

SELECTBOARD MEETING  
*Approved Minutes*

September 24, 2012

7:00pm Calais Town Hall

**Attending:** Denise Wheeler, John Brabant, Mike Garand, Scott Bassage, Donna Fitch, Alfred Larrabee, Warner Shedd, Will Walters, Stephanie Kaplan, Pam DeAndrea, Steve Cusick, Will Walters, David Rugh, Esq. and Rose Pelchuck.

Absent: Toby Talbot

**Actions:**

R-O-W Permit Revision from Warner Shedd – Warner Shedd came before the Selectboard to request a revision to his R-O-W permit issued on September 10, 2012 in order to work with a different electric company due to circumstances beyond his control. The work will be about 200 feet up Sand Hill Road from the previously permitted location. Scott Bassage made a motion to approve the revised permit as requested. The motion was seconded, voted and carried 4-0.

Natural Resources Inventory Grant Application – Conservation Commission members, Stephanie Kaplan, Pam DeAndrea and Steve Cusick, Chair, came before the Selectboard this evening to discuss the municipal planning Natural Resources Inventory Grant they would like to obtain for \$15,000.00 (\$3,500.00 would have to come from the town's Conservation Fund). Steve Cusick requested the town matching funds come from the conservation fund. Steve read the pertinent sections of the Conservation Fund Guidelines that would allow for this expenditure. The Conservation Commission will take care of soliciting three bids. The data will be very useful to not only the Conservation Commission but also the Planning Commission and Selectboard. Scott Bassage made a motion to authorize the Conservation Commission to proceed with the Natural Resources Inventory Grant. The motion was seconded, voted on and carried 4-0. Scott Bassage made a motion to authorize the expenditure of \$3,500.00 from the Conservation Fund contingent on being awarded the grant. The motion was seconded, voted and carried 4-0.

Executive Session: Conservation Commission Project – John Brabant made a motion to go into Executive Session in accordance with 1 V.S.A. subsection 313 (a) (1) for the purpose of discussing legal matters with three members of the Conservation Commission, Steve Cusick, Pam DeAndrea and Stephanie Kaplan and the town's legal counsel, David Rugh at 7:35pm. The motion was seconded, voted on and carried 4-0. The Regular Session resumed at 7:42pm. Denise Wheeler had nothing to report publicly.

Executive Session: Zoning Enforcement, Appeals, Litigation - John Brabant motion to go into Executive Session in accordance with 1 V.S.A. subsection 313 (a) (1) with legal counsel, David Rugh, and Stephanie Kaplan at 7:45pm for the purpose of discussing contracts where premature public knowledge would place the town at a substantial disadvantage and litigation. The motion was seconded, voted on and carried 4-0. The Regular Session resumed at 8:39pm.

Denise Wheeler reported for the past several months the town has an issue that has been in litigation, specifically the McCullough Crushing gravel pit expansion project and trying to find a resolution and do what is best for the town. The town would like to do a study, a hydrological study, hire Stone Environmental, at a cost not to exceed \$22,000.00. John Brabant made a motion to contract with Stone Environmental to perform a hydrological exploration study of the McCullough Crushing gravel pit site; furthermore, Part 2 will be to perform exploration of type and quality of material at this site to determine if the town would want to buy the gravel pit for it's own use, for a grand total to Stone Environmental not to exceed \$22,000.00. The motion was seconded and discussion was forthcoming.

John Brabant went on to explain that in December 2011 the town had two settlement discussions with McCullough Crushing owners and the neighbors/people who have joined a lawsuit in opposition to the gravel pit expansion. Out of these discussions, the Selectboard agreed that maybe if we evaluate the material and McCullough's are willing to sell at a price that is okay to town, the town would buy it and have a pit to provide

the town with most of the material it needs. John went on to say this proposal would have a diminished impact on neighbors due to the lack of truck traffic and everything (our road material) would be local. Geologic and hydro geological studies need to be done to determine the composition of the material. The town will come out with information and present it to townspeople maybe in March; we may end up considering something else. The town is thinking about generating its own road materials. Our roads are not being taken care of enough with the road crew traveling to pick up material. It will be up to the voters. The Stone Environmental studies will be funded by an expected end-of-the-year surplus in the highway fund. Litigation costs have also been costly. There is a Poor Fen on the property that was explained by John Brabant. (*For more information on Poor Fens, see reference on the last page of these Minutes.*) The motion was voted on and carried 4-0.

The next steps will be the town needs to execute an agreement with McCullough Crushing, Inc. including changes agreed upon by the Selectboard tonight. The agreement is to allow work to be done by Stone Environmental as outlined above and the town has 120 days to get the studies done. The results of the studies will be confidential. McCullough Crushing, Inc. has agreed not to sell the pit in the interim and the litigation is on stay at the Environmental Court. The Conservation Commission was a party to the litigation; therefore, Stephanie Kaplan and Tina Bilenburg have been involved in this litigation and that is why Stephanie Kaplan was allowed in the Executive Session. Scott Bassage made a motion to execute an agreement with McCullough Crushing, Inc. including the changes agreed upon by the Selectboard tonight. The motion was seconded, voted and carried 4-0.

Approval of the September 10<sup>th</sup> Meeting Minutes- The Selectboard reviewed the draft Minutes and offered a few changes. Scott Bassage made a motion to approve the Minutes as amended. The motion was seconded, voted and carried 4-0.

Town Invoices & Road Commissioner's Orders of the Day – The Selectboard reviewed and processed the invoices and orders of the day as per usual protocol.

Liquor License Renewal for Maple Corner Store, Inc. – The Selectboard reviewed the liquor license renewal for the Maple Corner Store, Inc. Scott Bassage made a motion to approve it as written. The motion was seconded, voted on and carried 4-0. This permit allows for selling and consumption of liquor in the newly built bar/café at the store.

CVSWMD Dues for FY 2014 – Denise Wheeler reported the membership dues for the waste district are decreasing from \$2.00 per capita to \$1.00 per capita for FY 2014 beginning July 1, 2013. A public hearing on the FY 2014 budget will be held by CVSWMD on October 30, 2012. The new assessment for Calais, based on the 2010 census, is \$1,607.00.

Rail Passenger Service Resolution - Denise Wheeler suggested ignoring this correspondence since we are not on the rail route. All agreed.

Plowing Elmslie Road – The Selectboard reviewed a letter received from Ron Padgett, caretaker of a property on this road, about plowing Elmslie Road in the winter. The Selectboard asked Alfred's opinion. "It is a Class 3 Road with only two houses but not up to Class 3 standards," Alfred replied. Alfred is willing to work with them and to keep it plowed every storm would be difficult. There is no place to turn around. Alfred suggested they hire an independent contractor to plow and the town will go in occasionally to push back the snow banks for easier access.

Road Commissioner's Update – Alfred Larrabee reported the crew is starting work in Maple Corner, they found a culvert that had been buried for a long time and are cutting down some berms that are preventing water runoff. Max Gray Road gravel resurfacing project is done except for 1.4 miles, which the road crew will resume work on next Monday. The beavers are back, Alfred reported; could be a problem with the culvert backing up on the North Calais Road. It is on private property. Bowen Excavating will begin digging out the old culvert on Singleton Road around October 3<sup>rd</sup> as part of the project they were awarded at the last meeting. The new culvert will be delivered Monday, October 8<sup>th</sup>. Singleton Road will be closed during the project,

signage will be posted and notices posted on Front Porch Forum. Alfred will be individually notifying the people on Singleton Road.

Tentative Agenda for the October 8<sup>th</sup> Meeting:

- Draft Revised Dog Ordinance
- Constable Authority in the Town of Calais
- Ancient Roads: Next Steps
- Gary Schultz letter: Class 4 Road is his driveway

Mike Garand made a motion to adjourn at 9:30pm. The motion was seconded, voted on and carried 4-0.

Respectfully submitted,

Rose Pelchuck  
Selectboard Administrative Assistant

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INFORMATION ABOUT POOR FENS:

In the continuum of peatland types, Poor Fens are closely related to bogs. They are open peatlands dominated by sphagnum mosses, sedges, and heath shrubs.

Poor Fens are wetter than Dwarf Shrub Bogs and typically have water levels at or just above the surface layer of peat for much of the growing season. Poor Fen waters are acidic (pH of 3.5 to 5.5), but unlike bogs, they are slightly enriched by groundwater seepage.

Poor Fens occur in a variety of physical settings, from small isolated basins to large wetland complexes that may be associated with streams. They generally have deep peat, made up primarily of poorly decomposed sphagnum and some sedge and woody material. They also occur as floating peat mats, growing out over the open water of small acidic ponds such as kettle hole depressions. Poor Fens commonly occur with Dwarf Shrub Bogs and/or Intermediate Fens and may grade into either of these community types.

CONSERVATION STATUS AND MANAGEMENT CONSIDERATIONS

Poor Fens are rare in Vermont, and most of our examples are small compared to those occurring in Maine and to the north in Canada. As with other wetland communities that are fed by groundwater, Poor Fens are threatened by land use changes that occur within both their immediate watersheds and within their groundwater recharge zones. Protecting the quality and quantity of groundwater that discharges into a fen is critical to maintaining the hydrology and the vegetation structure and composition of the community. However, identifying the location of the groundwater recharge zone of a particular fen requires detailed hydrogeologic study and can greatly complicate planning and protection efforts.

From: [www.vtfishandwildlife.com/.../311\\_to\\_336\\_Open\\_Peatlands.pdf](http://www.vtfishandwildlife.com/.../311_to_336_Open_Peatlands.pdf)