

## Selectboard Special and Regular Meeting Minutes

*Monday, June 10, 2019 at 6pm at the Calais Town Offices*

### **Special Joint Meeting of the Selectboard & Cemetery Commission**

**Present:** Denise Wheeler (Chair), Rose Pelchuck (Member), Sharon Winn Fannon (Member), Clif Emmons (Member), John Simanskas (Cem. Comm. Chair), Fletcher Dean (Cem. Comm.), Juanita Nunn (Cem. Comm.), Randy Koch (Cem. Comm.), Jennifer Whitman (Cem. Comm.), Jerome Lipani (ORCA), Katie Lane-Karnas (Recording Secretary), Jim Barlow, Esq., (Town Attorney), Stanley Christianson, Lilla Christianson Christianson, Judy Fitch Robert (Town Clerk), Nick Emlen, Laura Brown (Poplar Hill Cem. Comm.), Andy Christiansen (Poplar Hill Cem. Comm.), Paul Mascitti ((Poplar Hill Cem. Comm.)

**Absent:** John Brabant (Vice Chair)

1. Call to Order: Denise Wheeler called the meeting to order at 6:00 pm.
2. Public Comment: None.
3. Additions/Changes to Agenda: None.
4. Poplar Cemetery Transfer to Town of Calais: The Chair noted the difficult decision of the now-dissolved Poplar Hill Cemetery (PHC) Association (members attended this meeting). The Town Attorney advised that the Town does not “have to” take the cemetery; but it may be the only real option for the situation. He explained that the process would look the Town was acquiring a business, i.e. creating an agreement, establishing terms, and ultimately ending in a closing (nothing would trade hands).

The Association confirmed that the enabling charter establishing the PHCA is available online. The charter will need to be checked for any requirements or restrictions it may contain in terms of transfer of ownership. The Town Attorney explained that the directors of any nonprofit, in this case the Association, must vote to dissolve *and* to approve a Plan of Dissolution. The PHCA agreed to do this.

The PHCA provided background on the perpetual care fund, which was dissolved around 1960 following a failed effort in 1959 to fundraise. The bank at that time looked at the original documentation on the perpetual care fund, which gave the Board authority to dissolve that fund at any time (no restrictions). The bank allowed the release of the perpetual care funds, which were reinvested in stocks at that time. The Attorney advised that the Town will need to complete a thorough review of the situation ahead of making the agreement to ensure that the Town possesses a thorough understanding of all aspects of the situation.

The PHCA had approached the East Montpelier Selectboard about support for continued funding and function. The Association reported that East Montpelier’s response was that they

did not think a fire district for this effort was feasible; they did not want to be involved in a bank (erosion) failure; and it was outside of East Montpelier town lines.

Discussion moved to the issue of the cemetery's bank (erosion) failure and the extent of the Town's responsibility in taking on a property with this issue (full legal responsibility). The Army Corp of Engineers and the state Water Division felt it was possible to take action without needing to go through a permit process (the bank is far enough from the water). The current insurance plan, through Liberty Mutual, is in effect through July 2019 (at a cost of \$135 per quarter). The PHC will need to pay the next insurance premium due July 1. The group decided that the PHC could not be closed temporarily, but there remain concerns about liability because of the bank erosion. The Town Attorney advised that the process of transfer could be wrapped up in 3-4 weeks; at this point, the focus is to figure out what the financials are, perform a title search, draft up a transfer agreement, and find and study the charter to eliminate any issues there. Calais' Cemetery Commission committed to continuing to review all financial and burial records from the PHC to ensure there are no unanswered questions or concerns. The PHCA must communicate with Edward Jones in terms of closing out the account and transferring funds to the Town of Calais. All documentation will be transferred at one closing; the Selectboard will sign off on receiving the property, but the Calais Cemetery Commission will ultimately manage the property. Sexton Jennifer Whitman reminded the group that the Cemetery Commission decided to maintain (mow) the PHC this summer, which was voted and approved at Town Meeting. The Town Attorney reiterated steps in the process: he will create a draft of the agreement to transfer within two weeks, as well as a proposed deed; the Cemetery Commission will look at it at, and a closing can happen two weeks after that. July 22 at 6 pm was discussed as a tentative date for closing.

5. Adjournment: The meeting was adjourned at 6:35 pm.

## Selectboard Regular Meeting

**Present:** Denise Wheeler (Chair), Rose Pelchuck (Member), Sharon Winn Fannon (Member), Clif Emmons (Member), Jerome Lipani (ORCA), Katie Lane-Karnas (Recording Secretary), Judy Robert (Town Clerk), Sandra Ferver (Town Treasurer), Toby Talbot (Operations Manager), Nick Emlen, Alfred Larrabee (Road Commissioner), Peter Harvey, Chance Payette (WVFD), Tim Neill (WVFD)

**Absent:** John Brabant (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: Rose Pelchuck added an item under Road Commissioner updates (Greg Pelchuck to temporarily store aggregate on a road).
4. Updates/Reports
  - a) Road Commissioner and Operations Manager: Greg Pelchuck needs to dump aggregate material on the road temporarily, to move the following day. The Road Commissioner said a permit is not required for staging material; he asked **that** cones be placed around the material overnight **to protect the traveling public**.

Sam Ehrenfeld's permit application on East Hill Road, ROW #2019-02, was discussed; the Road Commissioner pointed out that the location will be ledge. The Board decided to wait to approve the permit until the Road Commissioner can speak to the applicant about how to proceed with this information (knowing ledge is present).

Sharon Winn Fannon moved and Clif Emmons seconded to approve the right of way permit application of Nathan Longo and Jean MacLachlan on Apple Hill Road, #2019-01 with the following restrictions: if a depth of at least three feet cannot be met, the line must be encased in concrete. The applicant must contact the Tree Warden Neal Maker before cutting the large trees in the Town's right of way and follow the procedure for holding a tree hearing. The motion was voted and passed 4-0.

The roadside mowing schedule has been confirmed with contractor Doug Grout beginning in a week, with the second mowing scheduled for the beginning of August. The group discussed the challenge of getting a contractor to mow on the timetable of wild chervil, when all towns in the area are looking for the same timeline. Peter Harvey reported that he has communicated with and heard back from 35 households regarding a no-mow policy for roadsides in his area. He is using an email list for twice-weekly reporting of progress pulling invasives. Seven people have volunteered to help pull chervil. There are three households that have responded negatively to the no-mow plan (Janet Ancel is potentially concerned about burdock growing; Sterry Leno plans to do what the Road Commissioner desires; the Killorans are satisfied to work out something regarding thick roadside greenery, parking around the Kent for events, and burdock; Kent Morse is against no mowing, but will take care of his line of sight himself). The group appreciated the effort that Peter Harvey has taken in communicating with residents. The Road Commissioner stated concerns for the implications of weeds being wiry material that gets tangled and balled up in the grader, with the timing of road grading being weather dependent, and asked if the plants could be removed or laid on the edge of the road. Discussion ensued. The Board considered the spirit of community involvement in stalling the spread of invasives, and whether the schedule for grading the roads can be flexible in response to the invasives pulling. The Board appreciated the Road Commissioner's concerns as well as residents' efforts halting the spread of invasives by pulling. The Board requested an update from the Road Commissioner at the meeting on June 24 on the condition of the road (which will not be graded before that date) and the status of chervil pulling to work out coordination between the two efforts.

Clif Emmons made a motion to authorize Peter Harvey to post the roadside mowing exclusion zone signs on the roads as he described; Rose Pelchuck seconded and the motion passed 4-0.

The Road Commissioner reported that curbcut permit applicant Chris Neff verbally requested a change to the permit; the Board stated that the permit application must be resubmitted for any change (the fee will be waived) and the Board will issue a decision. Any work needs to be consistent with the permit that the Selectboard has approved.

The hydroseeder is arriving on Thursday. The Conservation Commission questioned the product that is sprayed; the Operations Manager confirmed that the sprayed product's dye is food grade. The product included with the seed that is spread is heat treated wood pulp (no hay), this mulch eliminates the spread of seeds that inevitably come with hay. East Montpelier is using a conservation mix; the Road Commissioner will provide the seed label to the Chair for the Conservation Commission.

The 550 truck with the repaired frame is back at the Town; the dealer will provide a trade value and the Road Commissioner will report back at the next meeting.

The Operations Manager noted that there is another round of grants available for use throughout town, "Grants-in-Aid," for FY20. The Operations Manager noted that of \$18,000 available in 2019 Calais has so far used only \$3,000, and he hopes a lot more work can happen over the next week or two to leverage those funds. The group looked at FY19 and FY20 work plan documents provided by the Operations Manager. Use of the grant is based on needs that arise due to weather throughout the year and require treatment; the grant is only for "hydrologically connected" roads. Rose Pelchuck made a motion to approve the Municipal Roads Grants-In-Aid grant; the motion was seconded and passed 4-0.

The York rake is quite old and needs to be replaced. A new rake costs approximately \$13,000 and the Road Commissioner requested it be purchased out of the FY19 budget. As of May 30, there was a remaining highway budget of \$109,000 (minus one final payroll). The older rake could be retrofitted to be pulled by the pickup. Denise Wheeler made a motion to authorize the purchase of the York rake at approximately \$13,000; Clif Emmons seconded and the motion passed 4-0.

- b) IT RFP: The Board reviewed timeline adjustments for the RFP process, made necessary due to unforeseen circumstances. Clif Emmons provided a "Services Vendor Scorecard" he created for Board members to use to guide decision making. Office staff will also share input, and the Town Treasurer and Selectboard will meet at 6 pm on Monday June 24 to use the rubric. Monday July 8 at 6 pm was tentatively planned for a date to invite vendors for presentations; the award date will be adjusted to a later date.

- c) Treasurer: The Town Treasurer presented a monthly Treasurer's Report and Delinquent Tax Report.

*General Government*: Revenues are less than what is budgeted (due largely to delinquent taxes), but the Town is not expecting to exceed its budgeted expenses. The year will end in "good shape," having started the year with a fund balance of approximately \$300,000 and ending the year not much below the same amount. The Town should have enough money to float grant and FY20 expenses until the tax effort begins. The Treasurer explained in detail the effect of the school merger situation on the FY 20 tax effort (essentially causing a delay). It appears that even with the process of the school merger and related budget issues, Calais will be able to collect two equal payments of taxes without taking a loan in anticipation of tax collection. The group discussed best practice for sharing information with taxpayers on the reasons for the change to tax bill timing this year. The Town Treasurer also explained the state's changes to the visual layout of the tax bill.

*Highway:* The Town Treasurer explained that even though highway expenses will exceed the FY19 budget, the highway fund remains in the black because revenues are over projections. This is due largely to grant reimbursements for work done in prior fiscal years. Currently there is \$109,408.70 in the highway fund balance to cover expenses through 6/30.

*Budget Update:* The Board and Town Treasurer reviewed a prepared and detailed Balance Sheet with details of the fund balance. The Treasurer stated that “Overall, the fiscal position of the town is good, although a General Government deficit of approximately \$20,000.00 to \$30,000.00 is now foreseeable as we head toward the end of the fiscal year. This anticipated deficit will result in a lower opening fund balance for FY20 than we had in FY19.”

*Audit:* July 18 and 19 are the dates set for Sullivan & Powers to complete the FY 19 audit (information will be available in September in time to utilize for budget planning). The monthly audit reconciliation has been underway in the Town Office. Sharon Winn Fannon made a motion to approve the FY 19 Sullivan & Powers Audit Engagement contract; Rose Pelchuck seconded. The motion passed 4-0.

*Delinquent Tax:* Certified letters have been sent out to delinquent taxpayers and the Treasurer reported that for the most part, they were not picked up. Currently, there is \$66,909.68 in outstanding delinquent taxes and associated penalties and interest. The next step in the process will be discussed at the June 24 Selectboard meeting.

- d) Town Clerk: The next school election is on June 25 from 7 am -7 pm; JP help may be needed.
  - e) Town Hall Renovation Committee: The Chair and Rose Pelchuck attended the DRB hearing on 5/30/19 for the change of use permit for the Town Hall renovation. The DRB will issue their final decision within 45 days.
  - f) Act 46 Update: 6/17/2019, 6 pm, is the date of the CES Board meeting to sign easement documents.
  - g) CVRPC: This item was not needed.
5. Woodbury Volunteer Fire Department Annual Contract: Rose Pelchuck made a motion to approve and sign the WVFD annual contract, from July 1, 2019-June 30, 2020, as presented by Chance Payette. Clif Emmons seconded, and the motion passed 4-0.
6. Local Emergency Operations Plan (LEOP): Nick Emlen, Assistant Emergency Management planner, joined the Board. The group considered adding the Town Garage as a secondary emergency location and updated local resource listings. Nick Emlen will investigate formalizing the Town’s standing with the Red Cross and will work on signing the Town up for “Priority Telecommunications Services,” offered by the office of Homeland Security, which prioritizes local officials’ phone numbers in the case of a major telecommunications failure. Rose Pelchuck made a motion to authorize Denise Wheeler and Nick Emlen to finalize the Local Emergency Operations Plan document. The motion was seconded and passed 4-0.

7. Chair update, projects, etc.
  - Tom McKone has retired from the Kellogg Hubbard Library. The Chair appreciated his significant contributions to the library's communication efforts.
  - Volunteer Appreciation dinner is scheduled for Thursday, 6/13/19.
  - Andy Felice is working on securing estimates for Town Office roof repairs.
  - The revised Traffic Ordinance and consideration of stop sign at intersection of Kent Hill Rd. and Pekin Brook Rd. will be reviewed at the 6/24/19 meeting.
  - CVRPC's road erosion inventory work has resulted in creation of a draft; eventually this will be offered as a presentation to the full Board.
  
8. Review and approve minutes, warrants
  - a) The Board reviewed the invoices and orders were processed for payment.
  - b) Clif Emmons moved and Rose Pelchuck seconded to approve the minutes of the 4/11/2019 meeting, with the changes as noted; the motion passed 4-0.  
Denise Wheeler moved and Rose Pelchuck seconded to approve the minutes of the 5/28/2019 meeting, with the changes as noted; the motion passed 3-0 (Clif Emmons abstained from the vote).
  
9. 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) (3), personnel matters. The motion was seconded, voted on and carried 4-0. The Board resumed Regular Session at 9:40 pm. The Chair had nothing to report publicly.
  
10. Other Business/Old Business/New Business: None.
  
11. Adjournment: Rose Pelchuck made a motion to adjourn at 9:41 pm. The motion was seconded, voted on and carried 4-0.

Date: 6/12/2019 Respectfully Submitted, Katie Lane-Karnas, Recording Secretary  
*Approved by the Selectboard at the June 24, 2019 meeting*

*Click on the link below to view documents associated with this agenda:*  
<https://drive.google.com/open?id=1MUZYDbPmFa8n3GD3hG5XL8tqb8XSwlYl>