

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
AUGUST 22, 2016**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Jacob Spell, Matthew Krasnow (arrived 7:04 p.m.).

**ADMINISTRATION:** Dean Bloch, Town Administrator.

**OTHERS:** Robert Mack, Ed Shiner, Michael Yantachka, Christina Booher, Peter Fenn, Carrie Fenn, Catherine Bock, Wolfger Schneider, Lucy Beck, Larilee Suiter, Ellie Russell, Tony Tsounis, Geeda Searsforce and John Hammer, Charlotte News; and others.

**ITEMS TAKEN UP:**

7:20 PM Catherine Bock—application to Charlotte Housing Trust for a \$10,000 construction grant for a single family dwelling

7:30 PM Troy Tsounis—firewall for Town Hall Computer Network; budgeting for e-mail and application solutions for FY18

7:45 PM Purchase “Welcome to Charlotte” sign and hardware to replace missing sign

7:50 PM Appeal of ZBA decision by Paul Arthaud—authorize the Town Attorney to enter an appearance

7:55 PM Carrie & Peter Fenn—request for reimbursement of fee to the Zoning Board of Adjustment

8:00 PM Paul Arthaud—request for settlement

8:15 PM Personnel Policies—amendments

8:30 PM Verizon Wireless application for co-location of wireless telecommunication equipment on an existing utility pole

8:40 PM Designate a Voting Delegate to the Vermont League of Cities and Towns Annual Meeting

8:45 PM Selectboard schedule—whether to meet on Columbus Day (October 10)?

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 7:01 p.m.

**ADJUSTMENTS TO THE AGENDA**

Replace the 8:15 PM Personnel Policies – Amendments with a discussion of Grievances by Mary Mead and Christina Booher.

**PUBLIC COMMENT**

Mr. Yantachka said that a number of complaints have been posted on Front Porch Forum regarding speeding traffic on Green Bush Road and Spear Street due to the Route 7 reconstruction project. The Safety Committee had recommended installing speed bumps or tables to slow down traffic. Residents on Greenbush Road are in favor of speed bumps.

VTrans issued a letter regarding grant applications for pedestrian/bike paths on roadways. The Town should consider applying for a grant, suggested Mr. Yantachka.

Dean said that the issue could be added to a Selectboard agenda. Mr. Morrison suggested contacting CCRPC for a possible design that is winter maintenance suitable. The Charlotte Road Commissioner could build it, said Mr. Morrison.

Mr. Mack said that noise from trucks hitting a speed bump is a concern.

Mr. Krasnow recalled that Charlotte Fire and Rescue said that speed bumps would slow down transport time. The State Police set up a speed cart on Greenbush Road last week. The traffic is temporary fallout from Route 7 construction. The State Police have increased patrols, said Mr. Krasnow.

Mr. Krasnow suggested asking Francine Perkins to look into the matter.

*NEXT STEPS:*

- Ferry Road cross walk agenda item, October 12
- Invite the Charlotte Road Commissioner to a Selectboard meeting
- Invite the CCRPC to a Selectboard meeting.

**MINUTES: August 1 and 8, 2016**

**MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of August 1, 2016, as written, with edit:**

- Page 6, line 229-230 – rewrite

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

**MOTION by Mr. Tegatz, seconded by Mr. Spell, to approve the Charlotte Selectboard minutes of August 8, 2016, as written, with the following edit:**

- Page 4, line 151 – change to read “...center is at near capacity with the capability to take in four more children...”.

**VOTE: 4 ayes, 1 abstention (Mr. Krasnow); motion carried.**

**SELECTBOARD UPDATES**

Ms. Spear reported a letter from Brian Mechanic was received regarding speeding in Town.

Mr. Tegatz reported an update on the Seguin Covered Bridge project.

Mr. Tegatz said that he would follow up with David Marshall and the Town Administrator regarding a list of West Village Wastewater System priorities. He would report back to the Selectboard, and suggested scheduling a work session, said Mr. Tegatz.

**CATHERINE BOCK—APPLICATION TO CHARLOTTE HOUSING TRUST FOR A \$10,000 CONSTRUCTION GRANT FOR A SINGLE FAMILY DWELLING**

**MOTION** by Mr. Spell, seconded by Ms. Spear, to approve an application to the Charlotte Housing Trust by Catherine Bock, for a \$10,000 construction grant for an affordable single family dwelling.

**DISCUSSION:**

Ms. Bock explained that the Co-housing community still has 6 lots to build on. She was working with the Charlotte Housing Trust to build one affordable house as a donation, said Ms. Bock.

Mr. Morrison clarified that one grant request is for \$10,000 and a second request to the Champlain Housing Trust for \$50,000. Ms. Bock explained that the grant request is a shared equity in the house. If the house owners sell the house it continues to be affordable and the price can not be raised, said Ms. Bock.

Mr. Tegatz asked if the house would be perpetually affordable. Mr. Bloch replied that the Charlotte Housing Trust will enforce the terms of affordability for the house. This grant is for the construction of the house, said Mr. Bloch.

Mr. Mack asked who the \$10,000 grant funds would go to. The Town needs to read its policy, stated Mr. Mack. Mr. Bloch said that the funds would go to Fiddlehead Construction, the builder. Mr. Krasnow read from the policy that “grant funds are released to grantees.” Mr. Bloch explained that Ms. Bock will pay the builder, show the invoice to the Town and the Town would reimburse Ms. Bock.

Mr. Morrison said that there is an application and a motion. Are there any amendments to the motion, asked Mr. Morrison. Mr. Tegatz said that the motion implies that the parties will not follow the Town policies, but will follow the Charlotte Trust policies.

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

**TROY TSOUNIS—FIREWALL FOR TOWN HALL COMPUTER NETWORK; BUDGETING FOR E-MAIL AND APPLICATION SOLUTIONS FOR FY18**  
**MOTION** by Mr. Spell, seconded by Ms. Spear, to approve a proposal by Troy Tsounis for a firewall for the Town Hall computer network for e-mail and application solutions for FY2018.

**DISCUSSION:**

Mr. Tsounis briefly reviewed a proposal to replace a DSL modem line supplied by Waitsfield Telecom and the current firewall with a Cisco ASA 5506W-X service for a cost of \$1,695 and a labor cost for installation of \$1,200.

Mr. Tegatz asked if the appliance service would interface with Google apps. Mr. Tsounis replied that there would be no overlapping features. For example, spam filtering for internet traffic. The appliance was not completely foolproof; no app is. Google apps have e-mail filtering only, said Mr. Tsounis.

**AMENDMENT** by Mr. Spell, seconded by Ms. Spear, to include a total quote not to exceed \$2,895.

**DISCUSSION:**

**Mr. Tsounis said that the installation will be 3-4 weeks out, and the \$1,200 installation labor cost is an estimate that may come in under the quoted amount.**

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

**PURCHASE “WELCOME TO CHARLOTTE” SIGN AND HARDWARE TO REPLACE MISSING SIGN**

Mr. Morrison briefly reviewed the need for a replacement sign at the south end of Greenbush Road, and asked if the hardware is included in the amount. Mr. Bloch said that the tamper proof hardware for one sign is included.

**MOTION by Mr. Spell, seconded by Ms. Spear, to approve the purchase of a “Welcome to Charlotte” sign and the hardware for a total amount of \$509.74, including extra hardware.**

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

**APPEAL OF ZBA DECISION BY PAUL ARTHAUD—AUTHORIZE THE TOWN ATTORNEY TO ENTER AN APPEARANCE**

Mr. Morrison reviewed an appeal of a ZBA decision by Paul Arthaud. The Selectboard is considering a court appearance by the Town Attorney, said Mr. Morrison.

Ms. Spear stated that she did not support hiring the Town Attorney if the matter gets to the court stage.

Mr. Bloch reviewed a time line for entering an appearance. Mr. Spell asked for an explanation for how the matter evolved. Mr. Bloch replied that the ZBA decision was appealed on August 9, 2016.

Mr. Tegatz said that it would take a minimum amount of money to have the Town Attorney say that the Town will enter an appearance. It is saying that the Town supports the ZBA. There may be a \$100 cost for the Town Attorney to issue a letter to enter an appearance, said Mr. Tegatz.

**MOTION by Mr. Krasnow, seconded by Mr. Spell, to authorize the Town Attorney to enter an appearance on behalf of the Town of Charlotte regarding an appeal of a ZBA decision by Paul Arthaud, Docket #208243, regarding a Conditional Use review application, ZBA-16-51-CU.**

**DISCUSSION:**

**Mr. Tegatz suggested that the Town Attorney should notify the Selectboard if anything more was to be done besides entering an appearance. Mr. Morrison replied that the attorney would issue a status report.**

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

**CARRIE & PETER FENN—REQUEST FOR REIMBURSEMENT OF FEE TO THE ZONING BOARD OF ADJUSTMENT**

**MOTION by Ms. Spear, seconded by Mr. Spell, to approve a request by Carrie and Peter Fenn for reimbursement of the Zoning permit fee of \$513 related to an application for Lot 128 located at Thompson's Point.**

**DISCUSSION:**

**Ms. Spear spoke in support for returning \$500 to the Fenn's.**

**Mr. Mack asked if there were any other costs incurred. Mr. Morrison explained that there were three items in play:**

- 1. Paul Arthaud's application**
- 2. The Lot 128 issue**
- 3. The Fenn's request for \$500 reimbursement**

**Mr. Morrison said that the next agenda item was an appeal by Paul Arthaud of a Zoning Board of Adjustment decision. The Town will ask the Town's insurance company to come up with a settlement regarding Mr. Arthaud's complaint. The permit fee reimbursement to the Fenn's could be part of the insurance settlement. Paul Arthaud had excluded a claim for \$70,000 from his letter. The appeal is pending. He would recommend waiting on the Fenn's request, suggested Mr. Morrison.**

**Mr. Spell and Ms. Spear spoke in support of reimbursing the \$513 to the Fenn's. The insurance company might not pay it. The Fenn's are a separate issue from the Arthaud appeal, said Ms. Spear.**

**Mr. Mack said the Fenn's wouldn't want to refund the Town's costs; for example, advertising the meeting warning. The Fenn's had the right to request a hearing, and they got a hearing. It was a Town cost, reiterated Mr. Mack. Mr. Spell said that he understood the issue. He didn't want to nickel and dime the applicants, said Mr. Spell. Mr. Morrison said that the Town could refund the Fenn's and still add the amount on the insurance claim.**

**In response to a question regarding the point of the appeal if the fee is refunded, Mr. Fenn said that the permit was applied for by him as Mr. Arthaud's representative.**

**Ms. Booher pointed out that contractors filled out and signed permit applications all the time on behalf of clients.**

**Mr. Fenn reiterated that he was the signatory on the application for Paul Arthaud. He had a purchase and sales agreement with Mr. Arthaud, or he never would have applied for a permit on Lot 128, said Mr. Fenn.**

**Mr. Fenn asked the Selectboard to have the Town Attorney render an opinion on the legality of Lot 128. Mr. Krasnow asked if Mr. Fenn was looking to recoup money from Mr. Arthaud, except for the permit fees. Is the \$513 due related to the purchase and sale agreement, or should Mr. Arthaud get a refund, asked Mr. Krasnow.**

**Mr. Fenn said that he paid the Town the fee as Mr. Arthaud's representative. Mr. Morrison stated that ultimately he thought that Peter and Carrie Fenn would get a reimbursement once the Arthaud appeal was settled, and the other issues are settled. The whole deal is unprecedented and there are valid concerns, said Mr. Morrison.**

**Mr. Krasnow suggested that the \$513 should be returned with interest.**

**VOTE: 2 ayes, 3 nays (Mr. Morrison, Mr. Krasnow, Mr. Tegatz); motion failed.**

#### **PAUL ARTHAUD—REQUEST FOR SETTLEMENT**

Mr. Morrison summarized events that commenced May 12, 2014, when the Selectboard at that time terminated a Thompson's Point lease as requested by Paul Arthaud that effectively subdivided Lots 127 and 128, issued a new lease to the Ernsting's for Lot 127, and a new lease for Paul Arthaud for Lot 128.

Ms. Spear read minutes from the May 12, 2014 Selectboard minutes related to approval of three motions regarding the Paul Arthaud Lots 127 and 128 with no discussion noted, except for shoreline protection in the second motion. Were the adjoining neighbors notified for the changes proposed in April, 2014, asked Ms. Spear. Mr. Bloch explained that neither the Planning Commission nor the Zoning Board of Adjustment reviewed the request to terminate the lease, which did not involve permits. The Selectboard hears requests related to Thompson's Point leases as the land owner, said Mr. Bloch.

Ms. Spear asked where Paul got the idea to split the double lot. There was no discussion in the minutes. Should she listen to the audio tapes, asked Ms. Spear. Mr. Bloch suggested that the Recording Secretary could refer to her written notes, or the Selectboard could listen to the tapes.

Ms. Spear asked why the Town Attorney wasn't asked for an opinion regarding the subdivision of a double lot. There is an e-mail, dated April 28, 2014, from the Town Attorney regarding rents on a lease, said Ms. Spear. Mr. Bloch said that he would research that e-mail.

Ms. Spear asked for clarification regarding an August, 2015 letter. Mr. Bloch replied that it was a letter to the Selectboard regarding a petition asking about a shack.

Mr. Morrison summarized that it was a simple issue. The Selectboard on that date made a mistake. There was a single lease covering two lots. The Selectboard is responsible; the lots can not be subdivided as per the Town regulations. The Town has insurance to protect the Town from such errors. The matter should be turned over to the VLCT to investigate a settlement with Paul Arthaud. Paul is asking for \$65,000 and other costs. A question is – is the Selectboard prepared to negotiate with Paul Arthaud and his attorney, Liam Murphy, asked Mr. Morrison. Ms. Spear spoke in support of hiring the Town Attorney to handle the matter.

Ms. Booher stated that the Town Attorney submitted an invoice, dated April 28, 2014, for an opinion for splitting a lot. The Town shouldn't pay if the Town Attorney said it was OK to do it. The Town Attorney should pay it. It might not be the Town's fault, said Ms. Booher. Mr. Morrison replied that it is a part of the negotiation. Mr. Mack pointed out that there are multiple issues.

Mr. Bloch handed out copies of an e-mail, dated April 28, 2014, and noted that it was regarding an unrelated matter. Mr. Tegatz suggested asking the Town Attorney to provide any related correspondence.

Mr. Krasnow asked staff to invite the VLCT PACIF representative to attend a Selectboard meeting and add it to the Selectboard agenda.

Following a suggestion to hold a discussion in Executive Session, Mr. Krasnow said that no action should be taken.

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to invite the VLCT PACIF representative to come to a Charlotte Selectboard meeting regarding the pursuit of an insurance claim regarding Paul Arthaud's settlement request, dated August 16, 2016.**

**DISCUSSION:**

**Mr. Spell said that Paul Arthaud wants \$75,000 and that a meeting should be in the evening in front of the public and not in Executive Session.**

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

**GRIEVANCES BY MARY MEAD AND CHRISTINA BOOHER (in place of Personnel Policies—Amendments)**

Ms. Spear read an e-mail from Christina Booher, dated August 18, 2016, regarding a formal request for an Employee Grievance as per the Charlotte Personnel Policy, Section 7.

Ms. Booher reviewed that she had had a job evaluation one year ago. She had asked the Selectboard how to submit a grievance regarding her grade given by the Selectboard using the Palmer Study. She was told to follow the Personnel Policy grievance guidelines. She has followed the Grievance Policy and would like a job grade review in a timely fashion, stated Ms. Booher.

Following lengthy discussion, Ms. Booher asked the Selectboard to re-evaluate her job description using all 14 categories of the Palmer Study. She was prepared to present her case; a meeting date was needed. Her ranking should be a 12 or 13 versus a 10, said Ms. Booher.

Mr. Krasnow reviewed the Town Grievance Policy Section 7.1, which outlined an informal discussion process, and Section 7.2, noting that it didn't state in the policy, or letter what timeline was required to re-evaluate her job. What time line would you like, asked Mr. Krasnow. Ms. Booher said that she didn't want to end up months down the

road without resolving her grievance. She would re-submit her letter with documentation as per Section 7. She would like to schedule a meeting with the Selectboard within a week, or a month, said Ms. Booher.

Mr. Morrison suggested scheduling a meeting with Ms. Booher next Monday, and asked how the Town has harmed Ms. Booher as an employee. Ms. Booher explained that when she was hired she had no job experience for her position. The Selectboard had assigned a job ranking. A year after she was hired she can now answer the Palmer Study questions and would rank higher, stated Ms. Booher. Mr. Morrison said that the Palmer Study ranks job responsibilities, not tasks.

Mr. Bloch noted that the Selectboard had a meeting scheduled with an employee on Tuesday, August 30th. The Selectboard could meet with Ms. Booher after that, suggested Mr. Bloch.

Ms. Booher handed out copies of a pay rate grid with her comments added to the Selectboard for review.

Mr. Morrison said that an amendment to the SAP was needed regarding Palmer Analysis issues with existing employees. Amendments can be done at a future meeting. Ms. Mead is excluded as an elected official. The Selectboard would meet with Ms. Mead on September 12, 2016, said Mr. Morrison.

#### **VERIZON WIRELESS APPLICATION FOR CO-LOCATION OF WIRELESS TELECOMMUNICATION EQUIPMENT ON AN EXISTING UTILITY POLE**

Mr. Bloch reviewed a request by Verizon Wireless to add equipment on an existing 39' pole located on Route 7 just north of Horsford's Nursery.

Mr. Krasnow suggested that the equipment could co-locate on the Fire Station's tower. Mr. Bloch explained that it is the notification for an application that has been submitted. It is exempt from the 45-day pre-application notification; Verizon is not required to notify the Town. The pole is on state land and the equipment can be installed once the permit is approved by the state. A Selectboard motion was not needed, clarified Mr. Bloch.

#### **DESIGNATE A VOTING DELEGATE TO THE VERMONT LEAGUE OF CITIES AND TOWNS ANNUAL MEETING**

**MOTION** by Mr. Krasnow, seconded by Mr. Tegatz, to designate the Selectboard Chair as a voting delegate to the Vermont League of Cities and Towns Annual Meeting.

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

#### **SELECTBOARD SCHEDULE—WHETHER TO MEET ON COLUMBUS DAY (OCTOBER 10)?**

The Selectboard would meet on October 13, 2016, at 4:00 p.m.

Staff would notify the Selectboard regarding a Monday, August 29<sup>th</sup>, 9:00 a.m. site visit to the East Thompson's Point Road regarding trenching/ditching.

Ms. Spear asked staff to add the Tractor Parade on a Selectboard agenda.

**APPROVE WARRANTS TO PAY BILLS**

The Selectboard reviewed and signed warrants to pay bills.

**ADJOURNMENT**

**MOTION by Ms. Spear, seconded by Mr. Tegatz, to adjourn the meeting.**

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

The meeting was adjourned at 9:05 p.m.

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