

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
SEPTEMBER 12, 2016**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Jacob Spell, Matthew Krasnow (arrived 7:04 p.m.).

**ADMINISTRATION:** Dean Bloch, Town Administrator.

**OTHERS:** Gerald Bouchard, Charles Pughe, John Crabbe, Moe Harvey, Mary Mead, Valarie Biebuyck, Nina Cicchiari, Norman Ernsting, Kelly Kindestin, Mark McDermott, Kristen L'Esperance, John Frigoalt, Marie Mayer, Ann Kelton, Tom Cosinuke, Lynn Jaunich, Tom Nola, G L Harval, Jeff Martin, Stanley Lane, Susan Nostrand, Jason Hackerman, Matt Montgomery, Anthony Rodriguez, Carol Hinsdale, Adam Spell, Robert Mack, Clark Hinsdale III, John Snow, Jenny Cole, John Hammer, Charlotte News; and others.

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

**5:00 PM Site Visit: John Crabbe property, 5692 Ethan Allen Highway, west side of Route 7, just south of State Park Road intersection—park in front of barn**

**ITEMS TAKEN UP:**

6:00 PM Discussion with VLCT PACIF regarding Paul Arthaud's request for settlement

6:30 PM Senior Center addition—responsibility for payment of the contractor's construction bond (\$1,850)

6:35PM John Crabbe—request to place clay soil within designated Open Space Area

7:10 PM Selectboard updates:

- TDI New England—confirm interest in paying for research regarding towns' authority to tax infrastructure in Lake Champlain
- “Spiller Pays” Ordinance
- Letter to Joan Horsford
- Bridge 14
- Resignation of Lister; advertisement of vacancy
- Meeting with all town committees

7:20 PM Mark McDermott—CCS Board Chair—discussion of education costs & district consolidation

7:45 PM Mount Philo State Park—Consideration of restricting parking on nearby town roads

8:10 PM Salary Administration Policy—grievance procedure

8:30 PM Lane's Lane camps—connection to town wastewater system

8:45 PM Sullivan, Powers & Co.—three year cost agreement for municipal audit

8:50 PM Renew HVAC preventive maintenance agreements with Climate Systems, Inc. and Patterson Fuels for Town Hall, Library & Senior Center

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 6:01 p.m.

**DISCUSSION WITH VLCT PACIF REGARDING PAUL ARTHAUD'S REQUEST FOR SETTLEMENT**

Mr. Morrison reviewed a brief history of a previous Selectboard's 2014 decision to approve a request by Paul Arthaud to subdivide a Thompson's Point lease hold, Lots 127 and 128, which were a single lease hold. The Charlotte Land Regulations do not allow subdividing single lease hold Thompson's Point properties. The property owner sold Lot 127 to the Ernsting's and recently applied for a permit to rebuild an abandoned structure on Lot 128. A zoning permit was denied. The party is asking for reimbursement for what he could have received for rebuilding a structure and selling the lot. The amount requested is \$65,000 plus other expenses, said Mr. Morrison.

Kelly Kindestin, VLCT PACIF representative, stated that an investigation has been started to determine if coverage applies, or not. A non-waiver agreement reserves the right to investigate the issue. A claim could be denied, or not. There is some potential exposure to the Town regarding coverage, with one exclusion. The lease that the Town entered into could be considered a breach of contract, said Ms. Kindestin.

Ms. Biebuyck, abutting neighbor to Lot 128, said that the Town made a mistake. A decision was made that shouldn't have been made. The Town should make Mr. Arthaud "whole". The issue is different than a breach of contract. The existing structure on Lot 128 was allowed to fall into disrepair and then the lease was split into two lots, which resulted in a new lease contract the issuance of which was in error, said Ms. Biebuyck.

Mr. Morrison said the Town Attorney advised that it is an "abandoned" property, defined as "two years of no use or maintenance." Ms. Biebuyck asked if the Town Attorney had written a letter to that effect. Mr. Bloch replied no. The communication is documented in e-mails, clarified Mr. Bloch.

Mr. Harvey questioned if it is a legal issue. The 2014 Selectboard must have asked Stitzel and Paige for advice, said Mr. Harvey.

Ms. Mead pointed out that the Selectboard at the time only asked the Town Attorney questions on re-wording a lease going forward for lots being split. The Attorney said it was the first he had heard of this. In another matter, Stitzel, Paige and Fletcher were contacted in 2009 or 2010 regarding 4 lots on a single lease hold. The lots were split into two lots and two leases. A question is what the language in the regulations in 2009 was. If lots could be split in 2009, then she thinks it could be done again in 2014, said Ms. Mead.

Mr. Spell asked Mr. Bloch for a chronology of the 2014 issues. Mr. Bloch replied that after Ms. Mead talked to the Town Attorney there were no more communications. At the 2014 Selectboard meeting there was a full agenda and the Selectboard approved the request. It wasn't brought out as unusual at the time, said Mr. Bloch. Ms. Mead explained

that there were maps drawn and parking re-configured. There was a lot of communication with the Town Attorney, said Ms. Mead. Mr. Bloch said that it was to identify a parking area for the public to use at the boat launch.

Mr. Harvey asked for an explanation of the \$75,000 reimbursement that Mr. Arthaud's e-mail to Mr. Bloch was asking for. Mr. Morrison replied that Paul had a sales agreement between Paul and a contractor for Lot 128, and re-building a house on Lot 128.

Mr. Harvey asked if the Selectboard was basing reimbursing \$75,000 on the value of that lot. Mr. Morrison replied no. There is no documentation of any discussion from 2014. The Town is asking a third party to investigate the issues with our staff. No action will be taken to pay a claim, said Mr. Morrison.

Ms. Kindestin said she would get in touch with the parties soon and from there would look at coverage pending on what filters out.

Ms. Biebuyck reiterated that it is clear the Town made a mistake that harmed Paul Arthaud. It may have some bearing on who pays whom. Paul Arthaud feels he has been wronged. If he sues it would end in Superior Court. Paul Arthaud had used a real estate attorney and a real estate agent. He had out of pocket expenses. The Town should fix the mistake in as economical a way as possible, said Ms. Biebuyck.

Mr. Mack said that Steve Stitzel knows all the Town regulations regarding Thompson's Point. It is important to know what questions were posed to Stitzel and Paige. Paul Arthaud still owns Lot 128. He created the hardship. He should go back to his own attorney, said Mr. Mack.

Ms. Spear said that Paul Arthaud had out of pocket expenses. For example, surveys. The sale agreement of Lot 128 was contingent upon getting a building permit. Paul claims a loss on a "what if" sale. The Selectboard could pay for some of his out of pocket money, suggested Ms. Spear.

Mr. Morrison said the Ms. Kindestin will investigate the issues and get back to the Selectboard. The matter will be taken up on a future Selectboard agenda, said Mr. Morrison.

Mr. Morrison thanked Ms. Kindestin for her input.

**SENIOR CENTER ADDITION—RESPONSIBILITY FOR PAYMENT OF THE CONTRACTOR'S CONSTRUCTION BOND (\$1,850)**

Mr. Morrison briefly reviewed a \$1,850 bond for the Senior Center project. The Town would pay the bond, said Mr. Morrison.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to confirm that the Town of Charlotte will pay a Senior Center construction project bond of \$1,850.**

**DISCUSSION:**

**Mr. Spell asked if the project costs have increased due to delays in the project. Mr. Krasnow said that the price hasn't changed due to delays in the project.**

**VOTE: 5 ayes; motion carried.**

**JOHN CRABBE—REQUEST TO PLACE CLAY SOIL WITHIN DESIGNATED OPEN SPACE AREA**

Mr. Morrison noted that the Selectboard had conducted a site visit at the John Crabbe property located on Route 7 this date. The Selectboard saw the area and discussed items of significance included in the open space agreement. Conditions in the agreement between the parties state that the no fill could be deposited, the topography will not be modified, and the open space area would be left as is, said Mr. Morrison.

Mr. Hinsdale, former property owner and developer, explained that the open space agreement was a contract from 20-30 years ago. His and Kate Lampton's signatures are on that agreement. Mr. Hinsdale reviewed zoning in the PRD regulations in place when the 30-acre parcel was developed. Six development rights were allocated to two historic structures: a barn and house. The lots are accessed by a single shared driveway. The original barn well had more than enough water to serve all the lots. The shared driveway goes across one lot. The Crabbe lot is 22 acres and 17 of those acres in the back of the lot. The barn has two living units in it. The Open Space Agreement wasn't a donation to the Town; it was a Planning Commission condition for the subdivision application approval. This matter should go before the Planning Commission, stated Mr. Hinsdale.

Mr. Morrison reviewed that VTrans has detailed a fill proposal of concrete rubble, bituminous material, and heavy clay capped with top soil. There will be 50,000 cubic yards dumped on a 4 acre site. Proposed benefits for allowing a modification of the Open Space Agreement included level land for productive agricultural uses. This fill will add 8' height to the area to match surrounding topography, said Mr. Morrison.

Mr. Montgomery, Permit Specialist and Wetland Scientist for Vermont Compliance Monitoring, LLC, clarified that the footprint is 2 acres, not 4 acres. An ACT 250 permit has been approved for 12,000 cubic yards of waste earth, not 50,000 cubic yards. Bituminous material will be recovered that Pike Industries would purchase versus burying it, said Mr. Montgomery.

Following discussion regarding the number of trucks to move the fill material and alternative dump locations should the Selectboard opt not to amend the Open Space Agreement, Mr. Montgomery said that there is a place in Hinesburg. That would mean more trucks on the roads to haul the material to Hinesburg, said Mr. Montgomery. Mr. Rodriguez, contractor, said that it is a three year project with the state. He was looking to complete his contract in two years, stated Mr. Rodriguez.

Ms. Hinsdale, abutting neighbor to the Crabbe property, pointed to the location of her house on the site map, and said that the trucks and equipment using the shared driveway and going up to the barn is a nightmare. The noise starts at 7:00 a.m. and goes to 8:00 p.m. There are trucks, noise and dust on her driveway. She is not opposed to the Route 7

project. Her tenants are complaining. There is large machinery coming in and going out. For example, a large 'screener' is parked in back of the barn. There are a lot of tandem trucks coming in and out, said Ms. Hinsdale. Mr. Montgomery pointed out that the proposed activity has not started yet.

Ms. Hinsdale said that she video'd footage of the trucks, noise and dust today. Her driveway has been very dusty all the time. The contractor is renting office space from John Crabbe in the back of the barn as a staging area and a VTrans office, said Ms. Hinsdale.

Mr. Hinsdale said that it appears that no one has read the deeds. There are covenants included on the deeds. No noise loud enough to disturb anyone, there should be nothing visible by the other lot owners at the barn, and no town permit can be issued to do anything back there. He didn't know there is a field office back there, said Mr. Hinsdale. Mr. Montgomery said that the field office is located inside the barn. There are no field trailers on site, said Mr. Montgomery.

Mr. Hinsdale said that the Town should read the deeds and open space agreement.

Ms. Hinsdale set up the video on a laptop and played it for the Selectboard to review.

Ms. Spear asked when the state called the Town regarding a site office. Mr. Montgomery replied July 7<sup>th</sup> they started to move dirt. Mr. Bloch said that siting mobile office on the Crabbe lot was abandoned. He didn't hear anything after the resolution was to use the barn, said Mr. Bloch.

Mr. Morrison reviewed issues identified as follows:

- Amending open space agreements that is the purview of the Selectboard
- There is noise and other issues occurring
- Does the community want fill there, and if so, the open space agreement would need to be amended

Mr. Bloch said that there are two separate issues: truck traffic and staging noises, and the fill issue.

Mr. Morrison said the first question to VTrans is if there is a permit for a staging area, and a second question is the fill. What is the consensus of the neighbors there, asked Mr. Morrison.

Mr. Krasnow calculated that to move 12,000 cubic yards of material in 10 cubic yard truck loads that equals 1,000 truck loads. Mr. Montgomery said that is 8 percent of the waste material. Mr. Rodriguez stated that would be correct if he only needed to move the material to the Crabbe property. The further he needs to truck the material the more trucks he would need, said Mr. Rodriguez.

Mr. Montgomery suggested an alternate access to the site using the Palmer property to the north. Palmer's have a new driveway, and the old driveway goes away. Trucks could go down the tree line on Palmer's property and would come in from the back. That would keep the trucks away from Carol Hinsdale's house. Twelve of the area property owners out of 14 have said no to the fill. There have been concerns regarding archeological and wetland impacts. This is prime agricultural land and there is approval from the Army Corps of Engineers and VTrans. Concrete material would be rubble-ized and buried, capped with heavy clay to so there shouldn't be any leaching. Bituminous material will not be buried there. It will be milled and sold back to Pike Industries, said Mr. Montgomery.

Mr. Montgomery explained uses of silt fencing and erosion control. Erosion is low risk. The Palmer property has no open space agreement, pointed out Mr. Montgomery.

Mr. Tegatz stated that he would like this captured in paper form and not just a verbal discussion. He was not comfortable making a change to an agreement based on a discussion, said Mr. Tegatz.

Mr. Demick asked where the ACT 250 approval was.

Mr. Hinsdale said that VTrans could use the Palmer property with no open space agreement, or talk to the Fisher property next door. Then we wouldn't get into policy issues. There are half a dozen people in two different directions to Crabbe that understood that the open space would stay that way. There is a Planning and Zoning office here. He is a signatory of an agreement people are depending on, stated Mr. Hinsdale.

Mr. Crabbe said that there is open space now and it will still be open space after the fill work. There is a hole that could be filled in and made usable for agricultural land. It would be an inconvenience for 16 months, said Mr. Crabbe.

Mr. Krasnow asked Ms. Hinsdale if she would agree with an alternate route along the Palmer property tree line, Ms. Hinsdale replied yes.

Mr. Tegatz said this proposal is a violation of conditions of a deed. He would like to see contour maps, detailed information on the type and amount of fill, erosion control, silt fencing, and more, said Mr. Tegatz.

Mr. Hinsdale reiterated that there were deed covenants and the proposal is a violation of those covenants. The development right-of-way is for residential purposes only. The Palmer alternative would eliminate the one issue, said Mr. Hinsdale.

Mr. Pughe, Planning Commission member, said that concrete fill doesn't improve the agricultural value. VTrans is proposing 12,000 cubic yards of fill. There is a question on how much fill it is. The permit says 7,500 cubic yards of concrete, said Mr. Pughe. Mr.

Montgomery said that it is 7,500 cubic yards concrete on the permit. He thinks it would be less. A minimum of 5' of cover over the concrete is planned, said Mr. Montgomery.

Mr. Hinsdale said that some of the neighbors spoke at the site visit. Residents have suffered differing points of view between the Selectboard and Planning Commission. For example, the solar proposal. One governmental body recommended it, and the other opposed it. Another consideration is what the Planning Commission thinks about changes that the Selectboard makes in agreements approved and signed off on by the Planning Commission, and what the neighbors think, said Mr. Hinsdale. Mr. Tegatz said that any paperwork should go through the Planning Commission first and then come before the Selectboard.

Mr. Demick, abutting neighbor, said that he heard that permits were "in progress". The bituminous material part should be removed from the permits, stated Mr. Demick.

Mr. Montgomery explained that 5 soil samples have been sent to Cornell. Concrete was tested for hardness and failed. Bituminous material will not be in the fill. It is a valuable material and would be sold, said Mr. Montgomery.

Ms. Nostrand, an abutting neighbor to the Crabbe property, stated that she lived directly behind the red barn. Waste is stuff no one else wants. She is concerned on what would come down the hill and what goes into her well. She understood that the property and red barn view would remain as is forever, said Ms. Nostrand.

Mr. Demick said that no notices were sent to property owners. No one knew this would take place. This is thousands of cubic yards of material placed in your back yard. He has concerns about the concrete rubble, and chemical leaching, said Mr. Demick.

Mr. Martin said that he lives on Route 7. There are thousands of cars and trucks that travel that route every day. His concern is that testing might not pick up chemical pollution in the roadway left by cars and trucks in the road surface materials. There has been a lack of notice. He has read the report by the State of Vermont Department of Environmental Protection regarding long term effects and how the process is going. How do you know what's in the rubble material, asked Mr. Martin.

Mr. Rodriguez stated that notices were posted for 20 days in a public places as per regulations.

Mr. Montgomery said that pollutants are in the roadway's top 6" of surface would be milled, captured and re-used elsewhere. He is confident there will be no issue. The process is not without risk. This site meets those standards, said Mr. Montgomery.

Mr. Hinsdale stated that the residents in Charlotte are spoiled regarding the notification process. The Planning and Zoning offices go above and beyond to notify residents on what is occurring. We are used to getting a letter in the mail, which is at odds with the State of Vermont where you have to go to post office and read notices, said Mr. Hinsdale.

Mr. Morrison summarized that the following requests/steps:

- Test samples of concrete regarding contaminants
- Site Plan maps with existing contours and proposed finished contours
- Permits
- Palmer permission for using an alternate access
- Clarification of Zoning and Land Use Regulations related to the issues
- Planning Commission and Selectboard communication
- Schedule another hearing.

Mr. Demick said that his concern related to slopes and wetlands that are 100' away from the proposed dump site.

Mr. Bloch said that a Planning Commission meeting is warned for Thursday, September 15, 2016, at 7:00 p.m. the Selectboard could attend that meeting for further discussion, suggested Mr. Bloch.

Mr. Bouchard, Planning Commission member, said that he would like to read the original statement that has been revised.

Mr. Krasnow said that he would like to have the statement "no asphalt" verified.

#### **ADJUSTMENTS TO THE AGENDA**

None.

#### **PUBLIC COMMENT**

Mr. Hinsdale said that there are major policy issues related to "the greater public good". As someone who has appeared before the Planning, Zoning, and Selectboard for many years he has had applications returned and continue 90 days to correct minor issues. Tonight the Selectboard has had pressure put on the Board to fold and approve amendments to an open space agreement. It is disgusting. John Lacklin made it fashionable in South Burlington to start building a project without a permit and then be told to "come right in". That puts someone in violation to the head of the line. He has owned a lot of Charlotte property and have conserved at least one-third of the land. This proposal changed verbally tonight going from 5,000 truck loads to 12,000 are sea changing based on their comments. And in three days they are on the Planning Commission agenda, said Mr. Hinsdale. Mr. Tegatz said that is why he asked for something on paper.

Mr. Lane, resident, said that a 40' truck decided to take a detour around the Route 7 construction project and wrongly ended up on Lane's Lane. The truck couldn't turn around. This is a problem if more trucks do that, said Mr. Lane.

(Note: the minutes were reviewed at 9:35 p.m. Mr. Spell was not present at the meeting during review of the minutes.)

**MINUTES: August 22; August 25; August 30**

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve the Charlotte Selectboard minutes of August 22, 2016, as written, with edits:**

- **Page 2, line 88 – replace the word “Manager” with “Administrator”;**
- **Page 3, line 109 – delete “and Habitat for Humanity”; line 110 – delete “in Albert’s Way”; line 121 – rewrite as “...parties will not follow the Town policies, but will follow Charlotte Housing Trust policies.”**

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

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of August 25, 2016, as written.**

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

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of August 30, 2016, as written.**

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

(Mr. Spell returned and rejoined the Selectboard at 9:43 p.m.)

#### **SELECTBOARD UPDATES**

- **TDI New England—confirm interest in paying for research regarding towns’ authority to tax infrastructure in Lake Champlain**

Mr. Morrison reported that he, Mr. Spell, and Mr. Tegatz had attended an Addison County Regional Planning (ACRP) meeting regarding interest in joining a potential taxation investigation on a pro-rata basis with other towns. The TDI New England electrical cable would be in Lake Champlain off the shoreline. The Charlotte Selectboard had discussed authorizing up to \$5,000 in support to address taxation of TDI NE. It is unclear if the Selectboard approved the expenditure, said Mr. Morrison. Mr. Tegatz said he thought this was done at a June Selectboard meeting.

**MOTION by Mr. Tegatz, seconded by Mr. Spell, to confirm a not to exceed amount of \$5,000 and to participate in the proposal for legal services regarding the TDI NewEngland proposal.**

#### **DISCUSSION:**

**Mr. Spell noted that the Town has spent \$1,800 on legal fees already in an independent effort to research taxation prior to the ACRP proposal.**

**Ms. Spear said she was asked by a resident if Burlington got any money for a fiber optics project going from Burlington to New York State.**

**Mr. Spell said that fiber optic projects have been covered via federally funded recovery money.**

**VOTE: 5 ayes; motion carried.**

- **“Spiller Pays” Ordinance**

Mr. Tegatz reviewed a proposed ordinance that would allow the Town to recover insurance claims quicker for trucks that spill hazardous materials.

Mr. Mack asked if that would apply to agricultural equipment as well. Mr. Krasnow suggested having the Town Attorney look at that language.

Following further discussion regarding possible benefits of an ordinance; concerns agricultural spill, and VSA state statutes.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to send the Spillers Pay Ordinance (Hinesburg) to the Town Attorney for review and comments, and adapt language for the Town of Charlotte.**

**VOTE: 5 ayes; motion carried.**

- Letter to Joan Horsford

Mr. Bloch reviewed that Joan Horsford has asked to have increased septic capacity for her Thompson's Point lots. Mary Mead has explained to Ms. Horsford that no additional connections are permitted for Lots 152 and 153 several times. There is no septic capacity available, said Mr. Bloch.

**MOTION by Mr. Tegatz ,seconded by Ms. Spear, to approve a draft letter written by Town Administrator, dated 09/17/2016, to Joan Horsford, and to authorize the Charlotte Selectboard Chair to sign the letter on behalf of the Town of Charlotte, to deny additional septic connections to lots 152 and 153.**

**VOTE: 5 ayes; motion carried.**

- Bridge 14

Mr. Tegatz reported that the Spear Street Bridge, Bridge 14, repairs are completed.

- Resignation of Lister; advertisement of vacancy

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to authorize the Town Administrator to release an advertisement regarding a Lister vacancy, for a term ending at the 2017 March Town Meeting, and starting October 3, 2016.**

**DISCUSSION:**

Mr. Morrison suggested a term to start on September 26<sup>th</sup> as an overlap of one week with Betsi Olive. Mr. Harvey said that he would volunteer to assist a new appointee. Mr. Tegatz said that he would support an October 3<sup>rd</sup> start.

**VOTE: 5 ayes; motion carried.**

- Meeting with all town committees

Mr. Morrison said that all Town committees/commissions are invited to meet with the Selectboard on Monday, September 19, 2016, at 6:30 p.m. It is an open meeting with an agenda as follows: Introductions, Open Meeting Laws discussion; Budget process and what the Selectboard expects.

**MARK MCDERMOTT—CCS BOARD CHAIR—DISCUSSION OF EDUCATION COSTS & DISTRICT CONSOLIDATION**

Mark McDermott, Charlotte Central School Board Chair, explained that there is no connection between the town-wide reappraisal last year, money received from the state, the school budget approved at the 2015 March Town Meeting, and school consolidation. Mr. Bloch said the question is the tax rate, not the value.

Mr. McDermott explained that the school budget this year is fixed. Going forward is a consolidated budget for the next fiscal year. It has not happened yet, stressed Mr. McDermott.

Ms. Mead asked why the state Educational tax rate increased by 10 cents this year. Mr. McDermott replied that it is not a school tax increase. Last year's driver was a lower artificial educational fund by the state, said Mr. McDermott.

Mr. Melbourne said that is an explanation, but no justification for increases. The Town was led to believe a reduction would happen with the school consolidation, said Mr. Melbourne. Mr. McDermott replied that the school budget was reduced by hundreds of dollars. Montpelier is driving the costs. Consolidation hasn't happened yet; that is next year, reiterated Mr. McDermott.

Mr. Nola, resident, asked for clarification of the next school budget year. Mr. McDermott replied it is July 1, 2017.

Mr. Nola said that he understood the consolidation reduction would stay in place for several years. Mr. McDermott replied yes; for 5 years. The next reduction would happen in year 2022. Charlotte per pupil costs will drop. CCS is a small school. What the cost will be can't be predicted, said Mr. McDermott.

Mr. Nola said that he can project what he will earn next year and what his costs will be. That is how he manages his own budget. The state doesn't tell us what the numbers are. He is concerned what his taxes will be. Why can't the school ask what the taxes will be, asked Mr. Nola. Mr. McDermott replied that the state does this every year and the state has been wrong. In general, our taxes will be lower with the consolidation. There are 11 other districts that will consolidate schools, said Mr. McDermott.

Ms. Jaunich explained that we pay very close attention to the Common Level of Assessment (CLA), which plays a large part. We estimated that the CLA would be at 102 percent. It came in at 98.5 percent. An increase in state wide school spending impacts the educational property tax. Her question is when reappraisals are done how do you get to 100 percent, and how do you get to 102 percent CLA, asked Ms. Jaunich. Mr. Harvey said that the state takes the last three years of home sales and averages that to come up with a CLA. In Charlotte home sales sell for less than what they are assessed at, said Mr. Harvey.

Ms. Jaunich asked Mr. McDermott what will happen with the CLA with 5 consolidated districts. Will there be individual CLA's, or consolidated, asked Ms. Jaunich. Mr. McDermott said currently towns have individual CLA's. Going forward it may be consolidated CLA's. He didn't know what it'll look like. The CCS School Board has slashed the school budget to save money. The effect of the reappraisal was unforeseeable. Charlotte provides an excellent education. The Selectboard should invite the Department of State Education here, suggested Mr. McDermott.

#### **MOUNT PHILO STATE PARK—CONSIDERATION OF RESTRICTING PARKING ON NEARBY TOWN ROADS**

Marie Mayer, Vermont Department of Forests, Parks, and Recreation Manager, explained that the Mt Philo State Park use has expanded. The parking lot was full people parked out on Mt Philo Road and State Park Road. In addition, there are issues with increased traffic from the Route 7 construction project and street parking creates unsafe conditions. She is asking the Town to place 'no parking' signage on Mt Philo Road, said Ms. Mayer.

Mr. Morrison said that on street parking enforcement is an issue, and suggested that the Park work on permitting temporary parking on the State Park grass area as an interim solution.

Ms. Mayer said that the Park is working on long-range management planning. Carrying capacity has been discussed for water, trail use. A question is if the Park can support more people if a new parking lot is built, said Ms. Mayer.

Mr. Bloch asked if the Park attendant could suggest that people use other Charlotte recreational areas if the parking lot is full. Ms. Mayer said that she has had discussions with Bill Fraser-Harris, the Charlotte Recreational Commission Chair, regarding information for other recreational opportunities in the area. The Park strives to give customer service, said Ms. Mayer.

Mr. Krasnow suggested contacting the Trails Committee as well.

#### **SALARY ADMINISTRATION POLICY—GRIEVANCE PROCEDURE**

Mr. Krasnow read a proposed amendment to the Salary Administration Policy related to a grievance procedure related to a pay grade adjustment and the budget cycle. The amendment is an attempt to have two Selectboard's look at a change the before change goes into a new budget. One Selectboard would consider a change during the November budget discussions. A new Selectboard may be elected during the March Town Meeting, and that new Selectboard would have the opportunity to review the budget change after March Town Meeting. If a change passes those two reviews then the increase in pay will be included in the next budget cycle. In addition, the voters would review the proposed Town budget at Town Meeting and if the voters want too they can vote in a pay increase and approve it, explained Mr. Krasnow.

Ms. Mead pointed out that with this system it would take any increase two budget cycles before that change could take effect. This Selectboard creates a budget and can re-grade a

position, and this Board votes and adopts the total points given in a Palmer Analysis review. There is the Charter so the Town voters wouldn't vote to approve a budget until 20 days following March Town Meeting. This is a convoluted mess, stated Ms. Mead.

Mr. Krasnow explained that the job grading system is in place and is fairly evaluated. This amendment is for when there is a grievance so no Selectboard in the future can be unfairly biased. There is flexibility built in; it could take one month, 2 months, or two years, said Mr. Krasnow.

Mr. Tegatz asked if there is a method to distinguish between changing jobs. Mr. Morrison replied yes; there is a policy system for job changes.

Mr. Mack said that the Board is elected to make these decisions. To drag it out for two years is discussion to have the Town Meeting floor. The Selectboard could adopt a pay increase in 30 days, said Mr. Mack.

Mr. Krasnow said that the Selectboard has received feed back from the two grievances heard. There is a bias and the Board is working on a mechanism to have two Selectboards to look at proposed pay increases that filters out the bias, said Mr. Krasnow. Mr. Spell expressed concern that the amendment is binding a new Selectboard to something done by a previous Selectboard. It should be looked at further. It appears that we have over-legislated the SAP, said Mr. Spell.

#### **LANE'S LANE CAMPS—CONNECTION TO TOWN WASTEWATER SYSTEM**

Mr. Bloch reviewed the Thompson's Point Wastewater Permit and the wastewater plan that includes Lane's Lane. There are three camps remaining unconnected to the Town system. The engineer and system operator said that the camps could have a switch box for the summer and use their own septic for winter until the properties were sold. A question is if camp owners are interested, said Mr. Bloch.

Mr. Lane said that his camp is for sale now. He has not lived there year round for the last 9 years, said Mr. Lane.

Ms. L'Esperance, representing her family's Lane's Lane property, said that according to her lease the family is not responsible for incurring the cost of the system. Her camp has a new private system. The family wanted to know what the \$4,500 in property taxes paid for, and what is the motivation to switch to the Town septic system, reported Ms. L'Esperance. Mr. Bloch replied that at some point the lease will expire. Connecting to the Town system can let the private system rest while on the Town system in the summer is one benefit, said Mr. Bloch.

Ms. L'Esperance asked if her private system could be fixed if it failed. Mr. Tegatz replied that the state allows an engineered "best fix" system. Mr. Bloch said that a \$12,000 connection fee per lot is better then paying for a new system.

Ms. L'Esperance said that most of the Thompson's Point camps are not located on good septic soils. She has septic soils and her system is grandfathered in. If it is shown that her system is contributing to pollution of lake that is one thing. Her existing system is working fine, said Ms. L'Esperance.

Mr. Spell asked for clarification on the two bids received.

*NEXT STEPS:*

- Go out to bid
- Notify camp owners.

**SULLIVAN, POWERS & CO.—THREE YEAR COST AGREEMENT FOR MUNICIPAL AUDIT**

Mr. Morrison noted that the Town Treasurer supported renewal of the Sullivan, Powers and Company contract.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve renewal of a three year cost agreement for Municipal audits by Sullivan, Powers and Company, subject to a yearly approval for the term of FY June 1, 2017-2019.**

**VOTE: 5 ayes; motion carried.**

**RENEW HVAC PREVENTIVE MAINTENANCE AGREEMENTS WITH CLIMATE SYSTEMS, INC. AND PATTERSON FUELS FOR TOWN HALL, LIBRARY & SENIOR CENTER**

Mr. Bloch reviewed that the current maintenance contracts with Climate Systems, Inc, and Patterson Fuels will expire at the end of October.

Mr. Mack stated that the Town has a Purchasing Policy and the contracts should go out to bid.

**MOTION by Mr. Tegatz, seconded by Mr. Spell, to renew the HVAC Preventive Maintenance Agreement with Climate Systems, Inc, for the Town Hall, Library and Senior Center for one year for \$2,168.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a Preventive Maintenance agreement with Patterson Fuels for the Town Hall, Library and Senior Center ending October 31, 2016, and to authorize the Charlotte Selectboard Chair to sign the agreement on behalf of the Town of Charlotte.**

**VOTE: 5 ayes; motion carried.**

**APPROVE WARRANTS TO PAY BILLS**

The Selectboard reviewed and signed warrants to pay bills.

**OTHER BUSINESS**

Ms. Cole reported that boards on the south side of the Thorp Barn have come off. Ward Preston had repaired the barn previously. The Selectboard needs to approve the expenditure, said Ms. Cole.

Mr. Morrison asked Ms. Cole to get a repair estimate.

**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.