

## Selectboard Meeting Minutes

Monday, October 25, 2021 at 7 pm, Town Hall + Zoom

**Present:** Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Rick Kehne (Member), Marc Mihaly (Member), ORCA Media\*, Katie Lane-Karnas\* (Recording Secretary), David Delcore\*, Margaret Thompson\*, Sean O-Neil\*, Tyler and Holly Clark\*, Grace Vinson\*, Sandra Ferver\* (Town Treasurer), Jeremy Weiss\* (Town Clerk), Barbara Butler\* (Assistant Town Clerk), Tom Cronin\*, Danielle Laquerre\*, Larry Bush\*, Alfred Larrabee (Road Commissioner), Tom Blachly\*, Barbara Weedon\*, Artie and Nancy Toulis\*, Donna\*, Janet Ancel\*, John Rosenblum\*, Jamie Moorby\*, David Ellenbogen\*, Scott Bassage\*, Beverly\*, Clif Emmons\*, Jim Barlow\* (Town Attorney), Heidi Thompson\*, Virginia Clammer\*, Colleen Bloom, Marc Sweeney, Betty Copeland

*\*Indicates attendance by Zoom video call*

1. Call to Order: Denise Wheeler called the meeting to order at 7:00 pm.
2. Public Comment: The Chair commented that next steps in the process of the Planning Commission's Town Plan revisions is that the Selectboard must hold a public meeting. It will be scheduled near the end of November and the PC will be asked to attend to guide a review of the proposed changes.
3. Review, Additions/Changes to Agenda: None.
4. Review and Sign Warrants: The Board reviewed and approved processing of invoices and orders.
5. Updates/Report: Town Treasurer and Delinquent Tax Collector: The Town Treasurer reported that the first quarter of the fiscal year is not necessarily a good indicator of where things will be at the end of the year; that said, everything is on target and delinquent tax collection is proceeding well. She reviewed one parcel that meets all the Town's requirements for consideration to be sent to the tax attorney and asked the Board to consider sending a social service outreach to this person first, then sending to the attorney for collection. The Chair planned to attempt contact with this taxpayer.

The Town Treasurer explained that social service organizations typically do not send invoices and are paid in December at the conclusion of our tax collection effort. If an invoice is sent sooner, they are paid as received (since they were approved at Town Meeting). The draft audit has been received and extraneous questions are being answered. The auditors will be asking to meet with the Board in November.

The final second installment from the Conservation Fund is ready to be received by the North Calais Memorial Hall Association (NCMHA). Marc Mihaly moved and John Brabant

seconded to approve the payment to NCMHA for Memorial Hall. The motion was voted and passed unanimously.

6. Road Commissioner: The Road Commissioner reported that the woodchipper has arrived. It has a one-year warranty and the Town is outgrowing available dry space to store equipment over the winter. The Board asked him to return to them eventually about the need for additional equipment storage space.

The winter roads contingency planning was discussed, with handouts from the Road Commissioner containing his preliminary ideas and a list of roads he would delay in the case of being down to only three crew members. (The current winter roads policy stands, when the Town has a fully staffed road crew). In the case of being down a member, he presented a strategy. Having only three drivers increases the rodeos to 8 hours each (to cover the entire Town). To lower each rodeo to six hours, he focused on lowering plowing priority on dead end roads, and prioritizing roads that continue from one town to another. The Selectboard reiterated that the Town will comply with the safety standards defined in the Winter Roads Maintenance Policy (on the website, and reviewed in detail at three public hearings two years ago) which includes the amount of hours plow drivers can safely work, starting at 3 am, and how often breaks are needed. With three people, the job can be done with the six-hour rodeos as long as some roads are de-prioritized and plowed later in the day.

The Selectboard thanked the Road Commissioner for his work on this contingency planning and asked him to look at the winter roads policy and consider what would need to change to be certain safety standards can be met, then return to the Board with a second draft. Rick Kehne pointed out that communication with the school bus company will inform plowing planning. The Road Commissioner noted that 23 years ago, there were four guys plowing, with two wings on a truck (making possible to plow the entire road in one direction). At this time, we have 36 manhours (if no one is ill) to plow the entire town.

Sharon Winn Fannon pointed out that the Board is seeking to communicate with the public to be clear about an inability to meet some folks' service level expectations, particularly in light of ongoing staffing shortages in this industry. The goal is to create solutions to keep safety protocols for the crew, meet the standard defined in the Town policy, and communicate this with the public. Denise noted that we may want to post brief bullets/updates on FPF reminding people about winter road safety which might include, the importance of folks having having good snow tires (an internet banner, or emergency message sign-up).

Road crew hiring continues to be a challenge with no candidates identified (the position is advertised still). The Road Commissioner and Board discussed meeting Ed Rowell's request for compensation for some benefits, highlighting that this does not apply to any other employee issues nor is a policy statement (this issue is case-by-case, non-precedent setting). Denise Wheeler made a motion to pay our temporary employee Ed Rowell straight pay for holidays (while he is working as a temp employee for the Town of Calais). With respect to all relative personal provisions regarding payment and vacation and overtime, Ed is compensated the same as other employees (his overtime and holiday compensation is treated the same as other employees). This will be revisited again next year, and is effective on passage. Sharon Winn Fannon seconded, and the motion passed unanimously.

7. Chapin Road Town Forest: The Chair acknowledged all in-person and remote Zoom participants about who are attending to participate in this item and set the expectation that disrespect, yelling, or foul language will result in being asked to leave the meeting. The second site visit was on October 16, 2021 and there was a good turnout both times. The options for a parking area were considered. The options considered on the 16<sup>th</sup> were:
- Do nothing;
  - Install parking area and mark trails;
  - Mark trails and no parking area;
  - Other options?

John Brabant commented that he attended both site visits and his understanding was a consensus that for now, marking property boundaries of the town forest would be advantageous to both those using the forest and neighbors; he supports getting trails in this year or next spring, and we should move forward while holding the parking area construction off until the future. Sharon Winn Fannon asked whether the question of trails or no trails is properly a Selectboard question. She couldn't find a charter for the Calais Trails Committee and questioned if this authority has been delegated to them; potentially, the Selectboard's parameters are the decision around parking lot/no parking lot.

Marc Mihaly commented that absent clear delegation on the trails, it is up to the Board to decide to proceed and up to the Trails Committee to decide how many/where/etc. The Chair recalled the concerns raised at previous meetings about this trail location (and the potential associated parking area). Denise Wheeler pointed out there is time to wait and see how the usage goes and respond to concerns based on some length of time passing before the parking lot comes to a vote. Rick Kehne felt it was prudent to do trails first and see what the use looks like; it is possible that parking along the side of the road is not going to be optimal for residents, and they may desire a parking lot instead.

John Brabant commented concern about bringing attention to a 34-acre parcel in a neighborhood when there are thousands of acres available in our town; he empathized with the neighbors' concerns about increasing public use of what was initially a Town-owned fire lot (in the 1930's). He felt the Board's approach is sensitive to the neighbors' concerns, by posting clear property lines (it is being surveyed) and marking trails on the Town property that are easy to find and make it easy to avoid the neighbor properties.

The Chair moved on to recognizing others in attendance who want to comment. Tom Blachly (Trails Committee Chair) thanked the Board for the opportunity to consider trails at this interesting property. He is scheduling a walk of the forest on Halloween (10/31/2021) and will report back to the Selectboard. He has walked the boundaries with the surveyor and does not foresee a large circuitry of trails or any problems with breaking boundaries.

Larry Bush (Conservation Commission Vice-Chair) noted it is the responsibility of the Conservation Commission for *managing* the forests, and deciding if trails should be put in; they must gain approval from the Selectboard, but the Conservation Commission has been

charged with the maintenance of the Town forests. The Trails Committee has become an important, central actor in the creation of public and private trails in Calais.

Tom Cronin (homeowner and Trails Committee member) commented that there is a 600 foot stretch of road that is maintained by the subdivision and he asked the Board if there is any liability to the homeowners for the public using that strip of road. The Board noted nothing is changing, it is still a Class 4 road and still a Town road, even if the homeowners pay to privately maintain it (this is in their deeds). Tom Cronin asked what would prevent all-terrain vehicles from going from Pekin Brook Road to Chapin Road. The Board noted that ATVs are not permitted on Town trails and roads; the Board has not received complaints about ATVs on the many trails all around Town previously. A deep, wet ravine on the Pekin end also makes this unlikely. Sean O'Neil commented that he appreciated the meeting on the 16<sup>th</sup> and felt the Board was listening to the residents and their concerns; he thanked the Board. The Clarks (neighbors) commented that they strongly agree with what John Brabant said, in being sensitive to neighbors.

Sharon Winn Fannon asked Larry Bush (Conservation Commission Vice-Chair) if there is a specific request on the table. The Chair noted that the initial request was for a parking lot, but

1. We are not going to take any action at this time to approve a parking lot;
  2. We would like the Conservation Commission and the Trails Committee to coordinate on conclusions on trails;
  3. Thank you to Paul Hannon for his donated surveying work, and the expectation of the Board is to have the Town forest boundaries blazed at some point by next spring;
  4. All are encouraged to return to the Board with feedback about the traffic and parking over the next year.
8. E. Calais Stormwater Project: Grace Vinson (CVRPC) attended to provide an update. Final design plans are done and DEC is going to be putting out a RFP for the implementation phase of the two stormwater projects; CVRPC is going to be submitting a proposal in response. She will coordinate with the Board as needed. (Rick Kehne is delegated to this project.)
9. Regional Emergency Management Committee (REMC): Grace Vinson explained that the State is forming REMCs and each is going to include two reps from each municipality in the region. The first for each town is the EMD (in Calais, this is Nick Emlen); the second is intended to be a member of the EMS community; deadline is Nov. 1. Sharon Winn Fannon made a motion and John Brabant seconded to appoint Betty Copeland as a liaison to one of our EMS companies (term of one year, expiring in 2022) and to serve as Calais's second REMC representative. The motion passed unanimously.
10. VLCT PACIF: Kelly Knotek from PACIF Insurance Company attended to discuss insurance options for non-municipal use of the Town Hall. She noted contracts are important for laying out who might be responsible. Municipal functions organized by the Town are no issue. When it falls under non-profits or small groups, or wedding receptions and birthday parties, it gets less clear. John Brabant explained an historic issue that happened when a crane rolled over in a

Calais wetland with a decision from a non-municipal fire chief; this detail that no one could have foreseen resulted in a \$120,000 bill that was slapped on Calais and PACIF wouldn't pay.

The MOU provided stated the space may be used for non-municipal functions, and the Town should assess the risk level, and the Town should then require that the participating entity carry insurance. The Board reiterated the question of whether the upstairs use by non-municipal groups is covered by insurance.

Kelly Knotek said it is the Selectboard's onus to decide what they are going to permit based on risk, versus what they are going to require additional insurance for (a one-day policy). A wedding is considered high-risk. A one-day insurance policy would get filed with the Town (not offered by PACIF). She reiterated that there is no guarantee of coverage, because every claim is different. Sharon Winn Fannon noted that when you consider it is not going to be the Selectboard making the decision about a play or musical, there is absolutely no way she wants the Board deciding on a case-by-case basis about performances. A policy will need to be made with really clear criteria for some body to be the decision maker. Marc Mihaly agreed. If we adopt a policy and list which kinds of activities are NOT going to require supplemental insurance and which are, PACIF will review such a document. The Board asked Kelly Knotek if she has seen a town who has created such a policy that they may review, she has not.

Clif Emmons, President of the Friends of the Town Hall, reported that the group is likely to be able to secure insurance by the end of next month. It is clear based on their conversations with PACIF that anything initiated by the Friends would not be covered by the existing Town policy (they are a private, non-profit organization, and not the Town). After insurance is secured for the Friends group, then they will be able to define which scenarios require a renter to secure their own additional policies.

The group considered the rhetorical example that the Friends group is scheduling a birthday party, which the parents are hosting. Kelly said there is some liability on the parents' part and insurance may be warranted; there could be some liability on the Friends group for having scheduled and allowed the party. Kelly agreed that the upstairs can be rented once the Friends group has secured insurance. Marc Mihaly planned to read the policy and report back to the Board; Clif Emmons will notify the Board when the Friends have secured insurance.

11. Curtis Pond Dam Exploratory Group: Marc Mihaly recused himself on matters related to Curtis Pond; he owns property on the Pond and is avoiding the appearance of conflict of interest and removing himself to the audience to participate. Colleen Bloom reported that the Exploratory Group sent the MOU that Marc drafted and asked the Board to review it as it is the only way to move forward. Conversations with Sen. Leahy's Office, FEMA, and CVRPC have gone well.

Calais's Town Attorney has reviewed the document and is attending this meeting via Zoom. Sharon Winn Fannon pointed to language that contains assertion without authority, and requested the source of the asserted information be inserted. John Brabant commented that with statewide property tax assessment, including re-allocation based on many factors, this is a complicated thing to do the math to figure out potential changes in property values.

Discussion turned to where obligation or leads are implied in the document, for the Town, versus this public group. The MOU doesn't commit the Town to anything, but lays out processes for moving forward. The Chair noted we finally have a group that is willing to step up and take the lead getting this done. Colleen Bloom noted the State will not replace broken dams, but will approve maintenance issues. If this dam fails, the State is not going to allow a rebuild; the Vermont precedent over the last 20 years has been not to re-install dams that break. The group discussed clarifying the potential for a "Curtis Pond Assessment District." The Town Attorney said he does not have additional comments beyond those provided in the MOU he edited.

The group reviewed language details together. Colleen Bloom continued that the Exploratory Group wanted to convey the group's sense of urgency, knowing a significant weather event is imminent. The Board planned to approve the MOU at the next meeting, and asked the Exploratory Group to return with the MOU (with editorial changes made) for signatures. Denise Wheeler and John Brabant attend the group's meetings as liaisons and continue to update the Board.

12. Adamant CLG Nomination to National Historic Register: Sharon Winn Fannon made a motion to approve the signing of the Adamant CLG Nomination to National Historic Register; Marc Mihaly seconded, and the motion passed unanimously. The motion includes an authorization for Denise Wheeler to sign on behalf of the Board.
13. Review and approve minutes: John Brabant made a motion to approve all minutes, as edited; Marc Mihaly seconded. The motion passed unanimously: 9/27/2021 meeting, 9/28/2021 special meeting, 10/4/2021 special meeting, 10/11/2021 meeting, and 10/16/2021 special meeting.
14. Executive Session for Personnel Matters: This item was not needed.
15. Other Business/Old Business/New Business: None.
16. Adjournment: Marc Mihaly made a motion to adjourn at 9:19 pm. The motion was seconded, voted on and carried 5-0.

Date: 10/26/2021 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary  
*Approved by the Selectboard at the 11/8/2021 meeting*

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

<https://drive.google.com/drive/folders/1A--UY1Ijy9nD72A-5DYIHevcNE4FtUZi?usp=sharing>