

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
JANUARY 27, 2014**

APPROVED

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

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Robert Mack, Jenny Cole, Fritz Tegatz, Stephen Brooks, Ben Pualwan, Tom Nola, David Nichols, Hugh Lewis Jr, Peter Trono, Jeremy Brault, Lisa Barnes, Steve Denton, Johns Congdon, Peter Walker, Carrie Spear, Chris Davis, John Snow, Jon Davis, Mike Townsend, Michael Abrams, Bonnie Christie, John Hammer, Charlotte News; Heather McKim, Charlotte Citizen; and others.

4:30 p.m. Site Visit at location of the Charlotte Solar project, Hinesburg Road, to view proposed pole reconfiguration

5:00 p.m. Site Visit at 1029 Guinea Road for Highway Access Permit application submitted by Johns H. Congdon on behalf of Peter Levine/Summit Family Trust

ITEMS TAKEN UP:

- **Community Safety Committee – report on analysis of town safety issues – discussion only**
- **Interviews: Jeremy Brault for Trails Committee (vacant seat); Lisa Barnes for Trails Committee (to complete Jake Durell’s term) – action items**
- **Peter Levine/Summit Family Trust; hearing to review Highway Access Permit application to change an existing agricultural access at 1029 Guinea Road to a residential access serving a single family dwelling – action item**
- **Peter Levine/Summit Family – License Agreement for the installation of utility lines under Guinea Road – action item**
- **Johns Congdon – License Agreement for the installation of utility lines under Bingham Brook Road – action item**
- **GMP poles for Charlotte Solar – action item**
- **Health Insurance – action item**
- **Proposed budget for FY15 – action item**
- **Warning for Town Meeting 2014 – action item**
- **CVFRS – Memorandum of Agreement – action item**
- **VLTC PACIF Scholarship for Chainsaw Safety Classes – action item**
- **Request for Proposals for audit of town accounts for fiscal year 2014 - action item**
- **911 Coordinator – action item**
- **Sand and salt ratio on town roads - discussion only**
- **Selectboard report for Town Report – action item**

- **Selectboard work plan – discussion only**

CALL TO ORDER

Mr. Russell, Chair, called the meeting to order at 6:30 p.m.

ADJUSTMENTS TO AGENDA

Add: Purchasing Policy – discussion only

PUBLIC COMMENT

None.

MINUTES: January 13, January 14

MOTION by Ms. Russell, seconded by Mr. Owen, to approve the 01/13/2014 Selectboard minutes as written, with the following edits:

- **Globally correct the name Peter Carreio.**
- **Page 5, line 216, correct “MAO” to read “MOA”.**
- **Page 6, line 245, correct the name “John Hughes” to read “Jon Davis”.**
- **Page 6, line 250, change the sentence to read “...wants to sue the Town...”.**
- **Page 8, 3rd paragraph, delete the paragraph.**
- **Page 10, line 435, change the word “to” and replace with “go”.**

VOTE: 5 ayes; motion carried.

MOTION by Mr. Morrison, seconded by Mr. Ladue, to approve the 01/14/2014 Selectboard minutes as written.

VOTE: 5 ayes; motion carried.

COMMUNITY SAFETY COMMITTEE – REPORT ON ANALYSIS OF TOWN SAFETY ISSUES – discussion only

Mr. Pualwan, Community Safety Committee (CSC) representative, reviewed a written CSC 2013 report regarding safety issues and police/enforcement options. The report did not contain recommendations. The document was produced with CSC member consensus, said Mr. Pualwan.

There was discussion regarding potential traffic calming that included the installation of speed tables at a cost of \$5,000 versus speed bumps, or cross walks; a suggestion for an annual line item in the Selectboard budget for traffic calming measures; funding to hire a traffic engineer to conduct a traffic study; and a \$30,000 line item already in the FY 2014 budget for police/traffic enforcement.

Mr. Russell suggested that the CSC prepare a summary report presentation for the 2014 Town Meeting.

Mr. Morrison said that he would like to study the report, and to continue discussion at a future Selectboard meeting.

A continued discussion of the CSC 2013 report was scheduled for Monday, February 17, 2014.

Mr. Ladue suggested adding Charlotte speed control solutions to the proposed Route 7 reconstruction project if it truly happens in 2015.

The Selectboard thanked the CSC members for their excellent work.

INTERVIEWS: JEREMY BRAULT FOR TRAILS COMMITTEE (VACANT SEAT); LISA BARNES FOR TRAILS COMMITTEE (to complete Jake Durell's term) – action items

MOTION by Mr. Morrison, seconded by Ms. Russell, to appoint Jeremy Brault to fill a vacant seat on the Trails Committee for a term ending in April, 2015.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Morrison, seconded by Mr. Ladue, to appoint Lisa Barnes to the Trails Committee to complete Jake Durell's term ending in April, 2014.

VOTE: 5 ayes; motion carried.

PROPOSED PURCHASING POLICY – discussion only

Mr. Morrison reviewed a draft purchasing policy that was modeled on a Vermont League of Cities and Towns policy. He had met with the auditor's who suggested a more detailed tabulator policy. He was suggesting hiring a VLCT consultant to put it together, said Mr. Morrison.

There was Selectboard consensus to have staff contact William Hall, VLCT, to assist in drafting a purchasing policy.

PETER LEVINE/SUMMIT FAMILY TRUST; HEARING TO REVIEW HIGHWAY ACCESS PERMIT APPLICATION TO CHANGE AN EXISTING AGRICULTURAL ACCESS AT 1029 GUINEA ROAD TO A RESIDENTIAL ACCESS SERVING A SINGLE FAMILY DWELLING – action item

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a request by the Peter Levine/Summit Family Trust for a Highway Access Permit to change an existing agricultural access at 1029 Guinea Road to a residential access serving a single family dwelling, and to replace a culvert with a 15'x30' culvert as per the Charlotte Road Commissioner's recommendations.

VOTE: 5 ayes; motion carried.

Mr. Bloch asked that the applicant contact the Charlotte Road Commissioner in advance when the culvert would be installed.

PETER LEVINE/SUMMIT FAMILY – LICENSE AGREEMENT FOR THE INSTALLATION OF UTILITY LINES UNDER GUINEA ROAD – action item

Mr. Congdon explained that the utilities were installed underground north of the Levine driveway via a boring under the roadway.

Mr. Bloch said that a town wide map of all underground utilities was needed.

Mr. Lewis, Charlotte Road Commissioner, said that the Levine utilities were undergrounded prior to a permit request or Highway Department notification. The Highway Department needed to be notified before any work was done, stated Mr. Lewis.

Mr. Congdon explained that the requests were done through the Zoning Administrator, Tom Mansfield.

MOTION by Mr. Ladue, seconded by Mr. Morrison, to approve a request by the Peter Levine/Summit Family Trust, for a License Agreement for the installation of utilities under Guinea Road.

DISCUSSION:

Mr. Trono suggested that the Town Administrator approve HAP requests at an administrative level since many of the HAP's came in after the fact. That would relieve the Selectboard, said Mr. Trono. Mr. Bloch said that he would research the suggestion.

VOTE: 5 ayes; motion carried.

JOHNS CONGDON – LICENSE AGREEMENT FOR THE INSTALLATION OF UTILITY LINES UNDER BINGHAM BROOK ROAD – action item

MOTION by Mr. Owen, seconded by Mr. Morrison, to approve a request by Johns Congdon for a License Agreement for the installation of utility lines under Bingham Brook Road.

DISCUSSION:

Mr. Bloch explained that the utility lines were already installed under the road. The contractor left material in the ditch that needed to be removed, said Mr. Bloch. Mr. Congdon said that he would contact the Road Commissioner before any work was done in the ditch.

VOTE: 5 ayes; motion carried.

GMP POLES FOR CHARLOTTE SOLAR – action item

Mr. Russell briefly reviewed that there was language in the Public Service Board's Charlotte Solar Farm, LLC permit that would allow the installation of one or two utility poles on the north side of Hinesburg Road. Green Mountain Power (GMP) installed three poles. GMP was contacted to see if the number of poles could be reduced to two. GMP needed to locate apparatus on top of two of the poles, as well as meter boxes placed 6' from the ground level on the poles, said Mr. Russell.

Ms. Russell suggested asking GMP to have as short a pole as possible.

Mr. Nola, an abutting neighbor to the solar farm, expressed concern regarding the fine print of the permit that was overlooked by the Town Attorney. The three poles were eyesores that would impact his home value. Who would monitor the pole installation, or what else might be in the fine print, asked Mr. Nola. Mr. Bloch explained that the Town

took a hands-off position during the PSB process to save money on legal expenses. The Town didn't want to get involved in another "VELCO" type situation. It was up to the PSB to make sure the project was done according to the permit contract, said Mr. Bloch.

Ms. Cole asked for clarification of the landscaping/screening of the project. Mr. Bloch said that the plantings were designed as a buffer around the solar array versus along the roadway. There were some plantings in the right-of-way and a few outside the right-of-way, said Mr. Bloch. Mr. Walker suggested that all the plantings should be out of the right-of-way.

Mr. Tegatz asked if the state required a bond for the project. Mr. Russell replied yes. Mr. Tegatz suggested that a claim could be brought against the bond. Mr. Bloch pointed out that the Town was pre-empted from every aspect of the project.

Mr. Russell suggested that Town staff and neighbors could red flag issues at the solar farm. Mr. Nola stated that he had no capacity to monitor the project. Wasn't there a project manager appointed for the solar project, and would they monitor the project for the Town, asked Mr. Nola.

Mr. Trono asked if the solar farm developer shouldn't be presenting the pole design in place of the Selectboard. Mr. Russell explained that the Town was working with GMP regarding the poles since GMP was installing them. The developer was disinclined to attend the meetings. Bruce Bushey, GMP representative, talked with the GMP engineer regarding moving the poles and pole configuration. According to the engineer three poles were needed, said Mr. Russell.

Mr. Walker asked if the poles could be triangulated. Mr. Russell replied that the engineer tried to be sensitive to setting the poles to address neighbors concerns.

MOTION by Ms. Russell, seconded by Mr. Ladue, to approve a reconfiguration of the Green Mountain Power utility poles for the Charlotte Solar Farm as staked in the field.

AMENDED by Ms. Russell, and seconded by Mr. Ladue, and that the poles were to be as short as possible.

VOTE: 5 ayes; motion carried.

HEALTH INSURANCE – action item

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a revision of the co-sharing arrangement for out-of-pocket costs for calendar year 2014 for part-time employees to a rate of 90 percent Town and 10 percent employee, not to exceed the Town contribution levels approved on September 30, 2013.

DISCUSSION:

Mr. Morrison asked if the impact of the change was more of a burden to the employee, or Town. Mr. Russell explained that it was on the employee up front. The policy said that the cost was 50-50, and the change would put it back to the way it was done for full time employees.

Mr. Bloch noted that there were three part time employees.

Mr. Mack asked why not take the 90 percent and split it 45-45. Mr. Bloch said the proposal would correct a problem. Mr. Russell clarified that the Town would pay 90 percent, the employee would pay 10 percent, and anything unused would return to the Town. Last year \$133,000 was budgeted and \$100,000 was spent, said Mr. Russell.

Ms. Russell said that she had not studied the proposal and would abstain.

VOTE: 4 ayes, 1 abstention (Ms. Russell); motion carried.

PROPOSED BUDGET FOR FY15 – action item

Mr. Ladue asked staff to add an extra column on the right for comments on the spreadsheet.

MOTION by Ms. Russell, seconded by Mr. Owen, to approve a proposed FY2015 budget for a total amount of \$3,282,004.

DISCUSSION:

Mr. Owen asked if the police enforcement line item should be increased to take the CSC report traffic calming option into account, stay at \$30,000, or wait to see if the amount would be amended at Town Meeting. The \$30,000 would cover the increase for the Shelburne Police next year, said Mr. Owen.

Mr. Mack asked if the Volunteer Party could be done for \$5,000 versus \$8,000. Mr. Russell reviewed that 136 people attended the 2013 party at a cost of \$6,340.

Changes to the proposed FY2015 budget:

- Volunteer Party at \$6,500.

AMENDMENT by Ms. Russell, seconded by Mr. Owen, to change the total amount of the FY2015 budget to \$3,280,504.

VOTE: 5 ayes; motion carried.

WARNING FOR TOWN MEETING 2014 – action item

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the articles for the 2014 Town Meeting warning as presented, and to add the amount of \$3,280,504 to Article 3.

VOTE: 5 ayes; motion carried.

CVFRS – Memorandum of Agreement – action item

MOTION by Mr. Ladue, seconded by Mr. Morrison, to approve a draft CVFRS Memorandum of Agreement, dated 01/15/2014.

DISCUSSION:

Mr. Morrison said that the Town has received a written equipment and vehicle inventory, which was referenced in the MOA.

Ms. Russell reported that the Fire and Rescue membership has approved the draft MOA, except for a change in Section 15.

AMENDED by Mr. Ladue, seconded by Mr. Morrison, to authorize the Charlotte Selectboard Chair to sign the CVFRS draft Memorandum of Agreement on behalf of the Town of Charlotte as the Duly Authorized Agent.

DISCUSSION:

Mr. Mack asked how often inventories would be updated as per page 6 of the draft MOA.

Mr. Trono asked if the wording for the two paragraphs Section 10, ii(a) and ii(b) should read ‘appraiser’ or ‘assessor’. Mr. Russell noted that the word ‘appraiser’ was used in the Town Report budget.

Mr. Trono asked what the procedure was if the Town, or CVFRS could not come to a mutually agreed upon value. Should there be a facility for a third neutral party, or would an average value be used, asked Mr. Trono. Ms. Russell said that the Town was working in good faith with CVFRS. The wording was fine as is, said Ms. Russell. Mr. Russell said that the narrative could be worded that the Town would hire an appraiser, Fire and Rescue would hire an appraiser and the value could be adjusted.

Mr. Mack expressed concern that a single Selectboard member received all the CVFRS financial details. As per e-mails between Ms. Russell and Ms. Mead, it appeared that detailed CVFRS transaction reports were not received by the Town. It was a transparency issue, said Mr. Mack. Mr. Morrison said that the Selectboard received detailed monthly financial reports, including from December 31 to mid-January.

Mr. Trono asked for clarification regarding deficits/surpluses, page 2. In place of coming to the Town to cover a deficit could CVFRS float a short term note. Does CVFRS get to keep the money the Town approved for a full time firefighter as part of a surplus, asked Mr. Trono. Mr. Ladue noted that the agreement include the language that the Town “may” entertain options, which offers the Town some flexibility. Ms. Russell said that the language already gives CVFRS option.

Following discussion, changes were proposed:

- Page 3, updating inventory, change to read “...at least annually.”
- Page 6, ii(a), use the word “appraiser”.

Mr. Owen called the question.

VOTE to call the question: 5 ayes; carried.

VOTE on the motion as amended: 5 ayes; motion carried.

VLTC PACIF SCHOLARSHIP FOR CHAINSAW SAFETY CLASSES – action item

Ms. Cole, Charlotte Park Oversight Committee representative, explained a proposal to provide a chainsaw safety course for Town volunteers and other participants. A request to VLTC for a \$1,357.40 scholarship would cover the cost of an instructor and the instructor's mileage, and pay for the Highway Department crew that has signed up. The course fee was \$150 per participant, said Ms. Cole.

Mr. Ladue asked if there would be any cost to the Town if there were 10 participants. Ms. Cole replied yes. The course was for Level I and II over two days, said Ms. Cole.

MOTION by Mr. Owen, seconded by Ms. Russell, to approve a VLCT PACIF Scholarship application for Chainsaw Safety Classes as presented.

VOTE: 5 ayes; motion carried.

REQUEST FOR PROPOSALS FOR AUDIT OF TOWN ACCOUNTS FOR FISCAL YEAR 2014 - action item

Mr. Trono asked if the Town and CVFRS would use the same auditing firm. Mr. Russell replied that CVFRS wanted to use a separate auditing firm. VLCT conducts a survey of all towns and from that a list and ranking of audit firms was done, said Mr. Russell.

MOTION by Mr. Morrison, seconded by Mr. Owen, to approve a Request for Proposals for an audit of Town accounts for FY2014.

VOTE: 5 ayes; motion carried.

911 COORDINATOR – action item

MOTION by Ms. Russell, seconded by Mr. Owen, to appoint Gloria Warden as the 911-Coordinator.

VOTE: 5 ayes; motion carried.

SAND AND SALT RATIO ON TOWN ROADS - discussion only

Mr. Russell reviewed that a sand and salt policy was left up to the discretion of the Charlotte Road Commissioner.

Mr. Lewis explained that he used more than 7.5 percent salt to sand in the sand pile to keep the pile from freezing. A 'hot' mix was used on blacktop roads at a 6:1 ratio – which was six tons of sand to one ton of salt. The salt use issue should go before the voters at Town Meeting versus at a Selectboard meeting. His objective was to increase the amount of salt on paved roads to reflect what surrounding towns used, said Mr. Lewis. Mr. Russell said that according to meeting minutes it was up to Mr. Lewis to experiment how much salt to use. The issue came up at Town Meeting in the past and there was a close vote to decrease the amount of salt on the roads, said Mr. Russell.

Mr. Ladue asked if a salt storage facility would be needed to store more salt. Mr. Lewis explained that they had capacity for six loads of salt currently.

In response to a question regarding the effect of salt on trees planted along roadways, Mr. Ladue explained that salt contamination built up slowly in soil and reduced the soil

nutrients. Salt spray and surface water contamination could affect salt sensitive trees. Ground water contamination has been well documented in Vermont. It was a balance between safety and the environment, which Charlotte's population was sensitive to, said Mr. Ladue.

Mr. Nichols suggested using beet juice in place of salt.

A straw poll of the Selectboard indicated that Mr. Lewis should use his common sense regarding the use of salt on the paved roads.

The Selectboard thanked Mr. Lewis for his report and input.

SELECTBOARD REPORT FOR TOWN REPORT – action item

The Selectboard reviewed minor changes proposed to the draft Selectboard Report for the 2014 Town Report.

SUGGESTIONS/CHANGES:

- Use the wording "...analyzed the work load..."
- Delete the names "Heather Manning and Ellie Russell", and replace with "Two new members spent the first two months..."
- Under the Hiring heading, first sentence – move under the heading Selectboard Report.
- Replace the word "hiring" with "personnel".
- Page 2, Bridges – add "...if approved, the Town would spend..."
- Page 2, MOA, 4th paragraph – the agreement addresses... "Capital Equipment Inventory"; and change #4 to "budgeting process".

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the draft Selectboard Report for the 2014 Town Report as amended.

VOTE: 5 ayes; motion carried.

SELECTBOARD WORK PLAN – discussion only

Ms. Russell reviewed that a Right-of-Way Permitting Policy needed to be completed, the assessor's contract needed to be finalized, the draft Burns Property MOA should appear on a Selectboard agenda, and Selectboard Priorities and Work Assignments needed to be completed.

Regarding a Salt Policy, Mr. Lewis asked the Selectboard to put the issue on a ballot for a Town Meeting vote, and suggested the following wording: "Is the Town in favor of using more salt, or leaving salt use at the Charlotte Road Commissioner's discretion."

In response to a question regarding liability issues and Lewis Excavating related to salt use, Mr. Russell explained that the Town has sovereign immunity on the roads. Staff would research the issue to on who was liable for accidents caused by road issues, said Mr. Russell.

Mr. Lewis said that evergreen hedges planted in the Town right-of-way was an issue as well as the maple trees.

COMMITTEE UPDATES

Mr. Ladue reviewed a cost for the Carpenter Road Bridge project at \$600,000, of which the Town portion was \$30,000. The grant was a mix of federal and state funds. It would cost an estimated \$9,000 to treat the bridge with a fire and insect retardant, said Mr. Ladue.

SELECTBOARD UPDATES

Mr. Morrison reviewed a proposed Selectboard Corner submission to be printed in the Charlotte News.

Ms. Russell reported on recent CVFRS Corporate Board and Library Board meetings she had attended.

Mr. Ladue reviewed that a lead contamination complaint was filed against the Laberge firing range. An investigation would be conducted, said Mr. Ladue.

APPROVE WARRANTS TO PAY BILLS

The Selectboard signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Owen, seconded by Mr. Ladue, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:55 p.m.

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