

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
JULY 14, 2016**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow, Jacob Spell, (via telecommunication at 7:20 p.m.).

**ADMINISTRATION:** Dean Bloch, Town Administrator.

**OTHERS:** Janet Morrison, Pamela Fecteau, Mary Mead, Moe Harvey, Peter Trono, Jenny Cole, Bill Fraser-Harris, and others.

**ITEMS TAKEN UP:**

7:25 PM Workers' compensation requirements for contractors—Pam Fecteau, VLCT

7:40 PM Preliminary year-end financial review

8:00 PM Financial Management Questionnaire

8:10 PM Update on wage claim by Town Clerk/Treasurer

8:20 PM Speed cart update

8:30 PM Mozart Festival ensemble at the Town Beach on 7/21, 7/28 & 8/4

8:35 PM Employee reviews—process and schedule

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 7:03 p.m. Mr. Spell would join the meeting via telecommunications, said Mr. Morrison.

**ADJUSTMENTS TO THE AGENDA**

None.

**PUBLIC COMMENT**

None.

**MINUTES: June 13, JUNE 27**

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of June 13, 2016 as written, with the edit:**

- Page 8, line 346-347 – delete the sentence starting “Mr. Bloch pointed out...”

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

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of June 27, 2016 as written, with the edit:**

- Page 4, line 145 – correct the spelling of the word “hurry”.

**VOTE: 3 ayes, 1 abstention (Mr. Tegatz), 1 absent (Mr. Spell); motion carried.**

**SELECTBOARD UPDATES**

Ms. Spear reported that the Recreation Commission will host a Beach Party on July 16, 2016, from 4:00 p.m. to 8:00 p.m.

Ms. Spear reported an update on a recent Recreation Commission meeting.

Mr. Tegatz reported on a delayed start of the Seguin Covered Bridge project, now expected to start next week.

Mr. Tegatz reviewed the status of a West Village Septic Committee related to a sample septic ordinance language and goals to present information and a concept on the November 2016 ballot. The Selectboard will finalize the ordinance language, said Mr. Tegatz

Ms. Spear noted that the VTrans Route 7 project has begun. Average traffic delays are expected to be in the 10 minute range, and a concern is traffic re-routing onto side roads. The Vermont State Police should be alerted to increase patrols on Greenbush and Mt Philo roads and Spear Street, said Ms. Spear.

Mr. Krasnow reported that a Burlington group emailed Vergennes commuters to use Spear Street as a by-pass. He alerted the Vermont State Police. The road should be posted at 50 mph to prevent higher speeds, said Mr. Krasnow.

Mr. Morrison asked staff to stay updated on the status of mediation for the Old Lantern and Edgewater Center, LLC.

Mr. Morrison reviewed that two years ago the Selectboard had allowed subdivision of the Thompson's Point Lot 127 into two lots, Lot 127 and Lot 128. A recent application on Lot 128 was denied by the ZBA. The Town Attorney has issued a finding that the Selectboard should not have divided the lot, which is not allowed in the Charlotte Land Use Regulations, said Mr. Morrison.

Mr. Harvey thanked Ms. Spear and Mr. Krasnow for acting on his request to place the speed cart on Spear Street. Mr. Krasnow said that he would move the cart to a new location every few weeks. The cart can only be placed on roads where the speed set on the cart matches the highway posted speed has been gathered already until the cart computer can be re-calibrated, said Mr. Krasnow.

#### **WORKERS' COMPENSATION REQUIREMENTS FOR CONTRACTORS— PAM FECTEAU, VLCT**

Pam Fecteau, Vermont League of Cities and Towns representative, reviewed Property Causality rules regarding independent contractors and the use of non-employee work/contractor agreement forms, which have been re-drafted to align with Department of Labor guidelines. The Town should use the new documents. A 'town employee' is defined as providing an "essential municipal function" versus a truly independent contractor where the Town issues a 1099. For example, an independent contractor hired for cemetery maintenance mowing where the contractor provides a service using business

owned equipment. A town should document hires with simple contracts, and request liability insurance forms. That is good risk management, said Ms. Fecteau.

Mr. Morrison noted that the Senior Center hires one-time instructors, and asked what type of contract to use in those situations Mr. Fecteau replied that in those cases the Town should have them sign a non-employee work agreement. If an instructor is hired on an on-going basis then use a contract, and fill out the documents, reiterated Ms. Fecteau.

Ms. Mead stated that recently the new Cemetery Commission members approached the Town and said that they would like to hire a supervisor for 6 months at \$1,600. A supervisor would oversee cemetery care, purchase items, and hire people. This sounds like a Town position, said Ms. Mead. Ms. Fecteau explained that the proposed position is a red flag. That position is not a town employee and yet would hire independent contractors. VLCT would look at that, said Ms. Fecteau. Ms. Mead said that she issues a 1099 for any independent contractor that is paid more than \$600 per year. The Cemetery Commission can do what they want, but that has an impact on the Town, said Ms. Mead.

There was further discussion regarding requirements that included contracting work where contractors must provide their own workmen's compensation and proof of liability insurance; and sole proprietor situations where the Town could possibly be liable for workmen's compensation for supposedly independent contractors; Ms. Fecteau reiterated that it is good risk management practice to have a person that is a sole proprietor sign a contract. A sole proprietor must be a 'business'. If there is a contract have them sign a non-employee agreement. VLCT recommends a town ask for a certificate of liability, or sign a hold-harmless agreement with a non-employee agreement, said Ms. Fecteau.

Ms. Mead asked Ms. Fecteau to talk to the Cemetery Commission members before a supervisor is hired. She would forward the members email addresses to Ms. Fecteau. Ms. Fecteau said she would be happy to talk to the commission members.

Mr. Krasnow read that the Selectboard could take over the cemeteries from the commission by a Town vote.

Mr. Trono, resident, asked if the term 'superintendent' had a special meaning from an insurance standpoint. Ms. Fecteau replied no.

Mr. Spell suggested asking the Charlotte Road Commission to take care of the public cemeteries.

#### **PRELIMINARY YEAR-END FINANCIAL REVIEW**

Ms. Mead reviewed an End of Year budget report, ending June 30, 2016, and handed out copies of the current Balance Sheet and Fund Balance for Selectboard review.

There was discussion regarding a Fund balance policy to retain 5 percent of the budget, which might be \$60,000 this year; total expenses versus total revenues will be influenced by transfers into the highway budget and out going bridge grant funds (Ms. Mead said

that there will be adjusting entries by the auditors to clear out the bridge grant line item); and a Selectboard suggestion that the tax rate may need to be set higher to keep a 5 percent Fund balance.

Ms. Mead explained that she would be meeting with the auditors on July 25<sup>th</sup> to discuss adjusting entries.

The Selectboard would meet on Monday, August 1, 2016, to set the tax rate. Mr. Morrison noted that additional items might be added to the agenda.

### **FINANCIAL MANAGEMENT QUESTIONNAIRE**

Ms. Mead handed out copies of a Financial Management Questionnaire, and noted that the Selectboard needed to complete a question related to Selectboard financial training for this year.

The Selectboard marked the noted the Selectboard training question as “no”.

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a 2016 Financial Management questionnaire as modified, and to authorize the Charlotte Selectboard Chair to sign the document on behalf of the Town of Charlotte.**

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

Mr. Morrison signed and dated the document, July 14, 2016.

### **UPDATE ON WAGE CLAIM BY TOWN CLERK/TREASURER**

Mr. Morrison reviewed that the Town received a Vermont Department of Labor letter, dated July 12, 2016, regarding a request for clarification related to the wage claim filed by Ms. Mead. He had drafted a letter in response, said Mr. Morrison.

Mr. Spell requested that Mr. Morrison read the Vermont Department of Labor letter, signed by Michael Hoyt, into the record. Mr. Morrison read the Hoyt letter and his draft response letter into the record.

There was discussion regarding proposed edits to the draft letter in response as follows:

- Reference the Vermont Municipal Treasurer’s Duties and Responsibilities Handbook, second edition, 2000, and the Vermont Municipal Clerk Duties and Responsibilities Handbook, second edition, 2000
- Clarify order of events including a salary vote at the 2014 March Town Meeting
- Wage grid and Personnel Policy sections that recognize an increase of 1.5 percent, vacation pay and new pay that started July 1, 2014 for the Town Clerk/Treasurer
- Referencing Vermont State Statutes regarding Town Clerk and Town Treasurer hours, which were not determined by the Selectboard, but the responsibility of the Clerk and Treasurer
- Reference the section of the handbooks that states that the Clerk, Treasurer, were responsible for setting hours worked

- Send a copy of the response letter to Joe McLean, Town Attorney, for review prior to mailing to the Vermont Department of Labor

Mr. Spell expressed concern that an administrative adjustment on the wage grid and Personnel Policy made in 2014 could potentially lead to a lawsuit.

Ms. Spear stated that she didn't believe that a Town Attorney review of the response letter was necessary. Mr. Morrison explained that he wants to make sure that there were no mistakes made when dealing with the Department of Labor. Mr. Spell agreed with Mr. Morrison.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a draft letter of response as amended regarding a request for more information from the Vermont Department of Labor, pending review by Joe McLean, Town Attorney, and to authorize the Charlotte Selectboard Chair to sign the letter on behalf of the Town of Charlotte and mailed to the State of Vermont Department of Labor.**

**VOTE: 3 ayes, 2 nays (Ms. Spear, Mr. Spell); motion carried.**

#### **SPEED CART UPDATE**

Mr. Krasnow reported that he had placed the speed cart on Spear Street.

#### **MOZART FESTIVAL ENSEMBLE AT THE TOWN BEACH ON 7/21, 7/28 & 8/4**

Mr. Fraser-Harris, Recreation Commission member, explained a proposal to hold three outdoor "rehearsal" tag-on concerts at the Town Beach. The Mozart Festival Ensembles performance concerts will be held in South Burlington. The Town will provide chairs for the musicians. Attendees will pay a parking fee. The Recreation Commission will direct traffic and collect fees from attendees once their cars are parked. The commission is waiting on a Certificate of Insurance that would name the Town of Charlotte as an additional insured, said Mr. Fraser-Harris.

**MOTION by Ms. Spear, seconded by Mr. Tegatz, to approve a proposal by the Mozart Festival Ensembles to use the Town Beach on July 21, 28 and August 4, 2016 from 7:00 p.m.-8:00 p.m. with conditions as discussed.**

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

#### **EMPLOYEE REVIEWS—PROCESS AND SCHEDULE**

Following a brief discussion, Ms. Spear said she would like to sit in on the Employee Review for Joe Rheame, Daryl Benoit, Nicole Conley, and Christina Booher. Mr. Morrison said that the Town Clerk is responsible for the Assistant Town Clerk review. Ms. Spear said that her request was for constructive feedback and to ask Ms. Mead if the Selectboard could sit in on her review.

Mr. Krasnow asked to be added to the review for Joe Rheame.

Mr. Tegatz said that he would wait to sit on a review until he sees the employee comment part. Reviews are all conducted in a warned Executive Session, pointed out Mr. Tegatz.

Ms. Spear asked why Frank Tenney was added to the reviewer list. Mr. Bloch explained that Mr. Tenney was the Zoning Board of Adjustment Chair. There was no conflict since Britney Tenney was no longer the Zoning Clerk, said Mr. Bloch.

Mr. Bloch said that the Library Trustees would conduct a review of Library employees and would provide copies of materials for Selectboard review.

#### **APPROVE WARRANTS TO PAY BILLS**

The Selectboard reviewed and signed warrants to pay bills.

#### **SELECTBOARD UPDATES – continued**

Ms. Spear asked if there had been any further comments regarding proposed park and ride locations. Mr. Bloch reported that Peter Keating, CCRPC, has asked if the Selectboard had a preferred alternate site, or if there were any opinions/questions. There was a comment on Front Porch Forum regarding the proposed plan, said Mr. Bloch. Mr. Krasnow asked staff to invite the Town Planner to a Selectboard meeting.

A discussion regarding a potential Park and Ride was added to the July 25<sup>th</sup> Selectboard meeting at 7:45 p.m. Peter Keating, CCRPC, would be invited. Ms. Spear asked to have at least 30 minutes for a discussion.

Mr. Morrison suggested the Flea Market as a possible park and ride site. Mr. Spell pointed out that access was a concern. Ms. Spear questioned the need for 60 parking spaces.

Mr. Spell reported that he would be remaining on the Selectboard at this time.

#### **ADJOURNMENT**

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

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

The meeting was adjourned at 8:53 p.m.

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