at CSWD's MRF as a fill material in a landfill cap repair project and, 2) as a subbase for a regrading project on an area of the facility known as the South field. The letter to be drafted by John Brabant will be sent to all CVSWMD member towns.
18. Adjournment: Clif Emmons made a motion to adjourn at 9:58 pm. John Brabant seconded the motion which was voted on and carried 5-0.

Date: 9/30/2020 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/1xJbGYdivQ1qJ-LwkHAQGnN3wRz0jvGpy?usp=sharing>