

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
JANUARY 25, 2016**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Matthew Krasnow, Fritz Tegatz, Jacob Spell (arrived 6:51 p.m.).

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Claudia Marshall, Brian Frink, Michael Yantachka, David Kenyon, Hugh Lewis Jr, Michael Russell, Howard Seaver, Vince Crockenberg, Winslow Ladue, Larry Hamilton, Charles Russell, Valarie Graham, Mark Moser, Robert Mack, Jim Laberge, Margaret Woodruff, Nan Mason, Betsi Oliver, John Snow, Mary Mead, Jeff Small, David Marshall, Margaret Russell, Libby James, Bill Lockwood, Carrie Fenn, Erich Finley, E James, Libby ; John Hammer, Charlotte News; and others.

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

ITEMS TAKEN UP:

- Interview David Kenyon for appointment to the Planning Commission for term ending April 30, 2018
- Jeffrey Small – hearing to review application HAP-15-07 to relocate an approved access (HAP-14-02) approximately 70 feet to the north, to access two approved building lots on Guinea Road
- Set Wage Rate for new Library employee
- VLCT PACIF Equipment Grant application
- CVFRS Quarterly Report
- FY17 Budget – reaffirm approval with correction
- Town Meeting Warning – reaffirm approval after Town Attorney’s review
- Community Safety Committee – future
- Cooperative Agreement for Bicycle and Pedestrian Program Grant from VTrans
- Appeal by Wolverton’s of ZBA 15-19 to the Environmental Decision of Superior Court
- Certificate of Highway Mileage
- Selectboard’s Report for Town Report
- Liquor Licenses: Roland’s Place, PBM Acquisition, LLC/d/b/a Point Bay Marina, Whit’s Ed, LLC d/b/a Old Brick Store
- Appoint Substitute Selectboard member for signing payroll warrant in Lane’s absence
- Selectboard Schedule for February

5:00 PM Site Visit: Jeffrey Small Highway Access Permit application, 3119 Guinea Road

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 6:46 p.m.

INTERVIEW DAVID KENYON FOR APPOINTMENT TO THE PLANNING COMMISSION FOR TERM ENDING APRIL 30, 2018

Mr. Krasnow recused himself due to a potential conflict of interest. His family had a pending application before the Planning Commission, said Mr. Krasnow.

The Selectboard reviewed the candidate's qualifications.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to appoint David Kenyon to the Planning Commission for a term ending April 30, 2018.

VOTE: 3 ayes, 1 recused (Mr. Krasnow), 1 absent (Mr. Spell); motion carried.

Mr. Krasnow rejoined the Selectboard.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENT

Mr. Crockenberg reported that information on the proposed Charter has been posted on Front Porch Forum, ads will appear in the Charlotte News and Charlotte Citizen up to election day, and articles explaining the purpose of the charter have been reposted on Front Porch Forum and websites.

Mr. Yantachka said that a Town Charter FAQ has been posted on websites as well.

Mr. Morrison suggested holding a charter informational meeting at the Town Hall on Monday, February 22, 2016 during a regularly scheduled Board meeting.

Ms. Spear spoke in favor of holding the charter informational meeting on the same evening as the School Board February 29, 2016, meeting, which was the night before the Town Meeting.

Mr. Yantachka said that the Charter Committee could prepare a presentation regarding the Charter at the School Board meeting that would include the current March Town Meeting voting process, what the charter is and what it would do.

The Selectboard members spoke in favor of a presentation at the February 29th School Board meeting, and printing a copy of the charter in the Town Report.

Mr. (Michael) Russell, Community Committee member, noted that at the January 19, 2016 Selectboard meeting the Selectboard voted to eliminate proposed articles 14 and 15 from the Town Meeting Warning. The previous week the Board unanimously approved the amendments to the Town Plan and Land Use Regulations. He had watched the VCAM video of the January 19th meeting in an effort to understand the rationale of the Board's actions. There was no one at the meeting to say why the Board shouldn't keep

Articles 14 and 15 on the warning. There are plenty of people at this evenings meeting to explain why the Board should keep the two articles on the warning. The Planning Commission and other people put in a lot of work and effort to update the Land Use Regulations. The Selectboard has removed the voters' right to vote on the amendments. By law, only voters can vote on amendments to the bylaws. The Selectboard should reconsider their action tonight, said Mr. Russell.

Mr. Krasnow explained that it wasn't a vote not to put the amendments before the voters. The Board felt that it was better to vote on a completed Town Plan update and the amendments later in November, said Mr. Krasnow.

Ms. Spear said that there were concerns regarding water issues in the village district and pressures that new development could bring.

Mr. (Michael) Russell said that to be clear, the amendments were to the Land Use Regulations that brought them in compliance with the Town Plan.

Mr. Seaver said that he worked with the Planning Commission on the Town Plan update. There was nothing in the Town Plan that was negative to the amendments. There was nothing to wait for. Water table levels were addressed thoroughly, and there are already a set of state regulations governing water and waste water rules related to business projects. The point is the Town is stagnating regarding business services, such as the need for restaurants, and gas stations. This is a small commercial district where a business could locate. The uses were Conditional Uses versus Permitted Uses. It is not a piece meal approach. Waiting for something else in a new Town Plan is counter productive, said Mr. Seaver.

Mr. Mack said that he read the Planning Commission minutes and there was no discussion related to ground water, or waste water in the village. He didn't think the Planning Commission talked about it. He was against piece meal zoning and the voters should wait to vote on a completed Town Plan. In the meantime a ground water study could be done, suggested Mr. Mack.

Mr. Ladue introduced himself as a past Selectboard member, has a hydrology degree from UVM, did consultant work, and worked currently in a state agency regarding water quality. There were approaches to take to address water concerns. For example, if a proposal put an increased demand on a supply and it was shown to the Town that a nearby well was already challenged, then a developer would be required to conduct testing and present a solution before a permit could be issued. It works on a state level and on a local level as well, said Mr. Ladue.

Mr. Morrison said the last day for approving the articles for the warning is now, and asked if the Selectboard members would change their positions.

Mr. Spell, Mr. Tegatz and Ms. Spear were in favor of leaving the warning as approved, and invited Mr. Ladue to a Selectboard meeting for further discussions after the March Town Meeting.

Mr. Hamilton noted that there was an on-going issue regarding trees planted in a Town right-of-way on East Thompson's Point Road at the Mack farm, and read a written review of events since last April. On December 5, 2015, he issued a penalty of \$375 to Robert Mack and it has not been paid to date. He was asking the Selectboard to act on a breach of contract and the penalty issued, said Mr. Hamilton.

Mr. Morrison said that he had talked to Robert Mack last Thursday about work in lieu of a monetary penalty, and Mack said he would do that. He had discussed acceptable work projects with the Charlotte Road Commissioner. It costs money to put a lien on a property and this was a better solution, said Mr. Morrison.

Mr. Laberge stated that he lived and worked that farm. The trees were removed due to the Mack's changing the flow of water on the land. The water naturally flowed east to west and not north to south, which was what the Mack's did. Robert Mack walks all over the "town" and the Town should take the cash, stated Mr. Laberge.

Mr. Tegatz said that the issue speaks to the need for an ordinance and enforcement for work done in Town rights-of-way. The Town can't levy fines without an ordinance. He had no opinion regarding work in lieu of a fine, said Mr. Tegatz.

Mr. Spell asked what type of work, and spoke in support of removing the remaining 5 trees from the roadway. Mr. Morrison replied that he asked Robert Mack if he could do brush hogging or mowing in the Town rights-of-way.

Ms. Spear spoke in support of in-kind work.

Mr. Morrison asked staff to add a Town right-of-way ordinance on the next Selectboard agenda.

Mr. Krasnow said that he would contact the Park Oversight Committee regarding any brush hogging needed at the Park.

MINUTES: January 11, January 19, 2016

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve the Charlotte Selectboard minutes of 01/11/2016 as written.

VOTE: 5 ayes; motion carried.

Approval of the Charlotte Selectboard minutes of 01/19/2016 was deferred until the next Selectboard meeting.

JEFFREY SMALL – HEARING TO REVIEW APPLICATION HAP-15-07 TO RELOCATE AN APPROVED ACCESS (HAP-14-02) APPROXIMATELY 70

FEET TO THE NORTH, TO ACCESS TWO APPROVED BUILDING LOTS ON GUINEA ROAD

Mr. Bloch reviewed an approved Highway Access Permit, HAP-14-02, and a request by Jeffrey Small to move the access 70' north. Mr. Small ran into ledge at the approved site. The Charlotte Road Commissioner has reviewed the site and reported that a 15"x30' culvert was needed. Sight distances were fine. Mr. Tegatz, Ms. Spear, Mr. Krasnow and he had done a site visit at 5:00 p.m. this date, reported Mr. Bloch.

Mr. Tegatz said at the site visit he noted that a culvert had already been installed. It was not deep enough and caused water to drain out onto Guinea Road, said Mr. Tegatz.

Mr. Lewis reported that Mr. Small had already moved the access prior to his inspection. He inspected the 15"x30' culvert installation and reviewed sight distances. As per Town regulations driveways were suppose to slope back away from the main road access within the first 30' of driveway. The drainage is wrong, said Mr. Lewis.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve HAP-15-07, a request by Jeffrey Small to relocate an approved access, HAP-14-02, approximately 70' to the north, to access two approved building lots on Guinea Road, with the condition to reinstall a currently installed 15"x30' culvert to comply with Town regulations, and the driveway at a 2 percent slope 30' back from the Town road.

DISCUSSION:

Mr. Small explained that water drained down a hillside 100'-200' and would end up continuing to drain along the side of Guinea Road. He could add a culvert under the driveway to direct the uphill water drainage to the downhill side of the driveway. He might need to dig a settling pond on the downhill side of the driveway. The water would still drain from a pond and wash out onto Guinea Road. The access was moved further to the north to maintain a proper slope and was safer. At the original access site he hit ledge and blasting the ledge was not the way to go. He was asking for approval after the fact, said Mr. Small.

Mr. Tegatz said the issue was to make sure water doesn't wash out Guinea Road. Driveways need to dip down before it meets a Town road as per regulations. He would meet Mr. Small at the site to work on a solution, said Mr. Tegatz.

Mr. Bloch reiterated that this was an application to move the driveway access with conditions.

VOTE: 5 ayes; motion carried.

SET WAGE RATE FOR NEW LIBRARY EMPLOYEE

MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve a wage rate for a new Library Assistant employee at Grade 6, Step 4, at \$13.39 per hour.

VOTE: 5 ayes; motion carried.

VLCT PACIF EQUIPMENT GRANT APPLICATION

Ms. Woodruff, Charlotte Library Director, reviewed a VLCT PACIF grant application for \$365.96 to replace the circulation desk stools, two task chairs and risers for the computer monitors. The Friends of the Library were providing a \$365.96 match for a total of \$731.92, explained Ms. Woodruff.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a VLCT PACIF Equipment Grant application by the Charlotte Library for \$365.96 net, with a match of \$365.96 to be funded by the Friends of the Library, for a total of \$731.92, and to authorize the Charlotte Selectboard Chair to sign the grant document on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

CVFRS QUARTERLY REPORT

Mr. Snow and Mr. (Charles) Russell, CVFRS representatives, reviewed a CVFRS Quarterly Report as of 01/11/2016, that included Operating income/expenses, ending 12/31/2015, that was materially on budget.

Mr. Snow reported that Fire Chief Chris Davis stepped down and the following were elected: Dick St George as Fire Chief, Rob Mullin as Assistant Fire Chief and Chris Davis as Assistant Fire Chief during the transition. Andrew Hagney was elected to the CVFRS Board. The ambulance license was renewed without conditions. The CVFRS Fire and Ice Ball was held at the Old Lantern.

There was discussion regarding major incidents and types (Mr. Snow noted that there was no policy to charge for 911 dispatch false alarm calls); and new vehicle purchases as per a CVFRS Procurement Policy and bidding process that included a manufacturing presentation at the Fire Station, sending out RFPs, and pricing negotiations.

Mr. Mack asked for cash on hand and fund balances. Mr. Russell replied that there was a \$23,000 balance.

Mr. Mack asked if the CVFRS Procurement Policy matched the Town's Purchasing Policy. Mr. Snow replied yes; it was drafted by Fritz Tegatz.

Ms. Mead said that CVFRS had sent a monthly financial report that included balances for the operating fund and special funds to the Town as per the MOA in the past. The new format does not provide that information, said Ms. Mead. Mr. Snow said that Fritz Tegatz would work on account balances for the closing date of the month. Mr. Russell pointed out that the working numbers were from the QuickBooks program balance.

Mr. Mack asked when the MOA would be updated, or reviewed. Mr. Morrison said that they needed to complete work on a surplus calculation first. Mr. Russell suggested February as a time frame to draft language.

FY17 BUDGET – REAFFIRM APPROVAL WITH CORRECTION

TOWN MEETING WARNING – REAFFIRM APPROVAL AFTER TOWN ATTORNEY’S REVIEW

Mr. Morrison reviewed that staff had updated the final FY17 budget numbers of \$3,013,563 with \$1,618,786 to be raised by taxes, for an estimated tax rate of 0.1781 percent.

Ms. Mead said the current tax rate of 0.1439 percent showed on the tax bills. A tax rate of 0.1789 wouldn’t be set until August, clarified Ms. Mead.

Mr. Morrison reported that the Town Attorney has reviewed the proposed Town Meeting Warning articles and corrections.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the warning of the Town of Charlotte Annual Meeting 2016 as presented.

DISCUSSION:

Mr. (Michael) Russell said that Articles 14 and 15 should be included in warning.

Mr. Lockwood said Articles 14 and 15 proposed changes in West Village district to modify a Conditional Use to a Permitted Use. He didn’t understand the opposition of the Selectboard members and why the articles were removed from the warning. He read a Charlotte News article that there were concerns on impacts on the ground water by commercial development in the West Village. Gregg Beldock’s small solar installation was the most recent development in the village commercial district and that had no, or little, impact on the ground water. There is a history of very little ground water available in the West Village district and area and that won’t change. He didn’t think a commercial developer would propose a project there. He was in favor of commercial development since that would add to the tax base on what is now a residential tax base, said Mr. Lockwood.

Mr. Marshall, Church Hill Road resident, said he was surprised the articles were removed. The Planning Commission and many other people worked hard to put them on the referendum to have Town input. Taking them off was kicking the can down the road, said Mr. Marshall.

Mr. Morrison asked the Selectboard members for comments.

There were no further comments from the Selectboard.

VOTE: 5 ayes; motion carried.

The Selectboard members signed the Town Meeting Warning document.

COMMUNITY SAFETY COMMITTEE – FUTURE

Mr. Krasnow reported that the Community Safety Committee (CSC) Chair had resigned. The CSC was an advisory committee to bring safety issues and potential solutions to the Selectboard. There was no impediments to have safety issue discussions continue on

Front Porch Forum, and through the State Police contract. He was the liaison to the police contract, said Mr. Krasnow.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to dissolve the Community Safety Committee as per the CSC Charter and release the volunteer committee members from their commitment.

DISCUSSION:

Ms. James, CSC member, said that she and Chad Clark would like to continue to work on the committee. There were gaps in safety issues in Town, such as needed emergency generators at the Senior Center and the Charlotte Central School, said Ms. James.

Mr. Morrison said that the Selectboard relied on the CSC purposes and tasks more for traffic control, police services, and collecting data. Emergency planning was done through the Emergency Management Program. Chris Davis was the coordinator, said Mr. Morrison.

Ms. James reiterated that safety concerns were also with bicyclists on the roads and students biking to school.

Mr. Krasnow said Libby, Robin and Chad did a lot of good work. He would be happy to continue working with them in a less formal setting than a committee. The school has a safety committee of teachers and would invite community members. Ms. James said she was assigned to contact FEMA and the Red Cross, which was on-going work.

Mr. Morrison suggested that those interested could still meet and make recommendations to the Selectboard as a community group.

VOTE: 5 ayes; motion carried.

COOPERATIVE AGREEMENT FOR BICYCLE AND PEDESTRIAN PROGRAM GRANT FROM VTRANS

Mr. Bloch reviewed that a Town trails link connection grant was approved and the state awarded the grant. It was a contract between the Town and state for a \$50,000 grant with \$5,000 as a local match, said Mr. Bloch. Ms. Russell said that the Trails Committee had \$5,000 in the budget for the match.

Mr. Bloch said that staff would contact the state regarding a hired consultant, if required.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to authorize the Charlotte Selectboard Chair to sign a Cooperative Agreement for a VTrans Bicycle and Pedestrian Program grant for a scoping study on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

APPEAL BY WOLVERTONS OF ZBA 15-19 TO THE ENVIRONMENTAL DECISION OF SUPERIOR COURT

MOTION by Mr. Tegatz, seconded by Mr. Spell, to have the Town Attorney enter an appearance before the Environmental Court on behalf of the Town of Charlotte regarding an appeal by the Wolverton's related to ZBA-15-19 to the Environmental Decision of Superior Court (regarding the Old Lantern).

VOTE: 4 ayes, 1 nay (Ms. Spear); motion carried.

Ms. Spear explained that she was 100 percent in support of the Old Lantern. She did question the need for the Town Attorney appearance before the court at this time, said Ms. Spear.

CERTIFICATE OF HIGHWAY MILEAGE

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Certificate of Highway Mileage, dated 01//25/2016.

VOTE: 5 ayes; motion carried.

The Selectboard members signed the highway mileage document.

SELECTBOARD'S REPORT FOR TOWN REPORT

The Selectboard reviewed a revised draft Selectboard's Report for the Town Report.

SUGGESTIONS/CHANGES:

- Remove the paragraph regarding the Community Safety Committee
- Under the Charter section – delete the word “request” and replace with “...will consider adopting a Town Charter...”
- Charter section – start the next sentence with “The Charter would have voters at Town Meeting...”
- Rewrite the sentence – “This would be a new approach....on how our Town budgets are adopted.”
- Staff to correct budget numbers and tax rate, and show tax rates budget to budget
- Page 3, 2nd to last paragraph, Road Commissioner – correct the spelling
- Charlotte Land Trust – delete “...accurate and frank...”
- Railroad propane tanks – remove any mention of “propane tanks” and “...Charlotte Emergency Management Coordinator is working with Vermont Railway...” (Mr. Spell said that it was still an open issue that would continue into the future.)
- 1st paragraph – end the sentence following “...auditors.”; and add to activities “, and completed bridge reconstruction.”

Mr. Spell noted that Britney Tenney had resigned as the Administrative Assistant, and asked if the Selectboard had approved her working on the Town Report. Mr. Bloch explained that Britney had been working on the Town Report prior to resigning her position. She had offered to finish the project. It was expected to take another 10 hours of work, said Mr. Bloch.

Mr. Morrison said that Britney was being paid \$16.24 per hour for the project.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve an hourly wage of \$25 per hour for Britney Tenney to complete the Town Report project.

DISCUSSION:

Mr. Spell said that if a similar situation occurred the Selectboard should be consulted first.

VOTE: 5 ayes; motion carried.

LIQUOR LICENSES: Roland's Place, PBM Acquisition, LLC/d/b/a Point Bay Marina, Whit's End, LLC d/b/a Old Brick Store

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to recess the regular Selectboard meeting and to convene as the Charlotte Liquor Control Board.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Spell, seconded by Mr. Krasnow, to approve the following liquor licenses as presented:

- Roland's Place,
- PBM Acquisition, LLC d/b/a Point Bay Marina, and
- Whit's End, LLC d/b/a Old Brick Store.

VOTE: 5 ayes; motion carried.

The Selectboard members signed the liquor license documents.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to adjourn as the Charlotte Liquor Control Board and to reconvene as the Selectboard.

VOTE: 5 ayes; motion carried.

APPOINT SUBSTITUTE SELECTBOARD MEMBER FOR SIGNING PAYROLL WARRANT IN LANE'S ABSENCE

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to appoint Carrie Spear as a substitute Selectboard member for signing payroll warrant(s) in Lane Morrison's absence.

VOTE: 5 ayes; motion carried.

SELECTBOARD SCHEDULE FOR FEBRUARY

- Selectboard regular meeting: Tuesday, February 16, 2016, at 4:00 p.m.
- Selectboard regular meeting: Monday, February 22, 2016, at 7:00 p.m.
- Selectboard Town Charter informational meeting/presentation: Monday, February 29, 2016, at 6:00 p.m. prior to the School Board pre-Town Meeting presentation/meeting.
- Town Meeting: Tuesday, March 1, 2016

TOWN MEETING PREP:

- Mr. Krasnow to narrate a power point presentation regarding a proposed CVFRS Capital Projects funding schedule to include a hybrid Town budget allocation and/or bonding proposals
- Mr. Tegatz to contact John Snow regarding a CVFRS budget presentation

- Mr. Morrison to review a restructuring of the Town Planner, Zoning Administrator, and Administrative Assistant offices.

SELECTBOARD UPDATES

Mr. Morrison suggested meeting on Thursday, January 28th to interview candidates for the Administrative Assistant position, determine Town Planner and Zoning Administrative interview dates, and to review job applications on Thursday, January 28 at 10:45 a.m.

Mr. Spell reported on an update regarding the TDI pipeline. TDI won't run through the Town's GPS points for submerged lands in the lake to avoid any issues with the Town. He would research potential licensing agreement(s) for a future use, said Mr. Spell.

Ms. Spear asked for clarification regarding a veteran's homestead tax exemption. Mr. Bloch explained that veterans were given a \$10,000 educational tax exemption and an additional \$30,000 educational tax exemption that was approved by the Town voters.

Mr. Tegatz asked that the Town Planner add Planning Commission meeting dates and site plan review addresses to the monthly report.

APPROVE WARRANTS TO PAY BILLS

The Selectboard signed warrants to pay bills.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:40 p.m.

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