

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
AUGUST 24, 2015**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Fritz Tegatz, Carrie Spear, Matthew Krasnow, Jacob Spell (arrived at 7:07 p.m.).

**OTHERS:** Elizabeth Rossano, Seth Mobley, Dr. Lydia Clemmons, Dr. Jack Clemmons, Dr. Lydia Clemmons, Robert Mack, Sylvia Knight, Robert Wright, David Marshall, Saran Larson, Kristopher Larson, Chris Davis, Jenny Cole, Stuart Bennett, Pete Rosenfeld, Diane Rosenfeld, Tom Larson, John Hammer, Charlotte News, and others.

**ITEMS TAKEN UP:**

- 7:05 PM Kristopher and Sarah Larson—amendment to Highway Access Permit (HAP-14-05) to shift driveway of newly created lot at 1007 Lake Road 100 feet to the west. Action under consideration: approve
- 7:10 PM Comments on the State Rail Plan. Action under consideration: approve
- 7:50 PM VCAM—presentation on video-recording of Selectboard meetings. Discussion only
- 8:00 PM Town Green drainage & fill project. Action under consideration: approve adding fill at a cost of \$5,500 in accordance with State Wetlands Permit and U.S. Army Corps of Engineers permit
- 8:15 PM Town Link Trail, Co-housing section. Action under consideration: accept proposal from Vermont Roads and Fields for \$8,750 for trail repair
- 8:20 PM Interview Stuart Bennett to fill vacancy on the Zoning Board of Adjustment. Action under consideration: make appointment for a term ending in April, 2018
- 8:30 PM Monitoring of the Landfill on Plouffe Lane. Action under consideration: approve Work Plan and Cost Estimate from Lincoln Applied Geology, Inc., not to exceed \$6,190 for FY16
- 8:35 PM Stephen Rose, on behalf of Arthur and Cynthia Curtis, Thompson's Point Lot 173 at 690 North Shore Road—request for authorization to submit a Conditional Use Permit application to the Zoning Board of Adjustment for construction of a stairway from North Shore Road to the camp. Action under consideration: authorize application ZBA-15-04
- 8:40 PM Champlain VT, LLC d/b/a TDI New England—proposed schedule. Action under consideration: notify CCRPC that the proposed schedule is acceptable

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 7:04 p.m.

**ADJUSTMENTS TO AGENDA**

None.

**PUBLIC COMMENT**

Mr. Marshall asked the Selectboard to place a discussion on reconstituting the West Village Wastewater Committee on a future agenda. The former members were interested in serving on the committee, said Mr. Marshall. Mr. Bloch suggested the September 14<sup>th</sup> agenda.

**KRISTOPHER AND SARAH LARSON—AMENDMENT TO HIGHWAY ACCESS PERMIT (HAP-14-05) TO SHIFT DRIVEWAY OF NEWLY CREATED LOT AT 1007 LAKE ROAD 100 FEET TO THE WEST. Action under consideration: approve**

Mr. Tegatz reported that he looked at the proposed access change of 100' to the west at the site and there were no issues.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a request by Kristopher and Sarah Larson for an amendment to a Highway Access Permit, HAP-14-15, to shift a driveway of a newly created lot at 1007 Lake Road 100' to the west. VOTE: 4 ayes, 1 absent (Mr. Spell); motion carried.**

**COMMENTS ON THE STATE RAIL PLAN. Action under consideration: approve**  
Dr. Clemmons, Citizens for Responsible Rail Committee representative, presented a draft document regarding priority issues, comments and recommendations on the Vermont Draft Rail Plan. The committee was not anti-rail, but had legitimate concerns regarding the lack of safety, accident prevention and emergency response planning issues in the state rail plan, a proposed Vermont western rail corridor link to Albany NY that could transport Bakken oil through Vermont, and a lack of training and equipment for First Responders in the event of a rail accident, said Dr. Clemmons.

Mr. Davis, Charlotte Fire Chief, reported that in reviewing the state rail plan there was no funding provided for upgrades at public rail crossings. A concern were the many farm crossings north of Ferry Road. For example, were there were no warning lights or gates, said Mr. Davis.

Dr. Clemmons narrated a short film clip taken at a Charlotte horse farm private rail crossing that horse back riders used to access trails on the other side of the tracks. The 8 minute films would be used as presentations illustrating the lack of safety at rail crossings, said Dr. Clemmons.

Mr. Davis explained that the First Responders did receive training related to securing locomotives and locating paperwork on the trains. He had concerns regarding train derailments, responses to spills and containment. The Vermont Rail Plan was missing accident reports and planning for rail accidents, said Mr. Davis.

Mr. Davis said that he would continue a dialog with all the Fire Departments along the western rail corridor.

Dr. Clemmons said that other issues with the rail plan included funds budgeted for rail yards of \$800,000 and \$3.6 million for side rails. The high number of side rails and lack of permit requirements were concerns. The state owns the rail tracks; however, federal law supersedes the state and says that you can't interfere with rail commerce. The only time to get safety into the rail plan was now, said Dr. Clemmons.

Mr. Davis said that he would like to see the Vermont Railway lease with the state, which was renewed every ten years. Dr. Clemmons said that there was language in the Vermont Rail Plan posing a question of continued state ownership, or a sale of the track system. Vermont Railway has expressed interest in purchasing the rail line, pointed out Dr. Clemmons.

Dr. Clemmons outlined a strategy to get all towns on the western corridor to add comments in a consolidated document to send to the state, continue filming short videos for use by print and TV news media, and to send comments to all Fire Departments along the western corridor seeking emergency responders comments to add to the document.

Mr. Morrison suggested sending a generalized summary of the Citizens for Responsible Rail Committee document asking municipal towns to add their responses/comments.

Mr. Spell thanked Dr. Clemmons and Mr. Davis for their research and presentations. A summary should not be generalized. We should be encouraging other towns to join in, lean on our state representatives and executive branch officials, and seek a relationship with the railroad operators, said Mr. Spell.

Mr. Krasnow pointed out that the time line to response with comments/concerns was short. The deadline was September 15<sup>th</sup>, said Mr. Krasnow. Dr. Clemmons reviewed that the state held four public meetings in 2014. A concern was that Charlotte was not notified until July 2015.

*NEEDS IDENTIFIED:*

- Clarify an Action Plan
- Charlotte to submit comments to the state
- Send a summary of comments/concerns to share with other towns
- As private citizens, send in comments to the state and legislative bodies
- Work with the Selectboard, Town Planner and Town Administrator to draft a response document to be signed by the Selectboard to the state
- Highlight concerns regarding safety up-grades and First Responders training and equipment, and crossing upgrades including gates; point out that the costs for the rail plan would be shared by all Vermont taxpayers
- Identify private rail crossings that were a concern in Charlotte
- Develop a list to 'cc' all agency heads, legislative representatives, NFEA, Fire Chiefs and Selectboards
- Ask all 12 town along the western rail corridor to present a solid front

Mr. Bloch suggested forming a small working group to include Mr. Morrison, Mr. Spell, Dr. Clemmons, Mr. Davis and Mr. Bloch.

Mr. Morrison suggested that work on a draft document with comments would start this week with a focus on safety issues in an executive summary, to be released by the following week, with approval subject to review by Mr. Morrison, Mr. Spell and Mr. Bloch, that the Selectboard endorsed the principles and submitted on behalf of the Town of Charlotte, signed by the Selectboard members, said Mr. Morrison.

**MOTION by Mr. Spell, seconded by Mr. Krasnow, to authorize a Working Group to finalize a draft letter in response to the draft Vermont Rail Plan with an end completion date of September 4, 2015.**

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

Mr. Morrison thanked the members of the citizens group for their excellent work.

**VCAM—PRESENTATION ON VIDEO-RECORDING OF SELECTBOARD MEETINGS. Discussion only**

Mr. Mobley and Ms. Rossano, VCAM Executive Director and Community Program Director respectively, explained the video and archival services offered by VCAM. Funding was provided through cable subscriptions and there was no cost to the town, said Mr. Mobley.

Mr. Morrison asked how many cable subscriptions were in Charlotte. Mr. Mobley replied that he would get the hub end numbers and send that information to the Town.

Mr. Spell spoke in favor of open transparency, and asked if on-line streaming was available of meetings. Mr. Mobley replied yes. VCAM had received a number of requests for the service from Charlotte, noted Mr. Mobley.

Ms. Spear expressed concerns regarding video taping town meetings. She was not in favor of the service. A March, 2015, Selectboard vote did not approve using the service. The Town Administrator had invited VCAM to this meeting, not the Selectboard, stated Ms. Spear.

In response to questions, Mr. Mobley said that VCAM has covered Shelburne and Essex town meetings for a long time, and the last three years in Hinesburg. The service was about expanding participation with people who were unable to attend the meetings, either due to work schedules or health, explained Mr. Mobley.

Mr. Morrison said that the Selectboard did take a vote in March and decided it wasn't necessary. VCAM has a right to video Charlotte meetings regardless. There is a need to reach out to citizens, said Mr. Morrison. Mr. Krasnow clarified that the vote was 4 nays and 1 aye; Mr. Spell was in favor.

Mr. Mobley said he was aware that there were people in the past that had a level of uncertainty. Once the service was there and available people thanked them for the broadcasts. For example, filming the rail discussion at this meeting would have allowed more people to hear about the issues, said Mr. Mobley.

Mr. Morrison asked if filming would interfere with the flow of a meeting. Ms. Rossano explained that the goal was to make the least impact on a meeting. VCAM covered Selectboard, Zoning, and Town Planning meetings, said Ms. Rossano.

Mr. Spell asked if VCAM had considered using high school students as staff. Mr. Mobley replied yes. He currently mentored a CVU student and VCAM worked with volunteers as well.

Mr. Krasnow pointed out that the Charlotte Selectboard was averaging 3-5 meetings per month. Mr. Mobley said that he would review past Selectboard schedules to see if VCAM could accommodate the Charlotte schedule, said Mr. Mobley.

Mr. Morrison suggested a possible start date at the September 14, 2015 meeting.

**TOWN GREEN DRAINAGE & FILL PROJECT. Action under consideration: approve adding fill at a cost of \$5,500 in accordance with State Wetlands Permit and U.S. Army Corps of Engineers permit**

Mr. Bloch briefly reviewed a 2014 spring bidding process for a Town Green drainage project. Vermont Roads and Fields was the low bidder at \$9,930 out of 9 responses. Wetlands and Army Corp of Engineers permits have been acquired. Fill to level off the Town Green was needed as a change order to the Vermont Roads and Fields for a cost \$5,000. The total cost was \$15,530. The Town Green Committee has raised funds totaling \$15,489.95, leaving a gap of \$40.05, explained Mr. Bloch.

There was discussion regarding fill to bring the Town Green slope to a grade where surface water would sheet off east-west to an existing north-south perimeter ditch; a Selectboard suggestion to use material dug from an existing road ditch (Mr. Marshall said that it was not certain that the ditch material would be usable; top soil was needed as a top dressing.); and a breakdown of donated funds.

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approved a change order by Vermont Roads and Fields for the amount of \$5,500 to add fill on the Town Green in accordance with the State Wetlands Permit and the U.S. Army Corps of Engineers Permit.**

**DISCUSSION:**

**Mr. Mack asked how the change order fit in the with Purchasing Policy. Does the cost increase include seeding and watering the green, or is that another change order, asked Mr. Mack. Mr. Morrison pointed out that the Purchasing Policy allows for change orders to an original bid that was approved. Mr. Tegatz clarified that it was an existing contract and this was a change order to that contract. With a change of scope you deal with the contractor, said Mr. Tegatz.**

**Mr. Mack said that the change order of this percentage was big. Mr. Bloch explained that the Selectboard was the Purchasing Agent as per the policy. Given where the project was it was appropriate and the policy allows for change orders. The change was for 100 yards of fill, said Mr. Bloch.**

**Mr. Tegatz said that it was for fill, spreading the fill, seeding, etc.  
VOTE: 5 ayes; motion carried.**

**TOWN LINK TRAIL, CO-HOUSING SECTION. Action under consideration:  
accept proposal from Vermont Roads and Fields for \$8,750 for trail repair**

Mr. Bloch briefly reviewed a wash-out on the Town Link Trail at the Co-housing section. An RFP was sent out with one response received from Vermont Roads and Fields for \$8,750. The project could fall under the category of an emergency expenditure as per the Purchasing Policy, page 5. The trail section was not usable, said Mr. Bloch.

Mr. Morrison asked if accepting the one bid was reasonable. Mr. Bloch replied that the process included materials needed and cost of regrading the trail.

In response to a question, Mr. Marshall said that his company did a quick calculation cost based on materials for \$6,750. With other necessary work added the cost was in the right neighborhood of \$8,000+/-, said Mr. Marshall.

Mr. Tegatz said he was not sure that this was an emergency and he would prefer to follow the policy under the section of expenditures over \$5,000. Mr. Bloch said that the amount of time to respond to the RFP, which went out as an e-mail, was short. It went out on the 12<sup>th</sup> with a deadline of the 20<sup>th</sup>. Chris Mack said he could complete the Town Green in 4 days, and there would be no issue to do the trail repair, explained Mr. Bloch.

Ms. Spear questioned the sense of the trail fix. Mr. Krasnow said that he had seen the damage and the trail washout was not just an inconvenience. It was an accident waiting to happen. There was a liability issue and when the liability was weighed versus the repair cost then the fix was an insignificant amount, said Mr. Krasnow.

Mr. Spell spoke in favor of re-bidding the project.

**MOTION by Mr. Krasnow, seconded by Mr. Spell, to accept a proposal from Vermont Roads and Fields to repair the Co-housing section of the Town Link Trail for an amount of \$8,750 as an emergency trail repair.**

**DISCUSSION:**

**Mr. Mack stated that it was not a town trail; it was an easement on private land.  
Mr. Bloch replied that it was a deeded town trail.**

**Mr. Morrison said that the Selectboard all walked the site two months ago and it was severely eroded.**

Ms. Spear asked if it was that dangerous have signs been posted, or people warned not to use the trail. Mr. Bloch replied that the Trail Committee has handled the issue.

**VOTE: 3 ayes, 2 nays (Ms. Spear, Mr. Tegatz); motion carried.**

Ms. Spear asked staff to make sure that signs were posted. Mr. Bloch said that he would check on it.

**INTERVIEW STUART BENNETT TO FILL VACANCY ON THE ZONING BOARD OF ADJUSTMENT. Action under consideration: make appointment for a term ending in April, 2018**

The Selectboard reviewed the candidate's qualifications.

**MOTION by Mr. Spell, seconded by Ms. Spear, to appoint Stuart Bennett to fill a vacancy on the Zoning Board of Adjustment for a term ending in April, 2018.**

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

**MONITORING OF THE LANDFILL ON PLOUFFE LANE. Action under consideration: approve Work Plan and Cost Estimate from Lincoln Applied Geology, Inc., not to exceed \$6,190 for FY16**

Mr. Bloch briefly reviewed a history of the Plouffe Lane Landfill, and state required monitoring of test wells. Lincoln Applied Geology, Inc, has fulfilled the testing for many years and are on the Purchasing Policy Preferred Vendors List, said Mr. Bloch.

Mr. Mack asked why have a Purchasing Policy if the Selectboard didn't follow the policy. It should be put out to bid, said Mr. Mack.

Mr. Marshall said that the test wells on the site were tested twice a year for pollution levels. So far there have been no issues. Mr. Bloch said that higher arsenic levels have been reported and the state would keep a record on that.

Mr. Tegatz said that he has hired Lincoln Applied Geology, Inc, and recused himself.

Mr. Spell asked if the cost was consistent for monitoring a test well. Mr. Marshall pointed out the number of companies that could conduct testing was short.

Mr. Bloch explained that it was a ten year contract for service and was a 'not to exceed' number.

**MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve a Work Plan and cost estimate from Lincoln Applied Geology, Inc, for monitoring the Landfill on Plouffe Lane for an amount not to exceed \$6,190 for FY2016.**

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

**STEPHEN ROSE, ON BEHALF OF ARTHUR AND CYNTHIA CURTIS, THOMPSON'S POINT LOT 173 AT 690 NORTH SHORE ROAD—REQUEST FOR AUTHORIZATION TO SUBMIT A CONDITIONAL USE PERMIT**

**APPLICATION TO THE ZONING BOARD OF ADJUSTMENT FOR CONSTRUCTION OF A STAIRWAY FROM NORTH SHORE ROAD TO THE CAMP. Action under consideration: authorize application ZBA-15-04**

**MOTION by Mr. Spell, seconded by Ms. Spear, to approve a request by Stephen Rose on behalf of Arthur and Cynthia Curtis, Thompson's Point Lot 173 at 690 North Shore Road, to authorize submittal of ZBA-15-04, a Conditional Use permit application, to the Zoning Board of Adjustment for construction of a stairway from North Shore Road to the camp.**

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

**CHAMPLAIN VT, LLC D/B/A TDI NEW ENGLAND—PROPOSED SCHEDULE.**

**Action under consideration: notify CCRPC that the proposed schedule is acceptable**

Mr. Bloch briefly reviewed a proposed schedule to go before the Public Service Board (PSB) without pre-trial testimony to place a cable in the water on the west side of Lake Champlain. TDI-New England doesn't believe that towns, such as Shelburne or Charlotte, have a right to collect submerged tax fees. TDI-New England says that it has discussed this with towns in comments to the state. Until the cable is laid there is no tax schedule. Charlotte wants to make it clear that it was not free tax-wise, said Mr. Bloch

Mr. Bloch said that the Chittenden County Regional Planning Commission (CCRPC) was the 'party' involved and the Town should let CCRPC know that the schedule was acceptable.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to notify CCRPC that the proposed schedule was acceptable, and that the Town of Charlotte was not stipulating to the tax issue.**

**DISCUSSION:**

**Mr. Mack said that he had no faith with the CCRPC to be concerned with Charlotte.**

**Mr. Morrison suggested contacting Jim Donovan, Charlotte's CCRPC representative. Mr. Tegatz said that two attorneys have said that nothing could be done until the cable was laid in the lake and then the Town could levy a tax. If there is non-payment then..., said Mr. Tegatz.**

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

**SELECTBOARD UPDATES**

Mr. Tegatz reported that the Library roof project was completed.

Mr. Krasnow reported on a Park Oversight Committee meeting. Jenny Cole was reviewing a draft lease-Attachment A between the park and Nordic Farm, LLC.

Mr. Krasnow reported that the speed cart monitoring was on-going. Data from the cart has been downloaded. There was an issue interfacing with the Town's Vista software. He would seek a solution, said Mr. Krasnow.

Mr. Tegatz reported that Carpenter Road would be closed next week for repairs to the bridge.

Mr. Bloch noted that the October 12<sup>th</sup> regular Selectboard meeting date fell on Columbus Day. The Selectboard suggested a possible October 5<sup>th</sup> meeting date.

Ms. Spear noted that the Tractor Parade was coming up.

Mr. Morrison reported that the outside auditors would come in September 1 and 2, 2015.

**MINUTES: August 3 and August 10, 2015**

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of August 3, 2015 as written, with the following addition: Page 6, line 236 – insert “Ms. Morrison asked what prompted the Selectboard to initiate a wage policy and when did the activity begin. What did Mary ask for, asked Ms. Morrison. Mr. Morrison replied that several years ago there was a request for a significant raise. It didn’t sound reasonable. The request was for \$15,000 for Mary and \$10,000 for Sharron and over the years there has been a level of dissatisfaction that caused the Selectboard to provide a process, said Mr. Morrison.**

**Ms. Morrison asked if there was any level of satisfaction with Mary and how much time has the Town devoted to this. The Selectboard made a decision and it passed. If someone was not happy then they could leave, stated Ms. Morrison.”**

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

Mr. Spell departed the meeting.

**MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of August 10, 2015 as written.**

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

Mr. Spell rejoined the meeting.

**APPROVE WARRANTS TO PAY BILLS**

The Selectboard signed warrants to pay bills.

**OTHER BUSINESS**

Mr. Tegatz asked if there was a Purchasing Agent that would follow up on contract responsibilities as per the Purchasing Policy. Mr. Morrison said yes, and nominated the Town Administrator.

Mr. Morrison noted that three employee reviews were scheduled for Tuesday, August 25, 2015, at 2:00 p.m., 3:00 p.m. and 4:00 p.m. The reviews were warned meetings that would start in open session and then go into Executive Session, said Mr. Morrison.

Ms. Spear reiterated her concerns regarding the earlier VCAM presentation. The Board did not ask/invite the VCAM representatives to the meeting. They could have just come in and film the meetings. She did not like it, state Ms. Spear.

**ADJOURNMENT**

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

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

The meeting was adjourned at 9:23 p.m.

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