

1 **TOWN OF CHARLOTTE**
2 **SELECTBOARD**
3 **MINUTES OF MEETING**
4 **JANUARY 9, 2012**

5
6 *APPROVED*
7

8 **MEMBERS PRESENT:** Charles Russell, Chairperson; Winslow Ladue, John Owen,
9 Ed Stone, Dennis Delaney.

10 **ADMINISTRATION:** Dean Bloch, Selectboard Assistant.

11 **OTHERS PRESENT:** Ellie Russell, Stephen Brooks, Sharon Balaham, Jenny Cole, Sue
12 Smith, Chris Davis, Ray Curtis, Chris Mack, Meg Modley, Carol Casey, Charlotte
13 Citizen; Nancy Wood, Charlotte News; and others.
14

15 **CALL TO ORDER**

16 Mr. Russell, Chairperson, called the meeting to order at 7:00 p.m.
17

18 **ADJUSTMENTS TO AGENDA**

19 Add: Waste Water Committee Report Update - discussion.
20

21 **PUBLIC COMMENTS**

22 Mr. Brooks reported that old tires, debris and an old washer and dryer were blocking a
23 farm access. David Mack asked him to look into having the tires and washer/dryer
24 removed. The estimated cost was \$300. CSWD has \$225 available for use and that would
25 leave \$92 for the Town to cover. David Mack said he might push the washer/dryer to the
26 side of the access if it was not removed, said Mr. Brooks.
27

28 **MOTION by Mr. Stone, seconded by Mr. Owen, to approve an expenditure not to**
29 **exceed \$300 to clean up old tires and a washer and dryer utilizing \$208.25 of CSWD**
30 **funds, and \$98.25 from Town funds.**

31 **DISCUSSION:**

32 **Mr. Ladue said that the tires didn't look like a litter job. They looked like they were**
33 **put in place to block an access, said Mr. Ladue. Mr. Brooks replied that David**
34 **Mack asked for the debris to be removed.**

35 **VOTE: 3 ayes, 2 nays (Mr. Russell, Mr. Ladue); motion carried.**
36

37 **MINUTES: December 12, December 19, December 20, January 3**

38 **MOTION by Mr. Owen, seconded by Mr. Stone, to approve the Selectboard**
39 **minutes of 12/12/2011 as written, with edits.**

40 **VOTE: 5 ayes; motion carried.**
41

42 **MOTION by Mr. Owen, seconded by Mr. Stone, to approve the Selectboard**
43 **minutes of 12/19/2011 as written, with edits.**

44 **VOTE: 5 ayes; motion carried.**
45

46 **MOTION by Mr. Stone, seconded by Mr. Ladue, to approve the joint Planning**
47 **Commission/Selectboard minutes of 12/20/2011 as written, with edits.**
48 **VOTE: 4 ayes, 1 abstention (Mr. Stone); motion carried.**

49
50 **FIRE AND RESCUE CAPITAL RESERVE FUND PROJECTIONS – discussion**
51 **only**

52 Mr. Russell briefly reviewed that he and Mary Mead, Town Clerk/Treasurer, met with the
53 Fire and Rescue Board regarding a draft budget to consolidate line items, discuss a
54 projected budget and ambulance purchase. Ms. Mead had said that the Grand List
55 numbers were not accurate and suggested contacting the Town appraiser. Regarding a
56 new ambulance, there were several tax rate funding options to consider, possibly as an
57 article at Town Meeting. If the current A-1 ambulance's engine was replaced, and the
58 South Burlington ambulance was purchased as a back-up unit, then a new purchase may
59 not be necessary. This would allow for flexibility to consider some percentage (1.5, 2, or 3
60 cents) on the tax rate funding mechanism, or delay a new purchase, explained Mr.
61 Russell.

62
63 Charlotte Fire Chief Davis, Chris Mack, Meg Modley, and Ray Curtis, Fire and Rescue
64 members, explained that there was a question if the Fire and Rescue departments would
65 pay for a new engine for the A-1 ambulance, or if Ford Company would pay for it. If
66 Ford was involved, then the process could be time consuming. It may take a week to get
67 the back-up South Burlington ambulance up and running once it was purchased, said
68 Chief Davis.

69
70 Mr. Owen asked if a new ambulance would be needed next year if a new engine was
71 installed in the current ambulance. Chief Davis replied yes. The A-1 may not be a reliable
72 ambulance even with a new engine. Mr. Curtis stated that it was his personal opinion that
73 with the A-1 with a new engine and the South Burlington ambulance as a back-up the
74 department wouldn't need a new ambulance next year.

75
76 Mr. Russell suggested proposing two-cents on the tax rate at Town Meeting. The budget
77 could be amended to three-cents if needed, said Mr. Russell. Ms. Mead said that further
78 discussion should be put on hold until a good Grand List number was generated for
79 FY2012-2013. Then projections could be done to see how a new purchase would affect
80 the tax rate, suggested Ms. Mead.

81
82 Mr. Ladue asked what a new engine cost. Mr. Mack replied \$20,000. Mr. Ladue asked
83 Ms. Mead if the funds would come from the Reserve fund. Ms. Mead replied no. The
84 Fire and Rescue could take the \$20,000 out of their budget in July. In November there
85 would be \$150,000 transfer to the fund. Only \$130,000 would actually go in because the
86 department would have already received \$20,000, explained Ms. Mead.

87
88 Chief Davis said that if a new ambulance purchase was pushed out two years, then
89 \$186,000 would be needed in the budget.

90

91 Mr. Russell said that more detail was needed in the Fire and Rescue draft budget, payroll
92 line item.

93

94 **SYLVIA KNIGHT – REQUEST FOR LETTER TO VERMONT SECRETARY OF**
95 **AGRICULTURE REGARDING USE OF HERBICIDES AT THE VELCO**

96 **SUBSTATION – action under consideration: approve letter**

97 **MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by Sylvia**
98 **Knight to send a letter to the Vermont Secretary of Agriculture regarding the use of**
99 **herbicides at the VELCO substation, and to authorize the Charlotte Chair to sign**
100 **the letter on behalf of the Town of Charlotte.**

101 **DISCUSSION:**

102 **Mr. Ladue reported that Ms. Knight provided two drafts of a proposed letter along**
103 **with supporting articles. He spoke to a representative of the Secretary of**
104 **Agriculture and the representative provided further information regarding the four**
105 **water samples taken at the substation. Three herbicides were detected at, or below,**
106 **actionable levels in the sample taken shortly after the first application. This was**
107 **right after a rainstorm. He wrote a letter to the Department of Agriculture**
108 **encouraging the continuation of sampling for next year. Due to state funding issues**
109 **and the loss of the lab due to Hurricane Irene it was unclear if this would happen,**
110 **said Mr. Ladue.**

111

112 **Mr. Russell noted that Ms. Knight had e-mailed concerns to the Town and**
113 **suggested some language changes to the draft letter.**

114

115 **Mr. Ladue said that he had asked the Secretary if the herbicides used would have**
116 **any toxic effects on herbaceous plants and he had said no.**

117

118 **Mr. Delaney suggested replacing “...encourage the agency to return...” with “ask**
119 **the agency to return....”**

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

121

122 **COMFORT HILL KENNEL – action under consideration: approve Animal Control**
123 **Housing Agreement**

124 **MOTION by Mr. Owen, seconded by Mr. Stone, to approve a proposed Animal**
125 **Control Housing Agreement with Comfort Hill Kennel.**

126 **DISCUSSION:**

127 **Mr. Ladue reviewed concerns and questions he had. Mr. Stone said that if a**
128 **problem dog was caught after hours the Town was obligated to keep it overnight**
129 **before it could be taken to the pound. A dog would be kept by the Animal Control**
130 **Officer, or in Mr. Stone’s barn, said Mr. Stone.**

131

132 **Ms. Mead explained the \$600 annual contract amount. The kennel wanted an**
133 **annual contract for providing the service, which has been done in the past, said Ms.**
134 **Mead.**

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

136

137 **USE OF THE DEPARTMENT OF CORRECTIONS WORKFORCE AT**
138 **CHARLOTTE PARK AND WILDLIFE REFUGE – action under consideration:**
139 **approve agreement with DOC for a test work day**

140 Mr. Russell reviewed a proposed Department of Corrections agreement.

141

142 Ms. Cole, Park Oversight Committee member, explained that she had spoken to Paul
143 Bruso, Department of Corrections (DOC). There was a discussion regarding a no-charge
144 try out period for a work session at the park now and at the end of March to see how
145 things go. The workforce would consist of a 6-8 women crew with their own tools.
146 Normally there was a fee per day per person. The committee would like to move forward
147 with the Board's permission. A copy of a form that would be used was forwarded to the
148 Selectboard for review, said Ms. Cole.

149

150 Mr. Russell said that the Selectboard has not seen a contract.

151

152 Mr. Ladue asked if the crews could be used to replace contracted paid work at the park.

153 Ms. Smith said that the crews would do the same work that volunteers would do. A
154 question could be do you want them to do paid work at a reduced rate. The committee
155 was trying to get things done that volunteers would do, such as, cut and burn brush, put
156 wood chips on trails, mow grass, etc, explained Ms. Smith.

157

158 Ms. Cole said that the women crews were interested in different types of work, such as at
159 the cemetery, historical preservation, park bridge work, etc.

160

161 Mr. Russell asked what the rate was. Ms. Cole said that currently the committee has hired
162 a person to cut brush and trees at the Overlook, which is being paid for out of a \$1,500
163 budget line item. A DOC pay structure was given to Town staff. The range for a 6 hour
164 day was \$20 per day per person.

165

166 Mr. Bloch asked if the DOC work crew carried liability insurance. Ms. Cole replied yes.

167

168 **MOTION by Mr. Ladue, seconded by Mr. Owen, to delegate Dennis Delaney to**
169 **review an agreement with the Department of Corrections workforce for a test work**
170 **day, and to sign the agreement on behalf of the Town of Charlotte.**

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

172

173 **MICHAEL AND KAREN FROST – REQUEST TO BE REIMBURSED \$500**
174 **FILING FEE TO APPEAL THE ZONING ADMINISTRATOR'S**
175 **DETERMINATION REGARDING LIGHTING AT 3260 GREENBUSH ROAD**
176 **(ZBA-11-07) – action under consideration: reimburse fee**

177 Mr. Ladue recused himself due to a possible conflict of interest as a good friend of Ms.
178 Frost's.

179

180 **MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by Michael**
181 **and Karen Frost to be reimbursed a \$500 filing fee to appeal the Zoning**

182 Administrator's determination regarding lighting at 3260 Greenbush Road (ZBA-
183 11-07).

184 **DISCUSSION:**

185 Mr. Stone explained that the Town has had a lot of requests for fee refunds over the
186 last several months. Fees were set based on criteria that would cover the process and
187 administration costs. He had reviewed the Frost's particular case. The Selectboard
188 had denied fee reimbursement to other people. If the Board approved this request
189 then it would set a precedent. He was not in favor of refunding money, said Mr.
190 Stone.

191
192 Ms. Frost said she understood that fees were set high to discourage frivolous
193 appeals. The Selectboard should read the ZBA decision in this case. For us to pay a
194 \$500 fee for something that we shouldn't have had to appeal was not fair, stated Ms.
195 Frost.

196
197 Mr. Owen expressed concern that the Selectboard would set a precedent. A policy
198 was needed. He had talked with a state zoning legal assistant. The legal assistant
199 said they never refunded fees. He was in agreement with Mr. Stone that the best
200 policy was not to refund fees. There should be a review with the Zoning
201 Administrator regarding what happened, suggested Mr. Owen.

202
203 Ms. Frost explained the legal process they went through regarding the appeal they
204 filed related to the Town Zoning Administrator's determination. The Zoning
205 Administrator did not thoroughly review our concerns and issues regarding lights at
206 a neighboring property. She would like some assurance that the Selectboard would
207 understand what had happened, said Ms Frost.

208
209 Mr. Delaney said he understood that Ms. Frost was the appeal winner and the Old
210 Lantern was the loser. Was there something in the law, or court decision that
211 provided for, or determined that the loser would pay court costs. Would the loser
212 have some responsibility to pay for fees, asked Mr. Delaney. Mr. Russell replied he
213 didn't think that state statutes covered that.

214
215 Ms. Mead stated that the Town assessed a zoning fee of \$500 for the filing of an
216 appeal of a decision. Public hearings have to be warned, Town Attorney time, staff
217 time - all have associated costs. People know up front that they have to pay to file an
218 appeal - win or lose. It was a set fee and they know they have to pay it. It was Ms.
219 Frost's option to appeal, pointed out Ms. Mead.

220
221 Mr. Brooks offered a perspective, not about what happened, but the fee was what it
222 cost to run the 'machinery of bureaucracy'.

223
224 Ms. Russell spoke in agreement with Mr. Brooks and Ms. Mead.

225
226 Mr. Russell said that the fees were set high to discourage appeals. The Selectboard
227 could revisit the level of fees. A question was if the Board should delay consideration

228 of the Frost's request until the next meeting in order to review a history of the case,
229 said Mr. Russell.

230

231 Ms. Frost stated that there were no other recourses for them as taxpayers. Could the
232 Town consider a partial refund to cover Town costs, asked Ms. Frost.

233

234 Mr. Stone reiterated concerns for setting a precedent. The Selectboard was careful
235 not to go against a Planning Commission or Zoning Board of Adjustment decision.
236 If Ms. Frost had a complaint she could go through the appeal process, or come
237 before the Selectboard with a complaint prior to filing an appeal, said Mr. Stone.

238

239 Ms. Balahan asked if Ms. Frost wrote a letter to the Zoning Administrator saying
240 that his decision was done improperly. Ms. Frost replied that she had had a series of
241 e-mails with the Zoning Administrator.

242 VOTE: 4 nay, 1 recused (Mr. Ladue); motion failed.

243

244 Mr. Ladue rejoined the Selectboard.

245

246 **TOWN BUDGET – action under consideration: approve for Town Warning**

247 The Selectboard reviewed a draft Town budget as follows:

248 EXPENSES

- 249 • Page 1, Selectman line item – correct Town Party amount as \$3,000.
- 250 • Page 2, Listers Salary – remove \$2,660.
- 251 • Fire and Rescue - budget line items would be consolidated, break out full time
252 and part time.
- 253 • Town Lands/Land Maintenance – move Trail Maintenance into Town
254 Maintenance.
- 255 • Ball Park – remove Lake Field this year.
- 256 • Library – Library Assistant added.
- 257 • Donations – Mr. Owen to contact former Donations Committee members to see if
258 they would reactive as a committee to review the Donations List for next year.
- 259 • Beach Maintenance, Reserve fund – replace \$3,000 with \$500.
- 260 • Remove 'Beach Security' line item.
- 261 • Conservation – replace line items with "Conservation Operating" at \$2,500; and
262 "Conservation Special Projects" – Mr. Ladue would provide an amount to use for
263 grant match money.
- 264 • Wastewater Maintenance – Pumping Schedule (annual) \$500; and Routine
265 Maintenance of Town Pump Station - \$1,000 (as a place holder).
- 266 • Water Maintenance – combine into Town Hall Maintenance, replace \$10,000 with
267 \$12,000 (add water and septic maintenance).
- 268 • Traffic Enforcement – Expense: \$22,000, Income: \$15,000.
- 269 • Reserve Funds – Repair and Maintenance needs a realistic amount; Fire and
270 Rescue (delay); Affordable Housing \$30,000; Conservation 0; Trails \$5,000.

271 REVENUE:

- 272 • Fire and Rescue – replace \$90,000 with \$98,000.

273

274 CAPITAL BUDGET

275 Mr. Ladue explained a December, 2011, e-mail he drafted proposing a Capital Budget
276 and Capital Budget Plan to be used as a planning tool and to smooth out the budget
277 process. Reserve funds could be rolled into one fund, suggested Mr. Ladue. Mr. Russell
278 asked if it was legal. Would voters need to approve a change. Not all reserve funds would
279 lend themselves into a one fund concept, said Mr. Russell.

280

281 Mr. Delaney suggested drafting an article to create a Capital fund to bring before the
282 voters. For example, Shelburne put in a Charter change to create a capital fund at 5
283 percent of the previous year's amount. Unspent funds would be used to reduce the tax
284 rate, or used for capital projects on a Capital Projects Improvement list, explained Mr.
285 Delaney.

286

287 Mr. Brooks explained that the CSWD runs a \$10 million budget. The budget culture has
288 on-going capital budget and capital improvement funding mechanism that works very
289 well. Charlotte should establish a capital budget this year, said Mr. Brooks.

290

291 Ms. Wood said that the Town was going through the Town Plan update process. This
292 March could be a good time to establish a capital budget and capital improvements
293 plan/schedule. The Town Plan process could be involved in what could go into a capital
294 plan, said Ms. Wood.

295

296 Ms. Cole asked how the Thorp Barn project fit into a capital and/or maintenance fund.
297 Mr. Brooks said a question was the Thorp Barn project completed, and if so, do we need
298 to maintain it.

299

300 Mr. Brooks said regarding Mr. Ladue's list, items go on a capital budget, and an amount
301 could be 20 percent of the budget. For example; 20 percent of a \$3 million budget was
302 \$600,000, said Mr. Brooks.

303

304 Mr. Ladue suggested that an article could read "...to create a capital fund process".

305

306 WEST VILLAGE WASTEWATER COMMITTEE REPORT UPDATE

307 Mr. Ladue briefly reviewed a West Village Wastewater Committee recommendation for
308 the uses of the municipal wastewater field. A question was should the matter need to go
309 before the voters, asked Mr. Ladue.

310

311 Mr. Russell said that as he recalled, there was a presentation two years ago with an
312 expectation that the Selectboard would return to the voters. The committee has studied it
313 and made recommendations. There was the existing 6,500 gpd capacity, and a reserve
314 capacity for the Town. Should there be an advisory article, or does the Selectboard have
315 the authority to make a decision, asked Mr. Russell.

316

317 Mr. Ladue said that the committee has proposed some language that includes costs and
318 reserve capacity. An amount could be calculated beforehand, said Mr. Ladue.

319

320 SIDEWALK COMMITTEE

321 Mr. Russell reported that the Sidewalk Committee had met and would forward updated
322 revisions with recommendations and numbers by Tuesday, 01/17, 2011. Do we present
323 sidewalk expenditures as an article, then as an on-going line item if the article was
324 approved. Or put in as a line item in the budget, asked Mr. Russell.

325

326 Mr. Owen spoke in favor of putting the sidewalk expenses in the budget as a line item. It
327 was a safety issue, said Mr. Owen. Mr. Ladue spoke in favor as well, noting that
328 sidewalks have a strong 'sense of place'.

329

330 There was further discussion of placing Sidewalks Phase I in the budget at \$82,000 and
331 placing Phase II, III, etc, into a Capital budget plan; and concerns to watch the level of
332 the budget; a suggestion to vote a Capital Reserve fund that included Phase I at Town
333 Meeting, and if there was an end-of-year surplus that could be put into a Capital Reserve
334 fund for use of sidewalks. Ms. Russell pointed out the Sidewalk Committee
335 recommended funding Phase II and beyond through private means, rather than by
336 taxpayer funds.

337

338 Mr. Stone suggested putting a sidewalk article before the voters. Let David Marshall
339 present the sidewalk project. Capital budget talk was premature, stated Mr. Stone.

340

341 Ms. Wood suggested putting sidewalks, Phase I for \$85,000, in the budget as a line item
342 for Town discussion.

343

344 Mr. Russell suggested putting sidewalks into the Highway budget where it belonged.
345 Mary Mead had suggested not showing a known \$200,000 surplus in the tax calculation.
346 He thought it was unusual and that the surplus should be in the calculation, said Mr.
347 Russell.

348

349 *ACTION ITEMS:*

- 350 • Donations – Mr. Owen to contact former Donations Committee members to see if
- 351 they would reactive as a committee to review the Donations List for next year.
- 352 • “Conservation Special Projects” – Mr. Ladue would provide an amount to use for
- 353 grant match funds.
- 354 • Repair/Maintenance fund – add a line item “Municipal Capital Fund”; staff to
- 355 develop a “Maintenance fund” and “Capital fund”.
- 356 • Ellie Russell said she would research the feasibility of a setting up a Capital fund.
- 357 • Mr. Ladue would prepare language regarding a West Village Wastewater article
- 358 for the Tuesday, 01/17/2012 meeting.
- 359 • The Sidewalk Committee would forward updated revisions with
- 360 recommendations and numbers for the Tuesday, 01/17, 2012 meeting.

361

362 The Selectboard would meet on Tuesday, 01/17/2012, at 7:30 p.m., to finalize the Town
363 Meeting article(s) language and finalize the proposed budget.

364

365 **SELECTBOARD UPDATES**

366 ROSCOE ROAD

367 Mr. Brooks reported that he received a quote of \$30 per ton for boulders from Hinesburg
368 Sand and Gravel. Lewis Creek has been eroding Roscoe Road below the second bridge,
369 said Mr. Brooks.

370

371 Mr. Ladue said that he looked into the situation. The initial thought was to move the road
372 bed over 10', which would still be within the Town right-of-way, suggested Mr. Ladue.

373

374 **APPROVAL OF BILLS AND WARRANTS**

375 The Selectboard signed bills and warrants.

376

377 **EXECUTIVE SESSION**

378 **MOTION by Mr. Ladue, seconded by Mr. Delaney, to recess the regular meeting**
379 **and enter Executive Session to discuss employee salaries.**

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

381

382 The meeting was recessed and the Selectboard entered Executive Session at 10:13 p.m.

383

384 The Selectboard adjourned Executive Session and reconvened the regular meeting at
385 p.m.

386

387

388 **ADJOURNMENT**

389 The meeting was adjourned at p.m.

390

391 Respectfully submitted, Kathlyn Furr, Recording Secretary

392