



TOWN OF CALAIS

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

Selectboard Meeting Minutes
Monday, September 12, 2022 at 6:00 PM
Location: Calais Town Hall (note no Zoom option)

Present: Sharon Winn Fannon (Chair), Denise Wheeler (Member), Rick Kehne (Member), John Brabant, (Member)

ORCA Media, Reed Cherington, Ryan Edwards, Marilyn Mahusky, Esq., Alfred Larrabee, Peter Harvey, Elizabeth Shedd

- Call to Order at 6:00 pm
- Personnel Matters and Labor Relations (potential Executive Session per 1 VSA § 313)

At 6:04 pm Denise Wheeler moved to find that premature general public knowledge of attorney client discussion would clearly place the town at a substantial disadvantage by disclosing privileged communications and other confidential information, this was seconded by John Brabant and unanimously approved.

Denise Wheeler then moved to enter into executive session for attorney client communication per 1 VSA § 313(a)(1)(B) labor relations and invited town attorneys John Klesh and Marilyn Mahusky, Esqs. to join the board. This was seconded by Rick Kehne and unanimously approved.

At 6:46 pm Rick Kehne moved to resume regular session, this was seconded by Denise Wheeler and unanimously approved. The board had nothing to report.

At 6:47 pm John Brabant moved to enter executive session to discuss personnel matters per 1 VSA § 313(a)(3), this was seconded by Rick Kehne and unanimously approved.

At 7:20 pm the board resumed regular session by motion of Rick Kehne, seconded by Denise Wheeler and unanimously approved. Denise Wheeler made a motion to hire Erik

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Oberlin as director of public works, this was seconded by Rick Kehne and unanimously approved.

Sharon Winn Fannon called the open portion of the meeting to order at 7:31 pm.

2. Public Comment (for items not on the agenda): Sharon Winn Fannon invited public comment on items that are not on the agenda. No one stepped forward for public comment, and Sharon stated that throughout the meeting comments should be related only to items on the agenda.

3. Additions/Changes to the Agenda: no additions/ changes to tonight's agenda.

4. Review and Sign Warrants: Board members circulated and signed warrants.

5. Consent Agenda

Rick Kehne moved to approve the consent agenda:

Adopt Edited Minutes of August 22, 2022 Regular Meeting

Approve and sign 2022 Parcel Mapping Contract

Seconded by Denise Wheeler, this motion carried unanimously.

6. Roads Report

- East Calais Community Trust ROW application for sewer line under Route 14 #2022-03:

Denise Wheeler recused herself from this discussion and action, as a member of the East Calais Community Trust.

Ryan Edwards, project architect, represented the East Calais Community Trust in the ROW application. He explained the specifics of this proposed project. ECCT needs to replace the septic line that runs under Route 14. They have a V-Trans 11-11 application, and it has been approved, from the state. They will be excavating in the paved apron of the intersection of Back Street and Route 14, which is within the town's right of way.

Alfred Larrabee asked whether the digging will go beyond the apron that the town installed a couple of years ago. The trench is approximately 8x16 ft on the Back Street side, 3 or 4 feet into the gravel portion; this will disturb the apron. Alfred Larrabee clarified that the project will include replacing pavement.

Mr. Edwards described that the project will also involve reconstructing an existing failed retaining wall (currently on the town's right of way) onto ECCT property. Alfred Larrabee stated that this should be included in the permit application.

Sharon Winn Fannon read the application aloud, which relates as presented to the parking lot and the septic line.

Ryan Edwards indicated that he will amend the application to include the retaining wall; he asked whether this is likely to be approved at the next board meeting; board members indicated

that it is.

Rick Kehne asked for some clarification around the material that will be used under the surface.

John Brabant suggested that the board approve the current application, and to add the retaining wall language portion of the project into this application.

Sharon Winn Fannon asked for Alfred to specify conditions for this permit. Alfred explained the following conditions: full compaction at the completion of the project; the project will need to close the road so it needs proper signage; consultation with road commissioner as necessary.

Rick Kehne moved to approve the amended permit, with the conditions as discussed. Seconded by John Brabant. This motion carried; Denise Wheeler recused herself from the board's discussion and vote.

Denise Wheeler suggested attaching the meeting minutes to the permit so that the record keeping is clear.

- Follow up on road crew review of Road and Bridge Standards – Confirm:

Sharon Winn Fannon shared with Alfred that the speed bump and bike signs agenda items will be moved to the September 26 agenda. Sharon asked Alfred Larrabee for an update about training the road crew about the road and bridge standards. Alfred stated that he has talked about this with the road crew and that they are not ready to sign this document; they need more time. They are not comfortable with the document as it is written.

Rick Kehne said he suggested to Alfred that Alfred and the road crew mark up the standards to indicate the areas with which they have concerns.

Denise Wheeler stated that all the board is asking for is that the crew confirm they have read the standards and they understand them; there's no way the statement the crew was asked to sign could be read any other way. The Calais Road and Bridge standards have been in place since 2014. Up until now, no one on the road crew has asked to meet with us to review the standards. Alfred is here at every meeting and hasn't raised an issue with the standards. The selectboard worked on these at past meetings; the standards were approved by the state as written. If there are issues, then the road crew under Alfred's direction the crew could get together and bring concerns to the board. But until then, there is no reason the crew can't sign something saying they've received the standards and reviewed them. The office staff provided copies for everyone on the crew, so they have a copy of the standards.

Alfred Larrabee stated that his crew fears that they are being asked to agree to standards that are unsafe, and they would therefore be "approving" the standards and could be held liable. John Brabant stated that these are standards that the selectboard has approved, and they were submitted to the state, and the state approved the Calais standards as meeting the state's standards. These are the town's standards and as employees the crew is obligated to follow these standards **now**. The board is simply asking for the crew to acknowledge the crew completed review and training on the standards. It's not saying they are liable; if the crew feels that following the standards causes a liability or a violation, then Alfred as the manager can bring the concerns to the selectboard. And then the board could meet with the crew to understand the concerns.

Sharon Winn Fannon reviewed that at previous meetings the board had agreed on asking for confirmation that training occurred, and to receive signed forms from the crew relating to training,

as well as the crew's acknowledging receipt of standards and full understanding of the Calais standards. Sharon repeated the point that the standards are not new and were approved by the state.

Sharon Winn Fannon stated that the position that the road crew is presenting by rejecting the standards, is applying its independent judgment over the standards that were approved by the selectboard. Sharon stated that is a precarious position for Alfred and the crew to be putting themselves in.

Alfred Larrabee replied that the standards are not complete; the selectboard was supposed to indicate which widths for various roads; these assumptions are not for the road crew to make. This was supposed to be done in 2014. Alfred expressed his concern with a standard of 12 foot width for some roads. He would like to know that the taxpayers in town are ok with the standard of 12 foot wide roads. He would like the standards to be made public so that there can be input from Calais community members. Denise pointed out the standards are on the website.

John Brabant shared that there had been a color coded map; he agreed that the road width had not been indicated on the map. He reiterated that the request is confirmation that the standards have been received and reviewed.

He noted that the roads in France are narrow, people travel as fast as 50-70 km, and the roads are narrow. When people meet an oncoming car the narrow road causes people to slow down and allow others to pass.

He stated that Alfred's job as roads commissioner is, if this has been going on since 2014 and he has had concerns and has yet to identify them, he should have communicated this to the selectboard, point by point with specific feedback relating to any problematic standard. Don't just say broadly "the standards are a problem and we won't follow them." We are asking the crew to follow a legal directive - to sign that they have received the standards, and read them, and understand them. If there is a concern, then Alfred can communicate the concern the standard back to the selectboard so that we can consider amending and improving them.

Denise Wheeler stated that we have asked road crew members in the past whether they have received the standards and they have answered "no" - this is why we are now asking them to acknowledge in writing that they have received the standards and read them. We've heard from road crew members that they never received the standards.

Alfred said he will convey this message to the crew. Alfred added he is conveying to the board the crew's message that they will not sign the standards because they don't agree with the standards.

John Brabant stated that it is Alfred's role as manager to convey to his crew that refusing to follow the board's direction is insubordination, and insubordination could be grounds for immediate dismissal. It's Alfred's job to help the crew, i.e. protect them from themselves..

Rick Kehne agreed that the crew needs to review and sign the standards. He suggested that Alfred and his crew provide direct feedback to the selectboard around specific concerns within the standards so that the selectboard can be made aware and consider the specific concerns. Rick Kehne stated that if there are roads where the width is a concern; the road crew is well equipped to identify these concerns. if it's appropriate, the selectboard can make decisions to amend the standards. The decision to change the standards belongs with the board. Sharon underscored that the board owns both the standards, and any changes it chooses to make, and associated liability.

Elizabeth Shedd asked: how many people on the road crew are independent contractors? She asked this question based on concerns that had been expressed around liability. Sharon Winn Fannon indicated that they are all employees, some full time, some temporary; none are considered independent contractors.

Sharon Winn Fannon noted that having the discussion is a success. The board has been hearing from people that the road crew is not following the town's adopted road standards. The board repeated the directive that Alfred should take back the message that the road crew had received and reviewed the town's road and bridge standards, and that if specific concerns are outlined, they can be brought to the board.

Alfred noted that we are using grant money; each grant has standards that are expected to be followed; the standards that are included in the document do not follow the standards that are indicated in the grants. John Brabant said there is no discrepancy between the town's standards and the state's requirements.

John Brabant asked that Alfred come back to the board and indicate in writing, in detail, proposed changes to the language in the standards. Sharon Winn Fannon asked Alfred which board meeting he would like to have on the agenda.

The following date was agreed upon: October 10th (45 minutes on the agenda). Denise Wheeler will provide a word document so Alfred can suggest specific edits easily.

Sharon Winn Fannon asked whether Rick Kehne can work together with Alfred to prepare some suggested edits for the October 10th meeting, and to please provide at least a day in advance of the meeting.

Alfred stated he was not invited to the road committee meetings. John and Denise said Alfred was appointed the board's liaison in 2013 and 2014, when the standards were developed, and he was invited to meetings. John asked for the changes 24 hours in advance so the board can review them.

- Grooved pavement as an alternative to speed bumps: Rick Kehne indicated that he doesn't have any updates on these items at this time. The board will put this on the September 26 agenda. Sharon said she was in Maple Corner recently and a resident expressed delight that the town is doing something about speed. Rick said the digital signs the board recently approved have been ordered. Rick said it could be a couple of months before they arrive.

- Biking signs proposal: Rick Kehne indicated that he doesn't have updates on these items. The board will put this on the September 26 agenda.

7. Report on Peter Harvey Private Maintenance Public Roadside

Sharon Winn Fannon outlined that the reason Peter and Alfred are on the agenda tonight is to report back, as agreed upon at a July meeting, when they described the compromise they'd reached on roadside mowing, and whether the compromise worked from both points of view. Peter Harvey said all he did was withdraw his permit request as a result of a previous board discussion. Peter saw Alfred's point around the need for a ten foot line of sight around driveways. Peter is not sure that is achievable on our roads. Peter said Alfred was going to work on cutting roadsides back further, which will take some time because of trees and ledge in some places. Peter withdraw his

permit application because achieving a 10 foot depth is not achievable for one person.

Sharon Winn Fannon clarified that the permit application was a blank slate, in the end, which prompted the applicant to fill in how they intend to address line of sight issues without the town crew's regular maintenance. The subgroup had talked about conditions, but in the end there was no consensus so the group removed conditions from the early draft. What the board approved as the application simply asked the applicant to outline their approach. Upon reflection, Peter wonders whether he should have pushed harder to get the town to do more around managing invasives.

Denise Wheeler asked whether this is settled at this time? Peter indicated that he thought things were settled at the last meeting when he withdrew the request. He didn't do anything differently, except withdraw his request that the town not mow.

Sharon Winn Fannon asked Peter if he felt that he had been able to continue his work to test methods of invasive species control. He stated that it was more difficult this year and he is not sure why. He spoke about efforts over the years to mitigate invasive species (like wild chervil) and his plan for the winter to get in touch with as many people that he can who are working on this issue. Peter has been operating on the belief that he can get rid of chervil. But his recent conversations with farmers in Randolph revealed that they are now focusing on keeping it out of fields, but recognizing that once you have it you cannot get rid of it. People in Randolph Center, are upset about the level of chervil. The most important thing is prevention; don't spread it in the first place. Peter says we need to educate people in town on how to prevent it from spreading. If people mow every single week; and farmers mow 4x a year, you can keep it to a minimum. It is still spreading, but more slowly. Peter wants to involve people in town on how to deal with this. Denise suggested Peter coordinate an education forum – it doesn't have to be the select board. Peter wants to get in touch with people who are doing programs related to invasives. People said the report shows we have ten invasives. For him, to get beyond chervil and wild parsnip, is too much for him. Peter said talking to his neighbors about chervil was the best thing that ever happened – now he knows his neighbors better, and they know about chervil. But it didn't work well for people to weed their own, because there was no central method to track the work. Peter noted that Joanne Garten's report, and the map she included, is supposed to be updated every year. You need to walk the roads to see the invasives expansion and update the map. People who live on the road should take responsibility for that work. Peter said we have a long way to go, and we need to recognize we are not going to get rid of what's there. Peter points out the roads that don't have invasives should be mowed FIRST, and early, and mowed at least twice early. And then the roads that have it need to be mowed before the invasives flower and go to seed. The board thanked Peter for his work and his leadership on the issue of invasives management and prevention.

John Brabant asked for follow up around the agreement that Peter had said he made with Alfred about washing the road equipment in an effort to control invasive species. Peter said Alfred and Toby said that washing the equipment is "too much" to do. Peter remembers Toby saying it wouldn't do any good.

8. Personnel Update

Denise Wheeler reported that tax checks are coming in at this time; she worked with Barbara and they have decided it is more straightforward if one person does this; Barbara is doing this but keeps track of her time processing tax checks under assistant treasurer. John noted this is the position Barbara resigned from, and Denise confirmed that point but this is just a way to track the time.

Denise stated that we have advertised for treasurer/ business manager position in Seven Days,

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Hardwick Gazette, Times Argus, and on social media. Some interest has been received; there are two prospective applicants; Denise recommends scheduling interviews on Thursday September 22 and interview both candidates at that time. This meeting will be warned for 7PM; however, interviews will take place in executive session. If another credible candidate comes forward, they can be added to that evening's agenda.

Denise Wheeler asked Sharon Winn Fannon to clarify what she had learned regarding a concern raised around the integrated position of treasurer/ business manager; a question came to Denise about the use of the term "manager" in relation to the business manager portion of the job description. Sharon Winn Fannon stated that the intent in creating this position is to support the selectboard to be more efficient in its job and help the board stay on track administratively. She noted that there will be an "HR" aspect to the position (human resources); this will be for the purpose of assisting the selectboard with human resources type of paperwork and record keeping; the position is human resources administration, as opposed to an evaluative/ supervisory role.

9. Reschedule Town Highway #7 Hearing

Denise Wheeler stated that this hearing will need to be scheduled for a later date, instead of Monday September 19, because the land survey is behind schedule. Sharon Winn Fannon suggested October 17th to allow time for the survey to be ready. At that meeting, the board will meet to admit the survey into public record. Reed Cherington stated that he might not be available on that date; Sharon Winn Fannon stated that the purpose of the hearing on that date is simply to accept the survey into public record. And at that point, the board will then go into its deliberative phase of the process, or decide whether it has everything it needs to deliberate. Denise pointed out the survey will be posted on the website, and the meeting will be recorded.

The board agreed to meet on October 10th as per its regular schedule, acknowledging that date is Indigenous Peoples Day.

The board agreed to continue the July hearing regarding Town Highway #7 on October 17th at 7:00 p.m.

10. Constable – duties and level of statutory authority

Sharon stated that at this time, we do not have a constable and this topic needs to be on a future agenda. Sharon said in the context of onboarding the last constable, the board learned a lot about the role of constable, and the various choices. Sharon said she was not fully aware, before that time, that the board has choices about the level of constable to have in Calais. The board needs to find time to discuss the variety of options regarding the role of constable. Sharon asked the board to review their notes from the last round of constable discussion. This will be on the agenda for the September 26th meeting.

11. Board round-robin on items of old business and other business

John Brabant stated that in the future he would like to check with VTrans about what is allowable in Vermont, regarding road widths, and would like to present to the board, especially after his visit to France and observing their roads. Sharon noted the next meeting agenda will likely include a couple of curb cuts and town hall usage policy (Marc).

Alfred Larrabee shared that the Moscow Woods project is done. Denise asked Alfred to communicate that to the town offices, because they are getting a lot of calls. Alfred - he will stop into the town office tomorrow and let them know so they can communicate this to the community.

12. Adjourn:

Rick Kehne moved to adjourn at 8:51 p.m. Seconded by Denise Wheeler, this motion carried unanimously and the meeting adjourned.

Respectfully submitted,
Lisa Grace, Board Recording Secretary

September 26, 2022

- Jason Carmichael Curt cut application #2022-02
- CKC Holdings, LLC Curb cut application #2022-01
- Town Hall Usage Policy – Review and Renew July 2022 (Marc)
- Moscow Woods Closure – Update
- Constable – duties and level of statutory authority -- Discussion
- Use of ARPA funds for traffic calming road design study
- Follow-Up Shade Tree Preservation Plan
- Meet with Alfred Larrabee re: road commissioner reappointment (likely executive session)
- Traffic Control Ordinance Update – Reduce County Road Speed Limit – John/Rick
- Commission/Committee Reappointments – Sharon
- Update from KHL, Carolyn Brennan, Co-Director, Library Director (Denise)
- HPC new grant paperwork to sign (David Schutz)

Future Agenda Items

- Invite WVFD and EMFD to discuss recruitment incentives
- 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)
- Highway Capital Plan – Rick
- County Road Speed Limit -- Rick/Denise
- Immunizing Ash Trees – Rick/Neal Maker
- 2023 Property Reappraisal Process – Marc Mihaly/Jan Ohlsson
- ARPA Process - Denise
- Meet with road crew members

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