

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
AUGUST 12, 2013**

APPROVED

SELECTBOARD MEMBERS: Charles Russell, Chair; Ellie Russell, John Owen, Lane Morrison. Absent: Winslow Ladue.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Abby Foulk, Moe Harvey, Ed Clodfelter, Stephen Brooks, Dorothy Pellett, Peter Trono, Nancy Wood, Mary Mead, A J Haigney, Ed Sulva, Chris Davis, Robert Mack, Betsy Tegatz, Betsi Oliver, and others.

ITEMS TAKEN UP:

- **Listers and Ed Clodfelter, NEMRC – discussion only**
- **Abby Foulk, Charlotte Chittenden Solid Waste District representative, preparing for ACT 148, waste separation – discussion only**
- **Robert Bloch – appeal of Thompson’s Point Wastewater usage fee – action item**
- **CVFRS patient billing revenue – action item**
- **CVFRS – MOA – discussion only**
- **Town Auditor’s letter – discussion only**
- **Policy for locating improvements in the Town right-of-way – action item**
- **Staffing for Planning and Zoning and Selectboard – organizational changes under consideration – action item**
- **Committee Updates**
- **Selectboard Updates**
- **Approve warrants to pay bills**

CALL TO ORDER

Mr. Russell, Selectboard Chair, called the meeting to order at 7:00 p.m.

ADJUSTMENTS TO AGENDA

Add:

- **Town Auditor’s Letter at 8:30 p.m.**

PUBLIC COMMENT

None.

MINUTES

MOTION by Ms. Russell, seconded by Mr. Morrison, to approve the Selectboard minutes of July 22, 2013, as written, with the following edits:

- **Page 6, line 245, change the word “Steps” to “Tasks”.**

VOTE: 3 ayes, 1 abstention (Mr. Owen), 1 absent (Mr. Ladue); motion carried.

MOTION by Mr. Owen, seconded by Ms. Russell, to approve the Selectboard minutes of July 29, 2013, as written, with the following edits:

- **Page 2, line 58, VOTE: change to read "...1 nay (Ms. Russell)".**

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

MOTION by Mr. Owen, seconded by Ms. Russell, to approve the Selectboard minutes of August 1, 2013, as written.

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

LISTERS AND ED CLODFELTER, NEMRC – discussion only

Moe Harvey, Charlotte Lister, and Ed Clodfelter, Assessor, explained a contract related to appraising and updating Charlotte property values, effective 07/01/2013, and a proposed Charlotte Listers' budget of \$25,000. If a property reappraisal was required then the Lister's would add \$5,000 to the budget request, said Mr. Harvey.

Mr. Clodfelter reviewed the current CLA at 102 percent. The Town would receive a CLA update from the state in January, 2014. Property inspections would be started in Quadrant 1 next summer, explained Mr. Clodfelter.

The Selectboard members thanked Mr. Harvey and Mr. Clodfelter for their report.

ABBY FOULK, CHARLOTTE CHITTENDEN SOLID WASTE DISTRICT REPRESENTATIVE, PREPARING FOR ACT 148, WASTE SEPARATION – discussion only

Abby Foulk, Charlotte Chittenden Solid Waste District representative (CSWD), handed out copies of ACT 148 report for Selectboard review.

Ms. Foulk suggested instituting a waste separation program for Town events, Town spaces and special events. A program was currently on-going at Charlotte Central School that could be used as a model for the Town. Waste separation was more complicated than composting. CWSD would supply bins for the waste. The bins could be used on a 'shared' basis with public and private events in Town, suggested Ms. Foulk.

In response to questions, Ms. Foulk said that Casella and other haulers already collect compost. ACT 148 was an unfunded mandatory state program that will go into law by 2020. There was a \$1,000 community clean-up fund balance carry-over that could be applied to clean up an area, or used for composting. An issue of dog feces in winter at the Mt Philo State Park could be the first use of the clean-up fund, suggested Ms. Foulk. Ms. Russell asked if the funds could be used at Thompson's Point.

Ms. Foulk said she would explore the cost for bin sharing, and contact haulers for composting ideas. Communicating the program to the public was a component as well, said Ms. Foulk.

The Selectboard asked Ms. Foulk to formulate a plan regarding waste streams sorting and bin sharing. She would bring information back to the Board for consideration at a future September Selectboard meeting.

The Selectboard members thanked Ms. Foulk for her report.

ROBERT BLOCH – APPEAL OF THOMPSON’S POINT WASTEWATER USAGE FEE – action item

Mr. Russell explained that Mr. Bloch could not attend the meeting. Mr. Williams reported that the water meter was tested and was accurately recording the water usage, said Mr. Russell.

Following a brief discussion regarding Mr. Bloch’s past and current water usage bills Ms. Russell suggested that Mr. Bloch should pay the remaining portion of the water usage bill.

**MOTION by Mr. Owen, seconded by Ms. Russell, to recess the Charlotte Selectboard meeting and to convene as the Board of Sewage Commissioners.
VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.**

Mr. Russell noted that Mr. Bloch had paid \$2,000 of the bill.

MOTION by Ms. Russell, seconded by Mr. Owen, to waive a portion of the Thompson’s Point Wastewater Usage fee for Robert Bloch as requested by \$4,171.50.

DISCUSSION”

Mr. Brooks asked if the Town could be more helpful in finding out what the problem was, such as leaking equipment. Has there been a lessening of Mr. Bloch’s water usage since the last bill, asked Mr. Brooks. Mr. Harvey suggested that the Thompson’s Point Board of Directors should look into the matter. Mr. Russell pointed out that the Thompson’s Point lease spelled out who was responsible.
VOTE: 4 ayes, 1 absent (Mr. Ladue); motion failed.

**MOTION by Mr. Owen, seconded by Ms. Russell, to adjourn as the Board of Sewage Commissioners and reconvene the Charlotte Selectboard meeting.
VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.**

CVFRS PATIENT BILLING REVENUE – action item

MOTION by Ms. Russell, seconded by Mr. Owen, to approve confirmation that the CVFRS should retain patient billing revenue, and to reduce the Town of Charlotte’s budgeted expense to cover CVFRS’s operating expense by the same amount, budgeted at \$110,000.

DISCUSSION:

Mr. Russell noted that the Town Attorney had reviewed the proposed patient billing agreement between the Town and CVFRS.

Mr. Sulva asked that the Selectboard table action until the full CVFRS management and members could review and discuss the document. Mr. Russell stated that the item had been discussed several times and now was in a formal document. If the motion was tabled would there be unforeseen consequences, asked Mr. Russell.

Ms. Russell pointed out that the document would not go into effect until both the Charlotte Selectboard and CVFRS signed it. The Selectboard could approve it and sign it now. CVFRS could discuss it and sign it next week, said Ms. Russell. Mr. Russell suggested that a more general motion could be made with additional language in the document that would follow.

Mr. Sulva said that there have been several e-mails between CVFRS and Ms. Russell. There were CVFRS members that needed to discuss the document versus then if it was an agreeable document, or not, said Mr. Sulva.

Mr. Harvey asked if CVFRS turned down the document would the patient billing money come to the Town. Mr. Russell replied yes.

Mr. Brooks suggested that the anticipated \$110,000 should be included in the CVFRS operating budget, and that the Town should take the hit if there was less revenue. Mr. Russell explained that the Town and CVFRS supported the concept that CVFRS 'owned' any deficit/surplus. The Selectboard could approve the motion and if Fire and Rescue had any changes they could bring the document back to the Selectboard, said Mr. Russell.

AMENDMENT to the motion by Ms. Russell, seconded by Mr. Owen, to approve the agreement between the Town of Charlotte and CVFRS regarding the deposit of Patient Billing revenue and associated adjustment of the Town's support of the CVFRS' operating expenses pending confirmation by the CVFRS.

DISCUSSION:

Mr. Brooks pointed out that the CVFRS/Town of Charlotte MOA has not been approved yet. Mr. Brooks questioned if Point #2 of the agreement should be included. Mr. Russell explained that the document could be approved without the MOA.

Ms. Russell suggested changing the motion to read that the Selectboard approve the concept that the patient billing revenue was retained by CVFRS.

Ms. Russell and Mr. Owen withdrew the proposed amended motion.

MOTION by Ms. Russell, seconded by Mr. Owen, to approve the concept that patient billing revenue would remain with the CVFRS and that the Town of Charlotte appropriation would be modified by \$110,000 for a total appropriation of \$508,650, with a legal written agreement to follow.

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

CVFRS – MOA – discussion only

Ms. Russell reviewed edits made to the draft MOA between the Town of Charlotte and CVFRS, dated 08/11/2013.

Following a discussion, Mr. Russell said that e-mails from CVFRS noted concerns related to inspection of financial documents under the "Communication" section. Mr. Sulva explained that a four times a year audit of the CVFRS books was a concern. The Corporate Board had not responded to the issue yet, said Mr. Sulva.

Ms. Mead reiterated past concerns regarding operation surpluses, page 2, that the changes would allow for a Fire and Rescue budget that exceeded what was actually needed. Building in a large budget cushion was a concern, stated Ms. Mead. Mr. Russell said that the concept was for Fire and Rescue to own any deficit or surplus. John Snow thought that the figure would be in the low 15 percent, said Mr. Russell. Ms. Mead stated that was troublesome. What was to prevent a Fire and Rescue budget of \$700,000, and what was not spent was kept. Every other single Town department returned surplus amounts back to the Town. Fire and Rescue received a good budget from the Town, said Ms. Mead. Mr. Russell asked how the concept differed from a Town surplus of 5-10 percent.

Mr. Sulva said that Fire and Rescue tried to present a fair budget. The concept was for a self-correcting budget. He didn't foresee a surplus ever getting more than 15 percent, said Mr. Sulva.

Mr. Brooks asked why the Town officials couldn't examine the Fire and Rescue books whenever they wanted if everything was in order. It was in the spirit of openness. There was a concern regarding language, page 4, Necessary Actions, that the Town could not sue Fire and Rescue. That was saying that the parties were agreeing to agree to things later. That was a recipe for disagreeing. Regarding equipment leases – that was similar to the patient billing revenue document. It should be worked out first, said Mr. Brooks. Mr. Russell said that Town owned equipment and real estate were identified in other documents.

Mr. Trono asked if the Town Attorney had reviewed the draft agreement, or if not when would the Town Attorney be involved. Mr. Russell said that the Town Attorney had not seen the revised draft. The Selectboard was trying to get the basic concepts worked out and then have the Town Attorney review it, explained Mr. Russell.

Ms. Wood asked for clarification regarding page 2, point #2. A level of information regarding a consolidated Fire and Rescue budget was missing in terms of a total budget amount. This draft did not reference an overall fund balance that included Special Funds plus Town funds. For example; the Barrows fund intended use was for operating expenses versus special purchases. Was there a cap on total reserves, asked Ms. Wood. Mr. Davis replied that they used Special Funds revenue streams to keep a reserve for unexpected expenses. For example; lightning strikes to the tower required repairs. Whatever insurance didn't cover was covered by the reserve funds, said Mr. Davis. Ms. Wood asked what a reasonable reserve fund amount was, and why not use it to offset

taxpayer money. A 15 percent rate translated to an \$80,000 operating reserve. This should be thought through more, suggested Ms. Wood.

Following further discussion regarding the proposed 08/11/2013 edits, the Selectboard suggested changes as follows:

- Page 2, 1st paragraph, 5th line, delete the wording "...if any are anticipated" and end the sentence at the word "funds."
- Page 2, 4th paragraph, last sentence, delete the wording "...as may be required due to an operating budget deficit in any given year" and end the sentence at the word "expenses."
- Page 2, 4th paragraph, reconsider a 15 percent operating reserve and consider a 10 percent operating reserve and what it would represent.

Mr. Russell explained that further discussion was needed. He would ask the Town Attorney to review the draft by the 08/26/2013 Selectboard meeting.

TOWN AUDITOR'S LETTER – discussion only

Robert Mack, Peter Trono and Nancy Wood, Town Auditors, handed out copies of a letter to the Selectboard and supporting documents, dated 08/12/2013, regarding an audit of specific invoices for Selectboard review.

Mr. Morrison asked if the Rice Lumber bills that had been submitted by Richard St George as contractor for a Town Hall repair project had been paid, and if Mr. St George was aware of the Town concerns. Mr. St George was not in attendance to answer questions/concerns, said Mr. Morrison. Mr. Mack said that Mr. St George was aware of a discussion. The Town Auditors had reviewed invoices and found discrepancies. It did not appear that there was a contract for the repair of the four Town Hall windows, said Mr. Mack. Mr. Bloch explained that the project was advertised for bids and a list of items was used. The project expanded to repair rot in the walls and address mold issues. Following repairs the mold issues disappeared, said Mr. Bloch. Mr. Owen said that the project was done on a 'time and materials' basis.

There was further discussion regarding items charged to the Town, concerns that the Town tax exempt number was used for the purchases at Rice Lumber, who was responsible for paying state sales taxes on items, and justification of those purchases.

Ms. Russell and Mr. Owen suggested that a purchase order policy was needed, that Town projects required a written contract versus time and materials, and to consult with the Town Attorney regarding steps to take related to the sales tax situation.

Mr. Morrison and Mr. Ladue would contact Mr. St George.

POLICY FOR LOCATING IMPROVEMENTS IN THE TOWN RIGHT-OF-WAY – ACTION ITEM

There was discussion regarding placement of private signage, fences, or plantings within the Town right-of-way related to 19 VSA § 1111(b), 24 VSA §2291(3) and (7). Mr.

Bloch noted that state statute language was not incorporated related to permit requirements. The Town already has a permit requirement in place, said Mr. Bloch. Mr. Russell suggested adding state statute language to page 1, 1st paragraph, Permit Required section.

Mr. Mack asked how the policy would be regulated, or enforced. Mr. Bloch explained that the Selectboard would review permit applications, and the Zoning Administrator would issue a violation if the Selectboard requested it.

Mr. Morrison said he would like to study the proposed policy further before making a decision.

Ms. Russell said that she would forward her edits/revisions to staff.

A suggestion was made to change the word "Object" in the draft policy title to "Town Right-of-Way".

Mr. Bloch would research placement of mailboxes in a Town right-of-way.

STAFFING FOR PLANNING AND ZONING AND SELECTBOARD – ORGANIZATIONAL CHANGES UNDER CONSIDERATION – action item

Dorothy Pellett asked where the additional funding was in the budget to cover proposed staff hours. Mr. Russell explained that a savings was expected with the re-organization.

There was discussion regarding the anticipated retirement of the current Zoning Administrator, Tom Mansfield; a proposed combining of the Zoning Administrator and Town Planner position; and a Town Administrator position.

MOTION by Mr. Morrison, seconded by Mr. Owen, to approve conceptual Planning and Zoning organizational staffing changes Steps 1, 2 and 3 as follows:

- 1. Replace the current Zoning Administrator who now works 30 hours per week with a full-time Zoning Administrator/Planner.**
- 2. Upgrade the Selectboard Assistant position to a full-time Town Administrator.**
- 3. At an appropriate time increase the Administrative Assistant position to 40 hours per week from 35 hours per week.**

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

COMMITTEE UPDATES

Mr. Owen reported that the Recreation Commission was drafting a Town Beach Use policy. The tennis courts needed fixing at an estimated cost of \$4,000. The commission might ask the Selectboard to provide extra funds beyond the \$2,000 in the Recreation budget, said Mr. Owen.

Mr. Morrison reported that the Senior Center Committee approved hiring a contractor for the proposed parking lot lighting project.

SELECTBOARD UPDATES

Mr. Russell reported that a “Selectboard Spotlight” article for insertion in the August Charlotte Citizen was not written. Mr. Ladue would write an article for the August 29th issue and Ms. Russell would write an article for the September issued.

APPROVE WARRANTS TO PAY BILLS

The Selectboard members signed warrants.

ADJOURNMENT

MOTION by Mr. Owen, seconded by Mr. Morrison, to adjourn the meeting.

VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.

The meeting was adjourned at 9:58 p.m.

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.