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**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
APRIL 28, 2014**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Charles Russell, Ellie Russell, Fritz Tegatz, Matthew Krasnow.

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Mary Mead, Peter Trono, David Nichols, Patrice Machavern, Stephen Brooks, David McNally, Michael Cook, Abby Foulk, Catherine Hughes, Kate Lampton, George Rohrbaugh, Norman LeBoeuf, Michael Russell, Peter Carreiro, Joanna Cummings, Bonnie Christie, Sheri Duff, Charlotte Citizen; John Hammer, Charlotte News, and others.

6:00 PM Site Visit to 1627 Dorset Street, for Highway Access Permit application submitted by George Rohrbaugh

6:20 PM Site Visit to 910 Flat Rock Road, in conjunction with request by Michael Garner and Susan Bayer for authorization to apply to the Zoning Board of Adjustment

ITEMS TAKEN UP:

- **Purchase of a defibrillator by CVFRS – action item**
- **George Rohrbaugh – request for a highway access permit to move an existing driveway – action item**
- **Michael Garner and Susan Bayer – request for authorization to apply to the Zoning Board of Adjustment to construct a seawall at 910 Flat Rock Road – action item**
- **Thompson’s Point Wastewater Committee budget – action item**
- **Abby Foulk, Charlotte’s representative to the Chittenden Solid Waste District - action items**
- **Burns property MOA with the Vermont Land Trust and the Preservation Trust of Vermont – discussion only**
- **Library building issues – action items**
- **Police Services contract – discussion only**
- **West Charlotte Village Wastewater system – discussion only**
- **Personnel Policy –action item**
- **Timesheet Policy – action item**
- **Amendment to Memorandum of Agreement with CVFRS – discussion only**
- **Little Garden Market, LLC – application to renew First Class Commercial Caterer license to sell malt and vinous beverages, Second Class Liquor license, Tobacco license – action item**
- **Pelkey Hogans Charlotte Village Winery d/b/a Charlotte Village Winery – application to renew a First Class Liquor license – action item**

47

48

49 **CALL TO ORDER**

50 Mr. Morrison, Chair, called the meeting to order at 7:03 p.m.

51

52 **ADJUSTMENTS TO AGENDA**

53 None.

54

55 **PUBLIC COMMENT**56 Mr. Trono asked to have a continued discussion regarding the CVFRS issues brought up
57 at the April 21, 2014 joint CVFRS/Selectboard meeting. Mr. Morrison said that the
58 discussion would continue during the 9:00 p.m. MOA and 7:10 p.m. defibrillator agenda
59 items.

60

61 Mr. Brooks asked if there was a handout regarding the paramedic conditional license. Mr.
62 McNally said that he would hand out copies of the conditional license communications
63 and actual license copies.

64

65 **MINUTES: April 14, April 17, April 21**

66 Deferred.

67

68 **PURCHASE OF A DEFIBRILLATOR BY CVFRS – action item**69 Mr. McNally reviewed CVFRS Capital fund projections for a multi-year schedule. The
70 CVFRS budget included an Equipment line item of \$30,000 for a defibrillator
71 replacement using Town funds. The two current defibrillators have malfunctioned on
72 occasion and there have been wireless transmission issues between the ambulance and
73 hospital while on route. The replacement schedule was brought to the Selectboard's
74 attention during budget discussions in December and January. The replacement issue may
75 not appear in the CVFRS minutes. A second defibrillator would be purchased using
76 CVFRS fund sources, said Mr. McNally.

77

78 Ms. Russell noted that the Capital fund line item schedule was increased from \$29,000 to
79 \$30,000 for the defibrillator. Capital fund purchases of \$5,000 and over has to be
80 approved by the Town at Town Meeting, or by the Selectboard. The MOA speaks to the
81 Operating budget, explained Ms. Russell.

82

83 Mr. Morrison pointed out that the CVFRS/Town MOA language was not consistent and
84 would need to be clarified regarding Section 4, Capital purchases, that any purchase
85 above \$5,000 from the Fire and Rescue operating budget would need to come before the
86 Selectboard. However, a purchase order was already submitted, said Mr. Morrison.

87

88 Ms. Mead asked where a CVFRS equipment sale for \$15,000 was in the budget. Mr.
89 McNally replied that CVFRS would sell two used vehicles. The old heavy duty truck was
90 sold for \$15,000 last year and he would research the date of the sale, said Mr. McNally.

91

92 Mr. McNally reviewed advantages of the two new defibrillator's that had more manual
93 control for the best clinical functionality and would align with what Fletcher Allen
94 Hospital was replacing their defibrillators with, clarified Mr. McNally.

95

96 Mr. Brooks asked if the current defibrillators could be traded in. Mr. McNally explained
97 that the old defibrillators still had some value – they could be sold back to the original
98 manufacturer, or to some other EMS service. Rescue would need the replacements
99 before selling the current items, said Mr. McNally.

100

101 Mr. McNally explained that the purchase order was processed upon CVFRS'
102 interpretation of the MOA language that if an item was budgeted and approved at the
103 2014 Town Meeting then it could be ordered.

104

105 Mr. Russell said a question was if the purchase should be approved at this meeting. Mr.
106 Bloch pointed out that the January 2013 CVFRS Capital budget was accepted by the
107 Selectboard for the 2014 Town Report.

108

109 **MOTION by Ms. Russell, seconded by Mr. Russell, to approve a purchase of a**
110 **defibrillator by CVFRS for a cost of \$26,815.67, as per invoice #307.**

111 **DISCUSSION:**

112 **Mr. Krasnow asked if the old defibrillator that was purchased by the Town would**
113 **generate \$5,000 in a sale. Mr. McNally replied that CVFRS would get whatever they**
114 **could sell them for.**

115 **VOTE: 4 ayes, 1 nay (Mr. Tegatz); motion carried.**

116

117 **GEORGE ROHRBAUGH – REQUEST FOR A HIGHWAY ACCESS PERMIT TO**
118 **MOVE AN EXISTING DRIVEWAY – action item**

119 **MOTION by Ms. Russell, seconded by Mr. Krasnow, to approve a request for a**
120 **Highway Access Permit, HAP-14-03, by George Rohrbauch to move an existing**
121 **driveway, with a condition that the existing 15"x30' culvert would be used.**

122 **DISCUSSION:**

123 **Mr. Bloch reviewed the Charlotte Road Commissioner's comments regarding the**
124 **application to move the existing driveway at least 100' to the south to improve the**
125 **sight distances to 400' to the south.**

126 **AMENDMENT to the motion by Ms. Russell, seconded by Mr. Krasnow, to move**
127 **the new driveway access up to 100' to the south of the existing location.**

128 **VOTE: 5 ayes; motion carried.**

129

130 **MICHAEL GARNER AND SUSAN BAYER – REQUEST FOR**
131 **AUTHORIZATION TO APPLY TO THE ZONING BOARD OF ADJUSTMENT**
132 **TO CONSTRUCT A SEAWALL AT 910 FLAT ROCK ROAD – action item**

133 **MOTION by Mr. Russell, seconded by Ms. Russell, to approve a request by Michael**
134 **Garner and Susan Bayer for authorization to apply to the Zoning Board of**
135 **Adjustment to construct a seawall at 910 Flat Rock Road.**

136 **DISCUSSION:**

137 Ms. Cummings, Charlotte Conservation Commission member, asked why the
138 Selectboard was approving a concrete wall on a shoreline when there were other
139 methods to mitigate shoreline erosion, such as planting vegetation, or by riprap.
140 There should be more effort to stabilize the shoreline before this happens, said Ms.
141 Cummings. Mr. Morrison pointed out that on the lake side the existing trees were
142 falling in the lake due to water erosion. The proposed wall was consistent with a
143 wall the neighbor on the west put in. Construction would occur in the fall. The ZBA
144 would determine what was needed to stabilize the bank, said Mr. Morrison.

145
146 Mr. LeBoeuf, property owners contractor, explained that many alternatives were
147 discussed. It was a consensus that the April high water event created the unstable
148 bank. The Water's concrete wall and the proposed wall would be in front of the
149 cottages and would mitigate any erosion. The Water's wall height was at the
150 103' water level. A stone veneer on the concrete facing was selected to match the
151 what lies on the shore now. The Water's have a vegetation landscaping plan to hide
152 the wall from the lake view, said Mr. LeBoeuf.

153
154 Mr. Tegatz noted that there was some discussion of moving trees. Mr. LeBoeuf
155 replied that the existing tree would not be replaced. The trees were in the path
156 where the wall would go and can't be replanted there. The space between the wall
157 and the cottage was minimal, said Mr. LeBoeuf. Mr. Tegatz suggested planting trees
158 behind the wall. Mr. Krasnow said that the ZBA would deliberate on the merits of
159 the application.

160
161 Ms. Cummings said there were no provisions to look at other solutions. The camps
162 were leased property on town-owned land. The vegetation gets cut so lessees could
163 have a lake view. The commission was asking the Selectboard to be more proactive
164 and not to let applicants cut trees. A natural shoreline would have a lot of trees and
165 vegetation, said Ms. Cummings.

166
167 Mr. LeBoeuf said that if riprap was used to go all the way across the lot then most of
168 the shoreline would be lost. A seawall stabilizes a bank and leaves a useable
169 shoreline, stated Mr. LeBoeuf.

170
171 Mr. Tegatz suggested that there should be a requirement that for every tree cut a
172 replacement should be planted.

173
174 Mr. Bloch suggested that the applicant could return with a landscaping plan. Mr.
175 LeBoeuf said that neither the Water's or Garner's were in favor of cutting the trees,
176 but the trees were falling/rotating toward the lake.

177
178 Ms. Russell suggested getting the advice of the Charlotte Tree Warden on species of
179 trees compatible for the area.

180
181 Mr. Russell and Ms. Russell withdrew the motion.

182

183 **THOMPSONS POINT WASTEWATER COMMITTEE BUDGET – action item**
184 Mr. Tegatz reported that the Thompson’s Point Wastewater budget was the same as last
185 year. The committee was in favor of a two-year contract with Steve Williams starting at
186 the beginning of the year, said Mr. Tegatz.

187
188 Mr. Russell suggested a one-year contract and then put it out to bid. A question was if
189 there was a documented manual for the wastewater system, said Mr. Russell.

190
191 Mr. Morrison reviewed that Steve Williams had use of a separate accounts receivable
192 with no oversight. The Town needs a summary sheet of costs with invoice details and a
193 list of vendors he uses, said Mr. Morrison.

194
195 **MOTION by Mr. Russell to approve a Thompson’s Point Wastewater Committee**
196 **contract with Steve Williams, d/b/a SGW Docks, starting 04/01/2014 and ending**
197 **12/31/2014 for an amount not to exceed \$49,163 was not seconded. Mr. Russell**
198 **withdrew the motion for further discussion.**

199
200 **MOTION by Mr. Tegatz, seconded by Mr. Russell, to approve a proposed**
201 **Thompson’s Point Wastewater budget for the 2014 season for a total of \$114,816.00.**
202 **VOTE: 5 ayes; motion carried.**

203
204 **MOTION by Mr. Russell, seconded by Ms. Russell, to approve a contract with Civil**
205 **Engineering, Inc, as presented, and to authorize the Charlotte Selectboard Chair to**
206 **sign the contract on behalf of the Town of Charlotte.**
207 **VOTE: 5 ayes; motion carried.**

208
209 **ABBY FOULK, CHARLOTTE’S REPRESENTATIVE TO THE CHITTENDEN**
210 **SOLID WASTE DISTRICT - action items**

211

- **Approve the following policy: The Town of Charlotte is dedicated to making**
212 **all events in public spaces as waste free as possible by collecting in three**
213 **streams: compost, recycling and trash; all events held in public spaces will**
214 **adhere to these expectations; all town lease and facility agreements will guide**
215 **event planner through three stream separation management.**

216 Mr. Krasnow explained a proposed alternate policy as an option, which included stronger
217 language and reflected that the Town was dedicated to recycling at all Town events in
218 public spaces.

219
220
221 **MOTION by Mr. Russell, seconded by Ms. Russell, to adopt a draft Recycling**
222 **Statement in principal for the Town of Charlotte as per the Selectboard packet: The**
223 **Town of Charlotte is dedicated to making all events in public spaces as waste free as**
224 **possible by collecting in three streams: compost, recycling and trash; all events held**
225 **in public spaces will adhere to these expectations; all town lease and facility**
226 **agreements will guide event planners through three stream separation management.**
227 **VOTE: 5 ayes; motion carried.**

228

- 229 • **Approve grant application of \$252 and Town match of \$378 for composting**
230 **systems at the Town Beach and the Town Hall/Library; and purchase of**
231 **composters upon notice of grant approval**

232 **MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve a grant application**
233 **of \$252 and a Town match of \$378, for an amount not to exceed \$630 to come from**
234 **Unanticipated Expenses with the expectation of a 40 percent reimbursement to the**
235 **Town, for composting systems at the Town Beach and the Town Hall/Library; and**
236 **purchase of composters upon notice of grant approval.**

237 **DISCUSSION:**

238 **Ms. Foulk explained that it was a reimbursement grant and the Town would receive**
239 **\$252 back.**

240 **VOTE: 5 ayes; motion carried.**

241

- 242 • **Reappoint for a two-year term ending May 31, 2016.**

243 **MOTION by Ms. Russell, seconded by Mr. Krasnow, to reappoint Abby Foulk as**
244 **the Charlotte representative to the Chittenden Solid Waste District for a two-year**
245 **term ending May 31, 2016.**

246 **VOTE: 5 ayes; motion carried.**

247

248 **BURNS PROPERTY MOA WITH THE VERMONT LAND TRUST AND THE**
249 **PRESERVATION TRUST OF VERMONT – discussion only**

250 Kate Lampton, Burns Property mediator, briefly reviewed a Burns Property MOA and
251 site map revision process started two years ago. Discussions included the following
252 points:

- 253 • Delineated buffers.
254 • Existing and future waste water systems as identified on the site map.
255 • Existing MOA restrictions met and unmet that needed to be clarified.
256 • An existing MOA, dated 2008, and a lien on the property to be replaced with a re-
257 drafted MOA by Ms. Russell and Mr. Ladue that needs to be reviewed by the
258 Town Attorney.

259

260 Mr. Brooks asked if returning the Vermont Land Trust money was an option. Mr. Russell
261 replied yes.

262

263 Ms. Lampton said that if there were no further comments/feedback, then Town staff
264 would send an updated draft to Gil Livingston.

265

266 Ms. Russell, Mr. Russell, Mr. Tegatz said they had no issues with the draft.

267

268 **LIBRARY BUILDING ISSUES – action items**

269 Jennifer Chiodo and Catherine Hughes reviewed a \$1,500 bid by GWR Engineering for
270 Part A and B, and GWR Engineering and Zero By Degrees to work jointly on Part C and
271 D where the projects overlapped.

272

273 There was brief discussion regarding an Energy Committee study to look at Library
274 needs and a roof report with recommended fixes related to Parts C and D. Ms. Chiodo

275 explained that GWR would look at the entire system, and Zero By Degrees would work
276 on the building envelop and a compression efficiency test and write a report.

277

278 **MOTION by Mr. Tegatz, seconded by Ms. Russell, to approve a proposal submitted**
279 **by GWR Engineering to analyze the Library's HVAC and Domestic Hot Water**
280 **systems for a fixed fee of \$1,500, Parts A and B, to be paid from Energy Committee**
281 **funds.**

282 **VOTE: 5 ayes; motion carried.**

283

284 **MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a proposal**
285 **submitted by GWR Engineering to create a building model for energy analysis, and**
286 **create a "net zero road map" for a fixed fee of \$4,150, Parts C and D, to be paid**
287 **from Energy Committee funds.**

288 **VOTE: 5 ayes; motion carried.**

289

290 Ms. Christie, Charlotte Library Trustee, explained that a large existing hot water tank
291 would be removed and replaced with an 'on-demand' system.

292

293 **POLICE SERVICES CONTRACT – DISCUSSION ONLY**

294 Mr. Morrison explained that the Selectboard would meet with the Shelburne Police
295 Department regarding availability, rates, and other issues.

296

297 Mr. Bloch said that there had been discussion of putting the contract out to bid.

298

299 Mr. Mack asked if talks with the State Police were planned. Mr. Krasnow replied that the
300 Community Safety Committee (CSC) had made contact with the State Police as outlined
301 in the 2013 CSC report.

302

303 Mr. Morrison asked Mr. Krasnow to set a date to meet with the State Police.

304

305 **WEST CHARLOTTE VILLAGE WASTEWATER SYSTEM – discussion only**

306 Mr. Bloch briefly reviewed a request by the Charlotte Children's Center to hook onto the
307 Town wastewater system. The Center had contacted Civil Engineering, Inc, regarding the
308 center's existing mound system capacity. There was a question if the Selectboard wished
309 to proceed with a committee to explore the use of Town septic capacity, or draft a Town
310 Wastewater Ordinance, said Mr. Bloch.

311

312 Mr. Tegatz would meet with David Marshall regarding an update to establish total
313 capacity and costs, and would discuss a potential plan for the West Village area with the
314 Planning Commission and report back to the Selectboard.

315

316 **PERSONNEL POLICY –action item**

317 Ms. Russell reviewed proposed changes to the Personnel Policy related to the following:

318

- Vacation time.

319

- Page 2, update to employee titles and positions with the Recreation Coordinator added.

320

- 321 • page 5, salary positions added to Section 2.2.10.
322 • Page 16 – add the wording “...would be reviewed every year.”
323 • Page 16, Section 9.2, Accrued Vacation Time - keep the wording for “...upon
324 termination an employee would be entitled to maximum vacation time allowable
325 of three weeks”.

326

327 Ms. Russell would make changes to the policy for consideration at the next meeting.

328

329 **TIMESHEET POLICY – action item**

330 Ms. Russell briefly reviewed additions for a Procedure for Salaried Employees, a new
331 time sheet format, and that comp time was removed.

332

333 **MOTION by Mr. Russell, seconded by Ms. Russell, to approve the amendments to**
334 **the Timesheet Policy as written.**

335 **VOTE: 5 ayes; motion carried.**

336

337 **AMENDMENT TO MEMORANDUM OF AGREEMENT WITH CVFRS –**
338 **discussion only**

339 Mr. Morrison said that the Selectboard had asked for copies of the District 3 Board letter
340 regarding a 6 month paramedic service restriction from January to June. Mr. McNally
341 explained he has provided copies from the State outlining Rescue’s conditional license
342 based on CQI documentation. Part of the issue was the narcotic reporting format, said
343 Mr. McNally.

344

345 Mr. Morrison asked if Mr. McNally, or at the Corporate Board, was aware of the letter, or
346 was it delegated to the Rescue Chief. Mr. McNally replied that he was aware of the letter.
347 It was received at the beginning of January. The entire Rescue Squad tried to demonstrate
348 they were in compliance. It was an oversight in communications. Rescue was working
349 with Dr. Uphold to resolve the issues and would compile evidence of what has been done
350 and would meet with the District 3 Board, explained Mr. McNally.

351

352 Mr. Morrison said that the Selectboard would discuss and amend Section 5 of the MOA
353 regarding any certification, or licensing issues that: “CVFRS shall immediately notify the
354 Selectboard of any action by a certifying, or licensing agency that affects the ability of
355 CVFRS to provide a full range of services.”

356

357 Mr. McNally reviewed that certification and licensing was overseen by the Rescue and
358 Fire chiefs. There were State and national certification bodies. If an individual was not
359 EMS certified then they couldn’t practice, said Mr. McNally.

360

361 Mr. Brooks asked if the reporting issues were a matter of resources not built into the
362 process that could easily be resolved utilizing an administrative platform. Mr. McNally
363 reiterated that Rescue immediately acted to address District 3 Board concerns. It was
364 more a communication, reporting and documenting issue, clarified Mr. McNally.

365

366 Mr. Trono said that in the MOA CVFRS agrees to provide a level of service to the Town.
367 At what point was there a consequence - should the Town say 'no' to some of the
368 financial requests, asked Mr. Trono. Mr. Morrison pointed out that CVFRS and the
369 Selectboard were taking it step by step: Dr. Uphold was assisting Rescue, which was a
370 volunteer board working with their paid employees and issues. The Selectboard liaison
371 was also working with the Corporate Board, said Mr. Morrison.

372

373 Mr. Nichols expressed concern that the District 3 Board letter reflects issues starting in
374 October 14, 2013. The service was given probation on January, 2014, and a spot
375 inspection was done that resulted in suspension of the license. How many times has this
376 happened and who was responsible, asked Mr. Nichols. Mr. McNally replied that several
377 people were involved that included Dave Stewart, Meg Modley and himself as President
378 of the Corporate Board. They were trying to be sensitive in discussions with the District 3
379 Board. The letter was a trail of issues from January, said Mr. McNally.

380

381 Ms. Mead expressed concern that in October and December, 2013, CVFRS came before
382 the Selectboard for budget discussions, purchased a new ambulance, signed an MOA
383 with the Selectboard and did all this without mentioning the licensing issues. Someone
384 should be in charge to correct this, stated Ms. Mead.

385

386 Mr. Trono asked if the District 3 Board members have been invited to meet with the
387 Selectboard.

388

389 Mr. Carreiro said he didn't think that the proposed MOA amendment covered the issue.
390 The Conditional License didn't affect the level of service, pointed out Mr. Carreiro.

391

392 Mr. Mack asked if there should be an administrative assistant to keep a rolling log of
393 these incidents.

394

395 Next steps:

396

- Meeting in two weeks with the Selectboard for an update by CVFRS.
- Meeting with Dr. Uphold on Wednesday, April 30, 2014. Ellie Russell would attend as Selectboard liaison.

398

399

400 **LITTLE GARDEN MARKET, LLC – APPLICATION TO RENEW FIRST**
401 **CLASS COMMERCIAL CATERER LICENSE TO SELL MALT AND VINOUS**
402 **BEVERAGES, SECOND CLASS LIQUOR LICENSE, TOBACCO LICENSE –**
403 **action item**

404

405

MOTION by Mr. Russell, seconded by Ms. Russell, to recess as the Charlotte
Selectboard, and to convene as the Charlotte Liquor Control Board.

406

VOTE: 5 ayes; motion carried.

407

408

409

410

411

MOTION by Mr. Russell, seconded by Mr. Krasnow, to approve the request by
Little Garden Market, LLC – application to renew a First Class Commercial
Caterer license to sell malt and vinous beverages, a Second Class Liquor license, and
a Tobacco license.

412 **VOTE: 5 ayes; motion carried.**

413

414 **PELKEY HOGANS CHARLOTTE VILLAGE WINERY d/b/a CHARLOTTE**
415 **VILLAGE WINERY – APPLICATION TO RENEW A FIRST CLASS LIQUOR**
416 **LICENSE – action item**

417 **MOTION by Mr. Russell, seconded by Mr. Krasnow, to approve a request by**
418 **Pelkey Hogans Charlotte Village Winery d/b/a Charlotte Village Winery –**
419 **application to renew a First Class Liquor license.**

420 **VOTE: 5 ayes; motion carried.**

421

422 **MOTION by Mr. Russell, seconded by Ms. Russell, to adjourn as the Charlotte**
423 **Liquor Control Board and to reconvene as the Charlotte Selectboard.**

424 **VOTE: 5 ayes; motion carried.**

425

426 The Selectboard members signed the documents.

427

428 **SELECTBOARD UPDATES. *Discussion only***

429 Ms. Russell reported that the Library Trustees were proceeding to acquire a credit card.

430

431 Mr. Morrison reviewed upcoming warned meetings as follows:

432

- A 1:00 p.m. NEMRC meeting Tuesday, April 29, 2014

433

- A 3:00 p.m. meeting with the Shelburne Police Department, Wednesday, April 30, 2014

434

- A Selectboard meeting Thursday, May 1, 2014 at 9:00 a.m.

435

436

437 **APPROVE WARRANTS TO PAY BILLS**

438 The Selectboard signed warrants to pay bills.

439

440 **ADJOURNMENT**

441 **MOTION by Mr. Russell, seconded by Mr. Krasnow, to adjourn the meeting.**

442 **VOTE: 5 ayes; motion carried.**

443

444 The meeting was adjourned at 10:06 p.m.

445

446 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

447

448