

## Selectboard Meeting Minutes with E Montpelier and EMFD

Monday, January 10, 2022, at 6 pm, Town Hall and Zoom

**Present:** Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Rick Kehne (Member), Marc Mihaly (Member), Katie Lane-Karnas (Recording Secretary)

**East Montpelier Selectboard:** Seth Gardner (Chair), Carl Etnier (Vice Chair), Jon Jewett, Amy Willis, Judith Dillon, Bruce Johnson (Town Administrator)

**EMFD:** Toby Talbot, Ty Rolland, Paul Guare, Albert Petrella, Judith Woodbeck, Larry Brown

**Additional:** ORCA Media, Travis Shores, David Delcore, Scott Hess, Renee, Ellen Knoedler, Roadforeman

*\*Note: East Montpelier was at a public location in their town, and Calais was at the Calais Town Hall; the Chief was at his office, and many members and attendees were remote. The entire meeting was hosted on Zoom, with the in-person attendees joining the call from their locations.*

1. Call to Order: Denise Wheeler called the meeting to order at 6:04 pm, and East Montpelier followed.
2. EMFD Budget Request: Denise Wheeler reported Calais has agreed to include in their warning the budget amounts requested by the fire departments. This will be voted at Town Meeting. S. 172 passed, and the Governor is expected to sign it, making everything voted by Australian ballot. Calais plans to hold another informational meeting ahead of Town Meeting Day; East Montpelier also does a few informational meetings. East Montpelier's Selectboard voted to approve the EMFD budget as proposed. The motion was voted and passed.
3. Fire Truck: Seth Gardner reminded the group that the EMFD proposed to pay for a little over half the cost of the truck, and ask the towns for about \$200,000 (Calais's portion approx. \$66,000). Seth Gardner spoke in favor of the proposal. Denise Wheeler commented that EMFD paying for a huge chunk of the truck is a good thing. This expense is on the Calais warning for Town Meeting Day (in the form of a loan). Other East Montpelier members appreciated the deal; they want to word the article to make clear how much the Dept. is paying for the truck (East Montpelier will pay its portion from its capital reserve, without a loan). Each town will vote on their respective warnings in the next few weeks; the consensus was it is a good idea to include on the warning. Chief Roland said EMFD would use funds from the capital reserve and the truck will arrive in 2023; approx. 12-15 months after ordering. The boards discussed approving an expenditure in town meeting 2022 that will not arrive for 12-15 months, and no barrier or problem was identified to this timeline.

Judith Dillons appreciated the efforts the EMFD has made in creating a COVID policy for staff and volunteers and noted she is no longer asking for the EMFD to have a vaccine mandate. Calais did not receive this information and asked why. Chief Rolland remembered it

being East Montpelier members asking about it. He explained they are working with the Health Dept and hospital for guidance on preventing COVID spread, and have a number of staff members who are not vaccinated. They have added the requirement to test weekly if they choose not to be vaccinated, to begin February 2022. The testing will be a requirement following CDC guidelines and the Chief will send the EMFD policy to the Calais Selectboard. John Brabant noted it makes sense to do a weekly PCR, as well as a 15 minute test when they come on shift to cover the gaps. A positive antigen test will then require a PCR follow up test. Calais continued inquiring how it is conceivable to let a provider in an ambulance with vulnerable people if they have not had a PCR test; the antigen test is not highly accurate. Being in the home of an elderly or vulnerable resident can unwittingly result in infection and risk of death. Travis Shores commented as a prior EMT and firefighter. His wife works at CVH. They are frequently seeing a rapid test at home proving negative and a PCR positive. Putting all trust in a daily rapid test is no longer a prophylactic effort to avoid COVID. The rates for EMTs and firefighters have been well over four times the general population and policy wise, Travis stated his opinion is to mandate vaccines to protect others and not stress workers.

John Brabant noted that the Towns perhaps cannot compel EMFD as a private nonprofit to do anything; but as the Towns that fund EMFD, they could potentially be sued for getting bound up on contracts and programs that are not protective of the people they serve, in the eyes of the law. He explained how this could be compounded by PACIF insurance not offering the towns coverage in this scenario. Marc Mihaly considered the nature of the contractual relationship and the ability to design change there. Denise Wheeler regretted Calais was not prepared to discuss this, having not received the policy document about it. Chief Rolland pointed out the PPE being worn is a preventative to exposing anyone: eye shields, gloves, etc., which is standard protocol in the hospital and the back of the ambulance. Even procedures are being done differently now than before COVID. He noted this is a key difference in risk to the general population (wearing extensive PPE). EMFD is in constant communication with the hospital leadership; for example, there are daily reminders from med control doctors such as wearing eye protection and N95s on all calls. CVH does not exclude entrance for unvaccinated EMTs, as long as they are wearing the required PPE.

## Selectboard Meeting Minutes

*Monday, January 10, 2022 at 7 pm, Town Hall and Zoom*

**Present:** Denise Wheeler (Chair), Sharon Winn Fannon (Vice Chair), John Brabant (Member), Rick Kehne (Member), Marc Mihaly (Member), ORCA Media, Katie Lane-Karnas\* (Recording Secretary), Theo Shores\*, Jeremy Weiss\*, Bill Powell\*, Liz Curry\*, Doug Lilley, Stephanie Kaplan\*, Scott Bassage, Sam Colt\*

*\*Indicates attendance by Zoom video call*

4. Public Comment: Marc Mihaly, as member of the Curtis Pond exploratory group, noted that he spent an hour with a representative from the federal watershed and flood protection program. Efforts like Curtis Pond dam are locations where infrastructure money is landing; he explained that it is a bureaucratic process, but they have a lot of money and haven't funded any flood-related infrastructure in Vermont yet. They have emphasized a project should identify all

aspects of the watershed that is related to the Pond in any way. Marc Mihaly stated his intent to connect with the Swim Committee and continue to seek federal funding options.

5. Review, Additions/Changes to Agenda: None.
6. Review and Approve Warrants: The Board reviewed and approved processing of invoices and orders.
7. Financial and Banking Policy: The group reviewed this policy document, which is a document the Town should have and has been required by a particular grant. Marc Mihaly noted he created on paper what the Town is already doing anyway; the Town Treasurer has reviewed and provided edits. Denise Wheeler made a motion to approve the Financial and Banking Policy; Rick Kehne seconded. Sharon Winn Fannon noted the Board has moved toward a standard formatting method for policies, which it had planned to utilize for uniformity going forward. The motion was voted and passed unanimously.
8. Certificate of Highway Mileage: This annual certificate documents the roads and total length of roadway in Calais (it is not related to mileage reimbursement). Sharon Winn Fannon made a motion to approve the Certificate of Highway Mileage for the year ending February 10, 2022. Denise Wheeler seconded and the voted motion passed unanimously.
9. Winter Roads Contingency Plan: Rick Kehne explained that he, Toby Talbot, and the Road Commissioner have collaborated on this. They created a list of roads that would be impacted by a contingency “plan B” being activated, and Rick Kehne read the statement they created to notify the public about the plan. This information will be added to the existing [Winter Operations plan](#). Sharon Winn Fannon considered the need for an extended plan for scenarios in which more significant limitations to road operations occur. Rick Kehne spoke to the benefits of a flexible, easy to understand plan. Marc Mihaly appreciated that the creation of a list of roads subject to delayed road care, and a statement to share with the public, as a good step forward for the winter roads plan.
10. Winter Road Materials: The Road Commissioner reported the material being used is the same as in the past, sand mixed with crushed stone. John Brabant explained concerns about car tires being punctured from a number of years ago when sharp slate was mixed in; the Road Commissioner uses different material now. Crushed gravel was discussed as a good but more expensive alternative (it is known for not being sharp). John Brabant questioned saving money for the Town at the expense of residents’ tires. Doug Lilley commented that the Town should be responsible for flat tires. The Board asked the Road Commissioner to learn this summer what the exact cost difference is between crushed stone and granite; another concern is that granite rolls off the roadway more easily and this could be tested next winter (this years’ piles are already mixed up and in place). The Road Commissioner reminded the group that there is a declining number of quarries in the state to even procure material.
11. Status of Road Crew Hiring: The Zoom meeting lost audio connection for a few minutes at approx. 7:35 pm. The Board explained the relationship between their body and the Road Commissioner in advertising, interviewing, and hiring Highway Department employees. The

new full-time employee begins in the middle of this month; the open position will be re-advertised, including the bonus, once again. The public was invited to share interested candidates with the Road Commissioner.

12. Road Commissioner Update: The Road Commissioner will confirm the purchase of the new truck this week, along with all the details. The body work will be done by a company the Road Commissioner has identified in Burlington. All trucks are running well right now. Doug Lilley commented about his concerns with speeding on Lightning Ridge Road and offered to park enough tractors in his driveway for a sheriff to speed trap behind.
13. Vermont Elevator Inspection Services Agreement: The document related to the Town Hall elevator inspection renewal, for a period of two years' time, was reviewed. The annual inspection cost is \$175/year. Marc Mihaly moved and John Brabant seconded to approve the Vermont Elevator Inspection Services Agreement. The motion was voted and passed unanimously.
14. Consideration of Appointments to the Development Review Board (DRB): The Chair appreciated the new people interested in DRB participation (their resumes have been received). Denise Wheeler noted she will not vote on this item as an alternate member of the DRB. Sharon Winn Fannon explained how this could be perceived as a conflict of interest, and the Board considered implications and best practice for member recusal when one serves on multiple town government boards. John Brabant commented that it is not uncommon in small towns for members of one board to serve in other capacities as well and considered what if any benefit or perception of advantage there is to Denise voting on DRB appointments. Marc Mihaly weighed in with a way appointments could be considered to have a power differential impact on members who are in more than one group together. Sharon Winn Fannon pointed out that a process is established in this practice for how people are interviewed for groups, and the Board should have a barrier against influence and bias. The Chair recused herself from the discussion.

Sam Colt introduced herself and shared her background in design and architecture and the communication and writing strengths she brings. Board members explained the “quasi-judicial” nature of the DRB and the training seminar that is provided (and required) of all members. Marc Mihaly explained the difficult role of having to at times say “no” to a neighbor when their application simply does not meet the standards that must be applied. Denise Wheeler testified about the time commitment of DRB membership and the Board explained further; the learning that happens on the job and from fellow members is ongoing. Members of the public are welcome to come observe the applications that are in process. Sam Colt planned to consider the position further and the Board planned to return to interviews and appointments at a future meeting.

Applicants Megan Sullivan and Ashley Moore were not present at the meeting and the Vice Chair will follow up with them. Stephanie Kaplan (DRB member) commented about the upcoming project applications, which begin with an initial “conceptual” review on Thursday evening. Based on this timeline, the Board saw no rush in scheduling appointments.

15. Constable Appointment : The Board reviewed a letter from resident Travis Shores expressing interest in the position of Town Constable. He had communicated with former Constable Wilson Hughes and learned what is required from the State. Travis Shores introduced himself and explained his background: K-6 education, working with behavioral challenged criminal youth, and his training as a mental health professional. He also has a background in EMT and firefighting, music, and higher education. He addressed concerns about the culture of policing in connection to a community and explained how his background and perspective caused him to apply for the position of Town Constable. John Brabant noted that Woodbury was able to get a vehicle and training for its constable to be writing speeding tickets, and effect positive change in their town. Travis Shores explained the relevance of response time with someone who knows what to do in a crisis situation; he commented that in our rural towns, there is a need from someone in Calais to be able to show up on site and control the scene while law enforcement arrives. Sharon Winn Fannon explained that this has been historically an “as needed” position and asked how he would describe himself in this position. Travis Shores commented he understood the “as needed” nature of the position, and would love to have a future discussion about what is possible for this position; he stated his planned commitment to taking all of the training needed through the police academy to become certified law enforcement for serving as the town constable. The Board clarified that it would need to have time to consider how the position might change in the future. Travis Shores explained the Town would have to vote to bar the constable from certified law enforcement duties and inquired if the Town had done so or not. He noted he is fully willing to assume the position without any constraints.
16. Animal Control Officer: Travis Shores commented that in order to effect enforcement, one needs to have humane officer training, and law enforcement and animal abuse often go hand in hand.
17. Town Meeting Preparations: The Chair noted the next meeting will include the vote for approval of the warning. S. 172 passed and is on the Governor’s desk to sign. It will give towns the authority to hold a virtual informational meeting and vote by Australian ballot.

Denise Wheeler made a motion that Town Meeting 2022 not be held in person; all the articles that would usually be voted from the floor will be on the warning; at least one informational meeting will be held before the Meeting on February 26, 2022. If the governor does not sign S.172 into law, a different plan for Town Meeting will be made. John Brabant seconded the motion.

Discussion ensued. This is the Board’s clear intent, and this topic will be opened for discussion and vote at the next meeting. Marc Mihaly made a friendly amendment: while the Selectboard strongly supports the in-person town meeting, because of the COVID situation and S.172’s authorization, (original motion to then follow this amendment). Denise Wheeler and John Brabant accepted the friendly amendment. The full motion, with amendment, is:

*While the Selectboard strongly supports the in-person town meeting, because of the COVID situation and S.172’s authorization, Town Meeting 2022 will not be held in person; all the articles that would usually be voted from the floor will be on the warning; at least one*

*informational meeting will be held before the Meeting on February 26, 2022. If the governor does not sign S.172 into law, a different plan for Town Meeting will be made.*

The Board discussed best practice for public participation in both town meeting and the informational meeting, and considered what sorts of limitations may exist to prevent voters from accessing a virtual information session or Australian ballot voting. Australian ballot is open and available to all and who do not use a computer. The Board then considered a public access location for the informational meeting and weighed the benefits and disadvantages of hybrid setups. The Board tabled the motion until the January 24 meeting.

18. Other Business/Old Business/New Business: John Brabant discussed how 5G technology works: high energy transmitters are installed on telephone poles that project down to the road level, usually on every other pole, and the cell phone communicates with the 5G with very high energy radio frequency. He raised attention about installation of these at the street level, and the resultant lack of consent for people walking or neighboring a pole to be exposed to the high energy radio frequency; years ago, the FCC decided not to control citing based on health implications. A company installing 5G is obligated under statute to notify the town and the landowner on which the pole is located. He asked the Board to consider adding a question to the warning that would require the Town Office, when receiving notice of 5G installation, to provide general notice. John Brabant read his proposed warning language:

*Shall the voters of Town of Calais require its town government to inform and provide notice to its residents when sources of radiation, such as, but not limited to, that generated by cell towers/transmitters, WIFI tower transmitters and 5G antennas, are being proposed for licensing and installation within the town limits?*

John Brabant explained that a number of towns adopted this type of initiative at last year's town meeting, to fill in the gaps in state law. This is a way for a town to let the public know if they are going to be affected. John Brabant moved that the Selectboard allow for this to be warned at Town Meeting. Denise Wheeler seconded the motion, which was voted and passed unanimously.

19. Review and approve minutes: This item was tabled until a subsequent meeting.
20. Executive Session for Personnel Matters: Denise Wheeler made a motion to go into Executive Session at 9:22 pm per 1 V.S.A. subsection 313 (a) (2), real estate matters; the Board invited Stephanie Kaplan (by phone) and Larry Bush to join them. The motion was seconded, voted on and carried 5-0. The Board resumed Regular Session at 9:38 pm. The Chair had nothing to report publicly.
21. Adjournment: Rick made a motion to adjourn at 9:40 pm. Denise seconded the motion which was voted on and carried 5-0.

Date: 1/12/2022 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary  
*Approved by the Selectboard at the 2/14/2022 meeting*

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

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