

Selectboard Meeting Minutes

Monday, September 13, 2021, at 6 pm, Town Hall and Zoom 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), Lori Holt*, Dan George*, Bruce Johnson, Clif Emmons*, Pam DeAndrea*, Alfred Larrabee (Road Commissioner), Jessica Louisos*, Lisa Wilson, Reed Cherrington

**Indicates attendance by Zoom video call*

1. Call to Order: Denise Wheeler called the meeting to order at 6:0 pm.
2. Rules of Procedure: The Board regrouped around the editing done on the working document. The language choices “shall” or “may” were revisited, in the context of how the Board appoints formal and informal liaisons, and articulating it’s expectations around this. Sharon Winn Fannon advocated for use of “shall” in changing the culture of how members work together as a board. Members considered the distinction between formal committee appointment, mini-committees, and shorter committees where a year appointment is not necessary. Discussion considered that this Rules of Procedures document is not a “legal” document, but a guiding one. Marc Mihaly, as the most recently elected member, followed up with questions about intention, best practice, and current practice and how to clarify this in the Rules of Procedure. Every line of the working document was reviewed in detail, and discussion included: annual reevaluation of liaison status; responsibility of liaisons in reporting back to the Board; agenda item timing and agenda posting; clarifying the process and efficiency for requests and articulating public comment expectations within Board business/discussion.
3. The Chair welcomed the regular portion of the meeting to order at 7 pm, and reminded all in-person and zoom attendees of best practice for participation.
4. Public Comment: Clif Emmons, Friends of the Town Hall, reported that the Friends and the Town of Calais are the benefactors of a baby grand piano, compliments of Mara Brooks, who sought a civic organization to whom she could donate a piano. It may be stored upstairs and a piano mover will be consulted shortly. Sharon Winn Fannon commented that this is really exciting, and asked the Friends to think about a protective cover and humidity control device; Clif reported that June Morse is consulting and these considerations are being addressed (as well as consulting the Town insurance provider). John Brabant appreciated the donation of the piano and asked the Friends to prepare for not having a heated space upstairs. If the determination is that to properly maintain the piano is to locate it downstairs, the Selectboard authorized that location.

The Board also thanked Clif Emmons for the countless hours he spent fixing the internet connectivity issues at the Town Hall. The new modem is capable of processing at twice the speed as the old one.

Some members have received calls regarding the speed limit on County Road; this issue is expected to be addressed at an upcoming meeting. Rick Kehne and Denise Wheeler will work together to synthesize the data and other requirements..

5. Review, Additions/Changes to Agenda: None.
6. Town Hall: The Chair reported that the exterior of the Hall has been washed and looks nice and bright. The maintenance painting will follow the cleaning.
7. Road Commissioner: The Board completed a performance appraisal for Alfred Larrabee, Road Commissioner, this summer and discussed some changes. The Board planned to continue to discuss that performance evaluation with Alfred Larrabee in executive session on Monday, September 20, 2021 at 7 pm. The Road Commissioner's appointment expires annually on June 30. The Board clarified that Alfred remains the Road Commissioner unless and until he is not reappointed for any reason; his annual reappointment was warned for this meeting. John Brabant made a motion to reappoint Alfred Larrabee as Road Commissioner (term expiring 6/30/2022); Rick Kehne seconded. The motion was voted and passed 5-0.
8. Carmichael Curb Cut #CC2021-07: The Road Commissioner has not met with the applicant, but has visited the location. He reported that the driveway has been installed by the applicants before obtaining this permit. The Board delayed discussion for approval until the applicant is available to attend a Board meeting. The Chair will notify Mr. Carmichael and schedule a time for him to meet with the Board.
9. Daniel George ROW #2021-02: The Board thanked the Georges (337 Nelson Pond Road) for following the Town's process. The Road Commissioner reported that it is clear the wall has failed, needs to be replaced, and is in the Town's right of way; he evaluated repair work of an unrelated retaining wall which was built by the applicant's contractor (outside of the right of way) and he has talked to the contractor who plans to do the repair work. Marc Mihaly moved the approval of the Right of Way permit for the retaining wall subject to: signage during construction; appropriate drainage to run to Town culvert; and ensure safety of the travelling public during construction. Rick Kehne seconded the motion which was voted and passed 5-0.
10. Hiring Road Crew Employees: The Road Commissioner reported he has spoken with Ed Rowell about the best way to get him back on-board full time; Ed needs more information about his VMERS retirement implications. The Board suggested he seek advice from VMERS about being in a contractor role to the Town to do road work on a full-time basis (not as an employee). Right now he is coming in every day, but receiving no benefits; the Road Commissioner asked about this situation. The Board decided to ask the Town Attorney to join a meeting on Monday, September 20, 2021 at 7 pm with the Road Commissioner to clarify this employment issue.

The Road Commissioner added that he will still be seeking a part time employee, which is much-needed, with almost no interest. The Board agreed that finding employees any positions is a problem everywhere at the moment; discussion turned to how to move forward without enough employees to fulfill road maintenance expectations. The Board asked the Road Commissioner to create “contingency planning” ahead of winter in case it is necessary to communicate to the public how Calais is doing the best we can with the resources we have (they requested this by email).

11. Highway Crew Benefits Study Committee: The group brainstormed potential members to participate in this Committee.

The Wi-Fi at the Hall was interrupted and the meeting momentarily was also interrupted. The Board re-connected with the Zoom meeting shortly.

12. East Calais Stormwater Treatment: Pam DeAndrea, CVRPC, explained the current state of this project, and that they will be asking the Board for a letter in support of the project that states the Town plans to move forward to construction, and will commit to the operation and maintenance, in order to receive Clean Water Fund funding. Easements between landowners and the Town that would be needed for construction and maintenance shall be discussed in the near future (between the Town and East Calais Recreation, and a few private landowners). Pam explained different grants that are available now, two clean water funding program grants: 1) Design Implementation Block Grant, and 2) Department of Environmental Conservation funded by the Lake Champlain Basin Program. Pam planned to return to the next meeting with more information, as details are learned.

Tonight the Board is discussing the project and will decide about signing the letter of intent and authorize Rick and John to serve as liaisons to return with Pam as necessary and return at the September 27, 2021 Board meeting with a recommendation on which grant is best for Calais to apply. The letter of intent states, “The Town of Calais, VT intends to move forward to the implementation stage for the Moscow Woods Rd. Gully and East Calais Post Office projects contingent upon availability of funding and will be the responsible party for the execution of an operations and maintenance plan for both projects once they are constructed.”

Jessica Louisos, engineer, reviewed the map of the proposed construction and brought the group’s attention to the details of the stormwater plans. A previous discussion had raised questions about how the system is accessed for maintenance, and Jessica explained the details of the maintenance access locations, the system’s robust design allowing for isolating the sediment and ease of removal. An additional manhole will make two spots where a grate can be opened to use the vacuum truck (a “vactor”) to get sediment out. The first row will be isolated in fabric and can be “vactored” (removed) using existing access. These solutions remove any need for excessive pavement-level doors or caps that would impact the surface as in plowing, etc. Rick explained that the system is designed to absorb overflow, but in the case of an extreme overflow, a much slower flow than otherwise would occur will be directed to the gully. The Town would need to rent a vactor truck to clean out this system (\$1500 for a day every couple of years) and adjacent towns (such as Woodbury) will have similar systems and we could coordinate with them for sharing a day’s cost for maintenance. It was unclear where

the tractor truck deposits the removed sediment. During construction, one traffic access into the Post Office will be kept open.

Jessica Louisos shared maps of the worst erosion areas and how they interface with the existing town roads, neighboring properties, and the proposed stormwater units. She reviewed the road improvement details the Board has talked about for access to these areas. The road improvement work (it has been confirmed) would not need permits because it is maintenance of an existing road. A draft stormwater permit is being created for submission prior to construction (because more than one acre is being disrupted). Once the grant funding is secured, next steps will be decided to move from final design to construction (with CVRPC leading, if the funding is secured). John Brabant asked that the plans be available (90%), to be in the Google shared folder, ahead of the September 27 meeting.

Rick Kehne made a motion to sign the letter of intent as described above and John Brabant seconded. The motion was voted and passed 5-0.

13. Designated Village Center: The Planning Commission has communicated with the Selectboard seeking authorization to proceed with the renewals of the Village Center Designation (submitted to the Department of Housing and Community Development). These are handled through the Agency of Commerce and Community Development. John Brabant made a motion that authorizes the Planning Commission to apply for renewal of Village Center Designation (aka Designated Village Center, DVC) for Maple Corner and East Calais. Rick Kehne seconded and the motion was voted and passed 5-0.

Denise Wheeler made a motion to authorize the Planning Commission to apply for Village Center Designation (VCD) for Adamant and North Calais. The motion was seconded and voted and passed 5-0.

14. E. Calais Proposed Easement: Sharon Winn Fannon reported that Jim Barlow, Town Attorney, pursuant to discussion with the Board, made some tweaks to the proposed easement (see notes in August 23 and August 26, 2021 minutes) and sent it to buyer and seller attorneys, and checked in with them, but has not heard back yet. The Board's attorney is waiting for acknowledgement from the buyers and sellers' attorneys that the language is acceptable. East Calais seller Lisa Wilson has not heard back yet either. The document was publicly posted on August 26th, and that starts the thirty-day calendar clock ticking to meet statutory timelines. If anything in the proposed easement is not agreeable to the buyers, the attorneys will have to communicate directly.
15. TH #7 Site Visit: The Chair updated that the Board has been in contact with the adjacent landowners to properly give notice and will schedule a site visit once more details are gained (a Town Highway #7 site visit needs to be scheduled in regards to the request for discontinuance on the Schultz property.).
16. Other Updates: The Board reviewed upcoming meeting agenda items. Personnel policy work will be brought back into upcoming agenda plans.
17. Review and approve minutes, warrants

- a) The Board reviewed and approved processing of invoices and orders.
- b) In reviewing the 8/23/2021 meeting minutes, significant discussion ensued including conflict of interest, trust around objectivity, weighing other members' judgment in deciding on recusal, and expectations for Board members' communication with the Town Attorney. Marc Mihaly moved and Rick Kehne seconded to approve the minutes of the 8/23/2021 meeting, with the changes as noted; the motion passed 5-0.
- c) In reviewing the June 28, 2021 approved meeting minutes, it was noted that a motion was made in item 2(d), was followed by lengthy discussion and public comment, but was inadvertently not voted. The Board noted this was an oversight and wasn't its intent; the motion's directive was completed as intended right away. *"Sharon Winn Fannon made a motion that the Board respond to Mr. Hyde's records request by providing the study of wages and insurance (May 2020) and make it available to the public, within three business days, and the Board is redacting as advised by Town attorney."*

18. 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, voted on and carried 5-0. The Board resumed Regular Session at 9:50 pm. The Chair had nothing to report publicly.

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

20. Adjournment: Marc Mihaly made a motion to adjourn at 9:50 pm. Rick Kehne seconded the motion which was voted on and carried 5-0.

Date: 9/14/2021 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary
Approved by the Selectboard at the 10/11/2021 meeting

Click on the link below to view documents associated with this agenda:
https://drive.google.com/drive/folders/1hpHpD5OmR1MksJzM56n4p88MxxL_IVKF?usp=sharing