

Selectboard Meeting Minutes

Monday, August 9, 2021 at 7 pm, Town Hall and via Zoom conference call

Present: Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Marc Mihaly (Member), Rick Kehne (Member), Jerome Lipani (ORCA Media), Katie Lane-Karnas (Recording Secretary)*, Barbara Butler*, Lisa Wilson*, Syver and Mary Rogstad, Jeremy Weiss (Town Clerk), Alfred Larrabee (Road Commissioner), Sandra Ferver* (Town Treasurer), Martin Temple and Kelly Sullivan, Reed Cherrington

**Indicates attendance by Zoom video call*

1. Call to Order: Denise Wheeler called the meeting to order at 7:00 pm.
2. Public Comment: None.
3. Review, Additions/Changes to Agenda: The Chair noted there was some slight damage to the exterior of the Town Hall (due to weed whacking). Sharon Winn Fannon noted some other business as well, including amendments to be discussed for the July 12 meeting minutes, policy work to be completed, and masking protocol moving forward.
4. Updates: Town Office: The Chair welcomed newly elected Town Clerk, Jeremy Weiss. He thanked the Board for the invitation and shared what he has been learning on the job over the last month. He had visited the office for a few weeks prior to the election, observing routines and processes, and thanked prior clerks Eva Morse, Donna Fitch, and Judy Robert, crediting their work with helping him hit the ground running in a well-organized and high functioning office. He appointed Barbara Butler as his assistant and noted her valuable help. He intends to keep the same hours, Monday-Thursday, by appointment (you can call the office to make one), and one person in the vault at a time. Digitized records and educating researchers as to what may be found online has reduced pressure on staff, but people remain who want to research in person. The office is open for business with an appointment.

The Town Clerk discussed his upcoming priorities: first, moving the shipping container that has been located in front of the office building (it was utilized for the Town Hall renovation and its removal is contingent on implementing the records retention policy). Second: setting the vault up for success for the next couple decades by decreasing the amount of stuff in it. He explained plans for working with the historical society and other stakeholders to preserve items from the Town's cultural history that are currently stored in the vault but may be displayed elsewhere as appropriate (quilts, cannonballs, framed pictures, etc.). For the third priority, he will be coming to the Board to request ARPA funds, which could serve our Town to further digitize records (his goal is to eventually preserve all of the land records; currently books 23-56 are digitized). There is a Restoration and Preservation Fund, funded by a portion of fees charged; approx. \$14,000 is in that fund which he plans to utilize to continue the work to digitize. He has identified record keeping around cemetery plots as an area for improvement, and will pursue that through NEMRC's software program.

The Town Clerk noted that his style is to observe and see how things are working and functioning and then identify areas needing to be addressed. The bulk of what he is doing is dealing with requests from realtors, researchers, etc.; he is working on a policy that may find a balance between helping our local townspeople with research but not quasi-acting as someone's attorney when someone should in fact be paid to do that research. The Board added that the Town Clerk's defined role and a disclaimer about liability may be crafted by the Town Attorney as a policy. The Town Clerk has drafted language for this purpose. He is additionally working on the NEMRC option for placing taxes online.

Sharon Winn Fannon inquired about the Town Clerk's hours. He doesn't currently have plans to be open Saturdays; historically no one has utilized those hours. If someone can only access records at that time, they are welcome to make a Saturday appointment. Judy Robert (former town clerk) had hours authorized by the Board for her support of the new Town Clerk during the transition this summer. He said it has been very valuable to take advantage of those hours. The Town Clerk planned to attend Selectboard meetings on the fourth Monday of each month. John Brabant noted it has been an effort of this Board to promote plans for better utilization of the Town Hall, particularly any use for municipal functions. John Brabant would like the Board to give thought to putting a safe in the Town Hall for some documents, taking pressure off the office, creating more distance and fuller use of the space. The Chair encouraged the Town Clerk to consider how we can best utilize the Town Hall. The Town Clerk noted a lot of office distraction has been alleviated by implementing appointments, limiting the vault to one individual, lists on particular days of the week, and having people drop their taxes off in the secure drop box.

5. Community Bank Resolution to Add Town Clerk: The Town Treasurer explained this is a simple resolution form that the bank provided. It is designed to make sure the Selectboard knows what each one of the individuals listed is authorized to do. Sandra may make deposits, endorse checks and deposit them, open an account, sign documents, make loans. Jeremy is able to sign checks (to allow flexibility in the absence of the Town Treasurer); Denise is able to sign loan documents as is required by the bank. (The previous town clerk would have been authorized and this supersedes the new form.) The Chair added "N/A" in the blank spaces. Marc Mihaly moved and John Brabant seconded to authorize the Community Bank resolution adding Town Clerk Jeremy Weiss to accounts as discussed. John Brabant added a friendly amendment to add the Vice-Chair Sharon Winn Fannon's name to the form as well; Marc Mihaly accepted. The motion was voted and passed unanimously; the signatures were witnessed.
6. Curb Cut Application #2021-06: Applicants Martin Temple and Kelly Sullivan (Keogk/Sullivan, 77 Worcester Rd.) attended and met the Board. The Road Commissioner has visited the site and confirmed the sight distance requirement will be met with some tree cutting on the Maple Corner side of the road. The applicants should check with the Tree Warden before cutting trees, confirm sight distance will be gained with the Road Commissioner, and have it cleared by the utility company or by the applicant. It does not need a culvert and meets B71 standards. This is a new curb cut at a location where none previously exists, thus a curb cut permit is being requested (a nearby entrance path is not the same as this application). Marc

Mihaly moved and Rick Kehne seconded to approve with the conditions as noted by the Road Commissioner. The motion was voted and passed.

The Board asked the Road Commissioner to communicate with the Conservation Commission Chair about the Chapin Town Forest.

7. Wood Chipper: The purchase of the chipper was approved by the taxpayers twice and is in our budget. The Road Commissioner shared his recommendation (at a cost of \$52,300). We have a capital equipment fund (unexpended Highway funds are rolled over into this fund) that would be used in addition to the amount approved for the chipper (\$35,000). Marc Mihaly asked if we can afford the chipper recommended without needing the additional capital equipment funds for a different expense? John Brabant questioned if a grader replacement is needed soon. Both graders are approx. 23 years old and close in hours, and the Road Commissioner does want to keep it on the Board's radar as an upcoming expense (\$300K); the Board noted that this would be a conversation at Town Meeting Day. Rick Kehne commented that before Town Meeting, he and the Road Commissioner will have created a capital plan year-by-year with cash flow and staggered big expenses. The Town Treasurer had noted there is enough money to both make an upcoming Western Star truck payment and still purchase this woodchipper and have a healthy balance remaining. The Road Commissioner reiterated we are in good shape financially and there are no other expenses; he reemphasized the problems about roadsides getting clogged up with brush without a chipper on hand.

Features of the chipper and motor were clarified; life expectancy is 25-30 years with good maintenance. Marc Mihaly moved the recommendation of the Road Commissioner that we buy the Morbark E Beaver 1415 chipper with the addition of the larger engine and the winch, as recommended. Rick Kehne seconded. Discussion ensued. The Road Commissioner spoke with the East Montpelier highway department about this equipment; he explained reasoning for his recommendation. The motion was voted and passed unanimously and the Board thanked the Road Commissioner for his research and presentation.

8. Town Highway #7 (Gary and Jill Schultz): The Chair explained that the residents had requested discontinuance of this ancient road formally on July 13, 2021, and previously on January 1, 2012 (at that time getting entangled in the research by the ancient roads efforts in Calais). Marc Mihaly moved to initiate the process to discontinue the town highway and set a time and date for examining the premises and hearing the persons interested. Sharon Winn Fannon seconded the motion. A site visit following 30 days' notice is necessary and the Chair will coordinate with the schedules involved. Reed Cherrington noted that the TH#7 actually ends on another property than the Schultz's. John Brabant clarified how a legal right of way would be included in a decision to allow right of access to this other property; discontinuing an ancient road doesn't change access rights. The motion to get the process started was voted and passed unanimously. Reed Cherrington commented that he did some research in the statutes and he shared the relevant pages with the Board.
9. Service Agreement with RHR Smith & Co (Cindy Koenemann-Warren) and Personnel Policy: The services agreement with Cindy needs to be renewed. (Cindy is a versatile former labor attorney, and chair of a school board; she worked with the Board last year to get to a final union negotiation document). The Board discussed how to incorporate the hard work that resulted in a negotiated contract (not ratified by the Union) into the personnel policy and how

Cindy could be hired to facilitate the work on the Town personnel policy. John Brabant moved that we reauthorize the contract with RHR Smith and Co (aka Cindy Koenemann-Warren); Rick Kehne seconded the motion. Sharon Winn Fannon asked where in the budget the money will come from. The group was in agreement to support this work, but discussed where adequate funds exist. Sharon Winn Fannon asked the Board to first meet amongst themselves, and then potentially engage Cindy to help put those pieces in to play. The funding source may be identified at that time and before spending funds (\$125/hour). The motion was voted and passed unanimously. The Board discussion was planned for 6 pm on 9/13/2021.

10. EMFD Service Agreement Contract Language: Rick Kehne made a motion to ratify the language changes to the EMFD Service Agreement as presented by East Montpelier Selectboard, and as discussed in detail by the Calais Selectboard at the 8/2/2021 meeting. John Brabant seconded and the motion passed 5-0.

This language change is a conscious effort on our part to make this a part of the regular Town Meeting discussion, as done with the Woodbury Fire Department, yearly. It gives people an opportunity to hear from and see the EMFD and have a strong PR effort for the Town's biggest budget item.

11. WCUUSD Board for Calais Representative Replacement: The Chair had requested letters of interest for the two candidates that the WCUUSD Board identified to fill the vacant Calais seat be forwarded to the Calais Selectboard (appointment of a town's rep is directed by state statute to be "in consultation" with the town). The WCUUSD did not participate in any transparent, open process with the Town of Calais. The Selectboard has received no information from WCUUSD office on who the candidates are or whether any have withdrawn. The Board has nothing to review.

Board members each commented about their surprise, frustration, and disappointment at the way WCUUSD has approached this process. John Brabant commented that it is clear this is not a collaborative effort, and no engagement of our Town body was made. The Town of Calais has no opportunity to review resumes or interview candidates who would represent our town on the WCUUSD Board.

Statute dictates that a town must be consulted on the process of appointment of a representative. The Selectboard reiterated that in its view, "in consultation" signifies a meaningful collaboration; communicating and working together. Rather the opposite has been the tact in this instance and Selectboard members characterized their reaction to WCUUSD's lack of respectful collaboration as being quite "aghast."

The Selectboard was of the view that they were not consulted in a meaningful way, and had no meaningful opportunity to weigh in and present a recommendation. This should be a collaborative process where the two boards worked together to find the best representative for the Town of Calais for our seat, for our Calais residents and taxpayers.

John Brabant emailed WCUUSD to notify them that the Calais Selectboard is awaiting response on this issue.

The Board considered the best approach to communicate their displeasure with the way this has been handled by WCUUSD. They planned to invite an authorized WCUUSD Board representative to an upcoming meeting to learn why this process went so poorly. Board members considered past precedent and the likelihood that Calais Selectboard members would be permitted to speak at a WCUUSD meeting. Lisa Wilson commented that at WCUUSD meetings, public comments are permitted for only 90 seconds at the beginning of the meeting. The Board was not in favor of showing up as members of the public, and anticipated a dismissive reception based on past experience with WCUUSD. Instead, they affirmed their agreement on this issue as a five-person Board and planned to invite the entire WCUUSD Board or an authorized rep to attend a Calais Selectboard meeting to understand what the thinking behind this was. Scott Thompson will be invited. If WCUUSD does appoint a Calais representative, that person will be invited to come meet with the Calais Selectboard.

12. Appointments/Reappointments: Sharon Winn Fannon moved and Denise Wheeler seconded to reappoint the following people to terms of one year (expiring in 2022) except the Town Health Officer to a term of three years (expiring 2024)::

Tree Warden – Neal Maker

Assistant Tree Warden – Drew Lamb

Health Officer – Jay Copping

Weigher of Coal – Peter Harvey

Curtis Pond Dam Monitors – Chris Miller, Lewis Franco & Artie Toulis

The motion was voted and passed unanimously.

13. E. Calais Real Estate: Resident Lisa Wilson attended and explained that she has a property for sale that has resulted in a property issue being raised that requires the Town's involvement. During the house sale's title search process, a problem was uncovered regarding access to 3 properties on Moscow Woods Road over a parcel of land apparently owned by the Town of Calais. Lisa is under contract to sell 47 Moscow Woods Road. Syver and Mary Rogstad own 45 Moscow Woods Road and John and Meigan Risse own 77 Moscow Woods Road. According to the GIS map, the driveways which have served these properties for many years cross a small parcel of land that is owned by the Town. Title research has not been able to find deeded easements. So, to make it clear that there is legal access, they've requested a Confirmatory Easement to be granted by the Town. Marc Mihaly made a motion to authorize Sharon Winn Fannon to talk to the Town Attorney and report back to the Board, bringing a recommendation for action at an upcoming meeting. Denise Wheeler seconded the motion which was voted and passed unanimously.

14. Other Updates

- Katie Lane-Karnas provided an update on the work accomplished on the website tidying and reorganization, and requested authorization permitted by the Board's original motion to finish the project with 20 more hours of time in coordination with the Town Office. John Brabant moved and Rick Kehne to authorize Katie Lane-Karnas to continue website organization work at \$20 per hour for 20 hours. The motion was voted and passed unanimously.

15. Executive Session for Personnel Matters: This item was not needed.

16. Other Business/Old Business/New Business: Sharon Winn Fannon reminded that the Board spent a lot of time on development of rules and procedures in March. The Board planned to meet at 6pm on 8/23/2021 to continue work on this and include new member Marc Mihaly.

Sharon Winn Fannon updated that a couple weeks ago the Board authorized an enhancement request for the ECCT grant. The ECCT has heard back that the request is not being granted at this time. The message from the state was not that there is a “closed door,” it was simply not “at this time.”

Sharon asked about the procedure for making changes to minutes already approved, such as to the minutes that were approved as to the animal ordinance but without review on other items. Denise said the board will review those minutes more thoroughly in the regular course of reviewing and approving minutes from past meetings.

Sharon Winn Fannon has created a shared folder, “Selectboard Pending.” All items related to curb cut application processes and conflict policies are located there for Board member review.

Sharon Winn Fannon raised the question of mask policy. The group discussed responding as updates are made. John Brabant commented on the Provincetown situation where many fully vaccinated people had breakthrough infections. Marc Mihaly commented that we do not know the impact of long covid on vaccinated people. Denise Wheeler added that the Board will have a discussion at its next meeting following up on recent information.

A volunteer did some landscape work around the Town Hall, and some weed whacking caused damage to exterior painted boards. The painter, Grady Thayer, has offered to do the labor for free and only charge the cost of materials. The Board authorized him to perform this work.

17. Adjournment: Sharon Winn Fannon made a motion to adjourn at 9:34 pm. The motion was seconded, voted on and carried 5-0.

Date: 8/10/2021 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/15U56JU-iqsB8yzFo_CjKx44U-3h7N41J?usp=sharing