

**CHARLOTTE SELECTBOARD
TOWN HALL
MINUTES OF MEETING
SEPTEMBER 10, 2012**

APPROVED

MEMBERS PRESENT: Charles Russell, Chair; Ed Stone, Winslow Ladue, John Owen, Dennis Delaney (arrived 7:03 p.m.)

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Gordon Brown, Mary Mead, Spin Richardson, Carrie Kirvin, Lorna Jimerson, Heather Manning, Moe Harvey, Mel Huff, Jenny Cole, Hugh Lewis Jr, Sue Smith, Ellie Russell, Bob Jimerson, Edd Merritt, Larry Hamilton, David Mullin, Cathy Wells, David Marshall, Carrie Spear, Mike Yantchka, John Hammer, Charlotte News; Carol Casey, Charlotte Citizen, and others.

(NOTE: the agenda was heard out of order, but appears as published for continuity.)

6:00 PM: SITE VISIT: Deer Point Road

CALL TO ORDER

Mr. Russell called the meeting to order at 7:00 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

None.

MINUTES: August 13, August 27

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the Selectboard minutes of 08/13/2012 as written, with a correction.

VOTE: 3 ayes, 1 abstention (Mr. Stone), 1 absent (Mr. Delaney); motion carried.

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve the Selectboard minutes of 08/27/2012 as written, with corrections.

VOTE: 4 ayes, 1 abstention (Mr. Owen); motion carried.

ROSCOE ROAD – HEARING TO CONSIDER WHETHER PROPOSED RELOCATION WILL AFFECT SCENIC DESIGNATION – action item

Mr. Russell opened the floor for comments.

Mr. Hamilton spoke in support of the Roscoe Road relocation and noted that the road could be restored for scenic road designation after construction.

There were no other public comments.

MOTION by Mr. Owen, seconded by Mr. Stone to close the public hearing regarding consideration whether the proposed Roscoe Road relocation will affect the roadway's scenic designation.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve relocating the Roscoe Road roadway within the existing right-of way in the vicinity of erosion, as depicted in the VHB site plan, dated 08/24/2012.

DISCUSSION:

Ms. Jimerson, Roscoe Road resident, said she supported the Scott Burbank proposal to move the road way and maintain its scenic designation. She was uncomfortable with moving 565' of the road versus a 300' portion of the road where it was more vulnerable to flooding. The proposal to put the road into her pasture was where she pastured and trained horses. Modifying and moving less of the road would be economically beneficial. She was concerned that blue spruce trees on her property would be removed and there was a tree located in a flat area that she would like to keep. It would mean adding a few curves to the roadway, which could be traffic calming regarding speeding through that stretch of road, said Ms. Jimerson.

Mr. Lewis, Jr, Charlotte Road Commissioner, said that the road wouldn't be going near the blue spruce trees. The road crew put in stakes near where Lorna talked about. There has been no decision on how far the fence would be from the edge of the right-of-way, or the length of roadway at this time, said Mr. Lewis.

Mr. Jimerson asked if the Burbank plan was a draft. He would like to have minimum impact on his land that is enrolled in Current Use. It doesn't make sense to move an excessive amount of roadway. It would be more expensive for the Town, said Mr. Jimerson. Mr. Russell said that the Burbank plan was a "permit plan", not for construction. The construction of the roadway would be left up to the Road Commissioner, said Mr. Russell.

Mr. Lewis said that Scott was trying to take out a sharper corner of the existing road. Regarding the pasture, the edge of the road would stay within 5' of the property line. Right now there is 8' - 10' of grass between the existing fence and roadway. That road doesn't get drifting snow so there would be no issues regarding snow plowing, said Mr. Lewis. Mr. Jimerson suggested minimizing how much of the right-of-way would go into the pasture, and balancing the preservation of the road, stream and his land in current use as much as possible. He was very interested in walking the area again, stated Mr. Jimerson.

Mr. Lewis said that in regard to land use and pasture use he would recommend that the fence be put back on the right-of-way edge, and ending the road shorter than longer.

Mr. Hamilton asked if the Jersey barrier curve was a dangerous curve.

Mr. Russell suggested amending the motion to remove the words "...as depicted in the VHB site plan dated 08/24/2012." and replace with the words "...as determined by the Charlotte Road Commissioner."

Mr. Lewis said that he would recommend another site visit to inspect where a fence should be, where the road starts at the top and where to end it. The Burbank map doesn't show that, said Mr. Lewis.

Mr. Harvey suggested that since the plan was designed by an engineer then the engineer should attend the site visit to make sure what was decided on was OK. Was the roadbed within the Town right-of-way, and not on private land, asked Mr. Harvey. Ms. Jimerson replied that it is a town right-of-way that we pay taxes on.

Mr. Stone said that he wanted to vote on the motion as written.

Mr. Hamilton suggested deferring a vote if the map was inadequate.

Mr. Stone asked how much money the town has spent on an engineer so far. Mr. Bloch replied \$2,000.

Mr. Russell called the question.

VOTE: 2 ayes, 3 nays (Mr. Stone, Mr. Delaney, Mr. Owen); motion failed.

MOTION by Mr. Stone, seconded by Mr. Owen, to declare that moving Roscoe Road didn't affect the scenic road designation.

DISCUSSION:

Ms. Illick asked for clarification of the process. Mr. Russell read Title 19, modifications to scenic road quality. Mr. Ladue noted that the wording was "may", not "must", undesignate a scenic road. Mr. Russell pointed out that it has been determined that they were not removing the scenic quality of the road.

Ms. Jimerson said that a public hearing was held earlier without much comment. Are we accepting a recommendation as per the Scott Burbank design, or are we talking about curves, moving the roadway and about a plan where to start and end the road modifications, asked Ms. Jimerson.

VOTE: 5 ayes; motion carried.

Mr. Lewis said that he was recommending that the Town pay to move the Jimerson's fence to the edge of the right-of-way.

A site visit to Roscoe Road was scheduled for 09/24/2012 at 5 p.m. to view the area and to determine the length of the roadway and where to install a fence.

PAYROLL ADMINISTRATION ISSUES – discussion only

Ms. Mead, Town Treasurer, and Carrie Kirvin, Paychex representative/consultant, explained a proposal to conduct an audit of Town processes, make recommendations of exposure areas and how to address compliance with state and federal reporting regulations. This would entail documentation of wages, exempt and non-exempt contracts, shared job issues, employee handbook consistency, tracking and managing hours worked, HR labor laws, and payroll tax laws.

Mr. Stone asked for clarification of a \$2,250 set up service fee and other fees. Ms. Kirvin explained levels of service.

Ms. Mead said that currently Charlotte had an average of 17-21 employees for payroll per week.

Mr. Ladue asked if Paychex worked in any Vermont towns now. Ms. Kirvin replied no.

Mr. Richardson suggested that the Town could save money and staff time by issuing pay checks every two weeks versus weekly. He questioned a Paychex proposal cost of \$16,000 per year, or \$304 per week for 20 employees.

Ms. Kirvin reiterated that the \$2,250 was a one time set up fee. The Town was given a discount and on-going discount. Having someone come in with a "to do list" and help implement that list was helpful for some towns. There would be no contract and the Town could scale back services after 6 months to just payroll, suggested Ms. Kirvin.

Mr. Delaney asked Ms. Mead how the Paychex proposal would benefit what she does. Ms. Mead replied that for example, the personnel policy hasn't been updated. When she was doing payroll and there were questions having a consistent policy would help. For example, the library calculated vacation pay differently from the how the Town Hall staffs pay was calculated. There were overtime issues - what pay rate to use. The more benefits staff received the more issues there were. Then the Town hired different classes of employees, such as seasonal, part time, full time, and more, said Ms. Mead.

Mr. Delaney asked if Paychex has had failures. Ms. Kirvin yes. Paychex tries to mitigate what they did to ensure success, said Ms. Kirvin.

Mr. Richardson asked how much time Ms. Mead spent doing payroll now. Ms. Mead replied a couple of hours.

Mr. Owen asked for clarification of services offered. Ms. Kirvin explained that Paychex would have a person on site to work with the client on an outline of goals of the service, identify exposure areas, and tweak hiring processes and formalizing it. The company could do set up, or take over payroll. A \$305 weekly fee quoted includes payroll. Service could start with a non-payroll perspective. The HR piece was a value added piece, said Ms. Kirvin.

Mr. Russell thanked Ms. Kirvin for her presentation.

LISTER INTERVIEW (MATT SEGAL; DEBRA BARONE, BETSY TEGATZ) – action item

The Selectboard interviewed Matt Segal for a Lister position.

The Selectboard interviewed Betsy Tegatz for a Lister position.

Mr. Stone noted that the Town had received an e-mail regarding concerns of conducting interviews in open session versus executive session. Mr. Stone, Mr. Owen, Mr. Ladue and Mr. Delaney spoke in favor of making decisions in Executive Session.

(NOTE: the Chair called a break from 8:18 p.m. to 8:21 p.m.)

MOTION by Mr. Owen, seconded by Mr. Ladue, to enter Executive Session for the purpose of discussing Lister interview matters.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Owen, seconded by Mr. Stone, to adjourn Executive Session.

VOTE: 5 ayes; motion carried.

No action was taken.

MOTION by Mr. Stone, seconded by Mr. Owen, to appoint Betsy Tegatz as a Lister to fill the vacant position until the next Town election.

VOTE: 5 ayes; motion carried.

GRANT APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM TO FUND (IN PART) THE CONSTRUCTION OF THE GREEN MOUNTAIN HABITAT FOR HUMANITY DWELLINGS ON SPEAR STREET (FORMERLY TRUDY'S GREENHOUSE) – discussion only

David Mullin, Green Mountain Habitat for Humanity representative, reviewed a Vermont Community Development Program grant application process to partially fund the proposed Albert's Way project. Concerns of the Town were addressed in an e-mail, said Mr. Mullin.

Mr. Delaney asked what could go wrong. Mr. Mullin said that the Habitat project could fold. The grant was a re-imbursement grant and we only get the money when we expend it first. Habitat would submit monthly invoices to the CCRPC, which would contact the Town, said Mr. Mullin.

Mr. Ladue asked if the Town was the applicant, and who was the grant recipient. Mr. Mullin replied that Habitat for Humanity would submit the grant application, and the Town would be the applicant. Mr. Bloch said that the Town would sign an agreement with Green Mountain Habitat for Humanity as a sub-recipient.

Mr. Ladue clarified that the Town applies for the grant with Green Mountain Habitat for Humanity and Green Mountain Habitat for Humanity would retain the contractor services, Green Mountain Habitat for Humanity pays for the services, an invoice submitted and the Town reimburses Green Mountain Habitat for Humanity. Is the grant federal money, and if so, are federal procurement processes followed, asked Mr. Ladue. Mr. Mullin replied yes. It was HUD money that flows through the state, said Mr. Mullin.

Mr. Ladue said that given correct payment documents then the Town only serves as a conduit. The financial risk may be small. He would like to review an agreement document, said Mr. Ladue.

Mr. Stone asked if there insurance that would protect the Town if the project folded. Mr. Mullin said he would find out.

Mr. Mullin said that Green Mountain Habitat for Humanity must submit a preliminary application within 6 weeks for a February application process.

Mr. Mullin said that he understood that there were funds available for the administrative side for time expended by the Town and CCRPC. Green Mountain Habitat for Humanity would interface with the CCRPC. He was asking the Town and CCRPC to tell him what was needed and it would be put in the grant application. It was a \$125-200,000 grant for a \$1 million project. Some of the Town concerns were related this project's impact to future grant opportunities for future projects, such as senior housing. Lisa replied no, not at all, this would be totally different, stated Mr. Mullin.

Mr. Owen asked if Green Mountain Habitat for Humanity could list what the Town was responsible for so a dollar amount could be determine for administration.

Mr. Brown, Affordable Housing Committee member, said that the committee reviewed the grant request and was going to recommend that the Selectboard decline. The committee was concerned that it was a \$1 million dollar project, which would impact future projects. He now heard the grant would be \$200,000. The Town has already granted \$30,000 for an affordable housing project. The committee was concerned with protecting the Town, and identifying who was paying for an insurance policy, explained Mr. Brown.

Mr. Ladue suggested a pay-for-service fee for administering the grant. This could be addressed in an agreement, said Mr. Ladue.

In response to a question, Mr. Mullin said it was safe to say there would be only one invoice per month.

Mr. Stone said that the Town has given Habitat for Humanity more help with affordable housing projects than any other town. He would like more information to address concerns, said Mr. Stone.

ROUTE 7 PEDESTRIAN CROSSING – action item

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request to the CCRPC to evaluate a pedestrian signal and crosswalk at the intersection with Ferry Road/Church Hill Road.

DISCUSSION:

Mr. Bloch reviewed that CCRPC staff complies a project list of 5-10 year Regional Plan and Town issues related to transportation. There was not a long list of projects. Charlotte has expressed potential interest in evaluating a pedestrian crossing on Route 7. There were a couple of options to explore – as a traffic/pedestrian study, or a request for a plan. The Town could retain an engineer through the CCRPC, said Mr. Bloch.

Mr. Richardson asked how many pedestrians or bikers crossed Route 7.

Ms. Cole asked if a Route 7 study could be requested in the VTrans Route 7 reconstruction project. Work that would be done that would impact the West Village could be tied in with that project, suggested Ms. Cole. Mr. Marshall explained that certain circumstances would have to be met. The state owns the Route 7 right-of-way and there were certain design standards to approve ordering a cross walk or signal light. Challenges were there were not enough pedestrians crossing Route 7 to warrant either items. Ferry Road has a posted speed limit and painted crosswalks can't be done. A question was does the proposed use warrant physical improvements. A state standard was 20 pedestrians crossing the road during peak hours. Does the Town have the funds to do the project, asked Mr. Marshall. Mr. Bloch replied no. Transportation Secretary Searles would consider a reduction to the 20 pedestrian per hour standard, reported Mr. Bloch.

Mr. Marshall suggested doing Greenbush Road/Ferry Road improvements as a better use of Town resources.

Mr. Stone asked Mr. Marshall if he would allow his children to cross Route 7 if a signal or crosswalk was in place. Mr. Marshall pointed out that Charlotte did not have any 'safe routes to school programs' in place. There were not enough pedestrians to justify the expenditure, stated Mr. Marshall.

There was brief discussion regarding the number of summer pedestrians that crossed Route 7 to the ice cream stand, levels of traffic flow delay at the traffic lights, estimated cost of a pedestrian signal light of \$30-50,000, and connecting the west and east sides of Route 7.

Ms. Cole pointed out that a Route 7 crossing was in the Town Plan.

VOTE: 5 ayes; motion carried.

TRACTOR PARADE COMMITTEE – action item

MOTION by Mr. Owen, seconded by Mr. Ladue, to appoint Debbie Christie, June Bean, Carrie Spear, Cindy Bradley, and Margaret Roddy to the Tractor Parade

Committee, to close Spear Street from 1:30 p.m. to 2:30 p.m. from the Nichols Farm to north of the Sheehan Green driveway, and to approve a date for the Tractor Parade on October 14, 2012, as an official Town event and Town insurance would cover the event.

DISCUSSION:

Mr. Russell expressed concern that candy not be thrown to spectators for safety reasons. Ms. Spear explained that participants were sent written notices and asked to hand out candy before the parade started. Last year stakes with ribbons were put in along the road way to keep people off the roadway. Politicians were asked to stay with the spectators.

VOTE: 5 ayes; motion carried.

CATHY WELLS, UNITY FARM, LLC – REQUEST TO LOCATE UTILITY POLE WITHIN TOWN HIGHWAY RIGHT-OF-WAY ON THE SOUTH SIDE OF HIGBEE ROAD – action item

Cathy Wells, property owner, handed out copies of a site plan drawing for a telephone pole on Higbee Road for Board review, and explained an option for boring under the roadway. She had discussed the issue with the Road Commissioner. There were water lines with the lines location unknown on her side of the road that went to a house on the west. She was asking that GMP put in a pole on her side of the road. That would mean removing a few poplar trees. GMP would be replacing the old poles anyway, said Ms. Wells.

Mr. Lewis said that he has not received a plan from GMP yet.

Mr. Russell suggested deferring action until the next Selectboard meeting. Ms. Wells stated that she was ready to install the electric lines now.

In response to a question regarding the number of trees that would be removed, Ms. Wells said that a 25' clearance was needed and two big poplar trees were where a telephone pole would go. Mr. Lewis said that the poplars had no great value. There was mostly underbrush where the water line was. An existing spring at the top of the hill was usually overflowing and there was water in the ditch most of the time, said Mr. Lewis.

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by Cathy Wells, Unity Farm, LLC, to locate a utility pole within the Town highway right-of-way on the south side of Higbee Road on condition that the Charlotte Tree Warden approved the cutting of tree, and to delegate Ed Stone to sign a petition from Green Mountain Power on behalf of the Town of Charlotte when received.

VOTE: 5 ayes; motion carried.

CHARLOTTE SOLAR

Mr. Russell reviewed a draft decision by the PSB. The Town had 10 days to submit comments regarding the decision, said Mr. Russell.

Mr. Ladue suggested not submitting additional comments, or spend money at this time.

A typo in the draft was pointed out, which would be submitted to the PSB by Town staff via a letter.

BRUSH-HOGGING ON THOMPSON'S POINT

Mr. Russell noted that the area has not been brush-hogged for several years.

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize Preston's to brush-hog fields on the north side of Thompson's Point west of the agricultural lease area (fields B and F) for \$500.

DISCUSSION:

Mr. Ladue questioned the price per acre for brush-hogging, and asked staff to see if the Town had a fair quote by Preston's.

VOTE: 5 ayes; motion carried.

DEER POINT ROAD – BOAT ACCESS, PARKING AND SIGNAGE – discussion only

Mr. Russell reviewed that one-half of the lot was owned by Cedar Island property owners. The Town met with the property owners to negotiate a clean up of cars and lease issues. The public could pull in to launch a boat and there would be parking for two cars for the Cedar Island people. No public parking signage would be put in down the hill. The lease needed to be amended, said Mr. Russell.

Mr. Ladue noted that Mr. Bennett had been at this meeting earlier, but had left. He would contact Mr. Bennett, said Mr. Ladue.

Mr. Russell asked staff to put the Deer Point Road boat access, parking and signage issue on a future agenda.

SELECTBOARD MEETING SCHEDULE

The Selectboard scheduled October 15, 2012 as the first meeting in October.

THOMPSON'S POINT LOT 55 (1/2) AT 406 FLAT ROCK ROAD

THOMPSON'S POINT LOT 56 (1/2) AT 384 FLAT ROCK ROAD

A motion made by Mr. Stone to approve a Thompson's Point lease for one-half of Lot 55 at 406 Flat Rock Road was tabled for further discussion.

Mr. Richardson asked if the wording to renew a lease reflected the new appraisal tax rates for Thompson's Point. Ms. Mead said that the lease expired on December, 2012. Renewing the lease would be effective on January, 2013. The lease payment rate was 90 times the tax rate, said Ms. Mead. Mr. Richardson asked if the Town was renewing the old lease, or creating a new one.

Mr. Ladue questioned the Town tax map related to the numbering system of the lots.

Mr. Russell suggested that a custom lease was needed to clarify lot location. Mr. Ladue said that the Town tax map showed Lot 45 cut in half, and suggested deferring action until the issues could be sorted out.

SELECTBOARD UPDATES

Mr. Ladue said that he was working on a Capital Project budget and would forward a state spreadsheet format for the town departments to review.

Mr. Owen reported that the Shelburne Police patrols were issuing speeding tickets on Mt Philo Road.

Mr. Stone asked the Selectboard members to select a date for the Volunteers Christmas party. A date of Sunday, December 9, 2012 was chosen.

APPROVE WARRANTS TO PAY BILLS

The Selectboard members signed bills and warrants.

ADJOURNMENT

MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary