

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
MAY 23, 2016**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow, Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Robert Stein, Kathryn Milillo, Moe Harvey, Mary Mead, Nancy Wood, David Garbose, Tom Moreau, Kate Lampton, Abby Foulk, Margaret Russell, Dale Knowles, Marty Illick, Ellie Russell, Rachel Stein, Bill Kallock, Bob Heiser, David Ziegleman, Christina Booher, John Hammer, Charlotte News; and others.

ITEMS TAKEN UP:

6:31 PM Termination of current lease to Felix Eckenstein and Rae Nishi for Thompson's Point Lot 206 located at 213 Lane's Lane; and approval of a new lease to David and Jane Garbose

6:35 PM Termination of current lease to Jeffrey R. Fuller and Sarah B. Thurber for Thompson's Point Lot 201 located at 117 Lane's Lane; and approval of a new lease to Robert Stein

6:40 PM Chittenden Solid Waste District (CSWD) Budget

7:00 PM Public Comment

7:05 PM Minutes: May 9, 2016

7:10 PM Selectboard updates

7:20 PM Financial review with Town Treasurer

7:35 PM Request for Proposals for Consulting Services for Bicycle and Pedestrian Scoping Study

7:45 PM Burns property—conveyance of a conservation easement on the wooded portion of the property to Vermont Land Trust

8:00 PM Interviews for committee/official appointments:

Abby Foulk—for reappointment as Charlotte's representative to CSWD for term ending 5/31/18

Rachel Stein—for reappointment as Charlotte's representative to CSWD for term ending 5/31/18

Bill Kallock—for reappointment to the Energy Committee for term ending 4/30/18

John Limanek—for reappointment to the Trails Committee for term ending 4/30/18

David Ziegelman—for reappointment to the Trails Committee for term ending 4/30/18

8:15 PM Sargent Matthew Daley, VT State Police—semi-annual update; discussion of FY17 contract

8:35 PM Burns property agricultural lease

8:40 PM Brush-hogging bid

8:45 PM Old Lantern Mediation—designate representative

8:55 PM Peck Electric application for CPG NM-6691 off of Route 7, south of State Park Road

9:05 PM Formation of Charter Advisory Committee

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 6:34 p.m.

ADJUSTMENTS TO THE AGENDA

None.

TERMINATION OF CURRENT LEASE TO FELIX ECKENSTEIN AND RAE NISHI FOR THOMPSON'S POINT LOT 206 LOCATED AT 213 LANE'S LANE; AND APPROVAL OF A NEW LEASE TO DAVID AND JANE GARBOSE

Mr. Morrison briefly reviewed a termination of the lease for Lot 206, located at Lane's Lane.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to terminate the current lease to Felix Eckenstein and Rae Nishi for Thompson's Point Lot 206 located at 213 Lane's Lane.

DISCUSSION:

Ms. Mead pointed out that the Town Attorney sent an e-mail regarding changes to be made for a new lease. Why terminate a lease before discussing the new lease language, asked Ms. Mead.

VOTE: 5 ayes; motion carried.

Mr. Morrison explained that the Town Attorney sent an e-mail with introductory comments, dated 05/23/2016. A new lease would be approved to David and Jane Garbose, said Mr. Morrison.

Mr. Garbose said he saw the new lease. He spoke with the Town Administrator last week. Section 6 J, page 2, 1st sentence, was incorrect; he would like the "...as prorated or a depreciated schedule..." added, said Mr. Garbose.

Ms. Mead clarified that the Thompson's Point Wastewater system document has a revised statement that isn't addressed, said Ms. Mead. Mr. Bloch said that the intended depreciation has been discussed with David Garbose. The wording "depreciated original..." would be used, said Mr. Bloch.

Mr. Stein said that the original property owners have already paid the construction costs. We are being asked to pay a lump sum and it should be depreciated, said Mr. Stein. Mr. Bloch said the costs of construction haven't been discussed yet. \$1.5 million was the original cost of the wastewater system. The value should be depreciated, said Mr. Bloch.

Mr. Stein said that a 5 year bond was discussed with Mr. Bloch and is tolerable for me.

Mr. Morrison clarified that the Town wants to work with the property buyers and that they recognize there is an obligation. We don't know what the obligation is yet, said Mr. Morrison.

Mr. Stein said that it seems that the engineer/contractor's estimate is high. Mr. Bloch explained that the project would go out to bid. Mr. Morrison reviewed that the Town was trying to get the new lease in proper order. The Town has a bidding process, the estimate is in the \$60,000 range. There are 7 property owners on Lane's Lane and the cost would be divided among several parties. The Town is in the process of getting a state permit, said Mr. Morrison.

Mr. Krasnow suggested that if the lessees knew of a contractor to encourage them to bid on the project.

In response to a question, Mr. Morrison explained that the Town follows a bid process. The lessees were welcome to attend the bid opening, and the Town will keep them informed regarding the process. Thompson's Point is Town property, clarified Mr. Morrison.

Ms. Mead said that the process is up in the air; there is no time frame, there are two people buying lots so you are having this discussion to tie into the wastewater system on Lane's Lane. You don't know what will happen on the other two lots. Hook up fees are \$2,000. The Town has paid the construction costs and the lot owners started to pay into the Capital fund, said Ms. Mead. Mr. Morrison pointed out that the new lease language, Section 6, a-f, says 'when the town is ready...'. We have to have a source of funds to get quotes, etc. The lessees have a commitment to tie into the Thompson's Point Wastewater system. It may happen this fall, or next year. The push is to have a clear understanding of what the lease covers and the process, said Mr. Morrison. Mr. Stein said that the lease language covers all points.

Mr. Garbose said so he will get 1/7's of the cost. Mr. Morrison replied that there are different situations to hook into the system: when a lot is bought, or when a lease is renewed.

Ms. Booher said that the original Lane's Land people were given exemption of up to ten years to tie into the system. Are you having a time limit, or 20 years later will the town send a letter to the lot owners, asked Ms. Booher. Mr. Tegatz said that it is when the current lease is due, or when a change happens. Mr. Garbose said is a known thing and we accept it.

Ms. Spear suggested adding a time limit. Mr. Morrison said he didn't see why that was necessary. The longest lease expires in 2026. If a septic system fails, then the Town is telling all 7 lot owners that this is happening, said Mr. Morrison.

Ms. Mead stated that the Town should incorporate the new language into the lease and execute it at one time. Then have the two people sign the lease. It could be a generic lease where you only need to put in a name, amount and lot address, suggested Ms. Mead.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve a new lease for the Thompson's Point lots on Lane's lane with new language from legal council with addition of new language, Section J, with the following added: "...depreciated original...".

DISCUSSION:

There was discussion regarding wording, with "original depreciated" agreed upon.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the newly approved generic lease for Lot 206, located at 213 Lane's Lane, to David and Jane Garbose, and to authorize the Charlotte Selectboard Chair to sign the lease document on behalf of the Town of Charlotte.

DISCUSSION:

Ms. Mead said that it says in the e-mail that the Town Attorney's office will send new lease language shortly. Mr. Bloch replied that the Selectboard just discussed the new language for Lane's Lane.

Ms. Mead asked if the lease document and depreciation would be ready for these people tomorrow for their closing. Mr. Bloch said that would forward the lease language to Ms. Mead.

Mr. Garbose said that they would come to the Town Hall to sign the document in the morning and execute it then.

Mr. Stein asked where the money that was paid for the system went. Did the original people pay the full costs, asked Mr. Stein. Mr. Bloch explained that the funding was used for maintenance of the wastewater system for Thompson's Point only.

VOTE: 5 ayes; motion carried.

TERMINATION OF CURRENT LEASE TO JEFFREY R. FULLER AND SARAH B. THURBER FOR THOMPSON'S POINT LOT 201 LOCATED AT 117 LANE'S LANE; AND APPROVAL OF A NEW LEASE TO ROBERT STEIN

MOTION by Mr. Krasnow, seconded by Ms. Spear, to terminate the current lease to Jeffrey R. Fuller and Sarah B. Thurber for Thompson's Point Lot 201 located at 117 Lane's Lane, and to approve a new lease to Robert Stein and Kathryn Milillo, and to authorize the Charlotte Selectboard Chair to sign the lease document on behalf of the Town of Charlotte.

DISCUSSION:

Mr. Stine asked if Mr. Morrison would be at the Town Hall in the morning to sign the lease. Mr. Morrison said he would be the Town Hall at 8:15, or 9:45 a.m.

VOTE: 5 ayes; motion carried.

CHITTENDEN SOLID WASTE DISTRICT (CSWD) BUDGET

Tom Moreau, Chittenden Solid Waste District General Manager, reviewed a proposed CSWD FY17 Operating and Capital budget.

(NOTE: Mr. Spell departed at 7:08 p.m. and returned at 7:11 p.m.)

In response to Selectboard questions, Mr. Moreau explained that towns either leased drop off centers to CSWD for one dollar, or owned a land fill. CSWD asks if there is a publically owned space that can be leased for a dollar when locating a drop off center, said Mr. Moreau.

Mr. Morrison asked Abby Foulk, Charlotte's CSWD representative, why the Selectboard shouldn't approve the CSWD FY17 budget. Ms. Foulk replied no.

MOTION by Mr. Tegatz, seconded by Mr. Spell, to approve the proposed FY17 Chittenden Solid Waste District budget as presented.

VOTE: 5 ayes; motion carried.

PUBLIC COMMENT

Ms. Booher asked when the Selectboard would put out a bid for cleaning the Town Hall, and when would the Town Hall carpet be replaced. Mr. Bloch replied that Nigel was sending carpet samples and a bid would go out by June 13th. There is \$19,000 budgeted for the carpet. The June 13th agenda would include a bid for cleaning the Town Hall and Library, said Mr. Bloch.

Mr. Giknis stated that he had applied for the Zoning Administrator position. He had been a former ZBA member and is a retired lawyer. He never heard if his application was rejected, and he not sure if anyone even saw his application. He said something and finally received a letter of rejection, dated April 20th. Who deemed what applications were accepted, or not, asked Mr. Giknis He handed the letter to the Selectboard for review.

The Selectboard thanked him for coming.

In response to a Selectboard question, Mr. Morrison explained a committee screening process composed of chairs from the Planning Commission, Zoning Board of Adjustment, Jeannine McCrumb and Mr. Bloch. The Selectboard reviewed the top 5-8 applications and interviewed the top 3 candidates, said Mr. Morrison.

Ms. Mead said that all applications should be seen by the Selectboard. Why pre-screen, asked Ms. Mead. Mr. Spell expressed concern that the Selectboard was not seeing all resumes.

Mr. Tegatz said the bigger issue was having a quasi Town Administrator/Town Manager set up. The Town Administrator does not have the authority to sign things on behalf of the Selectboard. It is a structural issue that needs addressing; do we delegate, or not. A discussion was needed at a future meeting, said Mr. Tegatz.

SELECTBOARD UPDATES

Ms. Spear asked for an update on the Plouffe Lane trails and signage removal issue. Mr. Bloch reported that there was an issue with an adjoining property owner and signage, and suggested inviting the Trails Committee to attend a Selectboard meeting. Ms. Spear said she would like to be a part of the process and asked Mr. Krasnow to join her.

Ms. Russell, Trails Committee member, said that it wouldn't hurt to meet with the adjoining property owner.

Mr. Tegatz reported that the Senior Center project has started. There were some issues.

Mr. Krasnow reported that on Thursday he met with Lt Gary Scott and discussed the traffic enforcement contract. The Town wants the hours filled that are budgeted. He would follow up regarding road safety on Spear Street. There may be grants available for siting study money, said Mr. Krasnow. Mr. Morrison said the Vermont State Police contract renewal was coming up.

Mr. Harvey asked what happened to the Town's speed cart and cameras. Mr. Krasnow replied that one camera was posted at the beach or ice rink. The speed cart has been in winter storage at the CVFRS. Mr. Tegatz and Mr. Krasnow would place the cart on Spear Street.

FINANCIAL REVIEW WITH TOWN TREASURER

Ms. Mead reviewed the Trial Balance for Thompson's Point, Sinking fund and General fund, and reported that a tax sale was scheduled for July 21st.

The Selectboard thanked Ms. Mead for her report.

REQUEST FOR PROPOSALS FOR CONSULTING SERVICES FOR BICYCLE AND PEDESTRIAN SCOPING STUDY

Mr. Bloch reviewed that a total of \$45,000 grant was received for a scoping study for two sections of the Town Link Trail.

Mr. Tegatz noted that the slope around town ditches might be required to meet state bridge and road standards and should be a part of the scope of work. Mr. Bloch said that the state suggested had indicated that, and bids may come in around \$50,000. An alternative to consider was not publishing a budget so that bids wouldn't come in too high. The Town match was \$5,000, said Mr. Bloch.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve release of a Request for Proposals for consulting services for a Bicycle and Pedestrian Scoping Study, revised May 3, 2016.

DISCUSSION:

Ms. Illick asked if funding for installation was looked into. Regarding the state bridge and roads standards – the Kimball Brook culvert would need to be extended and it will be a substantial expense, said Ms. Illick. Ms. Russell replied that if necessary the path could be moved nearer the road.

VOTE: 5 ayes; motion carried.

BURNS PROPERTY—CONVEYANCE OF A CONSERVATION EASEMENT ON THE WOODED PORTION OF THE PROPERTY TO VERMONT LAND TRUST
Bob Heiser, Vermont Land Trust representative (VLT),

Mr. Bloch briefly reviewed a past history of a collaborative effort to conserve 15 acres of the Burns property Clayplain Forest. The Town adopted a Letter of Agreement with VLT and approved a contribution of \$10,000 from the Charlotte Conservation fund. Trails and foot paths at the Flea Market and meadow allow for pedestrian use off a main old farm trunk trail. Language incorporated into the easement document requires the Town to notify an abutting neighbor on the north property boundary that a path the neighbor has mowed on Town land can exist, but can't be enlarged. Regarding the property management plan, a Section 1061 notice is a notice that the Town intends to convey the property to VLT. The June 13th Selectboard meeting included a discussing regarding the Town contribution, said Mr. Bloch.

Mr. Heiser said he would correct the VLT Schedule A language regarding the Charlotte Wildflower Farm encroachment. Mr. Tegatz suggested recording the encroachment on the northern neighbor's deed so that future potential new owners would know that the path is on Town land.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a grant of development rights, conservation restrictions, and public access easement regarding the Burns property between the Town of Charlotte and the Vermont Land Trust, and to authorize the Charlotte Selectboard Chair to sign the document as the Duly Authorized Agent, with the following change:

- To correct the wording "...as its Duly Authorized Agent...".

DISCUSSION:

Mr. Spell asked if there were closing costs. Mr. Morrison replied the closing costs were \$1,000. The Town's contribution of the total cost is \$10,000 as authorized, said Mr. Morrison.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to authorize the Charlotte Selectboard Chair to sign VSA 24, Section 1061 Notice regarding the conservation easement.

VOTE: 5 ayes; motion carried.

INTERVIEWS FOR COMMITTEE/OFFICIAL APPOINTMENTS

Abby Foulk—for reappointment as Charlotte's representative to CSWD for term ending 5/31/18

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to reappoint Abby Faulk as Charlotte's representative to the Chittenden Solid Waste District for a term ending 05/31/2018.

VOTE: 5 ayes; motion carried.

Rachel Stein—for reappointment as Charlotte’s representative to CSWD for term ending 5/31/18

MOTION by Mr. Krasnow, seconded by Ms. Spear, to reappoint Rachel Stein as Charlotte’s alternate representative to the Chittenden Solid Waste District for a term ending 05/31/2018.

VOTE: 5 ayes; motion carried.

Bill Kallock—for reappointment to the Energy Committee for term ending 4/30/18

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to reappoint Bill Kallock to the Charlotte Energy Committee for a term ending 04/30/2018.

VOTE: 5 ayes; motion carried.

John Limanek—for reappointment to the Trails Committee for term ending 4/30/18

Mr. Limanek was not present.

David Ziegelman—for reappointment to the Trails Committee for term ending 4/30/18

MOTION by Mr. Krasnow, seconded by Ms. Spear, to reappoint David Ziegelman to the Trails Committee for a term ending 04/30/2018.

VOTE: 5 ayes; motion carried.

SARGENT MATTHEW DALEY, VT STATE POLICE—SEMI-ANNUAL UPDATE; DISCUSSION OF FY17 CONTRACT

Sargent Matthew Daley, Vermont State Police representative, reported on speed patrols that concentrated on Greenbush Road and alternate side roads during the Route 7 reconstruction project.

Ms. Spear asked for police presence south from the Hinesburg-Charlotte Road on Spear Street, Mt Philo Road, and Greenbush Road during the 3:30 p.m. to 5:30 p.m. drive times, and suggested placing more speed signs on Spear Street south of Baptist Corners and Mt Philo Road north.

There was discussion regarding speeding vehicles on Ferry Road; bicyclists riding in large groups on Lake Road that were not following the rules of the road; and utilizing unused winter hours for increased summer hours.

Mr. Morrison asked staff to contact the Vermont State Police regarding the contract renewal, to put approval of the contract on the 06/13/2016 Selectboard agenda, and to enter Sargent Daley’s e-mail into the Town system.

BURNS PROPERTY AGRICULTURAL LEASE

Mr. Morrison reviewed a bid by Robert Mack to pay the Town \$375 per year for an agricultural lease on the Burns property. The intent is to leave the lease “for the purpose of haying” only.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve a proposed Burns Property Agricultural lease to Mack Farm, Inc., at \$25 per acre per year for a 5-year lease of the 15 acre meadow(s) for exclusively haying.

DISCUSSION:

Mr. Krasnow said that he would like to see the lease document.

AMENDMENT by Mr. Krasnow, seconded by Mr. Tegatz, subject to review of the lease document by the Charlotte Selectboard.

DISCUSSION:

Mr. Knowles suggested that a lessee might want to plow it and reseed it for hay if they have a 5-year lease. Mr. Krasnow said that he would contact Mr. Mack and discuss the issue.

VOTE: 5 ayes; motion carried.

BRUSH-HOGGING BID

There was discussion regarding a re-submitted bid from Chris Fortin, and a comparison of submitted bids by Preston, Knowles, Mack, and Dantzsch. Ms. Booher said that Chris Fortin submitted a lump sum bid that was late and not submitted as requested.

Mr. Tegatz expressed concern that late bidders could review the submitted numbers and present a lower figure.

MOTION by Mr. Krasnow, seconded by Mr. Spell, to award the 2016 brush hogging bid to Dale Knowles for a base price of \$2,235 with an additional \$30 hourly rate.

VOTE: 5 ayes; motion carried.

OLD LANTERN MEDIATION—DESIGNATE REPRESENTATIVE

MOTION by Ms. Spear to designate Jacob Spell as the Town of Charlotte representative regarding the Old Lantern mediation.

The motion died due to a lack of a second.

Ms. Spear explained that Jacob didn't have a history regarding the neighbor's dispute with the Old Lantern and could bring an impartial view to the proceedings. Mr. Spell declined.

Mr. Krasnow suggested designating the Zoning Administrator to attend the hearing along with the Town Attorney, or Jeannine McCrumb at \$30 per hour to "train" the Zoning Administrator since she was working for the Town during events.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to designate the Charlotte Zoning Administrator to attend the Old Lantern mediation with the Town Attorney.

VOTE: 5 ayes; motion carried.

PECK ELECTRIC APPLICATION FOR CPG NM-6691 OFF OF ROUTE 7, SOUTH OF STATE PARK ROAD

MOTION by Mr. Tegatz, seconded by Ms. Spear, to request that the Town of Charlotte become Intervener Status in the matter of the Peck Electric Application for CPG NM-6691 off of Route 7, south of State Park Road.

DISCUSSION:

Mr. Morrison asked what depth at this stage. Mr. Bloch reviewed options that included drafting a Selectboard letter, have the Town Attorney draft a letter, or ask Charlie Pughe, Planning Commission member, to assist as a witness.

Ms. Spear spoke in favor of Charlie Pughe to save money.

Mr. Tegatz expressed concern that glare from the solar panels.

Mr. Morrison said he assumed that the Town Attorney would file a motion for Intervener Status.

In response to a comment from Ms. Booher, Mr. Morrison said that the Vermont Legislature was attempting to give towns more say in the siting of energy projects, which is supported with language in the Town Plan.

Mr. Bloch clarified that Berry was the family, and Peck Electric is the installer. Encore is a local South Burlington company.

VOTE: 5 ayes; motion carried.

FORMATION OF CHARTER ADVISORY COMMITTEE

Mr. Krasnow said that he would draft a Charter Advisory Committee charge and purpose, and suggested 7 members composed of 2 members of the original Ad hoc Town Meeting Solutions committee, 2 Selectboard members, the Town Clerk, and 2 community 'at-large' members, with a state representative as liaison. A notice would be posted on Front Porch Forum, advertised in the newspapers. He would bring a proposal to the next Selectboard meeting under Selectboard Updates.

Mr. Krasnow said that he envisioned that the Advisory Committee would bring all reports before the Selectboard as a warned item on agendas. The committee wouldn't work on anything unless directed by the Selectboard.

Mr. Krasnow and Mr. Morrison volunteered as Selectboard members.

Ms. Booher said that she would like to become a committee member as a private citizen.

Mr. Hammer said that the former committee had explored ways to make attending Town Meeting more attractive, such as lunch, child care, etc.

SELECTBOARD COMMUNICATIONS

Ms. Spear reported that she asked for Selectboard Updates to appear earlier in the meeting. There was little time for reporting updates, so she asked for a Selectboard Communication items at the end of meetings.

Mr. Tegatz asked for the status of a computer server program. Mr. Bloch replied that Troy got price quotes and prices aren't apples-to-apples.

Ms. Spear asked if the covered bridge project has started. Mr. Bloch replied that there was a contractor's meeting scheduled regarding the Seguin Bridge, which was a state project. Ms. Spear asked what happened to the wood siding removed from the Quinlin Covered bridge project. Mr. Tegatz explained that the wood was infested with carpenter ants and dry rot. Ms. Spear suggested notifying neighbors when the bridge would be closed during the project.

Ms. Spear asked for an update regarding a 'catch and release' fishing sign(s) posted at Lewis Creek. Mr. Bloch said that there was no information at this time.

Ms. Spear reported on 9 newly planted trees at the Town Beach.

Next Selectboard meetings:

- Thursday, May 26th, at 3:00 p.m. for the purpose of a review of the Palmer Analysis regarding the Town Clerk/Treasurer,
- Monday, June 13th – regular meeting.

MINUTES: May 9, 2016

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of 05/09/016 as written, with edits:

- Page 2, line 89 – replace the word “use” with “sure”.

VOTE: 5 ayes; motion carried.

APPROVE WARRANTS TO PAY BILLS

The Selectboard signed warrants to pay bills.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:45 p.m.

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