

Selectboard Meeting Minutes

Monday, July 12, 2021 at 6 pm via Zoom conference call

Present: Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Marc Mihaly (Member), Rick Kehne (Member), ORCA Media, Katie Lane-Karnas (Recording Secretary)*, Sandra Ferver (Town Treasurer), Betsy Parah*, Bill Powell*, Jeremy Weiss*, Rennie De Gues*, Jeff Kantor*, Doug Lilley, Jan Ohlsson, Alfred Larrabee (Road Commissioner), Carol Beatty, Gail Graham, Scott Bassage, Nancy Toulis, Artie Toulis, Clif Emmons

**Indicates attendance by Zoom video call*

1. Call to Order: Denise Wheeler called the meeting to order at 6:00 pm.
2. Executive Session for Personnel Matters: Sharon Winn Fannon made a motion to go into Executive Session at 6:07 pm per 1 V.S.A. subsection 313 (a) (3), personnel matters. The motion was seconded by Rick Kehne, voted on and carried 5-0. The Board resumed Regular Session at 7:02 pm. The Chair had nothing to report publicly.
3. Public Comment: Jan Ohlsson updated the Board regarding the Planning Commission's process supporting the historic village center designation for North Calais, which necessitated updating the existing Calais Town Plan, which then requires compliance with Act 171. The hearing on the Town Plan Amendment is necessary to fit in with the village center designation time plan. The Planning Commission will provide relevant documents and return to the Board with details regarding town plan revision and hearing.

Doug Lilly attended to speak about animals on the roads. He expressed concerns about farmers' rights to farm, and his concerns about the animal ordinance. The Board invited him to attend the warned item at this meeting and explained the crafting of the ordinance was to not impact a farmer's escaped animal, but to address an ongoing safety issue (roaming horses).

4. Review, Additions/Changes to Agenda: None.
5. Welcome Newly Elected Selectboard Member: Marc Mihaly was welcomed to his first meeting and the Chair thanked him for stepping up to help the Town.
6. Update: Treasurer/Delinquent Tax Collector
 - a) John Brabant made a motion which Rick Kehne seconded to approve the NEMRC Software and License end user license agreement and the support agreement. The motion was voted and passed unanimously.
 - b) State statute requires that treasurers of cities and towns yearly complete a one-page "Internal Financial Controls Checklist" and retain it in the records. The Board reviewed the yes/no questions. The Town Treasurer explained some specific items on the checklist and that the best practice is the practice in place in which NEMRC reviews the Town of Calais

financials every month. The Town Treasurer is the preparer signing the document; the word “you” refers to her in places, but it is not a well-drafted form and flips to mean a different person by “you” in places. This is the form that is linked to the statute, but isn’t necessarily a good assessment tool. Calais has in place an annual professional audit that thoroughly and annually provides truly helpful and accurate evaluation beyond what a one-page checklist can address. Sharon Winn Fannon made a motion that the Board acknowledged receipt of the Town Treasurer report as evidenced on the Control’s Checklist. John Brabant seconded the motion which was voted and passed 5-0.

7. ARPA Funds (Coronavirus Local Fiscal Recovery Funding CLFRF): Denise reminded the Board that ARPA is in reference to funds from the federal government coming to towns and county government at the end of this fiscal year and the next; the question of county government funds’ distribution method is yet to be known in Vermont (where we don’t have county government). The Chair has attended webinars on the topic. At this time, the necessary action is the July 15, 2021 deadline to request funds through a designated portal system. What needs to happen is to authorize a board member to work with the Town Treasurer to work together to access the portal and make the request for the funds (the specified use of the money can be designated at a later date). Denise Wheeler is prepared to do the work to apply for funds. NEMRC is going to work with VLCT to perform the grant management.

Sharon Winn Fannon made a motion to name the Town Treasurer and Denise Wheeler to be the contact people for the town of Calais CLFRF (ARPA) award from the US Treasury and who may request the funds. Rick Kehne seconded the motion which was voted and passed unanimously. John Brabant noted his intention to consider conditions on ARPA funds for CVFiber use in light of recently reported complications with contractors. (Contractors were hired in a rural Vermont location and were unaware and ill prepared to take farming concerns into account; reported in VT Digger this week.) Rick Kehne added that basic criteria may be established by the Board regarding prioritizing funds.

8. VT Community Development Program Grant: Denise Wheeler and Marc Mihaly recused themselves from the conversation because they are members of the East Calais Community Trust (ECCT). The ECCT asked for the Board’s support in applying for an enhancement to the already received/existing grant in the amount of \$50,000. This “enhancement” increase application is sought due to the increase in (pandemic-related) construction material costs. John Brabant made a motion to authorize the Board to sign a letter of support to mail to the VT Community Development Program, along with a letter from the consultant and a list of project completions to-date; the motion was seconded and voted, and passed 3-0 (Denise Wheeler and Marc Mihaly recused themselves).

This is federal grant money that exists in a pot of money already designated for towns to apply for (this is not Town funds—it is not local taxes). ECCT added that the enhancement will be applied for in the amount of \$50K, but they may not receive that full amount. Liz Curry will provide in the near future a checklist of grant administration tasks to be completed by the Town Treasurer and the grant administrator, including having the Town Attorney review certain documents and ensure selectboard approved policies are in place, etc.

9. Curb Cut Application #2021-05 on Singleton Road: Gail Graham attended the meeting regarding the curb cut application she submitted. The Road Commissioner visited the application location. Calais road ordinance requires 300 feet of sight distance in either direction. There is a slow down at the Leonard Road intersection but the proposed curb cut location still meets 300 feet of sight distance. The Road Commissioner is recommending a condition of a 15” culvert.

John Brabant consulted the State of Vermont B71 sight distance chart and explained that it indicates a minimum intersection sight distance. The Road Commissioner visited the site and states the sight distance meets the B71 standard i.e. at 35 mph, minimum stopping sight distance is 250’ from intersection. Rick Kehne made a motion to accept the curb cut subject to the condition of a 15” culvert. The motion was seconded, voted, and passed unanimously.

10. Adopt Domestic Animal Ordinance: The Chair explained that the meeting tonight with a warned agenda item for adoption of a new ordinance gets the clock ticking for the statute-required process. The ordinance was drafted by a working group including large animal owners. The first area the group reviewed was “civil penalty.” The “enforcement officer” is the Selectboard-appointed Animal Control Officer (ACO) or Deputy ACO. Sharon Winn Fannon commented that we do not want to be a town that fines people because chickens are on the road. How do we focus on habitual, repeat, dangerous situations? Denise Wheeler explained the working group and the Town Attorney confirmed that the enforcement officer always has discretion: if a cow randomly gets out, it can be excused. But if it gets out every day, is in the roadways and neighbors’ yards daily, this ordinance may then be applied. The ACO really does not want to impose a fine anyway, but this ordinance allows a consequence in situations like we have had over the last few years on Collar Hill Road that is habitual and dangerous.

The question was raised of whether the ACO will feel confident in only giving fines in serious situations and unresolvable situations (and not in situations where an irritated neighbor wants a penalty imposed, for example, because of a chickens in the road). The Board discussed being concerned about repeated violations for really large animals, and wanted to have a means for the Town to have discretion to deal with this. If the Town has an ACO who is out of control, the Board has the ability to deal with that as a personnel issue. Also, if a neighbor or ACO takes the matter to Court having an Ordinance in place strengthens the civil action suit.

Doug Lilley stated his opinion that in the Town of Calais, there shouldn’t be control of animals, any more than how many people should be biking or walking in the road. He was in favor of not regulating farmers or keeping cows out of the road. The Board explained that the Town currently has no option for a legal basis to take the problem of habitual, roaming animals to court, and this ordinance creates that legal basis. Denise Wheeler pointed out that if another means presents itself to bring resolution to animals in the road (destroying neighbor property, injuring a neighbor’s pet, threatening the traveling public), the ordinance may be rescinded. A real concern is that the roaming horses are on the road at all hours and pose a threat not only to the travelling public but to the horses themselves. What would happen if someone hit the horses because they can’t see them at night and the driver and horses are killed?

Scott Bassage commented that horses are not the problem; the individual owner is the problem who needs help and he asked the Board to help the horse owner, rather than create horse policy. He accused the Board of a lack of imagination and compassion. The Board again emphasized the extent of effort over the last number of years that they have been made to address this resident's roaming horses and reiterated the potential to rescind the ordinance if the issue is no longer active. John Brabant emphasized the Town needs a mechanism to deal with large animal owners who are not willing to make any effort to contain their animals. Civil discourse broke down and the Chair called for a recess from the heated discussion.

When the meeting resumed, Marc Mihaly commented that this ordinance offers good guidance for a Calais Animal Control Officer (ACO). It includes asking a resident to make reasonable efforts to control the animal, including asking them to install a needed control like a fence. The ordinance is only for a person who does not make any efforts to control the animal. Its application is for when complaints are being received that the animal is running at large; the animal can be contained, and requirements for putting a means of containment in, and the animal is controlled. Up until this point, there is no fine. Only after the person makes no effort to contain the animal or install fencing, is the ACO permitted to fine. John Brabant described an instance where he had to make a diligent effort to contain animals he purchased that were intent on and successful in escape. In this example, no fine would be charged, because although his animals escaped, he made efforts to contain them. The Board continued to agree that an owner would need to be derelict. The group decided to exclude poultry from the ordinance. Doug Lilly commented about property line laws.

An additional sentence was added under "Prohibition" that read, "*This prohibition shall not include situations where the owner of the livestock has taken reasonable measures to contain the animal.*" Poultry was struck from the list of animals in the definition of "Livestock."

John Brabant made a motion to approve the ordinance to regulate livestock running at large as amended; Rick Kehne seconded. The motion was voted and passed unanimously.

11. Town Hall Usage Policy: Clif Emmons, Friends of the Town Hall member, explained that previously there was not a policy for the Town Hall but rather a "guideline," which suited its purpose at that time; the Town has invested a lot of time and money to bring us to where we are now, and a policy is needed to protect our investment. A record control mechanism for Town policies is part of the Board's recent initiatives, and he provided a policy format in this document that could be utilized as a standard format for all of the Town's policies.

This policy is the master document owned by the Selectboard, deciding what can or cannot happen at the Hall, regardless of what is in the contract with the Friends group (the contract will state that it is subordinate to the policy). Clif Emmons guided the group through a detailed review of the document: individuals and entities affected by this policy; responsibilities of Selectboard, Town officials and committees, town clerk, Friends group, and Climate Action Team.

The Friends are working on a comprehensive "owner's manual" for the Hall; a seasonal maintenance schedule; an events calendar that integrates with the Town calendar; and

researching insurance policy needs. Nancy Toulis explained what she has learned about using the Town website for the Friends group, and the Chair asked her to send a request in writing. Sharon Winn Fannon asked about the restriction about the Selectboard approving alcohol at an event. Friends members clarified that the Friends could be the authorized agent of the Selectboard and they would determine that the permitted caterer or insured and permitted renter is in order before securing a rental.

Items identified for edits to the presented policy:

- Nancy to send request in writing for website use for Friends group
- Add a bullet point re: Friends responsible for an insurance plan and certificates of insurance for events
- For the Management Agreement: Selectboard is responsible for determining if the insurance plan is appropriate
- Make any contacts in the document generic so that names of specific people don't need to be updated

The Board appreciated the thorough document the Friends group created. The "rev id" is the mechanism that lets you know when a revision was made, and includes every single revision sequentially (allowing a minutes search to read more about that particular change). Sharon Winn Fannon made a motion to approve the Calais Town Hall Usage document as of 7/12/2021, with a planned review date occurring by July 2022; Rick Kehne seconded. The motion was voted and passed unanimously.

12. Town Clerk Training: Jeremy Weiss spent time in the Town Office ahead of his election as Town Clerk and consequently has been able to hit the ground running. Judy Robert (retired Town Clerk) went in for a few hours to support his learning last week and has requested an hourly rate to continue with some amount of training. Sharon Winn Fannon made a motion that through September 30, 2021, the Board authorizes Judy Robert's support for Jeremy Weiss at \$25 per hour, for a reasonable number of hours, as needed. John Brabant seconded, and the motion passed unanimously.

13. Reappointments: Sharon Winn Fannon commented that she wants to return to a discussion of the Board's process to discuss adding a month and date along with the year for all term expirations. Sharon pointed out that it is important both for the person serving in the seat to have clarity on whether their term is up, and for others who may be interested in taking over a seat to know when it will open. Denise Wheeler commented that the term ending date being a year (no month and date) gives flexibility in getting to all the reappointments as the agenda calendar allows after Town Meeting.

John Brabant made a motion and Rick Kehne seconded to:

- ✓ reappoint Neal Maker and Julie Hand (terms ending in 2025 and 2024, respectively) to the Conservation Commission to complete their four-year terms.
- ✓ reappoint Greg Pelchuck and Chris Tuller (terms ending June 30, 2026) as Forest Fire Warden and Forest Fire Warden Deputy, respectively, to complete their five-year terms.

- ✓ reappoint John Brabant (term ending in 2022) as Central Vermont Regional Planning Delegate and to the Clean Water Advisory Committee to complete his one-year term.

The motion was voted and passed unanimously, with Sharon Winn Fannon noting her reservations related to the process as stated earlier.

14. Review and approve minutes, warrants

- a) The Board reviewed and approved processing of invoices and orders.
- b) Approval of minutes was tabled for a subsequent meeting.

15. Other Business/Old Business/New Business:

a) Board Orders -- Sharon Winn Fannon requested that the board go back to signing orders in person at the in-person meetings. Denise Wheeler pointed out the Board Orders are circulating as we speak for members to sign.

b) Board Guidelines -- Sharon also noted that the last time the board discussed the board's pending guidelines was the last meeting in March. The board completed its review of the draft guidelines in March, and Sharon has completed the board's edits. Now that the special election is behind us it is time to turn back to making the guidelines a priority. Sharon put both a redline version and a clean version in the meeting folder for July 26. Denise Wheeler added that she was not yet ready to sign off on this document.

c) Appointments/Reappointments -- Sharon asked for any and all appointments to be warned with the persons' names on the agenda, which is important for transparency. Sharon noted that she reviewed past appointments and the corresponding agendas and noted circumstances we haven't followed that practice. Although usually we do, Sharon underscored that it's important to always put the name(s) on the agenda.

16. Adjournment: John Brabant made a motion to adjourn at 9:31 pm. The motion was seconded, voted and carried 5-0.

Date: 7/18/2021 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary
Approved by the Selectboard at the 7/26/2021 meeting and amended at the 8/26/2021 meeting

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

<https://drive.google.com/drive/folders/10YZmbFOoCSA0Ns9dMHda8VEsACr6yk3N?usp=sharing>