

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
SEPTEMBER 23, 2013**

**APPROVED**

**SELECTBOARD MEMBERS:** Charles Russell, Chair; Ellie Russell, John Owen, Lane Morrison, Winslow Ladue.

**ADMINISTRATION:** Dean Bloch, Selectboard Assistant.

**OTHERS:** Jenny Cole, Stephen Brooks, Matt LaBerge, Rene Kaczka-Valliere, Shirley Bruce, Hugh Lewis Jr, Karina Dailey, Ed Cafferty, Paul Landler, Stephanie Hasse, Carrie Spear, Bruce Hasse, Betsy Tegatz, Sharron Balaban, Nancy Wood, Robert Mack, Chris Preston, Charlotte Citizen; Brett Sigurdson, Charlotte News; and others.

**ITEMS TAKEN UP:**

- **4:00 p.m. Employee Health Insurance – town’s contribution – discussion only**
- **6:00 p.m. Site Visit 478 Guinea Road for a Highway Access Permit application submitted by Thomas Hergenrother**
- **6:15 p.m. Site Visit 3069 Mt Philo Road for a Highway Access Permit application submitted by Charles and Martha Moseley**
- **6:45 p.m. Site Visit 279 Ferry Road for a Highway Access Permit application submitted by Rene and Jeanne Kaczka-Valliere**
- **Charles and Martha Moseley – application for a Highway Access Permit for a new driveway to serve a proposed dwelling on an existing lot – action item**
- **Rene and Jeanne Kaczka-Valliere - application for a Highway Access Permit for a new driveway to serve a proposed dwelling on an existing lot – action item**
- **Thomas Hergenrother - application for a Highway Access Permit for a new driveway to be shared by two proposed dwellings on two proposed lots – action item**
- **Chittenden Unit for Special Investigations – explanation of services – discussion only**
- **Paul Landler – interview for Planning Commission to complete Jim Donovan’s term – action item**
- **Spear Street – presentation of traffic data and recommendations from Chittenden County Regional Planning Commission – discussion only**
- **Heart of Vermont Productions request to use Spear Street and Hinesburg Road for bicycle ride fundraiser event on October 6 – action item**
- **Town Green Monument Committee discussion of drainage issues – discussion only**
- **Board of Liters’ request to increase approved hours for the Board Chair to 22 hours/week – action item**
- **Employee Health Insurance – approve employee’s options and town contribution – action item**

- **Trails Committee application to the Vermont Recreational Trails Grant Program for completion of the Co-housing section of the Town Link Trail – action item**
- **CVFRS agreement regarding Patient Billing Revenue- action item**
- **CVFRS MOA – distribution of most recent draft – discussion only**
- **Appeal of Findings of Property Tax Hearing Officer regarding Richard and Teresa Pete vs. Town of Charlotte – discussion only**
- **Town Planner/Zoning Administrator – action item**

**4:00 p.m. Employee Health Insurance – town’s contribution – discussion only**

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#### **CALL TO ORDER**

Mr. Russell, Selectboard Chair, called the meeting to order at 7:01 p.m.

#### **ADJUSTMENTS TO AGENDA**

None.

#### **PUBLIC COMMENT**

Ms. Cole asked for clarification regarding the letter from the Town Auditors. Would there be further discussion, and what were the actions/responsibilities of elected Town auditors, asked Ms. Cole. Mr. Russell said that the auditor’s letter had expressed their interest in pursuing further discussion.

#### **MINUTES**

**MOTION by Ms. Russell, seconded by Mr. Morrison, to approve the Selectboard minutes of September 9, 2013, as written, with edits.**

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

#### **CHARLES AND MARTHA MOSELEY – APPLICATION FOR A HIGHWAY ACCESS PERMIT FOR A NEW DRIVEWAY TO SERVE A PROPOSED DWELLING ON AN EXISTING LOT – action item**

Matt LaBerge, contractor, appeared on behalf of the application.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a request by Charles and Martha Moseley for Highway Access Permit, HAP13-08, at 3069 Mt Philo Road, for a new driveway to serve a proposed dwelling on an existing lot, with the following conditions:**

- As per Town Highway standards and the Charlotte Road Commissioner's recommendation that the driveway have a 3 percent grade 30' away from the edge of Mt Philo Road.

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

**RENE AND JEANNE KACZKA-VALLIERE - APPLICATION FOR A HIGHWAY ACCESS PERMIT FOR A NEW DRIVEWAY TO SERVE A PROPOSED DWELLING ON AN EXISTING LOT – action item**

Rene Kaczka-Valliere, owner, appeared on behalf of the application.

**MOTION** by Mr. Ladue, seconded by Ms. Russell, to approve a request by Rene and Jeanne Kaczka-Valliere for a Highway Access Permit, HAP 13-09, 279 Ferry Road, for a new driveway to serve a proposed dwelling on an existing lot.

**DISCUSSION:**

Mr. Ladue noted that a culvert was not required.

Ms. Bruce, neighbor, asked that the water be diverted past her land. Mr. Lewis explained that there was no place for the water to go. Currently, the road was higher than the surrounding land, said Mr. Lewis.

Mr. Lewis reviewed locations of an underground culvert by Greenbush Road and catch basins. Mr. Russell asked if an additional catch basin was possible. Mr. Lewis replied there could be one in place of a culvert. The driveway was at the edge where the blacktop stopped and a ditch couldn't go uphill where the driveway was, said Mr. Lewis.

In response to questions, Mr. Lewis said that a culvert put in by the blacksmith shop wouldn't help since the driveway there was higher than the road.

**AMENDMENT** by Mr. Ladue, seconded by Ms. Russell to approve the above motion with the addition of a catch basin as per the Road Commissioner's design.

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

**THOMAS HERGENROTHER - APPLICATION FOR A HIGHWAY ACCESS PERMIT FOR A NEW DRIVEWAY TO BE SHARED BY TWO PROPOSED DWELLINGS ON TWO PROPOSED LOTS – action item**

**MOTION** Mr. Ladue, seconded by Mr. Owen, to approve a request by Thomas Hergenrother for a Highway Access Permit, HAP 13-10, 478 Guinea Road, for a new driveway to be shared by 2 proposed dwellings on 2 proposed lots, with a 15" X 30' long culvert, for sight distances for roads posted at 45 mph.

**DISCUSSION:**

Ms. Dailey said that the plans called for an 18" culvert. Mr. Lewis said he didn't believe there was enough depth to bury the culvert 3' deep. Ms. Dailey said that that they could put in a 15" culvert.

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

**CHITTENDEN UNIT FOR SPECIAL INVESTIGATIONS – EXPLANATION OF SERVICES – discussion only**

Christine Bickford, Director of Child Advocacy Center for the Chittenden Unit for Special Investigations (CUSI), reviewed services related to child abuse and fatalities, a multi-discipline team approach, a \$1 million +/- budget that included in-kind donations from police services, operating costs of \$72,000 funded through Chittenden County town donations and 38 percent from other sources.

Ms. Bickford thanked the Town of Charlotte for a FY 2014 \$3,000 contribution. The unit was drafting a FY2015 budget currently, said Ms. Bickford.

Mr. Russell asked if the center would request state taxing authority, or a mandatory town contribution. Ms. Baker explained that the center pursues grants and are subsidized by town funding.

Mr. Cafferty asked what the requested funding level was. Mr. Russell replied \$5,064. The overall Chittenden County towns' portion was \$70,626. There was an \$8,000 deficit over all the towns, said Mr. Russell. Ms. Bickford noted that \$2,300 of the deficit was from the Town of Charlotte.

Mr. Cafferty asked how many cases were from Charlotte. Ms. Bickford replied that there were two cases last year and three cases this year.

There was discussion regarding case data related to the number that occurred in each individual town and how the budget was forecasted based on the number of cases. Ms. Bickford said that a three year average was used to forecast town budget.

Mr. Brooks suggested that the Charlotte Selectboard use the \$5,000 to contract with a consultant to task community volunteers to canvas for town contributions that might result in a much higher amount.

**PAUL LANDLER – INTERVIEW FOR PLANNING COMMISSION TO COMPLETE JIM DONOVAN'S TERM – action item**

The Selectboard interviewed Paul Lander for a seat on the Planning Commission.

**MOTION by Mr. Ladue, seconded by Ms. Russell, to appoint Paul Lander to the Planning Commission to complete Jim Donovan's term ending April 2014.**

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

**SPEAR STREET – PRESENTATION OF TRAFFIC DATA AND RECOMMENDATIONS FROM CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION – discussion only**

Jason Charest and Sai Sarapelli, Chittenden County Regional Planning Commission representatives, narrated a power point presentation regarding Automatic Traffic Recorder (ATR) counts, field observations, reported crash data, traffic and engineering study requirements, town traffic ordinances to back enforcement for a 'ticket-able

offence', roadway characteristics, and speed limit recommendations for Spear and Hinesburg roads.

Mr. Charest reviewed that Charlotte roads not covered by the Charlotte ordinances would default to state statute speed limits of 50 mph for paved roads and 35 mph for unpaved/gravel. Crash data didn't included crashes unreported to VTrans. The ATR counts showed that 15 percent of car drivers went over 56 mph, said Mr. Charest.

Mr. Sarapelli said that it was recommended that the speed limit be reduced from 50 mph to 45 mph on Spear Street from the Shelburne town line to Prindle Road.

Mr. Ladue asked what the likelihood of traffic violations standing up in court if the Selectboard adopted a limit of 40 mph versus 45 mph. Mr. Charest replied that it would depend on if someone pointed out that the posted speed limit was not based on a traffic engineering study. An engineering study that the Town had done didn't recommend a 40 mph limit. The Town should discuss the question with a lawyer, suggested Mr. Charest.

Mr. Owen expressed concern that 45 mph in the East Village area was much too fast. Mr. Charest said that motorists already disregarded 35 mph signs that were south of the intersection. He was not saying that it was OK. Speeds close to an intersection were dictated by the intersection itself, said Mr. Charest.

Mr. Hasse asked if there were sufficient warning signs at that intersection. Mr. Charest replied that there was a "stop sign ahead" sign south of Jackson Hill Road.

Mr. Lewis briefly explained road signage installed following a High Risk Road program assessment.

In response to questions regarding a change of speed limits from 35 mph to 45 mph at the Shelburne/Charlotte town line on Spear Street, Mr. Charest explained that the Shelburne portion of Spear Street was a heavy enforced roadway.

Mr. Russell said that enforcement of the Charlotte side of Spear Street was a topic for a future discussion by the Community Safety Committee.

There was further discussion regarding factors considered to base a recommendation of 45 mph from 50 mph that included curves, hills, lack of shoulders and mailboxes close to the roadway. Mr. Russell asked if it would take more crash data on Spear Street to make a recommendation for 40 mph. Mr. Charest replied that the data showed that 85 percent of the population was driving at or below the speeds discussed.

In response to a question regarding lowering the speed limit to 30 mph on Spear Street south of Hinesburg Road, Mr. Russell explained that the Town could pass an ordinance and it would take five years before it was enforceable. The traffic study recommended 45 mph and the Town can't lower it more than that, said Mr. Russell.

Mr. Cafferty expressed concern that there was no traffic enforcement in that part of Town and limited police services by Shelburne Police and State Police in the rest of Town. People have gotten in the habit of driving as fast as they want, which skews the data, said Mr. Cafferty.

Mr. Russell asked if traffic calming measures would slow people down. Mr. Sarapelli explained that lower speeds could be achieved with traffic calming measures, such as narrow roadways, or nine foot travel lanes. Mr. Charest said that a low cost measure was an edge line, and high costs were curbs and sidewalks. They could return and do a 'traffic calming 101' session, said Mr. Charest.

Mr. Russell said that traffic calming, or lower speed limits would be discussed further at a future time.

**HEART OF VERMONT PRODUCTIONS REQUEST TO USE SPEAR STREET AND HINESBURG ROAD FOR BICYCLE RIDE FUNDRAISER EVENT ON OCTOBER 6 – action item**

**MOTION** by Mr. Ladue, seconded by Mr. Owen, to approve a request by Heart of Vermont Productions to use Spear Street and Hinesburg Road for a bicycle fundraiser event on Sunday, October 6, 2013, from the hours of 9:10 a.m. to 9:40 a.m.

**DISCUSSION:**

Robert O'Neil, Heart of Vermont Productions representative, explained that the ride would occur on Sunday, October 6<sup>th</sup> and the 75-100 participants would ride through Charlotte from 9:10 a.m. to 9:40 a.m. Traffic control would be provided, and all the turns were right hand turns. The organization has raised over \$100,000 for charities over 10 years. The event provides insurance, said Mr. O'Neil.

Mr. Ladue explained that the Recreation Commission has a policy of asking for-profit organizations for a donation to the Town. Mr. O'Neil said that the organization gives donations to charities, which was for the Hinesburg's Parent-Teacher Cooperative this year.

Mr. Owen asked if this was the same route as in previous years. Mr. O'Neil replied yes. There would be no water stations in Town and any requirements would be stationed in Hinesburg.

Mr. Russell said that the Recreation Commission has a policy of asking for a per person donation. Mr. O'Neil briefly reviewed fees of \$35 per person or \$45 for a team of two. This was a small event usually held in June. It was switched this year due to all the construction going on, said Mr. O'Neil.

**AMENDMENT** by Mr. Ladue, seconded by Mr. Owen, to approve the request contingent upon approval by the Charlotte Recreation Commission.

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

**TOWN GREEN MONUMENT COMMITTEE DISCUSSION OF DRAINAGE ISSUES – discussion only**

Mr. Russell explained drainage issues at the Town Green, such as cleaning out the ditch.

Ms. Cole, Town Green Monument Committee member, said that the committee has met several times this month and met with Jeff Hulmes, Hulmes Memorials. It was difficult to do anything on the green due to the wet conditions and underground tanks. The improvement on the north side of the Town Hall wouldn't happen until next summer. There were drainage issues around the Town Hall as well. Further planning was needed for the improvements to the green. A question was if there was funding available to do a study, said Ms. Cole. Mr. Russell said that one report had suggested a survey and check for elevations regarding slopes.

Mr. Ladue and Mr. Morrison would work on researching the installation of the septic tanks and do an elevation survey. Mr. Ladue said his initial thought was to put a foundation in for the monument in the fall of 'some' year, and then install the monument when the ground was frozen.

Ms. Smith noted that water comes from as far away as the Old Brick Store. There was a drainage ditch that looked to go south when it actually went north. There may need to be some drainage work done behind the post office, which may require someone with engineering experience, suggested Ms. Smith.

Mr. Owen suggested that a cost should be explored.

**BOARD OF LISTERS' REQUEST TO INCREASE APPROVED HOURS FOR THE BOARD CHAIR TO 22 HOURS/WEEK – action item**

**MOTION by Ms. Russell, seconded by Mr. Morrison, to approve a Board of Listers' request to increase the approved hours for the Board Chair from 16 hours to 20 hours/week.**

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

**EMPLOYEE HEALTH INSURANCE – APPROVE EMPLOYEE'S OPTIONS AND TOWN CONTRIBUTION – action item**

Mr. Russell suggested delaying action for a week in order to consult with a VermontHealthConnect Navigator.

Mr. Ladue asked if the key question was to identify a new plan similar to the current plan and use that new plan as a basis for calculating the Town's contribution. Mr. Morrison said that the employees want to hear how a Navigator answers that question for us. They are the ones that will be reimbursed based on the benchmark selected, said Mr. Morrison.

There was further discussion regarding the Vermont League of Cities and Towns (VLCT) health care plans; VermontHealthConnect, which would provide a personal navigator (Ms. Balaban noted that the personal navigators were still under training.); BC/BS plans;

and a question of standard versus non-standard plans. Mr. Russell said the Selectboard would decide which was the most similar to the current plan.

Ms. Balaban asked if an employee could opt out of Town provided health insurance in order to qualify for a federal subsidy.

No action was taken to allow for further consideration of a comparable plan, how to prorate part time employee hours, and comparing current costs for existing employees versus a new plan at the next Selectboard meeting.

**TRAILS COMMITTEE APPLICATION TO THE VERMONT RECREATIONAL TRAILS GRANT PROGRAM FOR COMPLETION OF THE CO-HOUSING SECTION OF THE TOWN LINK TRAIL – action item**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a Trails Committee application to the Vermont Recreational Trails Grant program for completion of the Co-housing section of the Town Link Trail utilizing \$9,000 from the Trails Reserve fund as a match.**

**DISCUSSION:**

Mr. Russell asked if the \$9,000 was all Town tax money. Mr. Bloch explained that the \$9,000 was. The Trails Committee had asked for \$4,000 for a match a few months ago for a \$20,000 grant. After that action a cost estimate of \$48,000 was received for the remaining Co-housing section from the bridge to Route 7. The \$4,000 that was approved by the Selectboard was a previous allocation to the Trails Reserve fund and the additional \$5,000 they were asking for now was what was in the budget and would be deposited into the Trail fund in November, said Mr. Bloch.

Mr. Ladue clarified that there were two actions; one was to deposit the \$5,000, and the second one was to allow spending \$9,000 as a match. Mr. Russell said that the \$4,000 was already available and the \$5,000 would be deposited in the fund. No action was necessary for the deposit, said Mr. Russell.

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

**CVFRS AGREEMENT REGARDING PATIENT BILLING REVENUE- action item**

Mr. Russell reviewed a proposed agreement between the Town and CVFRS regarding Patient Billing revenue and that Ms. Wood pointed out that the existing agreement mentioned Newport Ambulance.

Ms. Russell noted changes/edits to the agreement that removed the words that Newport Ambulance was the billing agency.

**MOTION by Ms. Russell, seconded by Mr. Owen, to approve an agreement between the Town of Charlotte and CVFRS, Inc., regarding the deposit of patient billing revenue and associated adjustments of the Town supported CVFRS operating expenses with the amendments whereby Newport Ambulance Service, Inc was specifically removed.**

**DISCUSSION:**

**Mr. Morrison asked if David McNally agreed in principal with the proposal. Ms. Russell replied yes. They reviewed it at their last meeting, said Ms. Russell.**

**Mr. Brooks asked if the agreement had been reviewed by the Town Attorney. Mr. Bloch replied yes. Mr. Brooks said that the voters had approved a budget for CVFRS. Mr. Russell clarified that the Selectboard managed that budget. The agreement was drafted and reviewed by the Town Attorney, said Mr. Russell.**  
**VOTE: 5 ayes; motion carried.**

**CVFRS MOA – DISTRIBUTION OF MOST RECENT DRAFT – discussion only**

Mr. Russell briefly reviewed a draft Town of Charlotte/CVFRS MOA and noted that Ms. Wood was helpful in constructive criticism of the draft. Concerns included a cap for a surplus or deficit, and what the deficit was, said Mr. Russell.

Ms. Russell reviewed Fire and Rescue comments. In the last Whereas, delete the “to whom they each owe fiduciary and obligations”. John Snow had pointed out in case of an emergency their obligation was to provide services. He didn’t want any conflict in that regard. As far as the Town’s fiduciary responsibility that was covered in the next to last Whereas. It says that “...the Selectboard has the authority to manage and distribute monies authorized by the voters in support of CVFRS and a fiduciary responsibility to ensure that any expenditure...”.

Ms. Russell reviewed changes as follows:

- #2, budget appropriations, 3<sup>rd</sup> paragraph, reworded to say “...up to four times a year.”
- #2, last paragraph, regarding a shortfall that “...a cap equal to 10 percent of the average operating appropriation to CVFRS for an average of three CVFRS years...” Ms. Russell said that it was the same cap as for a surplus.

Mr. Morrison asked if a deficit would be based on the whole budget. Mr. Russell replied that some of the budget would come from the Town and some from other revenue sources. It made more sense to have a clean budget that was Town appropriated - “... that this was the budgeted amount.” Fire and Rescue would need to decide what their Special Funds would be used for. Initially they have no surplus buffer. Their Special Funds would be the buffer, pointed out Mr. Russell.

Ms. Russell suggested that a compromise might be to have Fire and Rescue develop a Special Funds budget along with an operating budget.

Ms. Wood said that first there needs to be a tight budget and through the year get reasonable reports so that the Selectboard would know that everything was on track. As the end of year comes and if there was some extraordinary circumstance where they have to spend a lot more money, then there would be no issue if the town needs to put in more money. This doesn’t really deal with that. A deficit could happen due to not enough patient billing coming in. That was one thing. On the other hand there could be a decision

to buy equipment that wasn't budgeted for and they end up with a deficit. Then that is their responsibility, said Ms. Wood.

Ms. Wood said that there was no language that clarified on why a deficit would occur, or whether it was a 10 percent cap of spending overall, or just in the operating fund. What was the 10 percent of, asked Ms. Wood.

Mr. Mack asked if the Selectboard covered all of the 11 Batchelder recommendations in the MOA. Ms. Russell replied that Fire and Rescue had responded that they have addressed the auditor's recommendations.

There was lengthy discussion regarding the Fire and Rescue Special Funds related to how the funds were used, managed, reported via a Town report article, if any of the funds, such as the Tower Fund, should be included in the operating budget, and how a 10 percent cap would be applied to the Fire and Rescue budget.

Mr. Brooks pointed out that John Snow stated that there would be a unified budget by the end of year. He didn't understand the 10 percent cap, and had questions regarding Fire and Rescue managing their private funds and public funds, said Mr. Brooks. Ms. Russell said that Fire and Rescue said they would have a unified budget.

Mr. Mack asked if the \$60,000 for a paid firefighter would go to Fire and Rescue, put in escrow, or spent. Mr. Russell said it has not been paid out yet.

**APPEAL OF FINDINGS OF PROPERTY TAX HEARING OFFICER  
REGARDING RICHARD AND TERESA PETE VS TOWN OF CHARLOTTE –  
discussion only**

Withdrawn.

**TOWN PLANNER/ZONING ADMINISTRATOR – action item**

Mr. Bloch said that applications for the Town Planner/Zoning Administrator position would be reviewed starting October 7<sup>th</sup>. The intent would be to have applicants to interview by November 1<sup>st</sup> by an interview committee.

It was noted that Ms. Russell, Mr. Owen and Mr. Bloch would be gone on various dates through October.

Suggested interview committee members: John Owen, Charles Russell, Ben Pualwan, Jeff McDonald, Kate Lampton, or Dana Farley. The municipal handbook would be used to provide interview questions.

**COMMITTEE UPDATES**

Mr. Owen reported an update on the Community Safety Committee.

**SELECTBOARD UPDATES**

Mr. Morrison reported that a letter was received from the Town Auditors regarding the tool issue. The Selectboard had decided that no further action was necessary at a previous meeting.

Following discussion the Selectboard decided that no further action would be taken since no new information was presented in the auditors' letter.

**APPROVE WARRANTS TO PAY BILLS**

The Selectboard members signed warrants.

**ADJOURNMENT**

**MOTION by Mr. Owen, seconded by Mr. Morrison, to adjourn the meeting.**

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

The meeting was adjourned at p.m.