

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
AUGUST 26, 2013**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Ed Cafferty, Moe Harvey, Stephen Brooks, Peter Trono, Nancy Wood, Mary Mead, Hugh Lewis Jr, Robert Mack, Suzy Hodgson, Ben Pualwan, Margaret Russell, Maura Wygmans, Jane Garbose, Sam Zimmerman, Seth Zimmerman, Mike Yantachka, Claudia Mucklow, Bridget Masterson Gordon Brown, and others.

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

ITEMS TAKEN UP:

- **4:00 p.m. Meeting with staff for presentation by VLCT on health insurance**
- **5:30 p.m. Meeting with staff to explain changes to Personnel Policies**
- **Kestrel Grevatt – interview for one-year appointment to Energy Committee (student member) – action item**
- **2008-2012 Town building repairs – resolution of issues regarding the purchase of materials – action item**
- **Policy for locating improvements in the town right-of-way – action item**
- **Community Safety Committee – work plan – discussion only**
- **Trails Committee - application to the Vermont Recreational Trails Grant Program for completion of the C0-housing section of the Town Link Trail – action item**
- **Sam Zimmerman – final design for bridge on Cowboy Lewis Trail (adjacent to Ferry Road) – action item**
- **Green Mountain Bicycling Club – request to reschedule time trail from August 22nd (rained out) to September 5th at 6:00 p.m. – action item**
- **Abandoned dog – action item**
- **Green Mountain Habitat for Humanity – request for extension for building completion under the Charlotte Housing Trust Fund grant – action item**
- **Central Station Monitoring of fire alarm for Town Hall – 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

None.

PUBLIC COMMENT

Mr. Brooks, resident and Cemetery Commission member, requested that Selectboard members contact Andrew Haigney regarding Mr. Haigney's recent resignation from the Commission. Mr. Haigney has provided a valuable community service and was great to work with, stated Mr. Brooks.

Mr. Russell and Mr. Ladue said that they had talked with Mr. Haigney. Mr. Morrison and Ms. Russell said that they were willing to consider the request.

MINUTES

MOTION by Ms. Russell, seconded by Mr. Morrison, to approve the Selectboard minutes of August 12, 2013, as written, with edits:

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

KESTREL GREVATT – INTERVIEW FOR ONE-YEAR APPOINTMENT TO ENERGY COMMITTEE (STUDENT MEMBER) – action item

The Selectboard interviewed Kestrel Gravatt, CVU Senior, for a one year appointment to the Energy Committee as a student member.

MOTION by Mr. Morrison, seconded by Mr. Ladue, to appoint Kestrel Grevatt as a student member for a one-year appointment to the Energy Committee.

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

2008-2012 TOWN BUILDING REPAIRS – RESOLUTION OF ISSUES REGARDING THE PURCHASE OF MATERIALS – action item

Mr. Morrison handed out a written Discussion and Proposed Actions document, dated August 23, 2013, related to an August 12, 2013 Town Auditors' letter to the Selectboard. He had looked into the matter, talked with Rice Lumber and Richard St George. Mr. Bloch had contacted the Vermont Department of Taxes. Mr. St George has agreed to pay the sales tax due on \$1,473 for tools purchased. It was recommended that a clear policy be created for labor and materials quoted by contractors, said Mr. Morrison.

MOTION by Mr. Morrison, seconded by Mr. Ladue, to approve Proposed Actions as outlined in a Discussion and Proposed Actions document, dated August 23, 2013, as follows:

- **To define specific items of what were “tools” versus “consumables”.**
- **Richard St George would pay the Vermont sales tax due of \$88.38.**
- **Tools totaling \$1,473.06 were previously approved and paid for by the Town. No further action regarding the tools would be taken**
- **The Selectboard would create a clear policy for future maintenance projects requiring competitive bids with fixed prices.**
- **For material suppliers, the Vermont sales tax exemption certificate, Form S-3C, would be prepared for specific projects.**

DISCUSSION:

Ms. Wood, speaking as an individual, said that she was impressed with the research done by Mr. Morrison and staff. They had approached the issue seriously, and dealt with the State of Vermont Tax Department and Richard St George in a timely and fair manner. She would hope the Selectboard would create a clear policy and that it would be followed. Any invoice should be reviewed before it went to Mary Mead for payment, said Ms. Wood.

Mr. Brown, resident, asked if anyone could go to Rice Lumber and charge items to the Town account. Mr. Morrison replied no. He had talked with Dan Fontaine at Rice Lumber. Hugh Lewis Jr's name was on the approved list kept at Rice Lumber. He would call Mr. Fontaine back and make sure that Mr. Lewis was the only name on the list, said Mr. Morrison.

Mr. Brown asked if there were any safe guards for who, or what could be charged on the Town account before the invoice came to the Town. Mr. Morrison said that Mr. Lewis could charge items on the Town's Rice Lumber account. The invoice came to the Town for payment, said Mr. Morrison.

Ms. Mucklow, resident, asked why Mr. St George would keep the tools. Mr. Morrison replied that he looked at what the tools were. There was a caulking gun and chalk line. It was felt that the Selectboard as a whole were responsible since the Board members signed off on the invoices. The invoices went back to 2008. Mr. St George was willing to return the tools to the Town, said Mr. Morrison.

Mr. Trono asked if Mr. St George was willing to pay the Town for the tools he consumed, or repay the \$1,473. How did he explain the 21 pairs of gloves, asked Mr. Trono.

Mr. Brooks asked if the Town was liable for the sales tax. Mr. Morrison reiterated that the tools went to the contractor so the contractor has the tax liability. The sales tax would be paid, said Mr. Morrison.

Mr. Brooks asked if the Town would need to issue a revised 1099 form for the tools Mr. St George had. Were the tools a gift, or a purchase to him, asked Mr. Brooks. Ms. Wood said it was an accounting question. If a 1099 was needed then Mary Mead would need to file an amended 1099 and Mr. St George would need to file an amended income tax form, said Ms. Wood.

Mr. Trono said he understood that Mr. Morrison's mission was to talk to Mr. St George. He was happy with the sales tax resolution. He had asked to have an independent third party make an assessment on what could have been excessive use of tools, stated Mr. Trono. Mr. Morrison pointed out that the Senior Center project included some work on cement products. That work consumed a lot of blades, said Mr. Morrison. Mr. Mack said he would be happy if the contractor paid for the tools.

Mr. Trono asked if there were any Selectboard members with a conflict of interest in the matter. Ms. Russell stated that she had no conflict of interest since she had no financial involvement. Mr. St George's work for her was unrelated and three years ago, said Ms. Russell. Mr. Russell stated that he had no conflict. Mr. St George's work on his roof was five years ago, said Mr. Russell.

Mr. Mack read a Batchelder Associates e-mail, dated 08/23/2013, into the record regarding Fire and Rescue expense accounts. Mr. Russell stated that Ed Sulva had responded via e-mail on that and was not related to the issue under discussion.

Ms. Mead expressed concern that the use of the Rice Town account could be repeated if names remained on the account. It was not good business practice, said Ms. Mead. Mr. Brooks asked if Mr. Lewis was the only name on the Rice account. Mr. Russell said that he would make sure the list was corrected.

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

**POLICY FOR LOCATING IMPROVEMENTS IN THE TOWN RIGHT-OF-WAY
– action item**

MOTION by Mr. Ladue, seconded by Ms. Russell, to approve a proposed Policy and Procedure for Locating Improvements in the Town right-of-way.

DISCUSSION:

Mr. Bloch reviewed additions to the Permit Requirement section, page 1, and liability exemption section, page 4. The liability addition would cover the Road Commissioner as a Town agent/elected official, said Mr. Bloch.

Mr. Ladue said that it appeared that the proposed policy was closer to an ordinance. It was a legal document that required a legal action for violations, pointed out Mr. Ladue.

Mr. Russell suggested having the Town Attorney review the document.

Mr. Mack asked if he would have to pay a \$100 fee every time he had to fix his fences. Mr. Russell suggested exempting agricultural fences in the fee schedule.

Mr. Lewis said that in the past the Town had to pay for broken posts that were in the right-of-way when the roads were plowed, or snow removed. Farmers should be responsible for their fences, stated Mr. Lewis. Mr. Russell clarified that agricultural uses wouldn't be exempt. Just the fee would be exempt, said Mr. Russell.

Mr. Mack said that the Zoning Board or the Zoning Administrator should be responsible for creating the policy, not the Selectboard. What has happened with past violations, asked Mr. Mack.

Mr. Bloch suggested that anything in the town right-of-way could be grandfathered. Mr. Ladue suggested holding off approving the policy for further research.

Ms. Garbose, Mt Philo Inn owner, said she needed a permit to place her sign in the right-of-way. The current sign was small and couldn't be seen from the road, said Ms. Garbose. Ms. Russell asked if a two week wait would be a hardship. Mr. Russell suggested that a small sign under 6 square feet could be allowed and then they could be asked to move it later on. If the proposed policy was approved could the Selectboard hear a permit request afterward, asked Mr. Russell. Mr. Bloch replied yes.

Mr. Lewis said that the Town has allowed people to plant shrubs and signs in the right-of-way. They need to be moved, said Mr. Lewis.

Ms. Russell suggested adding language to have items, signs, plants removed from the Town right-of-way.

Mr. Ladue and Ms. Russell withdrew the motion for further research.

COMMUNITY SAFETY COMMITTEE – WORK PLAN – discussion only

Mr. Pualwan, Mr. Cafferty, Mr. Yantachka, Mr. Flore and Mr. Frederico, Community Safety Committee members, reviewed a draft Charlotte Community Safety Committee Charter.

There was discussion regarding meeting times of twice a month, an ending of the committee work by the end of December, and concerns related to safeguarding certain data that might contain personal information. Ms. Russell suggested that the committee could enter Executive Session for the purpose of discussing sensitive information to satisfy concerns related to personal data. Motions should be made in open meetings, said Ms. Russell.

Mr. Ladue asked to be added to the e-mail list for minutes of the committee meetings. Mr. Pualwan pointed out that John Owen attended the meetings as a Selectboard representative.

Mr. Morrison asked that the committee add a cost for the options.

TRAILS COMMITTEE - APPLICATION TO THE VERMONT RECREATIONAL TRAILS GRANT PROGRAM FOR COMPLETION OF THE CO-HOUSING SECTION OF THE TOWN LINK TRAIL – action item

Ms. (Margaret) Russell, Trails Committee member, reviewed that the committee's fund raising efforts has resulted in a Trails Reserve Fund balance of \$30,000.

MOTION by Ms. Russell, seconded by Mr. Ladue, to authorize the Trails Committee to apply for a Vermont Recreational Trails Grant for completion of the Co-housing section of the Town Link Trail, and to spend \$4,000 as a match from the Trail Reserve Fund as presented.

DISCUSSION:

In response to a question regarding the 7 mile trail, Ms. (Margaret) Russell explained that the grant was for \$20,000 for completion of the Co-housing section of the Town Link Trail. The proposed Route 7 tunnel was part of the VTrans Route 7 plan and would be funded through the state. The location of the tunnel was needed to place the trail connection in the right place, said Ms. Russell.

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

SAM ZIMMERMAN – FINAL DESIGN FOR BRIDGE ON COWBOY LEWIS TRAIL (ADJACENT TO FERRY ROAD) – action item

Mr. (Sam) Zimmerman explained a redesigned pedestrian bridge plan on the Cowboy Lewis Trail. The project would be completed after permission was granted to proceed with the concept, said Mr. Zimmerman.

The Selectboard would consider approval of the pedestrian bridge concept at the next meeting of the Board.

GREEN MOUNTAIN BICYCLING CLUB – REQUEST TO RESCHEDULE TIME TRIAL FROM AUGUST 22ND (RAINED OUT) TO SEPTEMBER 5TH AT 6:00 P.M. – action item

MOTION by Mr. Morrison, seconded by Mr. Ladue, to approve a request by the Green Mountain Bicycling Club to reschedule a time trial from August 22 (rained out) to September 5, 2013 at 6:00 p.m.

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

Abandoned dog – action item

Ms. Masterson, Charlotte dog catcher, explained an abandoned dog situation. Mr. Bloch said that a kennel that could take the dog wouldn't have room for it until after Labor Day. A letter, dated 08/22/2013, was sent to the dog owner and he has 10 days to contact the Town, said Mr. Bloch.

Ms. Masterson said that the dog has bitten a person and the rabies vaccination had run out. The dog needs to be quarantined for 10 days. The dog owner verbally responded and can't take the dog. It needs to be in writing. Once everything was in place the Town could sign the dog over to the Humane Society for a \$90 fee, explained Ms. Masterson.

MOTION by Ms. Russell, seconded by Mr. Morrison, to pay the Humane Society up to \$150 for transfer of the abandoned dog from the Town of Charlotte to the Humane Society pending proper paperwork.

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

Ms. Masterson explained that there were no forms, paperwork, or written procedures to use/follow.

Mr. Bloch would meet with Ms. Masterson to explain how to track trips and number of hours worked. The Selectboard would revisit the Dog Ordinance.

GREEN MOUNTAIN HABITAT FOR HUMANITY – REQUEST FOR EXTENSION FOR BUILDING COMPLETION UNDER THE CHARLOTTE HOUSING TRUST FUND GRANT – action item

MOTION by Ms. Russell, seconded by Mr. Ladue, to approve a request by Green Mountain Habitat for Humanity for a one year extension for the building completion under the Charlotte Housing Trust Fund grant as presented.

DISCUSSION:

Ms. Russell explained that the grant has a limit on time for completion of the building. The project completion date would exceed that time limit. The grant was from Town funds paid out in three steps. The first payment was at the start of the project, a second payment was paid out at the midway point, and the third payment was at project completion, said Ms. Russell.

Ms. Mead asked where the Community Block Grant for paying administration of the Town grant. It was to happen in March, 2013, said Ms. Mead. Mr. Bloch replied that the Block grant was still going through the review process.

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

CENTRAL STATION MONITORING OF FIRE ALARM FOR TOWN HALL – action item

MOTION by Mr. Ladue, seconded by Ms. Russell, to renew an annual contract for Central Station monitoring of the fire alarm system at the Town Hall for an amount not to exceed \$295.

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

COMMITTEE UPDATES

Ms. Russell reviewed a written summary of a Fire and Rescue meeting regarding the draft MOA.

Mr. Ladue reported that he had met with the Park Oversight Committee. The park was toured and he viewed on-going projects within the park. There was potential for expanding horse trails/connections through the Bates property that was recently purchased by a resident. A Selectboard site visit needed to be scheduled for a review of the scenic overlook. Committee members had requested a tool shed for park tools, such as shovels, rakes, etc, said Mr. Ladue.

Mr. Ladue reported that permits for stream alteration at the Dorset Street Bridge were in the works related to the Stone Cat issue. A construction pre-bid meeting was scheduled for Wednesday, August 28, 2013, at 4:00 p.m. with a deadline for submitting bids by September, 6, 2013, said Mr. Ladue.

SELECTBOARD UPDATES

Mr. Bloch reported that two beams were replaced on the Quinlan Bridge.

Mr. Morrison reported that the Senior Center dinner was well attended.

APPROVE WARRANTS TO PAY BILLS

The Selectboard members signed warrants.

ADJOURNMENT

MOTION by Mr. Morrison, seconded by Ms. Russell, to adjourn the meeting.

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

The meeting was adjourned at 9:22 p.m.

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.