

Town of Calais, Vermont

CHARTERED 1781

Selectboard Meeting
Monday, August 28, 2017 7pm
Approved Minutes
Calais Town Hall

Approved 9-25-17

Selectboard Members: Chair Denise Wheeler, Sharon Winn Fannon, John Brabant, Rob Richert

Others: Road Commissioner Alfred Larabee, Selectboard Administrator Jon Williams, Jerome Lipani of ORCA, Scott Bassage, David Schutz, Town Treasurer Donna Fitch, Dan Singleton, Bill Davis, Trey Martin, Alfred Larrabee, Marilyn Richardson, Pamela Fecteau, Larry Smith, Drew Lamb

Call to Order: Denise Wheeler called the meeting to order at 7:05 p.m.

Public Comment (for items not on agenda): Denise Wheeler shared that Doug Lilley had shared with some Selectboard members that he had put a sign on his property, which states that it is private property and names his road. The board will take action at a later date to approve this as per policy.

Review of Agenda/Correspondence: Sharon Winn Fannon said Charlotte Hanna Bassage contacted her and requested that Sharon join Charlotte to look at an erosion issue that threatens the East Calais Falls and may be related to culvert drainage from Moscow Woods Road. Sharon and Charlotte will be looking at the issue Tuesday morning, August 29th. Rob Richert offered to join them.

Denise Wheeler suggested that the board plan a special meeting to discuss the policies: *Personnel* and *Conflict of Interest*. That discussion item will be deleted from tonight's agenda.

Recurring Items, Presentations, Appointments, Reports:

- a) Review, discussion, and approval of minutes: 8/14: Denise Wheeler moved to

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approve the minutes of August 14, 2017. Seconded by Sharon Winn Fannon. Discussion: Ms. Wheeler suggested a correction for clarification. This motion carried unanimously.

b) Warrants for Payment: Jonathan Williams had reviewed the warrants; he stated that there is an eight cents discrepancy, but he and Donna Fitch are aware and are trying to reconcile the difference.

c) Reports from Various Municipal Officials: Alfred Larrabee reported on some of the ongoing roads projects. He shared with the Board that Ed Rowell intends to retire on November 1, 2017. Denise Wheeler asked for a letter of resignation, to go on record. Jonathan Williams will work with Alfred Larrabee to draft an ad for the position, and the Board will post in the usual posting places. Mr. Larrabee stated that he would like to be present for the discussion about bi-weekly pay schedule. The Board will not discuss this tonight, as they would like to have this discussion with the entire Board present.

Jonathan Williams had shared a written report. He stated that in addition to his report, he would like to share with the Board that he had finished calculating the delinquent tax penalty rate: 3.69%. The Board will address this at a future meeting with Nedene Martin present.

d) DRB Member Appointment – Trey Martin: Denise Wheeler introduced Trey Martin. He is an attorney and has been a state official. He shared some of his areas of expertise in law and with the Agency of Natural Resources. The topic of a possible conflict of interest was discussed. Mr. Martin stated that if he needed to recuse himself, he would do so. Sharon Finn Wannan moved to approve Trey Martin to serve on the DRB: Development Review Board, for the term ending 2019, to replace Eileen Simpson. Seconded by John Brabant, this motion carried unanimously.

VLCT PACIF Q&A – Larry Smith & Pam Fecteau:

Liability/ worker's comp: Denise Wheeler previewed this discussion by sharing that the Board hires local people for some of the jobs such as lawn mowing. The Selectboard had created a document of questions and particulars for Mr. Smith and Ms. Fecteau to clarify at tonight's meeting. Pam Fecteau shared the practice of sub contracting and paying via form 1099, for Miscellaneous and Independent Contractors. She clarified that payment needs to be at least \$600 total to meet the criteria for form 1099. She asked the board to consider whether or not the person would be seen as a statutory employee – are they performing an essential municipal

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function? When hiring as a contractor, the person would need to fill out paperwork: a contract, a non-employee work agreement (with a “hold harmless” on the back of the agreement). Ms. Fecteau stated that it is always good practice to ensure that whoever does work, even if it’s lawn mowing, be covered by liability insurance. Ms. Fecteau suggested that the board have paperwork and a process in place for any types of work in exchange for payment. Ms. Fecteau shared that volunteers are covered by the Town’s liability coverage. Board’s insurance policy.

The Board discussed the difference between worker’s compensation and liability coverage. Sharon Winn Fannon asked to have Larry Smith and Pam Fecteau review the draft minutes from tonight to be sure this discussion is recorded accurately.

The Board discussed various scenarios – for example, a “vendor” – e.g., a person who builds something in their own workshop to sell to the Town. Denise Wheeler asked whether the Town can get some type of a rider to cover miscellaneous workers, for example, if a person was building a staircase for a town building, and they are not considered an employee. Ms. Fecteau stated that each case is unique, which makes potential scenarios difficult to anticipate; her role is to provide risk management advice to the Board; she recommends making sure that miscellaneous workers and subcontractors provide a certificate of liability insurance.

Larry Smith suggested that the Board can call whenever needed, to clarify unique circumstances. Denise Wheeler reiterated that the Board wants to, whenever possible, hire local people. The Board discussed the differences between employee versus subcontractor.

John Brabant asked about various hypothetical scenarios. Pam Fecteau stated that any claims go to the claims department who makes decisions based on the unique facts and the terms, conditions, limitations and exclusions of the Coverage Document policy.

Liability re: use of facility: Denise Wheeler asked for clarification around community members using a town building. Pam Fecteau suggested developing a facilities use policy; the Board may or may not choose to charge a usage fee. She stated that ultimately it is up to the Selectboard; however, her best risk management advice is that when an outside group uses the facility (e.g. concert), open to the general public, ask for a certificate of liability insurance, and name the Town as an additional insured. John Brabant clarified: at a regular meeting – an accident or incident would be treated the same as, for example, at a Selectboard meeting; this falls within the Board’s liability. Ms. Fecteau reiterated that the Board has liability coverage for its property.

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Ms. Fecteau stated that when it is someone's business – for example, a yoga instructor – the Board should ask for proof of a certificate of liability insurance.

John Brabant reviewed an incident that had happened in the past when the Town was held liable. John Brabant asked about the theater group that intends to use the building – the Town is covered regarding liability of its property. Ms. Fecteau advises to ask for proof of a certificate of liability insurance. However, regardless of the theater group's certificate of insurance, the Town is covered.

Ms. Fecteau explained "TULIP" insurance, which is a one time only purchase for a specific event.

The topic of "contractual relationship" was discussed.

Denise Wheeler invited questions from the community. Scott Bassage stated that he is glad to discuss these issues so that they can become more clear. He stated that the contractual agreement form that the Town asks people to sign, is lengthy and off-putting; people choose to not enter this agreement.

Ms. Fecteau stated that she will share a model policy with the Board, around Building Use policy.

Historic Preservation Commission Update/Town Hall Next Steps: David Schutz explained that Scott Bassage has been pursuing local vendors to entertain the idea that the town hall facilities work could be completed within budget, using local talent: "hyper-local." He spoke about the work on the foundation of the building, which will be part of Phase 1. Some discussion followed about moving the entire building when the foundation is updated. The Board will continue to have updates about this project on the meeting agendas.

The anticipated grand total for work completed in 2018: \$317K (phase 1). The Commission continues to pursue grants and funding for this project. Ms. Schutz will continue to keep the Board apprised.

Business Items for Possible Vote

a) Transportation Items:

Private Road Name/Signage Approval: Nestledown Drive: Sharon Winn

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Fannon moved to approve the name: Nestledown Drive, and to authorize the purchase of a sign. Seconded by John Brabant, this motion carried unanimously.

b) Drew Lamb Sugar Works, Sap Lines, & Tank Request Lease Agreement: Dan Singleton shared some information about issues related to this request. Rob Richert shared that he had walked the property on Saturday with Mr. Lamb. Mr. Singleton stated that he had reviewed the proposed lease and he thinks it is a well written document based on his experience. Denise Wheeler thanked Drew Lamb for giving the Board plenty of time to walk through this process. Mr. Lamb thanked the Board for coming back to this issue so many times. The Board thanked Rob Richert for helping in this process as well.

Sharon Winn Fannon moved to approve the Lamb Sugar Works lease agreement as discussed tonight and to authorize Denise Wheeler to sign the document on behalf of the board. Seconded by John Brabant, this motion carried unanimously.

c) Personnel Policy Revisions Review: The Board agreed to meet Tuesday September 5th (7 p.m.) to review the *Personnel Policy* and the *Conflict of Interest Policy*. Board members agreed that some of the time during this meeting might be for tutoring about using google drive and the supporting documents for board meeting.

d) 2018 VLCT Draft Municipal Policy Review/Delegate Appointment: Sharon Winn Fannon asked Jonathan Williams to print this policy so that she can pick it up at the town office. He will register Sharon Winn Fannon, Denise Wheeler, and John Brabant to attend. Denise Wheeler will be the Calais Selectboard voting delegate.

e) EMFD Quarterly Meeting: Denise Wheeler shared that these joint meetings occur quarterly, but due to dwindling attendance, the Boards are considering having these meetings three times a year instead. The Calais Board members are in favor of that.

f) Auditor Job Approval/Advertisement: The Board will consider a draft for this advertisement via email and will have this on the agenda for the next meeting.

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g) Biweekly Payroll Transition: next meeting

Review of Assignments:

Jonathan Williams and Sharon Winn Fannon are meeting this week to review “internal controls.”

Adjournment: The Board adjourned by consensus at 9:24 p.m.

Respectfully submitted,
Lisa Stoudt, Board Recording Secretary

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