

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
OCTOBER 19, 2015**

APPROVED

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

OTHERS: Renald Lussier, Agnes Lussier, , Mary Mead, Christina Booher, Robert Mack, Jenny Cole, Stephen Brooks, Ellie Russell, Hugh Lewis Jr, Betsy Tegatz, John Hammer, Charlotte News, and others.

**4:00 PM: Performance evaluation of the Health Officer/Animal Control Officer.
Discussion only (possible Executive Session)**

**6:00 PM Site Visit: 1000 Guinea Road, for a Highway Access Permit application
submitted by Tegatz Family Trust**

ITEMS TAKEN UP:

- Renald and Agnes Lussier – request for license agreement to install underground utilities within the Carpenter Road right-of-way. *possible action: approve*
- Tegatz Family Trust – hearing to review an application for a Highway Access Permit (HAP-15-05) for an access to a proposed residential building site. *possible action: approve*
- Policy on Fraud and Deceitful Acts. *possible action: approve*
- Right of Way Ordinance. *discussion only*
- HVAC preventive maintenance agreements. *possible action: renew agreements for one year with Patterson Fuels (for heating equipment) and CSI (for cooling and air handling equipment) for the Town Hall, Senior Center and Library.*
- Volunteers' Holiday Party – December 19, 2015. Contract with Vergennes Opera House, *possible action: approve; Caterer, possible action: approve*
- Appointment to Regional Cleanwater Advisory Committee. *possible action: appoint Jeannine McCrumb as Representative and Marty Illick as Alternate Representative*
- Ferry Road between the train station and Lake Road. *possible action: authorize competitive solicitation for engineering firms to propose and design safety improvement*
- Town and State Land Use permitting for development on Thompson's Point lots. *possible action: authorize the Selectboard Chair or Town Administrator to sign town and state permit application forms on behalf of the property-owner (i.e. the Town)*

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 7:00 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENT

None.

MINUTES: September 28, October 7, 2015

MOTION by Ms. Spear, seconded by Mr. Spell, to approve the Charlotte Selectboard minutes of 09/28/2015 as written.

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

MOTION by Ms. Spear, seconded by Mr. Tegatz, to approve the Charlotte Selectboard minutes of 10/07/2014 as written, with edits:

- Page 5, line 186 – change “...thought was happen” to read “...thought would happen...”.

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

RENALD AND AGNES LUSSIER – REQUEST FOR LICENSE AGREEMENT TO INSTALL UNDERGROUND UTILITIES WITHIN THE CARPENTER ROAD RIGHT-OF-WAY. *Possible action: approve*

MOTION by Ms. Spear, seconded by Mr. Spell, to approve a request for a License Agreement to install underground utilities within the Carpenter Road right-of-way by Renald and Agnes Lussier.

DISCUSSION:

Mr. Lussier explained that Gary Thiebault, contractor, did not dig in the road and there was no road damage.

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

TEGATZ FAMILY TRUST – HEARING TO REVIEW AN APPLICATION FOR A HIGHWAY ACCESS PERMIT (HAP-15-05) FOR AN ACCESS TO A PROPOSED RESIDENTIAL BUILDING SITE. *Possible action: approve*

Mr. Tegatz recused himself due to a conflict of interest.

MOTION by Mr. Spell, seconded by Ms. Spear, to approve a request by the Tegatz Family Trust for a Highway Access Permit, HAP-15-05, for an access to a proposed residential building site.

DISCUSSION:

Ms. Spear said that she had visited the site. A neighbor attended the site walk. There were no issues with the proposed access, said Ms. Spear.

Mr. Lewis, Charlotte Road Commissioner, said that a 15”x30’ culvert was to be installed.

VOTE: 3 ayes, 1 recused (Mr. Tegatz), 1 absent (Mr. Krasnow); motion carried.

POLICY ON FRAUD AND DECEITFUL ACTS. *Possible action: approve*

MOTION by Mr. Spell, seconded by Ms. Spear, to approve a proposed Policy on Fraud and Deceitful Acts as amended.

DISCUSSION:

Mr. Morrison noted that the proposed policy had been reviewed by Sullivan and Powers, auditors, and the Town Attorney.

Mr. Bloch reviewed that the Town Attorney made some edits, such as lines 16 and 24 – the word “irregularities” was replaced by “deceitful acts”.

Mr. Morrison asked Ms. Mead if she had any questions regarding the draft policy. Ms. Mead asked for clarification if the words “appointed officials” also included elected officials, which would be for all Town employees. Mr. Bloch said that he would research the question.

Mr. Morrison said that if it was an issue it didn’t matter if it was for elected officials, or not, it was a process that would apply to elected or appointed employees.

Ms. Cole asked if there was anyone that it would not apply to; and line 21 – was it necessary or is it confusing, asked Ms. Cole. Mr. Morrison replied that the intent was all inclusive for anyone who works at, or for the Town. For example, line 11 mentions “contractor”, said Mr. Morrison.

Mr. Spell replied that the Selectboard was still the governing body and had the ultimate authority.

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

RIGHT OF WAY ORDINANCE. *Discussion only*

Mr. Tegatz reviewed that there was a partially written existing draft Right of Way Ordinance that he updated. The Town has a responsibility to maintain the Town rights-of-way and state statutes gave towns control of water flows and volumes in town rights-of-way. Without an ordinance a town can’t control what people do, or levy fines. An ordinance was a process for the public to ask permission to add water to a town right-of-way ditch, for example. He added language to cover the event of water that’s added to a Town right-of-way without permission, said Mr. Tegatz.

There was discussion regarding how town rights-of-ways were determined (Mr. Tegatz explained that the distances were surveyed from the center of roads); Charlotte roads that were 3-rod roads and 4-rod roads; for example a right-of-way would be 33’ from the center line for a 4-rod road; HR-35, proposed state stormwater language and rules that could give a town a blank permit, or individual permits to add water into a town right-of-way; and seeking guidance from Vermont League of Cities and Towns for a format.

Mr. Spell asked if a hydrologic study had been done related to erosion and sediment control issues, or if there were water flow maps available. Water flowing into the rivers and Lake Champlain was a big issue, said Mr. Spell. Mr. Tegatz suggested contacting the Lewis Creek Association or the Conservation Commission.

Mr. Mack asked what if a farmer wanted to install drainage tile going into a ditch. Mr. Tegatz explained that once the ordinance was in place then you would need to apply for permission from the Town. The landowner would pay the costs and that would include any studies that were required. An engineer may need to be hired to figure out the water flows that could be added to the Town system, said Mr. Tegatz.

Mr. Mack asked what Town department would handle a request for a farmer that wanted to reshape a property and change water flows. Mr. Tegatz said that a form would need to be filled out and submitted to Planning and Zoning. Mr. Morrison said that a landowner would need to get advice from a licensed P.E.

Mr. Spell said that he was uncomfortable passing another regulation and associated costs onto a farmer. Mr. Tegatz noted that if a farmer dumped more water and sediment into a town ditch and didn't pay for that, it was the whole town that would pay it. HR-35 included a discussion on ways to pay for farm issues, said Mr. Tegatz.

Mr. Spell suggested that the Town conduct a rainfall volume and runoff calculation study related to ditches in the Town rights-of-way and use the data for drafting a right-of-way ordinance. Mr. Morrison pointed out that there were other solutions to consider; for example, grass strips to slow rain runoff, retention ponds and culverts so that less water would go into the town ditches.

Mr. Mack asked if there was a fee schedule for town permits. Mr. Tegatz reviewed that the Town had fee schedules in place for highway access permits, for example. It could be similar, suggested Mr. Tegatz.

Ms. Booher asked for clarification of #3; would the Town measure the distance of local business signage in a right-of-way, or would existing signs be grandfathered.

Mr. Mack stated that the USDA had rules in place on what a farmer could do regarding shaping fields, or changing water flows. A town ordinance may be redundant. The Town should wait and see what the state rules were first. Agriculture should be exempted, said Mr. Mack.

Mr. Brooks said that a public referendum should be included in the process; especially to demonstrate how many properties would be affected.

Mr. Morrison asked staff to contact VLCT for more information and guidance.

HVAC PREVENTIVE MAINTENANCE AGREEMENTS. *Possible action: renew agreements for one year with Patterson Fuels (for heating equipment) and CSI (for cooling and air handling equipment) for the Town Hall, Senior Center and Library.*
MOTION by Mr. Spell, seconded by Ms. Spear, to renew the HVAC Preventive Maintenance Agreements with Patterson Fuels for heating equipment for one year, and CSI for cooling and air handling equipment for one year for the Town Hall, Senior Center and the Charlotte Library as presented.

DISCUSSION:

Mr. Tegatz asked if the agreement renewal followed the Purchasing Policy. Mr. Bloch reviewed that the contracts went out to bid three years ago and had several firms bidding. The current firms were the low bidders and have provided good service over three years. The Town has spent \$300-400 for maintaining the heating equipment per year and the climate controls were maintained twice a year.

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

VOLUNTEERS' HOLIDAY PARTY – DECEMBER 19 2015. *Possible action:****approve*****CONTRACT WITH VERGENNES OPERA HOUSE**

Ms. Tegatz reviewed a proposed contract with the Vergennes Opera House to hold the Town's annual Volunteers' holiday party at a cost of \$500.

CATERER

Ms. Tegatz explained that bids were solicited for a caterer for the party. It was priced at a per person price, and for 125 people the total cost was \$6,370. The Town had budgeted \$6,500, said Ms. Tegatz.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a contract with the Vergennes Opera House and Sodexo Catering for the December 19, 2015 Volunteers' Holiday Party as presented.

DISCUSSION:

Mr. Spell asked if a local catering business should be selected at a price for a few dollars more versus the Sodexo/Marriott caterer. Ms. Tegatz said that she didn't have an opinion one way or the other. The Opera House had a limited kitchen and no service ware available. Sedexo had all the equipment necessary on hand, said Ms. Tegatz.

Ms. Mead pointed out that the Fire and Rescue people could add a lot more to the number expected. Mr. Tegatz said that he would ask how many Fire and Rescue people would attend. Mr. Morrison said that Chris Davis had said that there may be 10 people from Fire and Rescue.

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

APPOINTMENT TO REGIONAL CLEANWATER ADVISORY COMMITTEE.

Possible action: appoint Jeannine McCrumb as Representative and Marty Illick as Alternate Representative

MOTION by Mr. Spell, seconded by Ms. Spear, to appoint Jeannine McCrumb as the Charlotte Representative and Marty Illick as the Charlotte Alternate Representative to the Regional Cleanwater Advisory Committee.

DISCUSSION:

Mr. Tegatz asked if the committee seats had been posted. Mr. Bloch replied no. Ms. McCrumb had indicated interest in serving, explained Mr. Bloch. Mr. Morrison suggested having volunteers to work with Ms. McCrumb.

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

FERRY ROAD BETWEEN THE TRAIN STATION AND LAKE ROAD. *Possible action: authorize competitive solicitation for engineering firms to propose and design safety improvement*

Mr. Bloch explained that over several years there have been many car accidents on the stretch of Ferry Road between the train station and Lake Road. There was another accident last week. The request was to hire an engineer to look at the road way and propose safety improvements. The Chittenden Regional Planning Commission (CCRPC) could add a safety audit to the work plan for next year. The Town would pay a 20 percent match for the engineering study and then be eligible for construction grants, said Mr. Bloch.

Mr. Lewis said that he had conversations with David Marshall, Civil Engineering Inc., over a year ago regarding that stretch of Ferry Road. The road has no shoulder and there was a ditch that was too deep. The two cross culverts were buried too deep. A question was what the Town wanted to do with the two culverts. There was also a short culvert that drained into a small field. Every one speeds on the road and there needs to be more police enforcement. The posted speed limit changes from 40 mph to 50 mph once the railroad tracks were crossed and that was an issue, said Mr. Lewis.

Mr. Spell suggested placing the Town's speed cart in the area, and asking the State Police for more enforcement.

Mr. Morrison asked staff to add a safety analysis to the CCRPC work plan for the spring, 2016, without a cost to the Town.

Mr. Spell said that he had received a letter from a Ferry Road resident regarding a tree that impacted sight distances. There were two limbs that hung over the road, said Mr. Spell.

Mr. Lewis explained that Mr. Hughes plows his own driveway as well as some of his neighbors driveways with a tractor. There was a 150+/- year old oak tree and stump that Mr. Hughes needs to push snow around. The tree was owned by Susie Parker Pollock and it was also in the Town right-of-way. The Charlotte Tree Warden should be consulted, suggested Mr. Lewis.

Mr. Spell suggested that a mirror installed across the road would be simple solution.

Mr. Morrison suggested next steps to get feedback from the Tree Warden, and asked Mr. Lewis to acquire a mirror and install it.

TOWN AND STATE LAND USE PERMITTING FOR DEVELOPMENT ON THOMPSON'S POINT LOTS. *Possible action: authorize the Selectboard Chair or Town Administrator to sign Town and State permit application forms on behalf of the property-owner (i.e. the Town)*

Mr. Bloch explained that the Town was the landowner of the Thompson's Point lots. The Selectboard Chair, or the Town Administrator, should be authorized to sign Town and state permit applications for the Zoning Board and Design Review Committee related to Thompson's Point lots, said Mr. Bloch.

MOTION by Mr. Spell, seconded by Ms. Spear, to authorize either the Charlotte Selectboard Chair, or Town Administrator, to sign Town and State permit application forms for Land Use permitting for development on Thompson's Point lots on behalf of the property owner (i.e., the Town), except for seawalls, or other structures below the shore line.

DISCUSSION:

Mr. Mack stated that the Selectboard Chair should sign the permits, not the Town Administrator.

Mr. Tegatz asked if the Selectboard members would get to review the permits regularly. He had no problem with either the Chair or Town Administrator signing the permits as long as the Selectboard members were notified, said Mr. Tegatz. Mr. Bloch replied yes.

Mr. Brooks said that regarding the concept of authority, it should be an Executive Authority person to sign. The Selectboard has not given the Town Administrator that authority in the job description, pointed out Mr. Brooks. Mr. Morrison said that the Selectboard was giving the Town Administrator authority to sign the Thompson's Point lots permits only.

Ms. Booher asked for clarification of language that limited authorization to existing shoreline structures including seawalls. Mr. Spell said that it limited project requests to existing or replacing of stairs, docks, or seawalls.

AMENDMENT TO THE MOTION by Mr. Spell, seconded by Ms. Spear, to authorize the Selectboard Chair or Town Administrator to sign Town and State permits on behalf of the property owner for development Land Use permitting for camp buildings and limited to the replacement of existing dock structures, stairways, and seawalls.

VOTE: 3 ayes, 1 nay (Ms. Spear), 1 absent (Mr. Krasnow); motion carried.

SELECTBOARD UPDATES. Discussion only

TDI-NE

Mr. Spell reported on research results of submerged land ownership under Lake Champlain, and handed out informational packets that included language from the original King George land grants. The land grants gave Charlotte an additional 5,700 acres of submerged land under Lake Champlain, said Mr. Spell.

There was discussion regarding 'aids to navigation' related to marking of boundaries in Lake Champlain; a suggestion to contact the Maritime Museum in Vergennes; and a suggestion to craft a submerged land license ordinance and/or a fee structure; and

concerns that TDI-NE was already working in the New York side of the lake by Grand Isle.

Mr. Hammer explained mapping done by the US Geological Survey and geodetic points of the lake bottom. Mr. Hammer volunteered to assist Mr. Spell.

FRONT PORCH FORUM

Mr. Morrison reported that a letter from Front Porch Forum was received requesting financial support. The Town posts meeting notices on Front Porch Forum, and asked staff to research the non-profit status of Front Porch Forum and possible funding sources for the next Selectboard meeting.

CHARLOTTE SOLAR FILING

Mr. Bloch reported that the Town had until October 23, 2015 to respond to non-compliance issues related to the Charlotte Solar Farm, LLC. Landscaping Plan Agreement. Charlie Pughe drafted a letter that could be used as the basis for filing a response to the State, said Mr. Bloch.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to authorize a legal review of the draft Charlie Pughe letter regarding the Charlotte Solar Farm, LLC, non-compliance of the Landscaping Plan Agreement, to submit to the State of Vermont. DISCUSSION:

Mr. Hammer asked for a point of order – could the Selectboard propose a motion for a ‘discussion only’ item.

AMENDED by Mr. Tegatz, seconded by Ms. Spear, that the motion was made as an emergency imperative in the best interest of the Town of Charlotte.

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

Mr. Bloch reported that a Wing’s Point Road resident has made a request to have the road paved. The Road Commissioner has looked into the request. The dead end road was not well traveled and the Town could ask the Wing’s Point Road residents to contribute to the paving costs, suggested Mr. Bloch.

Mr. Morrison reported that the Selectboard had conducted a performance evaluation of the Health Officer/Animal Control Officer this date. It was reasonable for the Town to provide a dog crate and mileage at the going rate, suggested Mr. Morrison. Mr. Tegatz said that he would donate three dog crates.

Mr. Morrison asked staff to add a dog crate and mileage topic to the agenda for the next Selectboard meeting.

Mr. Spell asked to have an Executive Session for the purpose of discussing employee evaluations at the next Selectboard meeting.

Mr. Brooks asked that the Selectboard consider brush hogging the swale at the Town's mound system at least once per year. The understory was growing into an upper story in the swale, said Mr. Brooks. Mr. Tegatz said that he would contact Mr. Brooks.

Mr. Tegatz reported that the Carpenter Road Bridge should be paved by next week.

APPROVE WARRANTS TO PAY BILLS

The Selectboard signed warrants to pay bills.

ADJOURNMENT

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

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

The meeting was adjourned at 9:31 p.m.

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