

## Selectboard Meeting Minutes

*Monday, May 24, 2021 at 6 pm via Zoom conference call*

**Present:** Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Clif Emmons (Member), Rick Kehne (Member), ORCA Media, Katie Lane-Karnas (Recording Secretary), Alfred Larrabee, Sandra Ferver, Karen Hoskey, Meg Dawkins, Peg Bowen, Stephane Kaplan, Janet Ancel, Wilson Hughes, Julia Hays, Daniel Keeney, Marge Sweeney, Colleen Bloom, Peter Harvey, Rowan Jacobsen, Marc Mihaly, Dot Helling, Barbara Butler

1. Call to Order: Denise Wheeler called the meeting to order at 6:00 pm.
2. Executive Session for Personnel Matters: Rick Kehne made a motion to go into Executive Session at 6 pm per 1 V.S.A. subsection 313 (a) and (b) and (3). The motion was seconded by John Brabant, voted on and carried 5-0. The Board resumed Regular Session at 6:59 pm. The Chair had nothing to report publicly.
3. Call to Order: Denise Wheeler called the regular portion of the meeting to order at 7:00 pm.
4. Public Comment: None.
5. Review, Additions/Changes to Agenda: None.
6. Updates/Reports: Treasurer: The Treasurer explained that Vermont towns have been randomly selected to audit in terms of the census data transmitted quarterly to the VMERS Retirement System. CPAs Sullivan & Powers are hired to normally audit the Town of Calais and have provided a letter of engagement to express an opinion that Calais's census data submission is complete and accurate. A census data questionnaire completion is a part of this process. The Treasurer has been able to run NEMRC reports to provide the information requested and reiterated that this state audit is covering ground that has already been covered in Calais. Rick Kehne made a motion to authorize the Chair to sign the consideration of engagement letter for special audit, on behalf of the entire Board. The motion was seconded, voted, and passed unanimously.
7. Roaming Horses and Vehicle in ROW: The Board has addressed a situation of one resident's roaming horses and vehicle parked in the Town Collar Hill Road right of way for years and is now discussing consideration of an ordinance as a means of solution. John Brabant noted he allowed the resident's (Elizabeth's) horses to be boarded at his home; to avoid perception of conflict of interest, he will only be participating in this item as a common citizen and not a Board member. The Town of Williamstown has created a Domestic Animal Ordinance that the group reviewed.

The process of adopting an ordinance would involve having the Town Attorney review a draft, putting it on a meeting agenda, and then a 45-day waiting period. Sharon Winn Fannon commented that it is obvious that it is necessary to move forward to adopt an ordinance, in

conversation with concerned citizens. (There is statutory authority for a “nuisance” ordinance.) Karen Hoskey was willing to pull together citizens for a working group. The group brainstormed finding a community member who hasn’t been impacted by this ongoing, specific situation (Charlotte Hanna Bassage, or Ruth Porter?). Karen Hoskey reiterated that an attorney consulted about a civil suit by affected neighbors commented that the outcome is more likely to be favorable when a town has an ordinance. She added that Rep. Ancel had noted that enforcement will always be a challenge, but the Town first needs something to be enforced, and that different offenses should be defined as specific items with increasing penalties. The Board again emphasized the potential for fatal and egregious outcomes with roaming horses on roadways.

Rep. Ancel noted the Board is on the right track in adopting an ordinance, and this is a fairly serious issue. She recapped that legislation she introduced in 2020 passed the House but didn’t pass the Senate; even if it had passed, it still would have required a town to pass an ordinance. Julia Hays commented that she would really like to see the animals cared for and not destroying property and made a comparison to the consequences to her own dogs if they were destroying property and threatening safety in other people’s yards.

If the vehicle is in the ROW (as has been an ongoing issue in this situation), the sheriff or state troopers have the authority to have it towed (incurring no expense to the Town). If the Town requests a vehicle be towed, the Town bears the expense. The Animal Control Officer noted that the resident’s van is back and the front of it is clearly extending into the travelled portion of the road, and the resident won’t respond to knocking on the door. He has reported this to the sheriff. Sharon Winn Fannon noted for clarity that the Board is authorizing the Chair to reach out to the Town Attorney to seek input as she needs to as the board’s representative on the working group. Denise Wheeler will reach out to interested parties with dates for a virtual meeting and form the working group, including herself, the Animal Control Officer, and Assistant Animal Control Officer.

8. Curb Cut Application 2021-03: Applicants Victor and Tracy Sherbrook’s application for residential curb cut permit at 1630 Jack Hill Road was discussed. The Road Commissioner visited the site but has not met with the applicants; he was able to measure 260 feet of sight distance (forty feet short of the 300 feet required in the Calais curb cut policy). He explained that the rise of a knoll and some brush influence the sight distance measurement he took. The Board directed him to return for a site visit with the applicants and another road crew member to cut brush as necessary and take another measurement (with that second person), and to notify the Board if this should be on the June 14 meeting agenda.
9. Update: Road Commissioner: The Board asked whether the Road Commissioner has hired someone to begin mowing the roadsides as discussed at the previous meeting and at the April 12 meeting. Alfred reported he has not yet posted the position to get applications. The board reminded the Road Commissioner to advertise the mowing position on FPF and restated the imperative that the town mow the roadsides on a schedule in keeping with managing the spread of invasive plants. Regarding the status of the purchase of 2014 Western Star truck: Rick Kehne explained that he and John Brabant authorized the Road Commissioner to sign the agreement; the mileage that could be put on the truck was limited in the contract. The undercarriage inspection looked very good and the price was fair. This is intended as a

replacement for the current spare truck; if we are going to be decreasing plow rodeo times by increasing front line drivers by one, we will need to be adding another truck at some point. We don't want to be using a high mileage spare truck for front line plowing work. We will need to revisit this. John Brabant reminded that a good undercoating is necessary and the dump body requires sanding and refinishing (as noted in the 5/10 minutes, and agreed upon by the Road Commissioner). The truck will be available to the Town in December.

The Road Commissioner informed the Board that there is a landowner on Lightening Ridge Road that has a lot of big stones and telephone poles in the right of way and creating a dangerous situation; he noted the safety issue of those large stones freezing on the side of the roadbed in winter, and as a hazard year-round (approximately one foot from the travelling portion of the road). Rick Kehne will visit the location to document the situation and notify the Chair if an agenda item is needed.

Wild chervil is in bloom. The mowing tractor can be operated for roadside mowing and the Board directed the Road Commissioner to begin.

10. "No Mowing" Signs Request for Posting: Peter Harvey and Rick Kehne met to walk two locations within Peter Harvey's proposed no-mow zone that could potentially have sight distance impact. Peter offered to hand scythe those locations every month and Rick Kehne will go out and verify that is done. A very small amount of small saplings and branches that are in the ditch line (and would prevent hand scything) would need to be cut by the road crew. Peter Harvey noted that if he does scythe it, we won't be bringing in any seeds on a mower. The Board has requested documentation from Peter that property owners be contacted and whether they are in agreement with the invasives program presented; out of 37 households, 27 have said yes, 2 have said no (Sterry Leno and Kent Morse declined), and 5 have not replied. One previous "no" changed to a "yes" and stated they liked the roadside being mowed last fall.

The Board discussed how to address the roadsides of the two declining property owners. Spot mowing their properties could perhaps further inform this study about the impact of wild chervil, compared to the rest of the roadway. Implications of setting a precedent town-wide were considered. Kent and Sterry have consistently informed the Selectboard that they want their roadsides mowed. Peter Harvey stated that this plant spreads by seed continuously from mid-June through late August.

Sharon Winn Fannon made a motion and Rick Kehne seconded to authorize Peter Harvey to put up the twelve "no mow" signs, and that the road crew mow the properties of the two landowners who said no, noting that we are taking that step because it is consistent with Peter's study on wild chervil's spread. The Road Commissioner asked about the implications to town insurance and workman's compensation. The Board explained there is no conflict with a landowner working as a volunteer without pay. The motion was voted and passed 4-0 (Clif Emmons momentarily unavailable and not voting).

11. North Calais Memorial Hall Association (NCMHA) Interim Management Plan and Release of Conservation Commission Funds: The Hall is standing on stilts and mid-renovation. The Association met with the Calais Conservation Commission and their meeting minutes identified the many questions raised in joint review of the Management Plan. The Association

has responded to and incorporated changes based on that discussion, as required by the agreement that defines release of the committed \$50,000 of Conservation Funds for the project. Rowan Jacobson, NCMHA Board Member, commented that for the first time in 130 years, the building is in the air and the basement really is terrifying—the building could not have withstood too many more years of being neglected. Work will be underway for the next few months.

An agreement with VT Housing and Conservation Board has provided grants that require historical preservation easements, ensuring the Hall always has a public service aspect to it—codifying the ways the building has historically been used. The Association is raising funds as the cost of materials in the COVID era has risen significantly. If all goes well, 2022 will allow the building to be opened. The Selectboard is reviewing the easement and management plan as part of the process of release of the Conservation Funds (\$50,000).

Stephanie Kaplan, Chair of the Conservation Commission, commented that Conservation Commission reviewed the proposal in detail with Rowan. Rowan answered the Commission's questions, and the Commission recommends moving forward with release of the first \$20,000 of the Funds. Rowan explained that the second \$20,000 is agreed to be released when Phase I construction is 50% complete, a point that is expected to be arrived at in two weeks. John Brabant made a motion to approve release of both disbursements of Conservation Funds; the second amount, \$20,000, shall be dispersed by the Town Treasurer upon receipt of confirmation that Phase I is 50% complete (in writing by email from NCMHA). The first installment, in the amount of \$20,000, is dispersed immediately on the vote. The motion was seconded by Rick Kehne, voted, and passed 4-0 (Clif Emmons was momentarily unavailable and did not vote).

12. Curtis Pond Dam Exploratory Group: Marc Mihaly, member of the Exploratory Group, noted that this group formed in July 2020. Colleen Bloom and Marge Sweeney, members, also attending. Membership is comprised of owners of land on the pond and within walking distance of it, who are concerned about the future of the pond. They have met with general council of ANR, Lakes and Streams Committee, investigated titles, etc. He noted the dam is fragile and could fail at any time, making the pond disappear. He shared a powerpoint presentation and began with asking the Selectboard to consider delegating a member to be included in the group as a joint effort.

Climate change increases the risk of dam failure, with the pond having been rated “poor” by the State in 2019. The State may not allow the Town to rebuild if the dam did fail, resulting in loss of the beach, island, and impact to the local businesses. There is a minimum \$3 million lost in assessed value if the dam failed, increasing taxes to the rest of the residents. Marc Mihaly emphasized \$3 million is a very conservative estimate and explained how the group came to that minimum number. Marge Sweeney walked the group through charts visually modeling sample scenarios for funding repair of the dam, projected out twenty years. The group is worried and provided reasoning for why this is the time to fix the dam. They are willing to fundraise and acquire grants, but cannot get this done as a private organization. They are requesting the Selectboard appoint a member liaison, so they are kept in direct communication in further exploration of this issue. They plan to advertise education sessions for residents this summer, hoping these can be sponsored by the Town and this group.

John Brabant clarified that the Town is and was willing to take ownership of the dam, we just needed to figure out how to finance this, and how responsibility for payment would be allocated. In terms of timing of the ownership, that cannot happen until the new dam was built. There was a conversation with the current dam owner, the engineer designs are done and have been approved by the State. In terms of ownership, the new dam must be in place with an engineer stamp as meeting standards, and VLCT insurance would then cover us. Marc noted he is generally in agreement with John's statements, but that this needs to be updated and made more current.

Marc discussed sources of funds: fundraising locally; grants; earmarks; taxes with tiers of impact (property owners/those within 1,000 feet/the Town as a whole). Sharon Winn Fannon noted she feels it is premature for the select board to join the effort as a partner because it suggests "ownership" or partnership, and that's not where the town is on the dam. But she would support the select board appointing one of its members as a liaison from the Selectboard, not as a member of the dam group, so there is a Selectboard voice present. Rick Kehne commented that this is an important Town resource, but concerns exist about being careful about members being elected to protect the interests of the whole Town. Clif Emmons thanked the group for the excellent presentation and that concerned citizens are in a position to help us make this happen. Denise Wheeler and John Brabant served on the committee in 2004 and they therefore decided to share the role of select board liaisons to the Curtis Pond dam group.

13. Appointments and reappointments: The Chair explained that anyone who hadn't been reappointed yet continues to serve until the Board is able to find room on an agenda to make the reappointment. The Chair greeted Dot Helling, candidate for membership on the DRB. Dot met the group and introduced herself. The Chair asked Dot about her background and experience for DRB participation. Dot is a retired attorney, with experience on many boards in Montpelier and serving as an acting judge. The Chair noted that the Town requires anyone serving on the DRB attend a virtual training (regarding Open Meeting Law compliance). Sharon Winn Fannon noted for the record that she has spoken with Denise privately about recusing herself in matters relating to the DRB because Denise is a member of the DRB. Sharon feels as a member of the board, it's her responsibility to be public about her concern about conflict, although it is up to Denise to decide whether she recuses herself. Denise Wheeler abstained from voting (she serves as an alternate on the DRB).

Rick Kehne made a motion to reappoint the following members to the Development Review Board, for terms of three years: Peg Bowen (term expiring 2024), Barbara Weedon (term expiring 2024), Stephanie Kaplan (term expiring 2024), and Anne Winchester as Alternate Member (term expiring 2024). He included in his motion appointment of Dot Helling as a member to the Development Review Board, to fill the remainder of the vacant position expiring in 2022. The motion was seconded by Rick Kehne, voted, and passed 4-0 (Denise Wheeler abstained).

John Brabant made a motion and Sharon Winn Fannon seconded to appoint John McCullough as a member to the Design Advisory Board, to fill the remainder of the vacant position expiring in 2023. The motion was voted and passed unanimously.

Denise Wheeler made a motion and Sharon Winn Fannon seconded to reappoint the following members to the Planning Commission, for terms of four years: Melanie Kehne (term beginning in 2020 and expiring 2024) and Gary Root (term expiring 2025). The motion was voted and passed 4-0 (Rick Kehne abstained due to conflict of interest).

Clif Emmons made a motion and Rick Kehne seconded to reappoint Daniel Keeney to the Swim Committee for a term of one year, and to appoint Pam Kentish and Jess Rich to the Swim Committee for a term of one year (all terms expiring 2022). The motion was voted and passed unanimously.

14. Next Steps for Reopening Town Buildings: The Chair reminded the Board that two requests had been received for use of Town buildings (a wedding and a public music performance) and use of buildings for the public and Town boards will need to be addressed in the near future. The Board has been following the Governor's executive orders and CDC guidelines in decision making through the pandemic. Clif Emmons commented that the Friends of the Calais Town Hall is planning on presenting three revised documents to the Board on June 21: usage policy, management agreement, and rental agreement. For reopening the Hall, having a policy for usage in place will be very relevant. We may need to alter the time frame for discussion between the Friends and the Selectboard, perhaps reviewing policies ahead of the meeting with the Friends group. The Town Health Officer will be asked to be part of the discussion. The *Guidelines for Use of the Town Hall* (2017) should be removed from the website as it has already been formally rescinded. The Board is meeting with the Friends on June 21; the Board will review the documents sooner, on the agenda for Selectboard review and approval at the meeting on June 14.

As part of a Grand Re-Opening Celebration of the newly renovated Town Hall, Barbara Butler proposed combining it with a celebration of Town Clerk Judy Robert's retirement, the election of a new town clerk, two recent Selectboard departures (Rose and Clif), introduction of 2 new SB members (Rick and tbd), and the beginning of our new reality. She suggested a town-wide celebration at the Town Hall.

15. Review and approve minutes, warrants
- a) The Board has delegated review and approval for processing of invoices and orders to Clif Emmons, Denise Wheeler, and Rick Kehne.
  - b) Approval of the minutes was tabled for a subsequent meeting.
16. Executive Session for Personnel Matters: Sharon Winn Fannon made a motion to go into Executive Session at 9:10 pm per 1 V.S.A. subsection 313 (a) (3), personnel matters. The motion was seconded by Clif Emmons, voted on and carried 5-0. The Board resumed Regular Session at 9:45 pm. Selectboard Chair, Denise Wheeler, reported that the Board agreed to retroactive pay increases for the period July 1, 2020-June 30,2021, to regular, full-time crew members who were employed by the Town during that period. During the Union negotiation, the Board did not make increases pending results of union negotiations.

17. Other Business/Old Business/New Business: None.

18. Adjournment: John Brabant made a motion to adjourn at 9:46 pm. Denise Wheeler seconded the motion which was voted on and carried 5-0.

Date: 5/25/2021 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary  
*Approved by the Selectboard at the 6/28/2021 meeting*

*Click on the link below to view documents associated with this agenda:*  
<https://drive.google.com/drive/folders/15LDeu-8lOJyl1jZeVzrxY7gtHTWAnKA-?usp=sharing>