



TOWN OF CALAIS

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

Selectboard Meeting Minutes

Monday, April 11, 2022 at 7:00 pm, Calais Town Hall

Present: Sharon Winn Fannon (Chair), Mark Mihaly (Member), Denise Wheeler (Member), Rick Kehne (Member), ORCA Media, Alfred Larrabee, Neal Maker, Lisa Grace (Recording Secretary), Travis Shores, Nick Emlen

1. Call to Order: Sharon Winn Fannon called the meeting to order at 7:01 p.m. Introduce Lisa Grace - recording secretary: Lisa introduced herself.

2. Public Comment (for items not on the agenda): none were heard.

3. Additions/Changes to the Agenda: Rick Kehne would like to add discussion of Moscow Woods to the agenda. Alfred Larrabee will include this in the road report.

4. Review and Sign Warrants: Board members reviewed and signed warrants as presented.

5. Consent Agenda

Denise Wheeler moved the consent agenda. (The February 19 minutes were not available for the consent agenda). **Seconded by Rick Kehne. This motion carried unanimously.**

- Adopt Edited Minutes of February 28, 2022 Regular Meeting
- Adopt Edited Minutes of March 7, 2022 Special Meeting
- Adopt Edited Minutes of March 14, 2022 Regular Meeting
- Adopt Edited Minutes of March 18, 2022 Special Meeting
- Adopt Edited Minutes of March 28, 2022 Regular Meeting
- Ratify Actions taken and decisions made at March 7 and March 14 meetings
- Application for Private Maintenance of Public Roadsides
- Approval of a Congressionally Directed Spending Request to Senator Sanders identical in process and substance to the CDS to Senator Leahy previously approved by the Board.

6. Schedule public hearing for Calais Shade Tree Preservation Plan (Neal Maker) (required by 24 V.S.A. §2502)

Neal Maker presented to the selectboard, explaining the need for a public hearing, together with the selectboard, as indicated by statute. He explained that there is a ten day requirement to share the draft of the preservation plan with the public. Sharon Winn Fannon shared the public posting places for the selectboard; the draft plan will be shared in the same places.

Shade Tree Preservation Plan is the document that will be presented in the public forum, as per statute. Some discussion followed and Denise Wheeler asked about what is meant by “the ordinance” as referenced in the statute as the ordinance process is specific; however, it was agreed that adopting an ordinance is not part of the plan at this time. Neal Maker explained his role as tree warden.

Alfred Larrabee explained that when there is a tree that is considered a hazard he reaches out to the tree warden before removing it; Neal Maker explained that the understanding has been that in order to remove a tree that is not considered a hazard, it needs to come to the selectboard through the tree warden.

Neal Maker explained that this is not a big change to past practice. He explained that some people don’t know about “shade tree rules;” additionally, the definition of “shade tree” can be vague.

The selectboard clarified that this pertains to the Town’s “right of way” and town properties (not town forest).

Some discussion followed around the emerald ash borer (EAB) quarantine area: they are excluded; the tree warden does not have any authority over removal of EAB affected trees.

Sharon Winn Fannon suggested erring on the side of “over-publishing” the draft. The selectboard decided to add this to the agenda on May 9, and begin the meeting at 6 p.m. The selectboard will warn this as part of its agenda; however, Neal Maker said as part of his responsibility he will publish the document as required (ten days in advance). He will warn the meeting on the document as well (to meet the ten day advance notice requirement, as the board does not publish its agenda ten days in advance.) Suggestion was made to publish the warning in the Times Argus and provide a link to the town’s website which will have the draft plan available. (The board will ask Jeremy Weiss to make the draft available on the town website.)

7. Appoint Selectboard liaison to Conservation Committee and Tree Warden (this appointment did not occur)

8. Roads Report (Rick Kehne/Alfred Larrabee)

Alfred Larrabee provided an update on equipment a new spare truck has been purchased; the older unit had been sold (for approximately \$15K); the money from the sale goes into the equipment fund.

He stated that the new unit is on order and will be ready around October 2022. This is part of the regular truck retirement cycle/ plan.

Alfred stated that a small dump truck has been reserved from the dealer (this is on back order); this will replace the current, which has been a “lemon.” The cost is approximately \$80K + \$60K; Alfred stated that he does not know what we might get from the current truck when he sells it, but hopes for \$60K - \$70K.

Rick Kehne indicated that we will be coming up on a grader replacement (within the next few years). This will be a big expense, and will be worked into the capital budget. He shared that we will sell the John Deere and keep the CAT. This item will likely need to be included in the town meeting warning.

Rick Kehne would like to include in the capital plan, retirement of one piece of equipment at a time.

Rick Kehne spoke about EAB; he would like to contract to remove these affected trees. He shared that East Montpelier has selected some trees to treat; however this is very expensive. He will gather information so the selectboard can discuss a plan and build this into future budgeting; the selectboard spoke about the possibility of immunizing some trees while removing others.

Alfred Larrabee stated that if we had a plan to remove some of the trees, we could get started this fall on our own without contracting for some of the removal. Sharon Winn Fannon indicated that she is interested in pursuing the idea of immunizing some of the ash trees. Rick Kehne said immunizing trees within the town's right-of-way is a good idea because the town has control and can be sure the effort is sustained over time. Rick Kehne will connect with Neal Maker to discuss a plan, especially around the concept of immunizing some of the trees. This topic will be added to a future agenda for the selectboard to discuss.

Alfred Larrabee shared some information about the Moscow Bridge abutment failure. This falls within the criteria of bridges that will be inspected by the state. Rick Kehne will reach out to Pam Thurber (VTRANS); he noted that DeWolfe Engineering has already taken a look.

Alfred Larrabee stated that we can apply for a structures grant from the state; he has asked DeWolfe Engineering to put together an estimated cost, to inform the grant application.

Rick Kehne explained that a structure grant will help to cover temporary repairs but replacement altogether will require a bigger plan (in the future), including funding.

Alfred Larrabee explained that there had been a sinkhole on the bridge which brought his attention to the abutment failure.

Sharon Winn Fannon requested that the selectboard hear as early as possible about grant opportunities that the selectboard must approve to be sure we have them scheduled for consideration. Alfred Larrabee stated that the grant application is due April 15th; Toby Talbot is currently working on applying for this grant.

Rick Kehne explained the advantage of working on this repair at this time, and then consider a larger project at a later time; the conditions for purchasing material and contracting such jobs will hopefully be more favorable at a later date.

The engineer report on the next agenda can include this item (Moscow Bridge).

Brief discussion followed regarding a water line permit that will come to the selectboard at the next meeting. Alfred Larrabee explained that the applicant wants to hire him privately for this work, so he may have a conflict in reviewing the work for compliance and, when the permit comes to the selectboard, he perhaps should recuse himself from discussion. (The permit involves an application for the selectboard to approve the right of way for the work to be done.) Denise Wheeler stated that someone else will need to explain this to the selectboard to avoid the conflict of interest issue. Rick Kehne suggested

that Toby Talbot can present the information to the selectboard in Alfred's stead.

Sharon Winn Fannon asked Alfred Larrabee, this creating a conflict of interest, whether he would consider not taking on this job. She suggested that there are two solutions: (1) the potential client finds someone else to do the job and Alfred Larrabee inspects it as per his full-time job with the town; or (2) Alfred does the job but the selectboard finds another person to inspect it. Denise Wheeler stated that Alfred's job with the town needs to be his top priority.

Alfred Larrabee stated that if the selectboard tells him to not do the job, then he will not.

Sharon Winn Fannon suggested that we note this issue and move on, and consider this at a later date.

Sharon Winn Fannon gave Alfred Larrabee a final copy of the Application for Private Maintenance of Public Roadsides that was approved tonight.

8. Calais Selectboard Rules of Procedure

Marc Mihaly shared that these rules had been discussed at length at previous selectboard meetings. The document that is compiled for the selectboard tonight is the result of the previous discussions. He feels that the document is an appropriate reflection of the discussions of the selectboard.

Marc Mihaly moved that the selectboard approve this document. Seconded by Rick Kehne. This motion carried unanimously.

9. Town Constable to participate in Law Enforcement Office training at Vermont Police Academy

Marc Mihaly moved to authorize Travis Shores, at the town's expense, to participate in training level 1 and level 2 at the Vermont Police Academy. Seconded by Denise Wheeler. Discussion: Travis Shore explained that the next training begins in June, with paperwork due in May. Sharon Winn Fannon asked Mr. Shores to provide the documents to the selectboard that require their signatures, for the May meeting. (The expense to the town will be for a polygraph and background check; there is no cost for attending the training.) Travis Shores has been in touch with a person who does polygraphs; Denise Wheeler suggests that the polygrapher directly bill the town.

Sharon explained that the selectboard in this action authorizes John Brabant to work with Travis Shores as appropriate to get the required polygraph and background check done, and to sign off on the expenses for those two items, on behalf of the selectboard.

This motion carried unanimously.

10. Local Emergency Management Plan (LEMP)

Nick Emlen explained that the selectboard typically approves this some time between Town Meeting Day and May 1st. He shared that the document this year is not greatly different from those in the past; he sent a draft of this plan to the selectboard and it is in the materials for tonight's meeting.

Nick Emlen summarized the document, and the Municipal Authorization form that will be signed electronically by Sharon Winn Fannon.

Rick Kehne suggested that there may be some money available (from FEMA) and he

would like to consider purchasing generators for various locations in the town. He will keep the selectboard apprised.

Nick Emlen had suggested that we consider designating a second (back up) emergency center.

Marc Mihaly stated that everyone who is listed on the document should have a paper copy of the document. Sharon Winn Fannon suggested sending it electronically and asking recipients to acknowledge receipt and that they have printed it. Denise Wheeler suggested that if people do not have access to print the document they can ask the town office to print a copy for them.

Sharon Winn Fannon asked whether Calais has ever done an emergency drill. This has occurred in the past but the most recent attempts to plan this have been postponed.

Mr. Emlen explained Government Emergency Telecommunications Service (GETS) - during a regional emergency when phone networks become congested, calls placed using this service receive priority over normal calls. He will send the information to those selectboard members who are not already subscribed. There is no cost for this service.

Rick Kehne shared that an Emergency Preparedness Conference is planned for late May at Lake Morey.

Rick Kehne moved to adopt the plan as presented and to authorize Nick Emlen to submit the plan. Seconded by Denise Wheeler, this motion carried unanimously. The selectboard recommended that Nick Emlen send a digital copy of the LEMP to everyone on the list of local resources.

11. ARPA (American Rescue Plan Act) Funds – Use of Standard Allocation method of Revenue Replacement

Denise Wheeler moved that the town of Calais make the one time irrevocable decision to elect the standard allowance approach for our ARPA award in the amount of \$479,477.36, to spend on the provision of government services throughout the period of performance of the grant. Seconded by Rick Kehne. Discussion: Denise Wheeler explained that there is a one time “standard allowance” option; we need to elect the standard allocation by the end of April. The options for use of the funds and reporting requirements have had many changes since she first began tracking, reading articles and attending webinars.

Denise Wheeler clarified that we still have time to decide how to spend the money. Denise Wheeler suggested that we do some outreach to the community (e.g. using a survey) to solicit input about how to spend the money.

This motion carried unanimously.

12. Treasurer/Del. Tax Collector: To approve interim solutions to fulfill treasurer duties: There was some clarification that the March 28 minutes had quoted an hourly rate in error: the cost for NEMRC = \$110 / hour versus what had been indicated in the minutes.

Sharon Winn Fannon moved to acknowledge that Denise Wheeler and Marc Mihaly have signed the document to approve interim solutions to fulfill treasurer duties.

Seconded by Rick Kehne, this motion carried unanimously.

Marc Mihaly commended the office staff for helping to keep operations up during this interim; Jeremy Weiss has been printing and signing checks; Sandra Ferver has agreed to help fill in until a solution is found and to work through the month of April. NEMRC has also taken on a role and been very helpful and available to answer questions.

The plan currently is:

Jeremy Weiss has been printing, signing and mailing checks; Denise Wheeler is reviewing time cards.

Marc Mihaly moved that Jeremy Weiss be approved as signer on bank account. Seconded by Rick Kehne, this motion carried unanimously.

Denise Wheeler had provided a memo to the selectboard explaining the steps that are in place to keep the town office rolling without a town treasurer for the time being.

13. Consideration of April 25, 2022 and May 7, 2022 Agenda Items

April 25:

- Right of Way (15 min)
- Curb Cut Application (revised)
- Document/ checklist for Alfred's review re: curb cut applications (15 min) (Rick will review with Alfred)
- Friends of the Town Hall agreement & rental schedule (Denise: can Clif attend the meeting via zoom? Denise will set this up.) (30 min) Marc asked to have this document sent to him so that he can provide feedback as he can't attend the April 25th meeting
- Highway documents (included in consent agenda)
- Stormwater update

Selectboard email protocol: Sharon Winn Fannon urged selectboard members to be judicious about sending emails that are redundant or that not everyone needs to see. For example, if one person says "thank you" to note receipt of an email that is sufficient. Not everyone needs to respond.

Some discussion followed around the selectboard folders for each meeting. Sharon Winn Fannon created a "Future Items" folder within each meeting folder; this folder can be moved forward to each meeting folder and can be a "parking lot."

May 7th

- Denise's task list
- Curtis Pond Dam
- Location of speed carts and permanent speed alert signs/ traffic calming on Lightening Ridge

14. Selectboard Round-Robin on Items of Old Business; Other Business; Future Business

Rick: would like to check status on East Calais stormwater project

Sharon and Denise commended Rick - great job on the website re: road updates info!

Denise: would like to look at the website to organize information in a more user-friendly way

Jan Ohlsson sent information re: update to Town Bylaws/ Zoning

Marc: we should be thinking about federal grants - there is so much money available right now, e.g. for economic development

15. Executive Session if needed, under 1 V.S.A. §313a :

At 9:00 pm, pursuant to 1 VSA § 313(a)(1), after first making a finding that premature general public knowledge would clearly place the selectboard and persons involved at a substantial disadvantage, the selectboard entered executive session to discuss contractual issues under motion of Denise Wheeler, seconded by Marc Mihaly. The motion passed unanimously.

The selectboard came out of executive session at 9:15 PM. **Rick Kehne made a motion and Denise Wheeler seconded to approve John Brabant working with the town attorney consistent with discussion in executive session. The motion passed unanimously.**

At 9:16 pm, pursuant to 1 VSA § 313(a)(1), after first making a finding that premature general public knowledge would clearly place the selectboard and persons involved at a substantial disadvantage, the selectboard entered executive session to discuss attorney-client privileged information under motion of Denise Wheeler, seconded by Marc Mihaly. The motion passed unanimously.

The selectboard came out of executive session at 9:27 PM. **Marc Mihaly made a motion and Rick Kehne seconded to rescind the motion of January 24, 2022 to take a look at discontinuing highway #7, with a site visit scheduled for Saturday April 16 at 10 AM and a hearing at the town hall immediately thereafter. The motion passed unanimously.** Denise Wheeler will notify everyone affected, including relevant town committees. The site visit and hearing will be rescheduled and duly warned pursuant to a new motion at an upcoming meeting of the select selectboard. Sharon will coordinate further conversation with the selectboard and the town attorney.

At 9:30 pm, pursuant to 1 VSA § 313(a)(1), Denise Wheeler made a motion and Rick Kehne seconded to enter executive session for the purpose of discussing a personnel issue. The motion passed unanimously.

The selectboard came out of executive session at 9:40 and had nothing to report.

16. Adjourn: The selectboard adjourned at 9:45.

Respectfully submitted,
Lisa Grace, Selectboard Recording Secretary

Future Agenda Items

- ROW 2022-01 Jerry Partin on Quarry Road; 4/25/22

- ROW 2021-03 Ciaburro application 4/25/22
- Curb Cut Application – Sharon/Denise 4/25/22 ([Curb Cut Materials](#) at this link)
- Friends of Town Hall Management Agreement and Rental Schedule April 25 – Denise
- Tasks for a well-functioning selectboard – Denise (from March 18 2022 discussion)
- Selectboard email protocol (from March 18 2022 discussion)
- Speed Carts discussion/Lightening Ridge traffic calming – Rick/Alfred
- Highway Capital Plan – Rick
- County Road Speed Limit -- Rick/Denise

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 Pending

- Worcester Cell Tower – John
- ARPA funds utilization process