

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
AUGUST 1, 2016**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow. Absent: Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Betsi Oliver, Peter Trono, Moe Harvey, Mary Mead, Nina Cucchiari, Norman Ernsting, Frank Tenney, Marty Illick, Jessica Lovisos, Robert Mack. Christina Booher, Valarie Biebuyck, Hugh Lewis Jr, John Hammer, Charlotte News; and others.

NOTE: the agenda was heard out of order, but appears as warned for continuity.

ITEMS TAKEN UP:

4:01 PM Set the municipal tax rate for FY17

4:15 PM Contract with Milone and MacBroom for engineering, construction review and grant reporting with regard to swale improvements and a bio-retention area to be constructed on East Thompson's Point Road, west of the Thorp Brook crossing

4:25 PM Thompson's Point Lot 128

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 4:00 p.m.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENT

None.

SET THE MUNICIPAL TAX RATE FOR FY17

Ms. Mead briefly reviewed FY2016/2017 municipal tax rate calculations, and noted that the Grand List has decreased 4 percent from last year, and there is no surplus to offset expenses this year.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to set the Charlotte FY2016/2017 Municipal Tax Rate at 0.1760 and the Local Agreement Tax Rate at 0.0007 for a total Municipal Tax Rate of 0.1767.

DISCUSSION:

Mr. Harvey asked the Selectboard to invite Mark McDermott to a Selectboard meeting to explain why the March vote to consolidate the schools didn't result in a substantial educational tax rate credit as promised. Mr. Tegatz replied that he questioned that as well and was told that it would be effective next year.

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

CONTRACT WITH MILONE AND MacBROOM FOR ENGINEERING, CONSTRUCTION REVIEW AND GRANT REPORTING WITH REGARD TO SWALE IMPROVEMENTS AND A BIO-RETENTION AREA TO BE CONSTRUCTED ON EAST THOMPSON'S POINT ROAD, WEST OF THE THORP BROOK CROSSING

Mr. Morrison reviewed the Town's 20 percent match for an Ahead of the Storm grant awarded to the Town for improvements on East Thompson's Point Road. The engineering portion of the project was estimated to cost \$3,000, said Mr. Morrison.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a contract with Milone and MacBroom for engineering construction review and grant reporting with regard to swale improvements and a bio-retention area to be constructed on East Thompson's Point Road, west of the Thorp Brook crossing.

DISCUSSION:

Mr. Tegatz asked if the engineering scope included surveying, layout and pinpointing the locations on the site map. Ms. Lovisos, Milone and MacBroom representative, replied that the layout, culverts to be located at the current sites, check dams, stone berms, and slope grades as required are included in the scope.

Mr. Tegatz asked if it would be 'as built'. Ms. Lovisos said yes. Language can be added to the report. The engineer will use a GPS mechanism to plot these on the site map, said Ms. Lovisos.

Mr. Tegatz said that he had requested that the Charlotte Road Commissioner, or the Ahead of the Storm group, come to this meeting to answer questions, and as an educational piece so the Town can understand the process for future projects. Ms. Lovisos replied that the project's educational piece included site visits with various groups during the project. Mr. Tegatz read that the scope called for a pre-construction meeting, two meetings in-progress, and one post construction meeting.

Ms. Illick explained that the whole point of the grant is to educate various stakeholders including the community. The educational part will start at the beginning, but it was complicated to have public at the project start, clarified Ms. Illick.

Ms. Lovisos suggested including local newspapers at the pre-construction meeting. The engineer and the Charlotte Road Commissioner are doing the first work, then the whole group, press, and community will be engaged during the educational portion. Mr. Tegatz said the post-construction meeting with the public is a standard construction deal. Ms. Illick replied great.

Mr. Morrison suggested tabling the motion, or postponing a vote until Mr. Lewis, Charlotte Road Commissioner, could be contacted.

AMENDMENT by Mr. Tegatz, seconded by Ms. Spear, to Lay the Motion on the Table temporarily, pending the arrival of Hugh Lewis Jr, Charlotte Road Commissioner, for further input.

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

(NOTE: Staff contacted Mr. Lewis, who joined the meeting at 4:55 p.m. during a discussion on the Thompson's Point Lot 128 issue. The Milone and MacBroom contract was taken up again following the Lot 128 discussion, and appears below.)

Mr. Tegatz asked if the engineer would provide layout information and 'as built' information. Ms. Lovisos said regarding the 'as built' issue the engineer will record work locations and slopes on the plans. The engineering fee doesn't include a full survey of an 'as built', said Ms. Lovisos.

Mr. Tegatz stated that recording boundaries, etc, is where the GPS would tie it all together. Mr. Lewis agreed and said that it is wise to have the engineer do the mapping.

Mr. Mack asked if a blue line will be created, and said that Act 164 is the taking of land and he is not in agreement with that. Ms. Lovisos explained that the work will not create a 'blue line', and the water ways will not revert to a river or stream.

Mr. Mack asked if the travel lane width of the road is determined. Mr. Lewis stated that the road width would remain the same.

Mr. Tegatz and Ms. Spear restated the motion that was postponed temporarily.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a contract with Milone and MacBroom for engineering construction review and grant reporting with regard to swale improvements and a bio-retention area to be constructed on East Thompson's Point Road, west of the Thorp Brook crossing, for an amount not to exceed \$3,000, and to authorize the Charlotte Selectboard Chair to sign the contract on behalf of the Town of Charlotte, and to keep the Charlotte Selectboard advised of the times and dates of the one pre-construction, two in-progress, and one post-construction meetings.

DISCUSSION:

Ms. Lovisos said she would maintain an e-mail contact list for meeting times, dates, minutes and photographs to be sent to the Charlotte Town Administrator, who would forward the materials and information to the Charlotte Selectboard, and would coordinate with the Charlotte Road Commissioner via telephone and Robert Mack as an adjacent land owner.

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

THOMPSON'S POINT LOT 128

Mr. Morrison reviewed a 2014 Selectboard decision to subdivide a double lot, Lot 127, at Thompson's Point into Lot 127 and Lot 128. The decision was an error. The Land Use

Regulations do not allow a lease holding to be subdivided, as per the Town Attorney's opinion. Options included the following:

- Lot 128 could revert back as a single lease
- Become a Town public lot
- Split Lot 128 between Lot 127 and Lot 129
- Negotiate with the current lease holder/owner of Lot 128

Ms. Mead suggested that the Selectboard contact the Assessor's Office for a Fair Market Value (FMV) of each of the two lots, and as one single lot. The FMV is greater than one merged lot since it is the 'value' of the land and footage on the lake, said Ms. Mead.

Ms. Biebuyck, lease holder of Lot 129, said that state statutes said that Lot 128 can never be built on. Mr. Morrison replied that is not true. It has adjacent quarters on it, has septic and a grandfathered footprint. If Lot 128 and Lot 127 were merged together then the lessee could add a bedroom, or bathroom, said Mr. Morrison.

Ms. Biebuyck reviewed Environmental Court case law for non-conforming structures related to a Colchester seasonal camp that was abandoned, and then purchased by new owners with the intent of tearing down the old camp and building a new seasonal camp. The camp was a non-conforming structure that had been abandoned and can not be rebuilt as per the court findings. Regarding the Thompson's Point Lot 128 structure, splitting the lease hold renders it non-buildable. It was a guest house for Lot 127. She has spent 19 summers and knew it as an abandoned structure. Paul Arthaud could have gotten a permit to renovate it before the lot was split. There is a question of legal formalities to rescind a decision. It is a question of what to do with the property now. She was not interested in renting the lot. Norm and Nina only leased one lot. An issue regarding joining Lot 127 and 128 into a single lease hold is that Norm and Nina never intended to pay the costs for a double lot. A question is how to satisfy everyone. Making a boundary adjustment is more sensible, suggested Ms Biebuyck.

Mr. Morrison suggested that if Lot 127 or Lot 129 were not interested, then Lot 128 becomes Town land with beach access. Ms. Biebuyck stated that the lot did not have an easy access. A site visit will is needed. The state has new erosion protection laws. She has concerns regarding a public path, dock and access there. Norm, Nina and she could split the lot and plant vegetation for erosion control, or they will be happy to tear down what's there. The long term carrying cost is a concern, stated Ms. Biebuyck.

Mr. Morrison said that a first step is to get a market appraisal of Lot 127 and Lot 128 separately or combined for purposes of a rental value. Lot 128 could be split in half and a boundary adjustment done between lots 127 and 129, said Mr. Morrison. Ms. Biebuyck said it is a good starting place and she's fine with splitting the lot in half. The issue is the long term carrying costs of taxes and rental, reiterated Ms. Biebuyck.

Mr. Ernsting noted that the septic for Lot 128 is located on Lot 127.

There was further discussion regarding time remaining on the leases for Lot 127, 128 and 129; terminating current leases and issuing new leases; and identifying the number of double lots on Thompson's Point for potential future problems.

Mr. Mack noted that when the community septic was put in 1992 the Town was liberal in giving out hookups. A question is how to fix other problem lots. Paul Arthaud won't be happy and the Town should have an answer first before people come in, said Mr. Mack.

Mr. Tegatz said if it is a separate legal lot then a lease holder should be able to sell it. That is if it is a lease that is a governing factor, not "the lot", clarified Mr. Tegatz. Mr. Krasnow said the solution is to follow the Land Use Regulations and not to allow the splitting of leases.

Mr. Morrison summarized that the Town would look at impacts, FMV, and review Town records. There is a claim against the Town that will cost the Town legal fees. The insurance company can look at the claim. The Selectboard will review options within the next 30-60 days, said Mr. Morrison.

SELECTBOARD UPDATES

Mr. Morrison reported on the budgeted legal expense line item, which is over budget and forecasted to be over budget for the next FY.

Mr. Tegatz asked staff to contact the Town Attorney and ask for an expense spread sheet for tracking expenses by project versus the current letters received.

Mr. Krasnow suggested asking for up front estimates for each request so the Town could set a limit on legal expenses.

Mr. Lewis reported that the wear runners on the Holmes Bridge deck required replacement. The runners are designed to wear out. The Charlotte Highway Department can do the work. White oak is the best material for new runners, or they could be replaced with 1 ½" pressure treated lumber that are currently used, said Mr. Lewis.

Mr. Tegatz said he would get an estimate for the cost of apitong hard wood.

Mr. Lewis explained that the ends of the runners were subject to movement of the bridge and tended to flip up. He would explore plates or special screws. The repair cost would come out of the Highway budget and he would not need to come back to the Selectboard, said Mr. Lewis. Mr. Morrison asked staff or Mr. Lewis to email estimates and materials to the Selectboard.

Mr. Tegatz reported that the Seguin Bridge roof will be removed in one piece. The removed wood belongs to the contractor as per the contract, said Mr. Tegatz.

Mr. Bloch asked for confirmation that the Selectboard authorized him to submit a claim to the insurance company regarding Lot 128. Mr. Morrison replied yes.

In response to a question regarding the amount of the claim, Mr. Bloch said that the amount was not public information at this time. Mr. Tegatz said that the issue should be discussed in Executive Session. A formal written claim to the Town is needed, said Mr. Tegatz.

Mr. Morrison suggested that a public review could be held at the next Selectboard meeting if Mr. Arthaud submits a formal claim.

APPROVE WARRANTS TO PAY BILLS

The Selectboard reviewed and signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to adjourn the meeting.

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

The meeting was adjourned at 5:18 p.m.

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