

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
OCTOBER 13, 2016**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz.

ABSENT: Jacob Spell, Matthew Krasnow.

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Charles Russell, Patrice Machavern, Abby Foulk, Brian Wright, Marty Illick, Megan Mahoney, Kate Lampton, Joe Bobee, Dorothy Pellett, Burlington Free Press; John Hammer, Charlotte News; and others.

ITEMS TAKEN UP:

- 4:05 PM Potential for hosting of a Drop-Off Center for household waste collection
- 4:35 PM Grant application for Senior Center parking lot run-off filtering project
- 4:50 PM Interview with Megan Mahoney for appointment to the student seat on the Energy Committee for a term ending on September 1, 2017
- 5:00 PM Green Mountain Power petition to replace, add and relocate poles on North Shore Road and Association Way
- 5:15 PM Budget Review Charlotte Land Trust Conservation Fund
- 5:45 PM Minutes: September 19, and 26, 2016
- 5:50 PM Selectboard updates

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 4:00 p.m.

ADJUSTMENTS TO THE AGENDA

Add: Lot 160, Thompson's Point, retaining wall discussion.

PUBLIC COMMENT

Mr. Russell stated that the Selectboard should schedule meetings on Mondays at 7:00 p.m. versus at 4:00 p.m. on Thursdays. Ms. Spear said that she had requested a different day than the Monday evening following the Tractor Parade. With the VCAM live streaming every one can participate in Selectboard meetings, pointed out Ms. Spear.

Mr. Russell said that the Tractor Parade is a Town sponsored community event. A comment was made that political placards should be allowed, said Mr. Russell. Ms. Spear explained that the Tractor Parade is a political free event. A person was offered the starting parade slot by June Bean. That person had a Trump placard on his tractor and June had asked him to cover or remove it. It was covered. The person removed the cover during the parade. He would not be invited to participate in future Tractor Parades, said Ms. Spear.

Ms. Spear thanked David Zuckerman and Michael Yantachka who both attended the parade and did not even wear campaign buttons.

Mr. Russell expressed concern that people have a First Amendment right to express themselves. No one has the right to say that someone can't be political in a public Town sponsored event. The Town could be sued for civil rights violations, suggested Mr. Russell.

Ms. Machavern asked what Jacob Spell's status was as a Selectboard member, and if he was a Charlotte resident, or not. Mr. Morrison explained that Mr. Spell has been asked several times. He had left a 6300 Spear Street address and now uses his brother's Hinesburg Road address since July 1st. An address confirmation will be done. Jacob has attended a majority of Selectboard meetings, said Mr. Morrison.

Mr. Morrison read a letter, received October 13, 2016, from Valarie Biebuyck into the record. Ms. Biebuyck expressed concern regarding a detected propane leak from a tank on Lot 128, owned by Paul Arthaud. Rob Mullin, CVFRS, had investigated the allegation. The tank has surface rust and there is no leak. The tank is safe and one-half full. A question is what action the Town should take, if any, and if the lease holder should be contacted to have the propane tank removed, said Mr. Morrison.

There was discussion regarding a process or authority to remove the tank either by the Town or Mr. Arthaud; an appeal by Mr. Arthaud that has been stayed pending a resolution of a potential claim by Mr. Arthaud; and if the existing structure has been inspected and condemned. Mr. Bloch explained that the structure is in disrepair and if it is truly a public health issue then that could be grounds to evaluate the structure for condemnation. The structure has to be in good repair as per the lease, said Mr. Bloch.

Mr. Morrison suggested contacting Mr. Arthaud to ask him to have the propane tank and building removed, and if not, allow the Town permission to dispose of the tank. The Town has a quote of \$1,000. There is also the issue of the Town's insurance company investigation in response to a potential claim by Mr. Arthaud, said Mr. Morrison.

Mr. Tegatz said that relying on a single e-mail from Mr. Arthaud regarding a possible claim for reimbursement of a sales agreement that fell through due to a ZBA denial is not sufficient grounds for a claim. The Town is the land owner and the lease holder must comply with the terms of the lease, said Mr. Tegatz. Mr. Morrison suggested staff contact Mr. Arthaud to tear down the building and remove the tank. An EPA permit is required to and could be done in parallel with the insurance company investigation, said Mr. Morrison.

Ms. Machavern asked if the Lot 128 building could be brought into compliance through the Planning Commission or ZBA review process. Mr. Morrison replied yes. It is an abandoned structure and therefore has to be in compliance with the current regulations and lease. The setback in place today applies versus grandfathered, said Mr. Morrison.

POTENTIAL FOR HOSTING OF A DROP-OFF CENTER FOR HOUSEHOLD WASTE COLLECTION

Brian Wright, Chittenden Solid Waste District Manager (CSWD), and Abby Foulk, Charlotte CSWD representative, narrated a power point presentation regarding ACT 148, universal recycling and a proposed Next Generation Drop-off Center Study and survey.

Mr. Wright reported that CSWD is looking at facility options and asking the member communities if the communities want to host a center. Jericho and Colchester towns have expressed interest. There will be no cost to a town other than providing a site, said Mr. Wright.

There was discussion regarding a small scale community composting program at Charlotte Central School; costs associated with a consolidated collection of food waste study that would be levied on haulers; and a CSWD request to post a survey on Front Porch Forum or SurveyMonkey to gather food waste collection data and the number of haulers servicing the area.

Ms. Spear suggested deleting survey questions 2 and 7.

Ms. Machavern asked what could be dropped off at a center and what the price to do so will be.

Mr. Morrison suggested adding the words "...no plan yet" as an option.

NEXT STEPS:

- Selectboard authorization to conduct a survey via Front Porch Forum (Abby Faulk to do)
- Send Selectboard comments to Ms. Foulk by November 23rd
- Consider language added to the Town Plan and Zoning regulations
- Ms. Foulk to forward changes for Selectboard review of an amended survey prior to posting on a public venue

Mr. Hammer suggested the Charlotte Town Garage/Salt Shed area as a possible drop-off center.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to authorize posting a Chittenden Solid Waste District survey regarding a consolidated collection of food waste proposal pending Selectboard review of an amended document.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

GRANT APPLICATION FOR SENIOR CENTER PARKING LOT RUN-OFF FILTERING PROJECT

Marty Illick, Lewis Creek Association representative, briefly reviewed a state Ahead of the Storm grant application that included three projects: the Senior Center, the Horsford Nursery, and a DeBrul Road property. There is an October 25th deadline. She had talked

with Hugh Lewis Jr and he is comfortable working with the engineer. The Senior Center treatment area is out of the Town right-of-way. The drainage area includes the Senior Center, the roadway, and run-off from the CVFRS. The run-off would be directed to the back of the properties. Mr. Lewis has offered a 5-10 percent reduction in his fees and suggested taking a Town match from the Highway fund. The grant application is for a total of \$31,000 and a Town match is suggested at \$1,000-2,000, said Ms. Illick.

Mr. Tegatz explained that a Hydro Dynamic Separation system would work well at the Senior Center rather than a bio-retention system. Steve Williams indicated that it would cost \$150 to clean out a separator each time. He would present the proposal to CVFRS on Tuesday for support of the proposal since the property and building is not Town property, said Mr. Tegatz.

Mr. Bloch said that Mr. Lewis has agreed to using \$2,000 from the Highway budget for the Town match.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to support a Vermont Department of Environmental Conservation “Ahead of the Storm” grant application for a total amount of \$31,000, of which a \$2,000 Town match will be paid from the current Highway fund, to include a Letter of Support drafted by staff, and to authorize the Charlotte Chair to sign the Letter of Support on behalf of the Town of Charlotte.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

INTERVIEW WITH MEGAN MAHONEY FOR APPOINTMENT TO THE STUDENT SEAT ON THE ENERGY COMMITTEE FOR A TERM ENDING ON SEPTEMBER 1, 2017

The Selectboard interviewed Megan Mahoney, a CVU Junior, for a seat on the Charlotte Energy Committee.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to appoint Megan Mahoney to the Student Seat on the Charlotte Energy Committee for a term ending on September 1, 2017.

DISCUSSION:

Ms. Spear asked if Ms. Mahoney would receive school credit for her participation. Ms. Mahoney replied no, and explained that a committee member would be her mentor.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

GREEN MOUNTAIN POWER PETITION TO REPLACE, ADD AND RELOCATE POLES ON NORTH SHORE ROAD AND ASSOCIATION WAY

Joe Bobee, Green Mountain Power representative, reviewed a proposal to replace, add and relocate utility poles on North Shore Road, Association Way and Flat Rock Road.

Mr. Tegatz expressed concern regarding the installation of new poles on Town property where none have existed, and that if power lines were buried then any replacement

should be a buried line. Mr. Bobee replied that he did not have a problem doing that in the Association Way-Flat Rock Road section. However, if it was done then it would act as a redundant route to cover any outages occurring in the area, explained Mr. Bobee.

There was discussion regarding site maps showing the location of existing and proposed installation of new poles. Mr. Bobee noted that on the last sheet a pole, #9696 would be relocated 10' over to replace pole #118364.

Mr. Morrison suggested using the proposed Petition document as a Master Petition with the following edit: delete the words "three new poles on Flat Rock Road and Association Way" on the last page.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a proposed Green Mountain Power Petition, dated October 11, 2016, to replace and Relocate poles on North Shore Road and Association Way as amended.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

The Selectboard members signed the amended Green Mountain Power Petition.

BUDGET REVIEW: CHARLOTTE LAND TRUST, CONSERVATION FUND

Kate Lampton reviewed a proposed Charlotte Land Trust budget, which is level funded at \$5,000.

Ms. Lampton reviewed a proposed Conservation Fund Allocation that is level funded.

LOT 160 RETAINING WALL REQUEST

Mr. Bloch handed out a written request for a retaining wall on Lot 160 at Thompson's Point, and site maps for Selectboard review.

There was discussion regarding a request for a 4' high retaining wall on the south road side of the camp, which did not require a Town permit since it was not in the Shore Line; concerns related to slopes; potential erosion issues that could be created by drainage; and verification of a state permit.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a request for a retaining wall on Lot 160, Thompson's Point pending review by Fritz Tegatz of a State of Vermont permit and a plan addressing potential erosion issues, and to authorize Fritz Tegatz to sign the request document on behalf of the Town of Charlotte.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

MINUTES: SEPTEMBER 19 and 26, 2016

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of September 19, 2016, as written.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of September 26, 2016, as written, with edits:

- Lines 108 and 110 – replace (?) with “Catherine Hughes”;
- Line 211 – change to read “...summarized options...”.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

SELECTBOARD UPDATES

Mr. Tegatz reported on a summary of policy questions related to the development of a village wastewater system, a suggestion by Mr. Krasnow to track contractor and Town fee costs for reviewing septic permit applications. The Selectboard should know what the costs are to the Town and to an applicant, and what comes out of Town funds, clarified Mr. Tegatz.

Mr. Bloch noted a concern will be budget overages based on end-of-year costs. The contractor shouldn't go out to review a septic site until a permit is issued, suggested Mr. Bloch.

Mr. Morrison asked if a special meeting on wastewater policy is needed. Mr. Tegatz said that the Selectboard should review questions and a review done at a meeting.

Mr. Tegatz reported on an update of the Seguin Bridge project.

Mr. Tegatz reported that the Senior Center project is nearing completion.

Ms. Spear said that traffic enforcement is an issue. Mr. Morrison noted that Mr. Krasnow will contact the Sheriff for additional enforcement.

APPROVE WARRANTS TO PAY BILLS

The Selectboard reviewed and signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Tegatz, seconded by Ms. Spear, to adjourn the meeting.

VOTE: 3 ayes, 2 absent (Mr. Krasnow, Mr. Spell); motion carried.

The meeting was adjourned at p.m.

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