



TOWN OF CALAIS

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

Selectboard Meeting Minutes
Monday, September 26, 2022 at 7:00 PM
Location: Calais Town Hall (note no Zoom option)

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

ORCA Media, David Delcore, Times Argus, Mary and Terry VanVeghten, David Schutz, Arwa Meiloud, Anne Toolan, Cathy Kashasni, Betsy Parah, John Stafford, Jordan Keyes, Sage Kennedy, Chris Connor

Sharon Winn Fannon called the meeting back to order, after executive session, at 7:00.

Sharon Winn Fannon shared that a situation arose today that required convening for an emergency meeting. She shared that the board met at 6 p.m. for an emergency meeting, and went into executive session with the director of public works and legal counsel, on an issue related to personnel. There is no action resulting from the executive session.

1. Public Comment (for items not on the agenda): none
2. Additions/Changes to the Agenda : Denise Wheeler would like to postpone the consent agenda until the following meeting.
3. Review and Sign Warrants: Board members reviewed and signed warrants.
4. Consent Agenda: This was tabled tonight.
 - Adopt Edited Minutes of September 12, 2022 Regular Meeting
 - Adopt minutes of Emergency Meeting of September 19, 2022
 - Adopt minutes of Special Meeting of September 22, 2022

5. Historic Preservation Commission – review and sign grant paperwork

David Schutz had shared a grant agreement document with the board. He reminded the board that they had approved this CLG (Certified Local Government) grant; it was awarded in January, but the grant agreement form was just recently received. He shared that this grant in the amount of \$7150, is for developing a history tour of the five hamlets in Calais. The town will be reimbursed after the final report is sent (which is the Maple Corner portion.) David Schutz shared that this grant money will

include Tobin Anderson developing a podcast that will be used as a guide for the history tour. A guide will be accessible either by audio or by written form).

David Schutz shared some details about Calais being a CLG: Certified Local Government.

Marc Mihaly moved to approve and sign the grant agreement as presented tonight. Seconded by Rick Kehne. This motion carried unanimously.

Board members thanked David and the Historic Preservation Commission for their work on this project.

6. Status of Shade Tree Preservation Plan (Neal Maker) – schedule public meeting

Neal Maker shared that some changes have been made to the Shade Tree Preservation Plan; the conservation commission has reviewed the most recent plan. We need to schedule a public hearing.

The board agreed to hold this public hearing on October 24th at 6:00, before a regularly scheduled selectboard meeting. Neal Maker will warn the public hearing portion of the meeting.

7. Use of Town Hall (downstairs) by Friends of Calais (school group) for meetings

Denise Wheeler shared that a Calais school group would like to use the town hall for three meetings, because there is a conflict at the school building. This group is the equivalent to the PTO or PTA. Some discussion followed as to whether this would be considered a civic group or a government organization. Sharon Winn Fannon clarified that is a civic group independent of, but aligned with a municipal organization (Calais Elementary School). Sharon indicated that we will put this on the consent agenda for the requested dates for the next Selectboard meeting. Denise will share with the group that the board intends to approve this request at the next meeting. (Oct 6, Nov 3, Dec 21 are the dates).

8. Roads Report – Erik, Rick & Alfred

● Jason Carmichael - Curb cut application #2022-02 – ACTION ITEM

Alfred Larrabee explained that we had recently approved a curb cut farther up the property line; this application is in a different location. He is not clear where this location is. Alfred noted that the original curb cut had been installed on the property. There was some question as to whether the land would be subdivided - is this why another curb cut is desired? The board agreed to table this until Jason Carmichael is available to provide more information and attend the selectboard meeting in person to clarify.

Jordan Keyes noted that the ordinance does not make any reference to how many curb cuts are allowed on a parcel.

● CKC Holdings, LLC - Curb cut application #2022-01- ACTION ITEM

Denise Wheeler recused herself from the CKC Holdings curb cut discussion and action. Chris Connor had submitted an application for curb cut. He shared that the project was reviewed by the DRB and a preliminary decision was received in June; he stated that one of the items that arose from the preliminary decision was the need for this curb cut application. He noted that Alfred Larrabee has come

out to look at this location and review this application.

Mary Vanvegten requested a site visit from the selectboard before the curb cut is approved. Sharon asked whether there is a concern that the proposed curb cut is not consistent with the curb cut ordinance. Mary replied that there is a concern that there is another area that will be related to/ affected by this curb cut. John Brabant explained that the selectboard's review of curb cut applications is limited to the current land as designated in the application.

Terry Vanvegten explained that there is a visual problem with the proposed curb cut.

Alfred Larrabee noted that he had been to the site a couple of times; there is plenty of sight distance, an engineer has looked at this project; they plan to put in a culvert; he does not see any problem with this application. Rick said the project meets the B-71 standard.

Mary Vanvegten clarified that this application is just the curb cut for the driveway.

The proposed curb cut is different from the curb cut in the first application; Chris Connor explained the proposed curb cut (the application currently being considered) location has been changed from the previously approved curb cut. The new curb cut is flagged at the site. Considering grades, they decided the driveway entered too far up Bayne Comolli and it would be hard to comply with B-71B. They've moved it downhill on Bayne Comolli, which helps with the grade of the driveway and line of site on the uphill side. It is now closer to "Bayne's."

Denise Wheeler asked if there is an existing curb cut already where the log landing was. Chris Connor stated that as far as he and Neal Maker (consulting forester) know there is not an existing curb cut permit in that area.

Jordan Keyes explained that another reason that the proposed curb cut was relocated is to enter from a perpendicular perspective. The driveway enters now at a better level and a more desirable position in regards to the center of the road.

Marc Mihaly clarified the reasons that the location had been changed. Alfred Larrabee reiterated that he had given consideration to the sight distance and crest of the road for this curb cut, i.e. that there be 300 feet of sight distance at 35 mph and he does not have concerns; the proposed curb cut meets the requirements. Marc asked that the board confirm his understanding that the board's decision is limited to whether the project meets the 300 foot line of sight? Sharon explained that the town has a curb cut ordinance, which incorporates the state standards, and the standards are broader than line of sight; there are a series of requirements related to function and safety. John said sometimes the board conditions the approval based on circumstances, to be sure the project complies with standards.

John Brabant moved to approve the application as presented tonight. Seconded by Rick Kehne. This motion carried; Denise Wheeler recused from this vote.

- Calais Road and Bridge Standards – create historic timeline

Sharon Winn Fannon indicated that the board would like to share, for the record, the history - that the Calais Road and Bridge Standards were developed over a period of about a year and a half and then approved in 2014 by the selectboard. The board at the time included Denise Wheeler, John Brabant, Toby Talbot, Rose Pelchuck, and Scott Bassage. The standards were developed by a working group of citizens that was separate from the selectboard. The working group included JC Myer, Stephanie Kaplan, Peter Harvey, Doug Lilley, Craig Line, Barbara Weedon, Gary Schultz, and Conrad Smith. The

records from the period the standards were under development show that Alfred Larrabee and Toby Talbot also participated in meetings. She stated that the standards are not new. They were adopted in 2014 and updated and readopted in 2015 and have been talked about frequently in the years since at selectboard meetings. And the standards have been on the website since 2014.

Alfred Larrabee reminded the board that they had readopted the standards at a recent meeting. He stated that we need to adopt a standard, whether it's the state standard or something that differs, in order to be eligible for a 90% project reimbursement. Towns that don't adopt the higher level are eligible only for 80 % match. John Brabant stated that a committee appointed by the selectboard developed the standards, the board held public hearings, and the standards were approved by the state as meeting the 90% reimbursement level.

Alfred Larrabee noted that things have changed since the state may have approved the standards. He stated that we have new standards that we need to follow. He said if the board wants to have its standards, then we should revisit the standards and update them. John said this should be an evolving conversation and the board has asked Alfred to provide clear information around what works and what doesn't. John said this is the input we've been looking for from Alfred and the road crew. Denise said the board is open to hear details from Alfred and the crew, so we can make appropriate adaptation. Sharon said the goal is to support the board in being able to make appropriate changes to the town's standards, not simply throw out the standards "with the bathwater."

John Brabant stated that the town's standards are in effect until and unless we change them.

Alfred Larrabee asked to see the letter from the state that indicated their approval of the standards. Denise Wheeler will share this document with him.

- Grooved pavement as an alternative to speed bumps: Rick Kehne explained these perpendicular grooves in the road. Denise asked Rick whether this is the same type pavement where you see signs that say "motorcycles use caution." Rick and John confirmed it is that type of pavement. The grooves are not deep, and not wide.

Marc Mihaly noted that we approved speed bumps at an earlier meeting. Now we are considering a different proposal (grooved pavement) instead, because of concerns that came up later relating to speed bumps. Sharon confirmed we approved buying speed bumps at town expense and installing them, after citizens advocated for that solution. Denise said we've moved past the idea of speed bumps, and Sharon added we haven't formally adopted the idea of using grooved pavement instead of speed bumps. Sharon said because we approved speed bumps, we need to be really clear if we are changing direction to a different proposal. The board needs to crystalize a grooved pavement proposal and attach a budget and a timeline to the proposal.

Rick Kehne stated that there are federal guidelines indicating where and how to use grooved pavement. He reiterated his concerns with speed bumps causing accidents, given the speed people drive on County Road. Rick explained that a "rumble strip" creates a safer alternative to speed bumps. Grooved pavement doesn't throw the car out of control. It vibrates the car and the driver will slow. John said you need to have several groupings of grooved pavement to be effective.

Sharon Winn Fannon stated that the board created an obligation when it voted for speed bumps. She asked what time of year the crew could create the grooved pavements. Marc asked whether this proposal is ready to be approved tonight. Rick said it needs more research. Sharon suggested that the board needs to rescind the previous approval of speed bumps. The board wants to approve a proposal for grooved pavement at a time when the project is closer to fully developed. In the meantime, the board will rescind

its approval of speed bumps. It will not approve grooved pavement until the details are fully developed.

Rick Kehne will continue to gather information regarding grooved pavement. The board will continue to carry it on the agenda.

- Biking signs proposal -- Rick – ACTION ITEM

Rick Kehne shared that there is a standard sign in the MUTCD: Manual on Uniform Traffic Control Devices. The board discussed locations for these bicycle signs. Rick said we can put the signs wherever we like. John suggested we put them at entrances to our town on various roads. Rick described the sign the board is considering, i.e. a sign that shows a bicycle emblem and says “may use full lane.”

Marc asked if Rick’s proposal is to put that sign on each entry to town? Rick said we should put it on County Road, certainly; Lightening Ridge just off Route 14; Adamant Road.

Alfred Larrabee noted that on dirt roads there is no determination of one lane or the other. He suggested that these signs are not appropriate for dirt roads, and interprets that the signs can be used only on “laned” roads. John said there is an assumption that drivers know which lane to drive in. Alfred also suggested that there will be significant cost for each sign (\$70), plus more when equipment and manpower is considered. Some discussion followed regarding placement on County Road as a place to start, and discussed various points of entry along County Road within Calais. Alfred Larrabee suggested two locations: where you enter County Road from East Montpelier and at Maple Corners.

Denise Wheeler moved to purchase and install two R4-11 signs from the MUTCD Manual on Uniform Traffic Control Devices. Seconded by Marc Mihaly. Discussion: Terry Vanvegthen asked when this ordinance came to pass. Sharon said this is not a town ordinance, it is state law. Terry said he sees bicyclists ride three-wide and take up the entire lane, e.g. on West County Road, and they won’t pull over. Sharon noted that citizens have asked us to consider these signs.

Alfred Larrabee asked, if there is an accident, who is liable? John Brabant stated that bikers have the right to use the road. Drivers are responsible to give right-of-way to bicyclists, horses, pedestrians, etc.

Sharon Winn Fannon noted that we are not creating a law or a standard; it already exists and has for a while; what we are hoping with the signs is to educate travelers and create a higher level of safety.

John Brabant reviewed the information on the MUTCD (Manual on Uniform Traffic Control Devices) site about these signs. The site says the signs are intended to discourage unsafe in-lane passing; they are intended to encourage drivers to use the other lane to pass.

Jordan Keyes suggested a FPF post to help educate the community on bicyclists rights. Sharon Winn Fannon stated that citizens can post on FPF as well. John Brabant stated that these signs are particularly useful on roads where there is not a significant shoulder.

This motion carried unanimously.

Discussion followed about the electronic speed control sign - this had originally been placed at the bottom, heading into Maple Corner on County Road.

John Brabant and Rick Kehne spoke about the placement of the electronic speed control sign, which was originally placed at the bottom of the hill at the end of the paved portion of County Road. That location is too late to slow traffic heading into Maple Corner. John’s understanding was another sign would be installed further up the hill at the brow. Alfred said the reason the sign is at the bottom is because this sign can track speed, and it will measure speed at Maple Corner Store. Rick Kehne stated that we are still waiting for the sign to arrive, at that time one will go at the top of the hill. It will be ~2 months before those signs arrive.

John Brabant stated that the foundation for the sign can be installed sooner (before colder weather) even if the signs have not been received.

9. Department of Public Works – DISCUSSION ONLY

Request to install railing on ramp to Curtis Pond swim area: Denise Wheeler shared that a request has been received to install a ramp to make it easier to enter the swim area. Marc Mihaly described that in the public swim area, entry can be difficult for some; a railing would add safety and ease.

Linda Schütz shared that this year when she had a knee injury, she was not able to get into Curtis Pond. She spoke to other people who also expressed how difficult it is to get into the public swim area. She suggested the stone steps or to the left on the grassy area as an ideal location for the railing. She went to the area with a contractor to look at Curtis Pond and the idea of a railing with her.

Linda asked whether this would come from federal funds. Denise Wheeler stated, not necessarily; it would depend on the cost of the project.

Sharon Winn Fannon asked whether Linda would take the lead on this project. Linda could reach out to the contractor that she has a connection with and ask for a more detailed proposal which might indicate an estimated cost. Sharon Winn Fannon suggested putting this on the February selectboard meeting. Linda speculated the project would cost under \$2000.00. Denise said if the project is over \$5000, then under the town's purchase policy the project must go out to bid.

Marc Mihaly noted that we would need a rough sketch and a proposed cost. Denise Wheeler can be a selectboard resource for Linda if Linda will pursue a formal proposal for the board's consideration at a February meeting, which includes (1) project description, (2) sketch, and (3) proposed cost.

Jordan Keyes asked whether there will be state permit requirements for this project. The board said there might be; the project would have to comply with state requirements.

- Work plan: no update
- Schedule meeting with road crew: The board will schedule a meeting with the road crew to show support during a time of transition.

10. Schedule public hearing for revisions to the Town Plan and Zoning Regulations (Jan Ohlsson): Denise Wheeler shared an email that Jan had sent earlier tonight. The Planning Commission has held its public hearing; the hope had been that this item could be on the agenda for Town Meeting but at this time it doesn't seem likely that the document will be ready. In light of the comments from public hearing, there will be some changes made to the document. Denise Wheeler stated that the process sometimes involves the public providing input and comments on the document at the Selectboard public hearing; this is hard for the Planning Commission who has worked on and edited the document based on public feedback at their hearings.

11. Constable Discussion – duties and level of statutory authority

Sharon Winn Fannon shared that there are different levels of constable statutory authority. We had a level 2 constable in the past - the question is - do we want a level 1 or a level 2 town constable? When Wilson Hughes left his position as constable, the board learned he was a level 2 constable. He was formally trained at the Vermont Police Academy, and certain authority and obligation flowed from that training. The board learned more about that process and the several levels when our previous constable

was coming on board. The board learned that the board has a choice between the various levels of constable. Level 3 is essentially a state cop. Level 2 also requires training and process. The board also has the option of having a level 1 constable, who does not go through Police Academy training and instead is authorized for specific and more narrowly defined actions as set out in the statute. Level one is all that is required under state law. These actions include supporting the animal control officer, dealing with disorderly individuals at town meeting or a selectboard meeting, serving papers, etc. Denise added that in July we got a lot of feedback from citizens, and she'd learned we don't have to have someone carrying a gun. Sharon confirmed her understanding that even though Wilson was trained as a level 2 constable, as a practical matter he didn't take level 2 actions.

John Brabant shared that in the past (before the statute changed) the constable acted essentially as the town sheriff. Town constables were obligated to meet all the expectations in the statute, including dealing with potentially violent issues. And if anything went wrong, the constable was personally liable. The legislature then changed the law so there is a level that doesn't require a higher level of training or greater liability. John stated his belief that citizens are generally unaware of the options, and the selectboard is unaware of people want.. John described an incident in town where Wilson applied his "level 2" authority. He suggested that we have a meeting and invite public discussion around the issue of level 1 versus level 2 constable statutory authority. We see less and less service from the sheriff's department, because they like others are not able to get staff. We should warn this item again, and invite Wilson for input, and perhaps have VLCT join for education as well.

Sharon Winn Fannon suggested that we at least begin with recruiting a level 1 constable, because we don't have any constable now and haven't for months, and then have discussion about whether to move up to level 2. Denise suggested everyone think about it, and we discuss again at a future meeting on what specific level we want to authorize. Denise suggested we revisit the VLCT guidance.

12. Personnel Update: no update tonight

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

Marc Mihaly shared that sometime in the future the Curtis Pond Association will be asking to be on the board agenda for an update. Denise thinks October 24.

14. Review future agenda items

15. Adjourn: Denise Wheeler moved to adjourn at 8:48 p.m. Seconded by Rick Kehne, this motion carried unanimously.

Respectfully submitted,
Lisa Grace, Board Recording Secretary

October 10, 2022 – TH #7 continued

October 17, 2022

- Tyler Clark - ROW application #2022-04
- First Student Bus Access on Balentine Rd. (Renee Grzankowski)
- Historic background on Calais Road and Bridge Standards
- Town Hall Usage Policy – Review and Renew July 2022 (Marc)
- Constable – duties and level of statutory authority -- Action
- Use of ARPA funds for traffic calming road design study
- 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)
- RFP for reappraisal – Listers

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