

**Town of Charlotte  
Select Board Meeting  
March 28, 2016**

APPROVED

Board Members Present: Lane Morrison (Chair), Fritz Tegatz, Carrie Spear. Joining via telephone Jacob Spell. Matthew Krasnow arrived at 6:54pm. Also Present: Freeda Powers (Recording Secretary).

Administration: Dean Bloch, Town Administrator.

Public Present: Raven Davis, Lynne Jaunich, Mary Provencher, Mary Mead, Bud Shriner, Claudia Mucklow, Stewart Bennett, Elaine Ittleman, David Miskell, Marty Illick, John Snow, Bill Fraser-Harris, Kevin Bessette, Amy Kronin, Suzanne Nostrand, Chris Ouellette, Peter Trono, Sue Smith, Jenny Cole, Moe Harvey, Robert Mack, Dale Knowles, Vince Crockenberg, Clark Hinsdale III, Hugh Lewis Jr, Charles Russell, Christina Booher, Ed Sulva, John Hammer, Charlotte News; Dorothy Pellett, Burlington Free Press; and others.

Lane Morrison Chaired the meeting, which was called to order at 6:34pm

**Adjustments to the Agenda:** Dean Bloch asked to add to the agenda as a discussion item: State Permit Fees for Senior Center. The Board agreed to add this discussion to the 8:45pm agenda item of Senior Center.

**Public Comments:** There were no public comments for non-agenda items.

**Green Mountain Bicycle Club:** Kevin Bessette presented this request to the Board.

The proposal from the Green Mountain Bicycle Club is for time trials, not a race. The events will be held on three dates (5/5, 6/16 & 8/4) which all fall on Thursdays and will run from approximately 6:30-8:30pm. Maps of the course were provided. The Applicant said the request has been put in to the insurance company and they are awaiting their certificate.

Bill Fraser-Harris spoke from the audience, saying he feels the proposal is acceptable.

**Fritz T. made a motion to approve the request for the Green Mountain Bicycle Club to hold time trials on 5/5, 6/16 & 8/4 2016. Carrie S. seconded the motion. The Board voted 4-0; motion carried.**

**Lund Ride for Children:** Amy Kronin and Suzanne Nostrand presented this proposal to the Board for the Annual Lund Ride for Children. There are no changes to the event as it relates to the portions in Charlotte. They anticipate around 75 riders. The route will be the same and State Police will be at safety points located at the intersections of Greenbush Road/Ferry Road and Rte. 7/Ferry Road.

Bill Fraser-Harris asked about signage. The Applicants said signs are typically put out the day prior to the event and are picked up later in the afternoon after the event has ended. Bill Fraser-Harris asked the Applicants to consider putting signage out one day

earlier and or to advertise on Front Porch Forum prior to the event date. The Applicant agreed to do so.

Fritz T. asked if there are any state permits required. The Applicants said this event is a fund-raiser with staggered route times and no official starting line. They do not believe any state permits are required.

Fritz T. made a **motion to approve the 6/5/16 Lund Ride for Children.** Carrie S. **seconded the motion.** The Board **voted 4-0; motion carried.**

**Cycle4CMT-3<sup>rd</sup> Annual Bicycle Ride/Fundraiser:** Chris Ouellette presented this application to the Board for the 3<sup>rd</sup> Annual Bicycle Ride and Fundraiser event he started in an effort to raise awareness and money for a slowly progressive neurological disorder. The event, which starts and ends at the Old Lantern, is open to the public (register on site or online), and will run from 8am-3pm on 8/28/16. He expressed serious regard for safety, noting that the event will post bike laws and require helmet use. They do have their insurance certificate. Participants are encouraged to spread out and ride single file for the bike portion of the event, which runs from 8-12. The remainder of the afternoon is spent in a festive atmosphere with a silent auction and food and beverages. Last year, approximately 100 people participated and about half of those were riders, the other half spectators and party event attendees.

Carrie S. made a **motion to approve the Cycle4CMT 3<sup>rd</sup> Annual Bicycle Ride/Fundraiser on 8/28/16.** Fritz T. **seconded the motion.** The Board **voted 4-0; motion carried.**

*Matthew K. arrived at 6:54pm.*

**Kelly Brush Ride/Fundraiser:** Elizabeth Langfeld presented this application to the Board for the 11<sup>th</sup> Annual Kelly Brush Bicycle Ride/Fundraiser. The event, which is not a race, typically sees between 30-60 riders and is described as low-impact on communities. Participants are expected to follow the rules of the road. There will not be security at intersections on this route, however event coordinators feel that it does not take riders through any high volume vehicle traffic areas. Insurance certificate will be provided prior to the event.

Carrie S. made a **motion to approve the application for the 11<sup>th</sup> Annual Kelly Brush Bicycle Ride/Fundraiser on 9/10/16.** Fritz T. **seconded the motion.** The Board **voted 5-0; motion carried.**

**Mowing & Land Maintenance Contract:** Dean B. said the Town has put out the request for proposals in local papers, on Front Porch Forum and had also reached out individually to previously contracted parties. The Town has received two bids; Mow Mow Mow and Chris' Lawn Care. The results and totals of those bids were provided. The lesser bid, from Mow Mow Mow was the logical choice based on the data.

Fritz T. made a **motion to approve Mow, Mow, Mow the contract for mowing & land maintenance for the year at a bid of \$23,800.00/\$30 hr. for additional work.** Matthew K. **seconded the motion.** The Board **voted 5-0; motion carried.**

**Interview Applicants for Committees/Boards/Commissions/Appointments:**

*Matthew K. recused himself from the discussion.*

Peter Joslin—Carrie S. made a **motion to approve reappointment of Peter Joslin to the Planning Commission for the term ending in April, 2020.** Fritz T. **seconded the motion.** The Board **voted 4-0; motion carried..**

Gerald Bouchard—Fritz T. made a **motion approve reappointment of Gerald Bouchard to the Planning Commission for the term ending in April, 2020.** Fritz T. **seconded the motion.** The Board **voted 4-0; motion carried..**

*Matthew K. rejoined the Board.*

Frank Tenney—Jacob S. made a **motion approve reappointment of Frank Tenney to the Zoning Board for the term ending in April, 2019.** Matthew K. **seconded the motion.** The Board **voted 5-0; motion carried..**

Andrew Swayze—Matthew K. made a **motion approve reappointment of Andrew Swayze to the Zoning Board for the term ending in April, 2019.** Carrie S. **seconded the motion.** The Board **voted 5-0; motion carried..**

Joanna Cummings—Fritz T. made a **motion approve appointment of Joanna Cummings as the 2016 Green Up Day Coordinator.** Carrie S. **seconded the motion.** The Board **voted 5-0; motion carried..**

**Senior Center—State Building Permit Fee & Selection of contractor for energy audit.** The Board discussed the \$1,000 fee for the State building permit and who should pay for it. Fritz T. said he feels the Applicant has put in good effort and done the financial engineering and he feels it would be ok for the Town to cover this cost.

Fritz T. made a **motion to approve the submittal of the State building permit and for the Town of Charlotte to pay the cost, up to \$1,000.00.** Carrie S. **seconded the motion.** The Board **voted 5-0; motion carried..**

The Board discussed the energy audit, to be done before early Mays' construction of the addition. The highest estimate came in at \$3,750, another at \$1200 and the lowest estimate came in at \$400. This makes the Board and Town Staff wonder about the comparisons. The Board agreed it would be good to have a follow up audit to compare before and after. Fritz T. encouraged clarifying with all three bidders since the bids are so varied. Additionally, the Board agreed it would be beneficial to run the numbers by the Energy Committee. Timing is an issue so Fritz T. agreed to meet with the Energy Committee and come to the April 11<sup>th</sup> meeting with their recommendations.

**Town Planner—Approve offer of employment and wage-rate:** Dean B. said a second interview was done last week with Daryl Benoit. Staff feels that the applicant under consideration has a good background to work with the Town along with GIS experience and good analytical skills. Inadvertently, the Zoning Board was not included in the interview process but they have viewed the applicants resume and do not object. Dean B. said the Town is prepared to offer wage-rate Step 5.

Jacob S. voiced some concern with staffing in the Planning & Zoning office and asked that all be cognizant of the staffing structure therein.

Fritz T. made a **motion to approve the nomination of Daryl Benoit to the Town Planner position at a pay rate of \$21.29/hr. for 30 hours per week and authorized Lane M. to sign the letter.** Carrie S. **seconded the motion.** It was noted that this position includes Zoning Board Clerk. The Board **voted 5-0; motion carried..**

**Town Clerk/Treasurer pay issues:** Lane M. offered a brief overview of the discussion regarding Mary Meads' pay. He acknowledged her resignation with a last work date of 5/6/16 after her recent request for a pay raise of \$9,000 was denied by the Board. The pay raise request was based on hours worked. A special meeting was held on 3/23/16 to announce the resulting job vacancies. At that time, a motion to increase pay did not pass. Lane M. opened discussion to the public.

Raven Davis spoke from the audience, first thanking the Selectboard for the tone of the recent Town Meeting which was a fine demonstration of civility and showing appreciation. In that nature, she went on to thank the past and present members of the Selectboard for their work in passing budgets. She feels it shows disrespect to the voters of the Town to continue to revisit this issue.

Lynne Jaunich spoke from the audience, asking what authority the Selectboard has in changing the salary after the Town has voted. Matthew K. said the Board did receive legal opinion that the Selectboard was within its rights to make the adjustment. He noted that there have been no changes to the job description.

Mary Provencher spoke from the audience, asking if the hours have increased. Lane M. clarified that the Selectboard determines the salary; the number of hours worked they have no authority over.

Claudia Mucklow spoke from the audience, noting that the Clerk and Treasurer are two separate roles, are there no separate budgets? Lane M. said no, adding that the VLCT (Vermont League of Cities and Towns) does acknowledge the combined role. He went on to say that the VLCT does publish on its website a list of public servants in similar positions in other towns across the state; Mary Mead is second on that list in terms of highest pay rate. While her work is excellent, he said, he feels that her pay is commensurate.

Stewart Bennett spoke from the audience, asking what the difference between the offer and the request is. Lane M. said there is a difference of \$9,000. Mr. Bennett asked if the Board has any dissatisfaction with the job Mary Mead does. Lane M. said no, adding that this is about the job, not a person.

Elaine Ittleman spoke from the audience, inquiring on the cost spent thus far on this issue. Lane M. said between \$2,000-\$3,000 has been spent on consultants and modeling.

David Miskell spoke from the audience, asking for clarification on what happens if Mary Mead does not continue in her position(s). Lane M. said the Town will be required to post the vacancies and receive and review candidates and make appointments.

Mary Mead spoke from the audience, saying it is important to remember and acknowledge that the Clerk and Treasurer role varies town to town and cautioned against such comparisons as they relate to pay. Lane M. agreed and said that very point—that the role varies widely--was discussed with the consultant. With that said, he added, Charlottes' money is secure and our needs are not excessive. He reiterated his stance that her pay is commensurate.

Clark Hinsdale III spoke from the audience, saying it seems that the Board knew that this was coming in some way and this may be the result of a lack of clarity between parties (Mary Mead & Selectboard). He feels that the Board has the authority and flexibility to the benefit of the town but feels the Board should perhaps clarify that process. Fritz T. said the policy has been in place since January 2015 which allows the Board to adjust/reevaluate salary. Matthew K. said the Board did its part in maintaining integrity in agreeing to review the request through the Palmer Method. The grievance was looked at.

Bud Shriner spoke from the audience, saying in his view, the cost of running the office would be a better measure. Quantitative consideration is important.

Stewart Bennett spoke from the audience, saying he feels that the Board is hostage to the matrix and is hesitant to set a precedent.

John Snow spoke from the audience, saying the Board did make a decision and this issue was voted on. In his view, the incumbent is unhappy with the answer of "no". He urged respect for the voters and the Boards' decision. Performance, he added, is irrelevant and is not subject to performance review, by law. He urged public disclosure vs. executive session for further discussion of this issue. Matthew K. cited the Boards' legal authority for executive session to discuss pay on an employee's behalf. Jacob S. said the policy addresses a concern about inequity of pay; personnel issues are separate. The process may not be fair to Mary Mead, and that argument has merit, he said. He went on to say that the electoral process is the performance review.

Ed Sulva spoke from the audience, saying the Board worked hard to come up with a comparable packet. He urged the Board to respect the vote at Town Meeting.

Robin Reid spoke from the audience, saying she is not in favor of the grid and encouraged the Board to make exceptions and make apologies when in error.

Mary Provencher spoke from the audience, saying she is confused by what appears to be a very contentious situation; if you love your job, she said, work it out or try for a raise next year but don't walk away.

Mary Cheney spoke from the audience, asking for clarification on the grid and salary. She said she feels that we are locked in to this grid. This is, in her view, a fairness issue and should be approached as such.

Vince C. spoke from the audience, saying the salary schedule works to ensure fairness, acknowledges variances in workload, removes perceptions of favoritism and offers transparency.

Lane Morrison explained that the Town Attorney clarified that the Selectboard could go into Executive Session and negotiate with Mary Mead. The Board would reconnect with Jacob Spell in Executive Session.

Carrie S. made a **motion to go into executive session to discuss the salary of the Town Clerk/Treasurer**. Fritz T. **seconded the motion**. **The Board voted 5-0; motion carried.**

Lane Morrison reiterated that the Board would enter Executive Session and reconnect with Jacob Spell in the Session. Jacob Spell disconnected.

John Snow asked the Selectboard to cite the section that allowed the Board could go into Executive Session.

**Matthew Krasnow made a motion to go into Executive Session under Section 1 VSA, 3.13.a1, a&b, that the Selectboard found specifically that premature general public knowledge would place a public body or person involved at a substantial disadvantage, to discuss retention of a incumbent, which is the Selectboard's right and obligation to do under Executive Session, seconded by Fritz Tegatz.**

**DISCUSSION: Lane Morrison said that a motion was already made to enter Executive Session with Mary. Matthew Krasnow replied that this motion cited specific reasons as outlined by the Town Attorney via e-mail. The Board voted 4 ayes-1 absent (Jacob Spell); motion carried.**

The Board entered executive session at 8:27pm. The Board emerged from executive session. Lane Morrison reconnected with Jacob Spell via telecommunication. Fritz T. made a **motion to come out of executive session**. Matthew K. **seconded the motion**. **The Board voted 5-0; motion carried.** The public hearing resumed at 9:05pm.

Lane M. announced that no action was taken in Executive Session. Mary Mead will withdraw her resignation and the Board will review the job description and pay with the Palmer Method. This process will be overseen by the Town's HR consultant, Frank Sadowski, to ensure unbiased review. There will be a warned public hearing.

**Charter for Voting the Municipal Budget—potential clarification regarding budget-related articles:** “Related Articles” language was reviewed and clarified reflecting attorneys’ recommendations to Section 3 paragraph A so that authority lies with the voters.

John Snow asked about non-budget related items. Matthew K. said the charter only addresses budget and budget related items. We can change that by Australian ballot. He also voiced his concern that we may be creating a double standard. Fritz T. voiced his concern with short-circuiting voting.

Lynn Jaunich spoke from the audience, saying Actions voted on when at Town Meeting are affirmed in Australian ballot. Also, she pointed out, there is already a mechanism to address this via petition.

The Board agreed to stay with the original language as voted on. The Selectboard took no action.

**Ahead of the Storm—Update on evaluations of East Thompson’s Point Road:**

***Approve design and plan for ROW area, Discuss funding plan options for implementation, Discuss stewardship/long term maintenance plan.*** Marty Illick described the design and costing funding grant details; water quality improvement money to identify and scope out the area and do preliminary design is available. There is no money for implementation yet. Treatment is largely in a town ROW and on private property. The proposal includes slope treatment to slow flow and improvement to swales. It may be a good Better Back Roads grant opportunity since it is in the road ROW. That grant is available through VTrans. Either way, Marty Illick said, it would be good to get the costing done to better understand the towns’ potential role in covering costs.

Robert Mack spoke from the audience, the landowner of this parcel, he said he would like a culvert to the west. Marty Illick said that recommendation does not need to be included in the design (but can) and may also increase overall project costs. Fritz T. urged caution with grant approval as it relates to unexpected costs not covered by being committed to additional work items.

Fritz T. made a **motion to approve the plan as presented.** Matthew K. **seconded the motion.** The Board **voted 5-0; motion carried..**

Marty Illick said there will be a “Water Matters” event at Hinesburg Town Hall on Thursday at 7pm. She encourages all who can to attend.

**Selectboard Updates:** The Board agreed they would like to have the review via Palmer Method of the pay issue completed within a week or so. They will meet again as a Board on 4/7/16.

Dean B. announced that the Planning & Zoning Administrative Assistant resigned on 3/25/16. This will be discussed at the 4/7 meeting as well.

**Adjournment:** The meeting adjourned at 9:48pm.

Respectfully Submitted, Freeda Powers (Recording Secretary)