

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
JANUARY 6, 2014**

APPROVED

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

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Clark Hinsdale III, Suzanne Hinsdale, Cali Griswold, Tom Nola, Gerald Bouchard, G. L. Harvey, Fritz Tegatz, Robert Mack, Mary Mead, Moe Harvey, Vince Crockenberg, Jenny Cole, Susan Crockenberg, Charlotte News; Heather McKim, Charlotte Citizen; and others.

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

ITEMS TAKEN UP:

- **Cali Griswold – interview for Interim Animal Control Officer – action item**
- **William Posey, unpermitted structure, 121 Ethan Allen Highway – action item**
- **Projector and microphones for Town Hall – discussion only**
- **Appeal by Clark Hinsdale, Jr Testamentary Trust of denial of Boundary Adjustment – action item**
- **Charlotte Solar, LLC – installation of utility poles – action item**
- **Minutes: December 9, December 16**
- **FY15 Budget – discussion only**
- **Recreation Program – action item**

CALL TO ORDER

Mr. Russell, Chair, called the meeting to order at 5:00 p.m.

ADJUSTMENTS TO AGENDA.

None.

CALI GRISWOLD – INTERVIEW FOR INTERIM ANIMAL CONTROL OFFICER – action item

The Selectboard members interviewed Cali Griswold for an Interim Animal Control Officer position.

MOTION by Mr. Morrison, seconded by Ms. Russell, to appoint Cali Griswold as the Interim Animal Control Officer from January 7 to March 31, 2014.

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

WILLIAM POSEY, UNPERMITTED STRUCTURE, 121 ETHAN ALLEN HIGHWAY – action item

MOTION by Ms. Russell, seconded by Mr. Ladue, to authorize the Town Attorney to pursue a Notice of Violation to William Posey regarding an unpermitted structure located at 121 Ethan Allen Highway.

DISCUSSION:

Mr. Hinsdale, an abutting neighbor, asked if the Town would consider an application for a permit. Three months have gone by since the violation was filed. Was there a policy for someone to build a structure without a permit, asked Mr. Hinsdale.

Mr. Russell replied that the Zoning Administrator was obligated to work with a landowner to fix a violation. The Town was engaging the Town Attorney to make something happen, said Mr. Russell.

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

PROJECTOR AND MICROPHONES FOR TOWN HALL – discussion only

Mr. Morrison reviewed Advance System Design options for a projector for the Town Hall that included a mounted short throw camera for \$2,600, a 70" flat screen for \$3,000, or an 80" flat screen for \$5,000.

Mr. Russell asked if a projector Could integrate with other technology, such as blue tooth, that a presenter would bring to a meeting.

Following further discussion, Mr. Morrison said he would obtain competing bids for a sound system and projector to present at a future Selectboard meeting.

APPEAL BY CLARK HINSDALE, JR TESTAMENTARY TRUST OF DENIAL OF BOUNDARY ADJUSTMENT – action item

MOTION by Ms. Russell, seconded by Mr. Ladue, to authorize the Town Attorney to enter an appearance on behalf of the Town of Charlotte regarding an appeal by the Clark Hinsdale, Jr. Testamentary Trust of a denial of a Boundary Adjustment.

DISCUSSION:

Mr. Bloch reviewed a Planning Commission denial of an application for a boundary adjustment related to the Charlotte Solar, LLC project. The applicant has appealed the decision to the Environmental division of the Superior Court. The Selectboard could discuss the item in Executive Session due to litigation issues, suggested Mr. Bloch.

Ms. Russell and Mr. Ladue withdrew their motion.

MOTION by Mr. Ladue, seconded by Ms. Russell, to enter Executive Session for the purpose of discussing litigation matters related to an appeal by the Clark Hinsdale, Jr. Testamentary Trust of a boundary adjustment where premature knowledge might place the Town at a disadvantage, and to invite the Town Administrator to attend.

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

The Selectboard entered Executive Session at 5:30 p.m.

MOTION by Mr. Ladue, seconded by Mr. Morrison, to adjourn Executive Session and reconvene the regular meeting.

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

Executive Session was adjourned and the regular meeting reconvened at 5:45 p.m.

MOTION by Ms. Russell, seconded by Mr. Ladue, to authorize the Town Attorney to enter an appearance on behalf of the Town of Charlotte regarding an appeal by the Clark Hinsdale, Jr. Testamentary Trust of a denial of a Boundary Adjustment.

DISCUSSION:

Mr. Hinsdale asked the Selectboard to review the Planning Commission decision. There was language in the permit regarding the proposed location of the solar farm, which he had wanted on the eastern half of a 14 acre portion of the 30 acre agricultural field. It was during the Public Service Board process where other parties had input and the array location was changed, said Mr. Hinsdale.

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

CHARLOTTE SOLAR, LLC – INSTALLATION OF UTILITY POLES – action item

Mr. Russell reported that three utility poles installed at the Charlotte Solar, LLC array had surprised the Town. There was language in the PSB permit fine print that allowed the pole installation, said Mr. Russell.

Mr. Russell said that he had visited the Vergennes and New Haven solar array projects to view the number of utility poles. There was a question if the Charlotte solar array could have fewer poles, said Mr. Russell.

Tom Nola, neighbor to the Charlotte Solar array, thanked the Selectboard for looking into the situation. He was apprehensive of the circumstances that resulted in where the poles were erected and the effect on the view shed. He was concerned regarding how the Town could monitor the solar array project related to what was contained in the permit fine print, said Mr. Nola.

G. L. Harvey, Charlotte Solar, LLC representative, explained that Green Mountain Power (GMP) was in charge of the pole design portion of the project. The height of the poles was a question. There was language in the PSB decision for "...one or two poles...", and "field adjustment..." so there was some latitude in the design. One of the poles was a replacement for an existing pole on the road way, said Mr. Harvey.

Following further discussion, Mr. Russell said that the Town would contact GMP regarding the pole design.

MINUTES: December 9, December 16

MOTION by Mr. Ladue, seconded by Mr. Morrison, to approve the Selectboard minutes of December 9, 2013 as written, with edits as follows:

- **Page 4, 5th paragraph, last sentence: delete the sentence.**
- **Page 5, Tasks, 1st bullet item, change to read: "...benefits would be offered as short..."**
- **Page 6, 1st line, Motion: change to read "...approve an offer of employment..."**

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

Approval of the December 16, 2013 minutes was deferred.

FY15 BUDGET – discussion only

Bridges

Mr. Ladue reviewed a draft Charlotte Bridge Repair spreadsheet, dated 12/04/2013, regarding needed repairs and funding sources for bridges #14, 27, 28, 29, 30 and 31.

There was discussion regarding spending of the engineering grant for bridges #14, 30 and 31, amount of the grant remaining, and funds placed in the Charlotte Highway reserve fund. Ms. Mead reviewed that at the 2013 March Town Meeting the voters approved a deposit of \$150,000 for bridge reconstruction into the Highway Fund, of which \$117,000 has been spent from that line item. On the revenue side, \$88,000 of grant money has been received, said Ms. Mead.

Mr. Ladue suggested using some of the engineering grant funds to redesign the west approach of the Carpenter Road Bridge, and adding \$50,000 into the budget for bridge repairs. Ms. Mead said to take the line item out of the Highway Reserve Fund where it didn't belong, and create a Bridges line item to track funds coming in and going out.

Town Hall Green

There was discussion regarding an assessment of drainage issues on the Town green/lawn submitted by David Marshall, Civil Engineering, Inc., that included issues, fixes and costs. Mr. Bloch noted that the total cost to fill in low points, install a curtain drain, and to re-contour the lawn area was \$19,400.

Ms. Russell suggested subtracting the \$1,400 to fill in low points and to bring in fill to re-contour the lawn pitch as one fix.

Ms. Cole pointed out that the Town Green Committee had put \$4,000 in the budget to fill in low points on the lawn. That money could be used for some part of the fill, seeding, or curtain drain, suggested Ms. Cole.

Following further discussion, a \$5,000 amount was added to the Repair and Improvement Reserve Fund.

IT Recommendations

Mr. Bloch handed out a written report from Troy Tsounis, IT consultant, dated 12/19/2013, for Selectboard review.

Mr. Bloch said that in FY2013 IT was budgeted at \$3,400, actuals.

Mr. Russell suggested adding \$3,200 in the Town Hall – Equipment line item.

Town Hall Maintenance

\$500 was added in the Town Hall – Maintenance line item for water improvements to the Town Hall and Library. Expenses would be split with the Library.

Library Roof

Mr. Crockenberg, Library Trustee, reviewed a suggestion from the Town Administrator to consider a metal roof versus a shingled roof. He had contacted Evergreen Roofing for an estimate of a metal roof, which was 25 percent over the estimated cost for a shingle roof. Evergreen Roofing said that they would need to look at the roof for a better estimate, said Mr. Crockenberg.

Mr. Crockenberg would contact Iron Horse Standing Seam Roofing and Consumer Construction to obtain estimates for a standing seam metal roof and report back to staff by the end of the week.

RECREATION PROGRAM – action item

MOTION by Ms. Russell, seconded by Mr. Morrison, to enter Executive Session for the purpose of discussing a letter related to a new recreation program, where premature discussion would place the Town at a disadvantage, and to invite the Town Administrator to attend.

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

The Selectboard entered Executive Session at 6:45 p.m.

MOTION by Ms. Russell, seconded by Mr. Ladue, to adjourn Executive Session and reconvene the regular meeting.

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

Executive Session was adjourned and the regular meeting reconvened at 7:07 p.m.

Mr. Russell reported that no action was taken in Executive Session.

APPROVE WARRANTS TO PAY BILLS

Mr. Russell reviewed a concern expressed by the Town Clerk/Treasurer regarding the title of a new ambulance ordered by CVFRS and a question if the Town would write a check to CVFRS for the final amount owed for the vehicle, or not. The new vehicle would be delivered at the end of January. It might be cleaner for Fire and Rescue to have title to the vehicle and for the Town to cut a check made out to the Fire and Rescue

account. When the vehicle's rebate was received by Fire and Rescue that would be given to the Town, said Mr. Russell.

Mr. Russell stated that it was clear that the CVFRS held titles of the vehicles except for the heavy rescue truck and a fire truck. There was a question if re-titling those two vehicles to CVFRS would trigger a taxable event, said Mr. Russell.

MOTION by Mr. Morrison, seconded by Ms. Russell, to approve a check made out to CVFRS for the final payment of the new ambulance, that CVFRS would hold title to the ambulance, and that the rebate from the ambulance purchase would be turned over to the Town after it was received by the CVFRS.

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

(NOTE: the discussion below occurred near the end of the meeting. A discussion and motion as stated above occurred at the beginning of the meeting.)

Ms. Mead stated that the ambulance manufacturer, Cromwell, had requested a direct wire transfer from the Town to their account for the initial deposit. The Town was paying for the ambulance and the funds should go from the Town directly to Cromwell, said Ms. Mead. Mr. Russell said that he would ask for the auditor's opinion regarding the Selectboard decision.

Mr. Mack asked for clarification of the title of the new ambulance. Mr. Russell explained that Fire and Rescue owned title to the vehicles, except for two, and the building as per a legal opinion of the Town Attorneys. There was a provision in state statute that allowed a town to bond for something not owned by the town. In the case of the building it was a bond to reconstruct a smaller existing building, said Mr. Russell.

Mr. Tegatz asked what recourse the Town would have if Fire and Rescue owned the equipment and the building and charged fees based on the 'cost of doing business'. Mr. Russell replied that the Town had options regarding what services to use. If Fire and Rescue went bankrupt then they would have to return the assets to the Town, or pay the Town for the value of the assets. The details were being worked out in the MOA, said Mr. Russell.

Mr. Morrison reported on a revised major purchase policy draft modeled on language from the VLCT polices and a Middlebury policy. He suggested using a Purchasing Committee composed of a Selectboard member, the Town Clerk and the Town Administrator to oversee Town purchases over \$2,000 or \$5,000 with a competitive bid process, preparing RFP's, opening bids, etc. Ms. Mead volunteered to serve on a committee. The Selectboard would continue to review and award bids, said Mr. Morrison.

The Selectboard signed warrants to pay bills.

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 7:37 p.m.

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