

## Selectboard Meeting Minutes

Monday, June 14, 2021 at 7 pm via Zoom conference call

**Present:** Denise Wheeler (Chair), John Brabant (Member), Clif Emmons (Member), Rick Kehne (Member), ORCA Media, Katie Lane-Karnas (Recording Secretary), Tracy Sherbrook, Victor Sherbrook, Fletcher Dean, Bill Powell, Toby Talbot (Operations Manager), Alfred Larrabee (Road Commissioner), Chance Payette, David Healy, Scott Bassage, Steve Knowlton, Judy Fitch Robert, Nick Emlen, Barry Bernstein, Cindy Koenemann-Warren, Jamie Moorby

**Absent:** Sharon Winn Fannon (Vice Chair)

1. Call to Order: Denise Wheeler called the meeting to order at 7:03 pm.
2. Public Comment: None.
3. Review, Additions/Changes to Agenda: Fletcher Dean inquired about Town groups' usage of Town indoor spaces following the Governor's lifting of all Covid-19 restrictions. The Chair commented that the Board will be addressing use of the Town Hall as they plan to review the management plan in collaboration with the Friends group (following its renovation), and the restrictions were lifted just hours ago so the Board hasn't been able to discuss it. The Chair will get back to Fletcher.
4. Updates/Reports: Road Commissioner
  - a) *Letter of Intent to Participate in the Municipal Roads Grant-In-Aid Program:* This form must be returned by June 25th, 2021. Rick Kehne made a motion to approve Calais's participation in the Municipal Roads Grants-in-Aid Program. Clif Emmons seconded with a friendly amendment allowing the Chair to sign it on behalf of the Selectboard. The motion was voted and passed 3-0.
  - a) *Luce Rd. #BC2062 structures grant (culvert replacement):* This is a structures grant the Town had applied for, on a class 2 highway. The culvert will be large, and a hydraulic study will determine the size needed. Rick Kehne made a motion to approve the grant. Clif Emmons seconded, with a friendly amendment allowing the Chair to sign it on behalf of the Selectboard. The motion was voted and passed 3-0.
  - a) *Lightening Ridge Rd. #P01965 Class 2 Roadway Program grant (repaving):* From Route 14 to the school, pavement needs to be resurfaced (1700 feet). The Road Commissioner reported that it needs to be repaved approximately every 7 years, thanks to the construction quality of the sub-base already in place; there is one culvert that may need to be replaced and would be covered by the grant or contribute to in-kind costs. Rick Kehne made a motion to approve this grant agreement. John Brabant seconded with a friendly amendment allowing the Chair to sign it on behalf of the Selectboard; the motion was voted and passed 4-0.

- b) *Curb Cut Application #2021-04 Revised (Jack Hill Rd.):* The Road Commissioner met with applicants Victor and Tracy Sherbrook and came up with a remedy to the sight distance problems that were raised at the last meeting on this application. Brush clearing and adjustment of the drive entrance have achieved the Town ordinance requirement of 300 feet sight distance. A 15” diameter culvert is needed and the property owner is responsible for culvert purchase and installation according to state B71 standards. The applicants apologized for not being present at the last meeting and thanked the Road Commissioner for meeting with them. Rick Kehne made a motion to accept the revised curb cut application with conditions as noted. Clif Emmons seconded and the motion passed 4-0.
- c) *Other Updates:* The Road Commissioner inquired about Town policies and the need to take temperatures for staff. The Chair noted the COVID-19 restriction lifting from the Governor’s office was just made today and this is not a warned agenda item. Masks are still required for visitors to the garage and the crew has still been wearing masks. The Chair asked about the pulse on the crew and their potential needs for masks at this point and suggested having a regular warned item on a meeting agenda. Clif Emmons added that the restrictions put into place were largely based on the suggestions of the Town Health Officer, and he should be given a chance to weigh in on a new policy, including for upcoming Town meetings.

Roadside mowing is happening, albeit slowly, as a person has not been located to be dedicated to mowing work full time, and some staff have taken vacation time. Ed has been mowing the Curtis Pond Swim Area and in front of the Town Hall.

5. Washington County Sheriff’s Contract: Calais’s FY22 budgeted amount for this contract is \$4,000. This is our standard law enforcement contract for the period July 1, 2021 -June 30, 2022. They have raised their rate this year to \$30.75; mileage rate remains at \$0.625. This allows 130 hours of service in a fiscal year. Rick Kehne made a motion to approve the sheriff’s contract and authorize the Chair to sign it on behalf of the Board. John Brabant seconded, and the motion passed 4-0.
6. Woodbury Volunteer Fire Department (WVFD) 2021-2022 Fire Protection Contract: Chance Payette joined the meeting. The Board appreciated that the payment due date has been pushed out to January to make it easier for both towns. There are no changes to the contract. Denise Wheeler made a motion to approve the WVFD 2021-2022 Fire Protection Contract and noted the change of payment date; Rick Kehne seconded the motion and included authorization for Denise Wheeler to sign on behalf of the Board. The motion was voted and passed 4-0.
7. Sullivan and Powers Audit Letter of Engagement: Calais has budgeted \$15,200 for this item for FY22. The amount has increased \$300 since last year; the Town Treasurer reviewed the contract and noted no changes aside from the price increase. Clif Emmons made a motion to sign the Sullivan and Powers Audit Letter of Engagement and authorize Denise Wheeler to sign on behalf of the Board; John Brabant seconded. The Board remembered it had solicited comparative bids for this service in the recent past. The motion was voted and passed 4-0.

8. Update from Washington Electric Coop (WEC) and CVFiber and use of American Rescue Plan Act (ARPA) Funds: Barry Bernstein (WEC former president), Steve Knowlton (President of the WEC Board), David Healy (CVFiber District Rep) & Bill Powell (WEC) joined the meeting. David Healy updated the group on CVFiber's activities: the 20 towns and 1300 miles in the district will cost approx. \$46 million to bring fiber to every premise. He shared a map of Calais indicating "underserved premises" which is pretty much everywhere. He shared feasibility study and business plan details including how grants will support underserved communities. The request CVFiber and WEC outlined in a document to the Selectboard contains the details of plans for Calais as well as the estimated construction costs for Calais. The construction plan is to have all underserved locations in Calais have access to high speed broadband by the end of 2022 and complete the remaining locations by 2024 or 2025 after reaching all underserved locations in the District. In addition, working in partnership with WEC, it is anticipated they will connect the town office and up to 50 locations in Calais from their construction with VELCO of a ~10 mile fiber line from East Montpelier Substation to the Maple Corner Substation late summer early fall 2022. CVFiber will lease that line and will need to construct a line from Kents Corner to the Town Office that needs to be funded by CVFiber.

The Legislature appropriated \$150 million to go to fiber in Vermont; over the two-year period, we may get between \$8-9 million to keep CVFiber efforts moving. The group considered the implication of additional state-ARPA money for high-speed internet, and county- and town-ARPA funds.

The Town of Calais is anticipated to receive about \$525,000: \$158,643 directly in the local government distribution and \$368,000 from the distribution of Vermont's county funds from the American Rescue Plan Act (ARPA) funds to support local infrastructure improvements. There are several areas that Calais may want to spend these funds. Based on U.S. Treasury guidance, support for broadband is one of the eligible infrastructure items.

CVFiber is requesting that the Town of Calais use all or some of these funds to support the construction of a community-owned, high speed fiber network that would serve all Calais residents. They would like to make a request in an amount that makes sense to the town.

Barry Bernstein updated that WEC has been working with VELCO to connect all substations this year, first being East Montpelier with Maple Corner (approx. 10 miles of fiber), allowing fiber to the Town Hall and Town Office building, along with fiber availability to about 100 homes. WEC will be applying for \$30 million from the Department of Agriculture to build out lines. As part of the VELCO project, if the Town can come up with \$35,000, WEC could do a section in Kent Corner that they otherwise couldn't coordinate until after the \$30 million funding in the future. John Brabant noted it was really good to hear the cost is \$35,000 to get fiber to our Town Office, significantly less than the cost and value of what a private corporation brought to the Board last year. He thanked WEC and CVFiber for their coordination on this effort for these communities.

Construction could begin in mid-July and the \$35,000 would be needed by then. The Board had put \$10,000 in the FY22 budget for this effort. Scott Bassage inquired who the internet

provider will be; David noted an RFP will soon be issued and an operator will be hired to manage the whole thing and keep costs as low as possible. There will be some federal funds to help subsidize lower income households. Calais is the only town office without highspeed internet in the twenty towns. The AOE has money including for infrastructure; David wasn't sure if any of it will be dedicated to the internet and David will contact the school district to ask for their participation in this effort.

The Town has \$10,000 in the budget for this effort, leaving \$25,000 outstanding for the Kent's Corner line build. This could potentially be from the ARPA funds; David will send a draft letter for the Board tomorrow. Barry Bernstein noted that David Healy has donated so much of his time and skills to this project, we have been very lucky. Bill Powell thanked David and Barry for their respective roles.

9. Appointments and reappointments: Denise Wheeler explained that Barbara Weedon no longer wishes to serve on the DRB and Anne Winchester has offered to move from Alternate position to a Member position. Therefore, Denise Wheeler made a motion to change Dot Helling's term on the DRB from her previous appointment (term expiring 2022) to the position vacated by Barbara Weedon (term expiring 2024); and change the appointment of Anne Winchester from Alternate to Member, filling the remainder of the term vacated by Dot Helling (term expiring in 2022). (This leaves one Alternate member seat on the DRB vacant, term expiring 2024.) John Brabant seconded the motion which passed 4-0.

10. Other Updates:

- *Website:* Katie Lane-Karnas was authorized by the Board to complete up to 30 hours of organization on the Town website in coordination with office staff and input from Scott Bassage and Nick Emlen. She updated the group on the work accomplished, which included organizing existing sections in the navigation menu, accessibility, tidying hidden/outdated sections and freeing up space taken up by unused documents. Katie asked the Board if she may use the remaining hours for moving all Selectboard minutes currently stored on the website to the server for future search ability; they agreed.
  - *Friends of Town Hall:* Because of other items that came up for this agenda, review of the Town Hall usage policy was pushed out further. The Friends group spent quite a bit of time on a grant process that came up, so they will wait until their work on documents is finalized before returning to the Selectboard to ask for a date to meet.
11. FY22 Staff Salary Increases: When the Board formulated the budget for FY22 they looked at the regional CPI (consumer price index), which the feds establish for New England states, to come up with the 2.1% salary increase. The Board has a consistent, fixed time in the calendar year to determine the CPI amount. The Board must vote to then approve that increase.

John Brabant noted that with pumping out money (from the federal government) has a direct impact on Vermont residents: hiring contractors, employees, doing design work, material purchase, creating construction demand from fiber optic to concrete. This has had inflationary impacts resulting in the CPI for the country to move from a hovering 2% to the low 4's. In the past, the Town has looked at the December CPIs for salary increases, but December's CPI could not have anticipated this policy change. He adds that Vermonters can't afford to buy

houses if they can even find a house; he questioned if the Town has any ability to adjust our process and go a little above the normal December CPI, in recognition that this inflationary trend is not going to go away any time soon and is directly impacting Vermonters, including our employees. He encouraged varying a bit to increase above the 2.1% increase. Denise Wheeler agreed and pointed out that if there is the money, the Board may change the amount. She suggested approving 2.1% tonight, or to wait and have a deeper discussion with more information and all members present. Rick Kehne supported waiting until the meeting on June 28<sup>th</sup>, when the Town Treasurer would be at the meeting as well and could advise if the budget could handle a larger increase. All Board members would be present and equally responsible to taxpayer monies.

12. Executive Session for Personnel Matters: The Board did not enter Executive Session. The Board introduced Cindy Koenemann-Warren, consultant on union negotiation matters. The Chair explained that there has been a petition circulating that does not necessarily reflect accurate information. The Board began working in summer 2019 on the Town personnel policy. In August of that year, the Board received notice that the Town Highway Department was going to unionize. The Board met on many occasions with the union, and the Board held numerous sessions reviewing, editing and meeting with a consultant on the contract; COVID-19 shutdown then affected the ability to meet. The Board believed they were near the end and about to sign a contract; they were notified by union personnel that they were going to decertify as the bargaining agent for the Calais road crew.

John Brabant continued that the three employees at our Highway Department outside of management (not including the Road Commissioner and Operations Manager) organized with IBEW who have been part of an effort to unionize road crew members around the state. The three members of the crew at the time voted unanimously to join the union. The timing wasn't the best even prior to COVID because the Board was in the throes of budget development, which happens in the fall with weekly meetings. The final budget goes to the Town Clerk and Town Treasurer to get to the printers in order to be in compliance with statutory timelines and printing for town meeting; then came COVID-19. He noted that despite all those difficulties, the Board did negotiate in good faith and reached a compromise and agreed on contract language. The IBEW representative of the road crew at the time met and reached an agreement on all the language in the contract, at which point it is a simple matter of a vote. One road crew member went to work in a different town; a new member did not choose to join the union. It got down to the point in time when the union crew votes on the contract; despite having agreed on the final language, it has been reported to the Board that the two remaining members did not ratify the contract. It is the Board's understanding that one member left the union at the time, and there remained only one member of the union so IBEW filed a petition to decertify without a majority of the road crew participating. The contract that was worked so hard on will not happen. The information on the circulating petition contains some accurate information and many inaccuracies as well.

The Chair commented that both sides worked in good faith and it was a well-negotiated contract where both sides compromised, as is the nature of negotiating. She noted it is unfortunate that the Union withdrew representation. The Board wants to review the contract and see how they may want to utilize some of the good parts for the Town personnel policy.



The Board explained that the Town provides benefits including BCBS Gold Plan (Town plays 90% of the premium; HSA fund covers any deductible or out-of-pocket expenses including prescriptions); at no cost to the employee, dental insurance is covered with option to pay to add family members; VMERS, life insurance at \$50,000; short- and long-term disability coverage. The Board periodically reviews and compares to other towns' wages and benefits.

John Brabant noted that one of the drivers of the original unionization memo was a perception that folks were making more in other towns, but when you do the comparison to the towns in our region (the labor market that we are competing in), some towns had higher wages but less robust health insurance and benefits; when it sugared down, we were right in the middle or doing better by our employees than surrounding towns. We reached final contract language agreement which is a big effort. IBEW is highly experienced in these areas and would not have allowed the Town of Calais to underpay and provide lesser benefits than surrounding towns without encouraging members to assert that we are at impasse. Instead, IBEW agreed with the Town that this is a fair first contract with a balanced set of salary and benefits. There have been assertions that the Board has driven the union away from the bargaining table; nothing could be further from the truth. There was no impasse. John Brabant added that it is important for those visiting this recorded meeting to know that the Board was a team supporting unionization efforts, and the union had to leave the bargaining table for reasons that were beyond our control. When IBEW petitioned for decertification, the Board realized folks might not know the extent of the effort the Board has taken in meeting on this.

The Board shared with the public that we had contacted the road crew regarding retroactive pay back to 2020 and requested a meeting about how to move forward in a memo dated May 24, 2021.

John Brabant added that a locked-in CPI rate (2.1%) as discussed earlier in the meeting would have a potentially severe impact on the ability of our employees at their current wage to live at their current lifestyle. We are going to discuss paying our employees more than we had planned to; any assertion that this Board is insensitive and does not take to heart the struggles that our employees are dealing with on a daily basis is not true. He found the petition and a resident's follow-up statements on Front Porch Forum, including inaccurate information and misrepresenting facts, a problem and added that it then affects other people in town as well.

Clif Emmons commented that it is unfortunate that after both sides had worked and come to the point of agreement, it was not able to. He hoped that both sides could in fact move forward in good faith. Any time a decision is made by the Selectboard, that information is shared with the public. He welcomed anyone in any role in the community to join the meetings to engage, giving everyone a chance to meet and speak and be heard. He encouraged anyone to join the meetings to make their concerns known and stated his confidence that the parties can resolve any issue that arises in a way that is satisfactory to all.

Rick Kehne commented that since his recent election, in his participation on the Board he has witnessed this process being done fairly and a backhanded approach to addressing concerns is disappointing. Denise Wheeler appreciated consultant Cindy Koenemann-Warren's support to the Board on agreement efforts, and Cindy commented that she enjoyed working on these

negotiations. Denise Wheeler noted the Board was not at liberty to discuss any of this during the negotiation process. John Brabant added that the Board is not bound by confidentiality at this point because the bargaining is over and there is no longer a union, but the Board continues to honor that confidentiality out of respect for the road crew. The reason this was brought up tonight is because of the breach of respect on the part of a road crew member and the resulting concern of the public.

13. Other Business/Old Business/New Business: Upcoming agenda items were considered for planning the next meeting. John Brabant discussed feedback he has received and a vision he has for the Memorial Hall roadway, GAR Road, (Class 4 designation): maintenance, re-designation as a trail, limitation of traffic, grassed park-lane reducing erosion and runoff. This would allow a grandfathered right to historic uses of their properties and a restriction of motor vehicle traffic.
14. Adjournment: Rick Kehne made a motion to adjourn at 9:10 pm. John Brabant seconded the motion which was voted on and carried 4-0.

Date: 6/15/2021 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary  
*Approved by the Selectboard at the 8/26/2021 meeting*

*Click on the link below to view documents associated with this agenda:*  
<https://drive.google.com/drive/folders/151858wIAq1nbsLV9PZOE87--LvhtV3LW?usp=sharing>