



3120 Pekin Brook Road
East Calais, Vermont 05650
802-456-8720

Selectboard Meeting Minutes

Monday, July 25, 2022 at 6:00 PM
Location: Calais Town Hall (note no Zoom option)
Approved on August 22, 2022

Present: Sharon Winn Fannon (Chair) (by phone), Denise Wheeler (Member), Rick Kehne (Member), John Brabant (Member), ORCA Media, Marc Mihaly (Vice Chair)

Gail Graham, Stephen Mills, Bill Davis, John McCullough, Donna Fitch, Stephen Knowlton (WEC), Louis Porter (WEC), Larry Bush, James Dailey, Chance Payette (WVFD), Alfred Larrabee, Shari Fitch, Doug Lilley, Rachel Bliss, Rose Pelchuck, Marilyn Bush, Ginny Sassaman, Karen Bunnewith, Barbara Butler (Asst. Town Clerk), Marcy Morse, Jeremy Weiss (Town Clerk), Judith Fitch Robert, Maureen Cassidy, Pat Finnie

1. Call to Order: The meeting was called to Order at 6:05 pm by Marc Mihaly (Sharon Fannon by telephone).

2. Executive Session: By consensus, the board went into Executive Session for personnel matters per 1 VSA Sec. 313, and invited town attorney John Klesch and Alfred Larrabee, Road Commissioner. Roll call vote because 1 member attending via telephone - all voted in favor.

At 7:05 pm, by motion of Denise Wheeler, and seconded by Rick Kehne the board exited Executive Session. All in favor via roll call vote.

The Board had nothing to report publicly.

3. Open Board Meeting: at 7:10 Marc Mihaly called the open session of meeting to order with the general public.

He explained that Sharon Winn Fannon (Board Chair) will be participating by phone.

He noted that he realizes many of those present tonight would like to participate in discussion related to the agenda item re: personnel.

4. Public Comment (for items not on the agenda)
Marc Mihaly invited public comment for items not on the agenda.

Ginny Sassaman clarified - she had commented on Front Porch Forum asking why the change in board officers had not been announced. Marc Mihaly explained the events at that time. Barbara Butler stated that two weeks earlier, an election had already taken place; Denise Wheeler had been

elected Chair, Sharon Winn Fannon, Vice-chair. This changed two weeks later, and there was no explanation about why the vote changed.

John Brabant explained that there had not been a quorum at the initial meeting, which was why the election that took place at that meeting did not stand. The board, having a quorum, revisited the election at the later date (two weeks later), and elected the board officers in the current configuration.

5. Additions/Changes to the Agenda: none

6. Review and Sign Warrants: Denise Wheeler noted that the warrants were circulating and board members were signing.

7. Consent Agenda – ACTION ITEMS

Denise Wheeler suggested that adopting the minutes be moved to the August 8th board meeting. Board members were in agreement with this.

Rick Kehne moved to approve the consent agenda as follows (approval of minutes not included.) Seconded by John Brabant. A roll call vote was called; this motion carried unanimously.

- Ratify Denise Wheeler signing Form 941 for 2022 Employer’s Quarterly Federal Tax Return for NEMRC to file on the town’s behalf.
- Ratify Sharon Winn Fannon signing of Woodbury Volunteer Fire Department Fire Protection Contract with Town of Calais, effective July 1, 2022, consistent with voter approval as warned for FY 2023 budget.

8. Meet with Louis Porter, General Manager Washington Electric Cooperative

Louis Porter, Steve Knowlton, and Bill Powell joined the board.

Louis Porter introduced himself as the new general manager of Washington Electric Cooperative. He stated that he is a Calais native and currently lives in Calais. He shared that the goal at WEC is to provide electrical power at the lowest reasonable cost possible, and to provide renewable and low carbon electricity.

He invited Board members to reach out with any questions, concerns, and comments.

Steve Knowlton introduced himself as the new WEC Board Chair. He stated that the coop is here to serve its members, who are also owners of the coop.

John Brabant asked, regarding a goal of 100% renewable: with the current heat surge and much of the grid running on gas and oil - what is the interplay, regarding WEC being 100% renewable - are we less impacted by effects such as heat surge and increase in gas and oil? Louis Porter explained that we are impacted by these effects; he noted “RECS” (renewable energy credits) as a means to buy power to fill in where other sources of renewable power are not producing.

Some discussion followed around the Coventry landfill site that provides power. Mr. Porter noted that as Coventry is down approx 20% in production, this does affect the dependence on other sources.

Rick Kehne asked what is the expected life of the Coventry landfill production, and what is the plan after this lifespan? Mr. Porter estimated the life of the landfill - approximately ten more years; and that it will continue to produce energy beyond those years. He stated that it will be essential to be able to store and manage renewable energy that is produced.

In order to meet renewable energy goals, we will need to increase this ability. Bill Powell explained that “storage is the holy grail.”

9. Set FY 23 tax rate (NEMRC) ACTION ITEM

Marc Mihaly explained that NEMRC provides financial assistance to towns.

Wendy Wilton (of NEMRC) joined via speaker phone. She explained the spreadsheet which she had shared with the board for consideration. The total municipal rate as calculated is 0.7700. Last year’s was 0.7420.

Denise Wheeler moved to set the town tax rate for FY23 at 0.7700. Seconded by Rick Kehne. A roll call vote was called; this motion carried unanimously.

Donna Fitch asked for clarification around the state’s contribution to the Veteran's exemption amount. Wendy Wilton provided clarification. Calais provides \$40,000. Veteran’s exemption.

10. Installation of shutters on Town Hall windows

Denise Wheeler explained that the shutters are part of the permit that was approved by the DRB. Board members agreed that the installation of the shutters should move forward, as was approved as part of the permit. John Brabant and the board agreed that Board action is not necessary, as this is part of the permit that has already been approved.

Marc Mihaly noted to John McCullough and Andy Felice that they can go ahead with the shutters installation.

11. Authorize purchase of removable speed bumps in an amount not to exceed \$1,500 to be used on County Road (and other roads as needed) - ACTION ITEM

Rick Kehne reviewed the plan to move the speed sign that is currently in place in Maple Corner and temporarily install speed bumps as part of a bigger plan to purchase more speed signs and increase traffic calming efforts. He explained that this is considered an experiment to see its impact on traffic, and that it is a temporary installation (i.e. would not remain in place during the winter.)

Ginny Sassaman asked for clarification about placement of the bumps; Rick Kehne explained that the speed bumps will be on one side of the road (coming from Montpelier); not on the other side (which is gravel.) He noted that the other side of the road will be addressed at a later time.

Maureen Cassidy stated that she had submitted a petition before COVID19 to address County Road speeding issues; she worries that this will be moved to the back burner and she would like this solution to move more quickly.

Rick Kehne explained that the board has not forgotten about this and continues to discuss possible approaches.

Doug Lilley stated that part of the problem with speeding is that our roads are too wide, and the ditches become wider. He stated that the Selectboard needs to be sure that the town does not widen the roads; these are country roads. He asked whether speed bumps are legal. Some discussion followed around the use of speed bumps. Rick Kehne explained that speed bumps are not safe options in some instances (for example on downhills.)

John Brabant moved to approve the purchase and installation of the speed bumps, as presented and as discussed, and to allocate \$1500, with the first application to be in the

Maple Corners vicinity. Seconded by Denise Wheeler. A roll call vote was called. This motion carried unanimously.

12. Readopt Calais Road Standards ACTION ITEM

Denise Wheeler moved to readopt the Calais Road Standards. Seconded by John Brabant. Marc Mihaly explained that this is a formality. A roll call vote was called; this motion carried unanimously.

13. Roads Report (Rick/Alfred)

Alfred Larrabee explained that the current focus is on roadside mowing and road grading. He noted that we are waiting for grant funding to be received (for the Moscow Woods Rd. project.) He explained that these road repairs will require some road closures. He stated that he is currently looking for a storage area for some of the materials for this project. Rick Kehne asked Alfred Larrabee to let him know when this work will be done so that he can post the information on Front Porch Forum. Alfred Larrabee noted that the residents that are directly affected by the work are made aware directly. He noted that he is waiting for a confirmation letter re: grant for Moscow Woods Rd. bridge, and he is currently working with engineers on design for a temporary fix. Peck Hill Road is another grant project. Alfred Larrabee noted that he has been receiving some pushback about some of the ditch digging on that road. Rick Kehne stated that the ditches will need to be dug according to state law specifications. Rick Kehne stated that he will speak with the landowner that is “pushing back” on the digging.

John Brabant asked about current chloride treatment, as the roads are very dry and dusty. Alfred Larrabee stated that the chloride can be laid down after grading. He explained some of the properties of chloride. John Brabant stated that the dust is less intense this year, in spite of dry weather; Alfred Larrabee stated that he believes he has put down a greater amount of chloride this season and this may be what is making the difference.

Doug Lilley stated that the chloride kills maple trees. Alfred Larrabee explained that water is a very short term solution; a decision needs to be made between applying chloride or having dust. He noted that he gets phone calls every time he grades, about the dust.

Doug Lilley suggested that when a grader goes through, to follow with a water truck versus a chloride truck.

Someone from the audience noted that they work in construction and that water will not effectively address the dust.

Doug Lilley noted that he and Sharon Winn Fannon had observed the maple trees and had spoken about this issue. Sharon Winn Fannon recalled that they had this conversation and that she had suggested bringing the Conservation Commission into the problem solving. She explained the challenge in integrating environmental stewardship goals with road maintenance: this will require that both parties come together and come up with a solution.

Denise Wheeler will contact the Conservation Commission about joining this discussion.

Ginny Sassaman expressed worry about the dust that we are inhaling; she believes it is detrimental to people's health; it is not only a matter of aesthetics but also a matter of wellbeing.

Rick Kehne suggested that there are other types of "treated" chlorides - he will reach out to the Vermont Agency of Transportation to gather information.

John Brabant shared that the dust is silica dust and it is seriously dangerous to ingest.

Alfred Larrabee stated that if another solution is viable then he will use another substance, but he currently is using chloride.

14. Curtis Pond Dam: ACTION ITEMS

Marc Mihaly noted that he recuses himself from Curtis Pond decision making as he has a camp on Curtis Pond.

Denise Wheeler explained this action. She explained that the Curtis Pond association had collected money for the town for issues such as this. (I.e. this is not taxpayer money.)

Sharon Winn Fannon reiterated that at this time the town is not making any financial commitment.

Marc Mihaly (member of Curtis Pond association) explained that the memorandum of understanding indicates that neither party is responsible for the dam but that both parties are in agreement to move forward with seeking solutions.

He noted that the action tonight would be to move forward without any financial commitment from the town.

John Brabant moved to approve and authorize Denise Wheeler and John Brabant to sign the permit application for the Vermont DEC to reconstruct the Curtis Pond Dam. Seconded by Rick Kehne. This motion carried via roll call vote; Marc Mihaly recused himself from this vote.

John Brabant moved to authorize release of funds from the Curtis Pond Dam Fund in the amount of \$1,000. payable to the State of Vermont for permitting application fees and to sign the application. Seconded by Rick Kehne. This motion carried via roll call vote; Marc Mihaly recused himself from the vote.

15. Personnel Report - DISCUSSION/ACTION ITEMS

Marc Mihaly indicated that he is pleased to see so many townspeople present for this discussion; it is important to have open public discussion.

Marc Mihaly asked board members to briefly summarize facts around these items and then to invite members from the public to testify to the board.

John Brabant stated that he has heard concerns around the treasurer position, and has spoken with people who contacted him directly, about concerns that the selectboard has not acted in a timely enough fashion to fill the position. He shared that this position was advertised in April (maybe before). The board first met with Sandra Ferver to fine tune a job

description to be sure it was accurate. He noted that, as is universally common at this time, we did not get a lot of responses to the posting: we had only a few applicants. In the first effort we had at least one qualified applicant who we interviewed and to whom we had offered the job. Marc and Denise met with him several times to negotiate terms of the offer, and the board largely agreed to the applicant's requests. The board was negotiating the finer points (start dates, etc.) to be worked out and in the end the person had a change of heart and declined the position. This person was highly qualified and the board lost a great deal of time with that person. At that point, John noted there was a second qualified applicant, and we reached out to that person who had decided to pursue a different opportunity (one very different from the treasurer position in Calais). John described the confidential nature of the application and hiring process. Applicants have current jobs, and both their names and circumstances are confidential until someone actually accepts a position and both the board and the applicant are ready for the result to be public. Applicants have an expectation of privacy and confidentiality. The board is not trying to hide anything from the town, or cover up incompetence, the hiring process is confidential for important reasons. And that's why an executive session is needed for discussing personnel issues, including specifics around applicants for jobs in town.

Denise Wheeler explained that, as a result of these happenings, the board explored what other towns do. The board learned some towns have a person fulfilling the treasurer position part time, and serving in support of the selectboard for the remainder of a full time position. As a result, the board took a careful look at duties of the treasurer and how to streamline the process. The board learned that because Calais has weekly payroll, the treasurer spent time doing weekly data entry for payroll. In talking with other towns, the board explored is the treasurer full time, or is there a bookkeeper full time? In some towns the clerk is part time. The board learned many towns use a payroll service. Payroll is a repetitive data entry function, and removing this from the treasurer role would allow the treasurer to focus on other duties and to possibly change the nature of the position. Importantly, this would perhaps make the position more inviting to applicants. Calais is not unique to hiring issues and we want to create a position that will be interesting and attract additional candidates.

Denise Wheeler explained that NEMRC has been supporting the board in some of the financial aspects that come from the treasurer job. Denise emphasized NEMRC is NOT serving as treasurer. They are performing some treasurer function on a short-term basis, as they do with other towns, on a contract basis, but she was clear that NEMRC does not perform duties to the degree of eliminating the need for a treasurer. Sharon and Denise are investigating payroll services, with a focus on what is in the best interest of the town. That is always the goal, to do what is in the best interest of the town. Marc said he is an advocate for using a payroll company. If you get the right company, payroll is all they do, and they are very good at it. Denise mentioned that the changes and demands of reporting around human resources, both at the state and federal level, have become more complex over the years. She also underscored that a combined treasurer/selectboard assistant (or business manager) is taken from funds that are in the budget already. We are not looking at different funds. John said that the funds were already in the budget, to perform exactly these functions.

Rick Kehne stated that the board is looking for efficiencies (such as bi-weekly payroll, instead of weekly). Bi-weekly payroll is the standard, and much more efficient. Denise reiterated that the board wants to create a position that is multi-dimensional and will be interesting to a candidate. And hiring a company to do payroll is a way to shift some of the routine tasks out of the position.

Sharon Winn Fannon underscored that the board has spent a good chunk of time working to fill the treasurer position. The board reached a point of realizing the town could be without the treasurer function for a while. And the town could not be in a situation of having the treasurer function not occurring. There are many other things demanding the board's attention, so the board contracted to have NEMRC help out with some of the treasurer's work. Taking this step provided a sense of relief that if the position went unfilled for a longer period, we would have this temporary solution in place.

Rick Kehne spoke about the task of grant management as it relates to hiring for a new treasurer. The hope in creating this configuration of positions is to eliminate some of the drudgery work and allow for more critical thinking.

Marc Mihaly stated, regarding the Director of Public Works, the discussion of this position was specifically warned on May 2. Marc said he mentions that meeting not to say "gotcha" but instead to note that the board warned of a discussion, and the board discussed the position as warned, but there was no participation from the public. BUT ... now everyone is here, and Marc is delighted to have people here. In addition, the board had developed a job description, and approved the job description at a warned meeting, as well as the posting for the position. And, as an important courtesy, the board invited Alfred Larrabee and Toby Talbot to meet with the board to discuss the position. The board offered several times but Toby was not available at any, so the board met with Alfred alone. Marc apologized that no one from the board called Toby to fill him in. All of this, Marc said, he is offering as a point of information. And now the board is glad to have people say whatever they want to say about the position.

John said he's heard, and read, different "slants" on how we arrived at this place. John Brabant stated that we have always had a liaison from the board assigned to other entities, to the Curtis Pond dam project, for example. And also to the highway department. John mentioned Cy Lamberton as a previous selectboard member was emissary to the highway department. Cy as a volunteer was able to apply for a grant or two, but not as many as were available. The full work of applying for grants could not be done in the course of two, two-hour selectboard meetings per month. Going beyond that requires board members to take time from their families, lives, livelihoods. The board does not have time to pursue grants at the level necessary to maximize the opportunity. Years ago, Toby Talbot took that on after he left selectboard, but that was always intended to be interim. Toby has been diligent and gracious to do this work for years, but we always expected that was a temporary arrangement. So the board needs a position full time to deal with grants and other things. John went on to explain personnel issues as another aspect of what the board is supposed to deal with in two meetings a month. ALL the personnel issues, hiring, evaluations, developing job descriptions, budgeting. That doesn't all happen in the two hour meetings; the board works on things as one person or two outside the meetings. It's come to the point that under state law, if you don't pursue grant money, and meet standards, then we could be taken to court. The grant money requires someone to deal with grants, personnel issues, and full time. And come back to the board and report. There are also building issues ... the town hall had a town committee working with the board as liaisons to restore it. LOTS of volunteer time from the board and others. It's all volunteer work. It's time, for example, that when we have a leaky roof at the clerk's office there's a person (the public works director) to deal with it. The Curtis Pond dam, if or when the town ends up owning it, is another example that will require oversight if it occurs.

Rick Kehne said this conversation has been going on since before he was on the board, but he agrees completely. Alfred's talent and skill is in building and working on the roads. But we need another person to be sure we meet requirements and do appropriate reporting. That person can do ordering of supplies so the crew is able to stay focused on its skills. The new position could also take care of registration of equipment, grant management, and long-term infrastructure planning. The town needs to be tracking more formally, and in advance, so we are not blind-sided because of lack of planning. We can't afford to defer maintenance on buildings, is another point. The new position will be responsible for all of these infrastructure pieces.

Marc Mihaly noted that these proposals will not add to the already approved budget, i.e. the budget approved by the voters at town meeting.

Marilyn Bush: Stated that she understands that there needs to be oversight; she doesn't understand why we can't have a town administrator who would do all of it. Denise responded that there is far too much for that. John said this is essentially what we have here; it's the public buildings and roads. Marilyn states a town administrator could write and manage grants, but could also be sure that everyone is doing their job. Marc summarized Marilyn's point that instead of having a town administrator position versus a director of public works.

Barbara Butler: Shared the history/timeline, that Sandra Ferver had given four month's notice. She noted that the first interviews took place a great deal of time after that. She stated that the initial hiring that fell through dragged on for several weeks and that she feels the board owns that responsibility. She felt that the board took too long to contact the second applicant, and lost her. She expressed gratitude for NEMRC but she explained that NEMRC is paid \$115 an hour. It has been three months since the last interview fell through; it seems like the board could at least be recruiting people and noting that the job description could be dynamic; does not need to come to a screeching halt.

She shared that the May 2nd minutes reflect that ORCA was present but they were not. Board members acknowledged that ORCA was in fact not present at that meeting and the minutes will be edited to reflect that. Barbara also stated that even if the funds for the director of public works were approved at town meeting, they were not approved for this position. John responded that the funds the board has pulled to pay for the position are from funds that were approved to accomplish functions that the board has now created the position to do.

Ginny Sassaman: Thanked the board for the work that they do; she noted that the job load of the selectboard is overwhelming and she appreciates the board's work. She wouldn't want the job and she feels some of the tasks fall through the cracks. And she appreciates the effort of the board to just try to get things done. She agreed with Marilyn Bush's suggestion that a town administrator might help. She noted the FPF post from the previous constable, and training not happening according to the post.

Rick Kehne explained the challenge of selectboard members to manage their roles; he also noted that in essence the position of DPW (Director of Public Works) covers some of these

town administrator duties. Several on the board have full time jobs, and they sometimes have to take time away from work or take vacation to do selectboard work. John said a town administrator might align with some of the functions or might align with the treasurer, and the public work director is a better fit. Ginny also suggested that language makes a difference, and the director of public works sounds “hoity toity,” and maybe a different title would be more down-to-earth. Marc noted that the board would take that point into consideration.

Pat Finnie reiterated the concern that the new public works director position should be put before the people to vote on town meeting day. John Brabant explained that the position is merging the functions of other positions, and is budgeted as part of the functions the board is integrating for this position.

Donna Fitch stated that in 2017 the selectboard created a job description: Selectboard Administrator. She noted that the position of “Town Administrator” and “Town Manager” is defined by statute and is somewhat limiting. There was a committee that worked on creating a selectboard administrator position. For various reasons it never came to fruition. She suggested that this might be a good solution; she still has access to the job description and she will share it. The job description dealt with grants, and would provide some support for the road crew. John described that the board had filled that position, and the person wasn’t able to fulfill the function. Donna said that the position, when it went to the selectboard, was “downgraded” to selectboard assistant and it was less appealing. Some discussion followed regarding a position that had been filled in the past: Selectboard Assistant. She also shared that she had researched payroll service in the past and had found it to be too expensive.

Donna Fitch brought up minutes from May 2, and the board then went into executive session. The board then came out of executive session and when it came out, agreed to take action consistent with discussion in executive session. The minutes didn’t report the action steps. Sharon underscored that the actions steps voted after executive session had nothing to do with the public works director position, but were related to something else. The language cited, that “the board voted to take action consistent with discussion in executive session” is language the board’s attorney has advised us to use when the actions in executive session are not appropriate to share outside. Sometimes, Sharon said, the board has an executive session discussion that is appropriate for executive session, but then it is appropriate to vote on and share its actions openly after executive session. Other times, the action the board is taking in follow up to executive session is not appropriate to share with the public. John said that discussions related to the horses, at the time the board was working on it, fell into that category. Donna said she’d never seen that language, and the board confirmed that language comes from the new town attorneys.

Gail Graham: Asked, at the meeting when the board discussed the position, was this warned? She feels that this has created a great deal of concern. Marc confirmed that the meeting where the board discussed the position was warned, and Donna Fitch shared the agenda with Gail to illustrate.

Marc repeated his point that it doesn’t matter that we did warn the position is really beside the point. Often we warn topics and no one shows up; usually the board meets alone. Marc is hearing now: think about a different kind of position or title; things are falling through the

cracks, and a town administrator might be a good idea. Something like that should be put to town meeting. John repeated that town manager is a statutory position, which is limiting.

Rachel Bliss: Asked - when this position is hired, will Toby Talbot continue to work for the board? Denise Wheeler replied that Toby has indicated that he was doing the work that he currently carries out, he wanted to do only on an interim basis. Denise said that Toby has set a bar for others to meet, in terms of bringing in grant funds. There was some discussion about whether Toby could apply, and the board confirmed that of course he could ... and he would be well qualified.

Marc Mahily spoke about the missed opportunities in grant seeking, in historic preservation, affordable housing, etc. Marc said cities and larger municipalities have staff who work on grants, and small towns are missing out.

Jim O’Riordan asked about whether the position would work on the East Calais spring and water infrastructure. Jim said grants could be a huge job - this is a full time job in itself. John Brabant indicated that the hypothetical person hired for this position could help with East Calais water issues. Even though it's a different entity, it's in our town and perhaps a town staff person could help.

Denise Wheeler noted that there are issues such as affordable housing and historical buildings. There is upkeep required to keep the buildings up to high standards. Denise noted Donna Fitch and John McCullough did a huge amount of work to restore the building, along with others. But we don’t want over time for the buildings to fall into disrepair because there is no one to sustain the focus. Same issues related to the town office building.

Rose Pelchuk: As a former selectboard member, she thanked the board for the hard work it does. She said she’s been in the board’s shoes and she knows the position the board is in. She said the board has been talking about a public works director, or something similar, for years. Rose said she is in favor of this position, whatever its title. She noted, there is so much work to do! This will be a benefit to the town. She stated that she feels badly that the position of Treasurer is still vacant at this time and that Sandra Ferver was not there to train the new person, in spite of Sandra providing advance notice. She stated that being without a treasurer is like having a business but not having a business manager. She reiterated Donna Fitch’s concern about a payroll company, and doesn’t know what the cost would be. Rose is glad NEMRC is able to help. John said that NEMRC is still saving money, because the board is not paying NEMRC full time, far from it. Most of the work involved Denise has been doing as a volunteer.

Pam D indicated that she feels that this position is a great idea. She pointed out that there are more grant opportunities, such as storm water waste. She again spoke about the need for grant management. Grants management is not something road crews have been asked to do all along. It’s not just applying, it's maintaining the grant through tracking and reporting. Pam understands towns really need help in this area. The CVRPC can help, but only to a certain extent. The town still has to invest its own resources in accessing and managing grants.

Rick Kehne stated that the board is aware the new position can “drown” a person. It’s a big

job. The board is working to be strategic and build capacity if it needs to. The goal is to be cost effective, and be sure that the person's time and expertise will be used most efficiently.

Marc Mihaly moved that Denise Wheeler and Sharon Winn Fannon be authorized to develop a revised Treasurer/ Business Manager job description to bring back to the next regular board meeting. Seconded by Rick Kehne. Marc Mihaly noted that he has heard the concerns of those who testified tonight; he too is concerned; he also noted the difficulty with hiring and staffing under the current circumstances.

A roll call vote was called: this motion carried unanimously.

Denise said the board's practice is to review and sign job descriptions, before they are posted. John suggested the board start advertising, even before there is a position. Denise pushed back that we need to approve the position first, because people will want the job description. Marc said he is worried, because he's been impressed on how hard it is to hire people in this environment. And other towns are having the same problem. Marc pointed to a recent three day close of the East Calais post office, because there is only one person and no back up when the post person goes on vacation or has to be out.

Sharon Winn Fannon noted that the board had not warned action related to posting a position. The board is careful to let people know, through warning on the agenda, when it is going to take action on an item. Taking action on posting wasn't warned. It would be ironic, given the perception that we have been doing that, to do so now. And it starts a bad precedent.

Marc Mihaly moved to appoint Sharon Winn Fannon to represent the board in responding to a complaint to the attorney general's office about a possible open meeting law violation. Seconded by Rick Kehne. Sharon explained that the complaint states the board violated the open meeting law around creation of the public works director position. Marc stated that the board believes that approving the job description, and announcing a plan to post, was tantamount to approving the position. And now, the board is at a duly warned meeting and, if there was a technical violation (which the board doesn't think there was), we can approve the position tonight and ratify the June 27 creation of the job description.

Marc Mihaly moved to approve the creation of a public works position for the Town of Calais, ratify June 27 approval of the job description (with reference to the warned May 2, 2022 discussion on this topic). Seconded by John Brabant.

Marc continued, saying that the board should consider the input tonight. John said the board can "rearrange the pieces," all of which are fundamental to the function of the town. All the functions were budgeted in the budget that the town approved. The board has merely assembled them in a different style position. We've decided the old arrangement doesn't necessarily work, as Pam D'Andrea just explained. We're trying to keep up, and bring in more money, and be functionally better, and make Alfred's job better, and serve the town better. And Toby would be within his rights to say "I've done this job long enough." If Toby were to leave with little or no notice, we would be in the same position. We need to be prepared, and get ahead of things. Denise pointed out the ultimate goal is to figure out how to best serve the Town of Calais residents. With years of service, we can see efficiencies and

we need to implement them to serve the town better. Denise always strives to serve the town better. And we are all human and make mistakes.

Sharon agrees with everything others on the board are saying. There's nothing cast in stone around the title. The board, too, struggled on the title and picked one. Ironically, if there is anything cast in stone about the title, it is the need to be able to respond fully to the attorney general's office. The board doesn't think there is a public meeting law violation, as Marc said. The board thinks approving a job description and announcing a strategy to post is tantamount to approving the position. But somebody complained that we didn't approve the position in open meeting. So the board can address that tonight and approve the position in open meeting. That doesn't mean we can't make changes to the position and tinker with it in an open process, considering the input. But we do need to move forward and create the position so we can address the open meeting law complaint.

A roll call vote was called on the second motion, i.e. creating the position; a roll call vote was heard and this motion carried unanimously.

A roll call vote was called on the first motion, i.e. authorizing Sharon to work with the town's attorney to respond to the complaint; a roll call vote was heard and this motion carried unanimously.

Marc Mihaly thanked those present for spending the entire evening participating in tonight's meeting.

Stephen Mills spoke in support of the select board. He said he worked at the Times Argus and sees incredible effort at the local level, volunteering on various projects and causes. It is what makes Calais special. Stephen was concerned about the posts on social media. He encouraged people to not lash out with incorrect information about something they feel strongly about. Instead, people should come together to talk about it. Marc summarized that people should talk to the board directly, and each other, rather than resorting to social media.

Jeremy Weiss, Town Clerk, shared that having a meaningful conversation about creating new jobs is critical. He encouraged the board, if the job is cobbled together from various budget line items, to please explain clearly what various line items are. He reiterated the critical need for starting the hiring process for Town Treasurer. He urged the board to prioritize the Town Treasurer position, especially in light of tax bills coming out soon.

Barb Butler asked why the discussions around creating the position were held in executive session. John Brabant responded that these discussions did not occur in executive session. Sharon Winn Fannon noted that the idea of a position has come up in other discussions organically, for example, when talking with Alfred Larrabee about the town road crew issues. Denise added that when Alfred raises issues, the board has noted it needs someone to oversee certain functions. It's in those discussions the idea has come up, in an open meeting.

Barb Butler asked why the position had been posted for such a short period of time. Denise said the board may repost the position. The board has one applicant, which it has not formally interviewed.

Barbara also noted that a town constable and animal control officer have been vacant for a

while; she asked the board what is the status of hiring these positions. Sharon Winn Fannon spoke about the issues related to executive session. There are appropriately important items that stay in executive session for excellent reasons. Executive sessions can come up in all sorts of contexts. The board is really careful about executive sessions, and whether an item is appropriate for executive session. The public can hear part of the story, but not the whole thing. And the board is awkwardly not well-positioned to defend itself because it cannot reveal executive session discussion. She stated that we currently have so many irons in the fire that it is impossible to treat everything as a top priority.

John Brabant reiterated too, that many personnel issues are executive session matters. It is not appropriate to discuss employee performance in public. The board goes into executive session to discuss personnel matters, and that is not going to change. The town has employees, and there are personnel issues. John described an issue that was inaccurately summarized on social media. He spoke about a change in the board's legal counsel, and therefore, a change in practice. Those discussions occurred in executive session, appropriately so. John was assigned as the point person to work with the new constable. The new person was seeking law enforcement status, which John described. John Brabant summarized some of the timing, events, and barriers that led to the town constable not being able to get a background check and polygraph within the timeline that would allow him to participate in law enforcement training. He stated that he is disappointed with how this had been portrayed online (e.g. on Front Porch Forum.) John spoke about the challenges the town faced with the horse issue, and the amount of time that all board members spend solving such town issues. John said the board is not complaining, but they do ask that people understand the time and the effort. And this particular issue, related to horses, is ongoing.

Sharon Winn Fannon underscored that while all this is going on, it's all happening in executive session. If people are curious and thinking they want to read about it in the minutes, they will not find it. It was in executive session, and appropriately so. People want to know what is going on in executive session, but that curiosity cannot be satisfied because topics covered in executive session are private, based on being legal matters, or putting a person or the town at a disadvantage, or personnel issues, or other items as set out in statute. Executive session for these topics is statutorily protected.

Jeremy Weiss thanked John Brabant for the work and time spent on the issue related to the horses. He suggested that the board specifically indicate the reason they go into Executive Session, i.e. personnel, or something else that is specific. The public wants to be confident that the topics are in executive session appropriately. John Brabant said Denise has the specific section of the statute that she reads each time the board enters executive session. If the board is going into executive session, legal counsel has advised that the board not be more specific when indicating the topic for executive session.

Pam D'Andrea stated that if the town constable is going to carry firearms she feels that the public should know this. The board acknowledged that the concern is understood. John Brabant noted that the town's previous constable had that training.

16. Adjourn: The board adjourned by consensus at 10:08

Respectfully submitted,

<http://www.calaisvermont.gov/>

Lisa Grace, Board Recording Secretary

August 8, 2022 Agenda Items

- ARPA public input/survey (6:30 pm)
- End of FY '22 financial report – Denise
- Next steps Pay Data implementation – Denise
- Meet with road crew members
- Town Hall Usage Policy – Review and Renew July 2022 (Marc)

Future Agenda Items

- Follow-Up Shade Tree Preservation Plan – (8/8 or 8/27)
- John Risse ROW application #2022-04
- East Calais Tree Removal (Denise follow up with Neal Maker, tree warden)
- Curb Cut Application (NEEDED) and Curb Cut Application Assessment Form (new) (Sharon/Denise) – ACTION ITEM ([Curb Cut Materials](#) at this link; CC has requested input) – August
- Highway Capital Plan – Rick
- County Road Speed Limit -- Rick/Denise
- Immunizing Ash Trees – Rick/Neal Maker
- 2023 Property Reappraisal Process – Marc Mihaly/Jan Ohlsson

Review and Update Existing Policies and Ordinances

- Traffic Ordinance – Rick
- Personnel Policy – Sharon/Denise
- Job Descriptions Review and Update – Sharon/Denise
- Conflict of Interest Policy ([Conflict of Interest Background](#))

Create Ordinance/Policy

- Junk Ordinance – requested

Issues Awaiting Further Development

- East Calais Stormwater Project – Rick

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