

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
SEPTEMBER 26, 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: Val Biebuyck, Susan Ohanian, Christina Booher, Mary Mead, Janet Morrison, Hugh Lewis Jr, Maura Wygman, Robin Reid, Rob Mullin, King Milne, Kendall Frost, John Hammer, Charlotte News; and others.

ITEMS TAKEN UP:

- 7:10 PM Education benefit for employees
- 7:30 PM Green Mountain Power petition to replace poles on Association Way and North Shore Road
- 7:40 PM Temporary speed table on Greenbush Road at the entrance of the village south of Ferry Road
- 8:00 PM Ferry Road—discussion of a painted cross-walk
- 8:10 PM Select Consultant for Review of Applications for Potable Water Supply and Wastewater Disposal Permits;
- 8:20 PM Change fee structure for Potable Water Supply and Wastewater Disposal Permits
- 8:30 PM Swap appointments to Health Officer & Deputy Health Officer effective October 1, 2016
- 8:35 PM Tractor Parade—approve as town event for insurance; approve committee members; approve traffic control plan and road closures
- 8:45 PM Budget review process and presentation
- 8:55 PM Selectboard updates Peck Electric—hearing on September 26 Old Lantern mediation—October 18 Edgewater, LLC appeal Route 7 fill Lot 127 & 128 Thompson's Point Town Plan public hearing—September 29th Lister vacancy

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 7:02 p.m.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENT

Ms. Booher pointed out that recently three Selectboard members had discussed an educational benefit for employees outside of a warned meeting. This violated the Open Meeting law, stated Ms. Booher. Mr. Krasnow said that as per the Vermont League of Cities and Towns (VLCT) Selectboard seminar a Selectboard can't advance a discussion

and make a decision outside of a meeting. Board members can have a planning discussion. The members can't talk about details, or make decisions outside of a warned meeting, clarified Mr. Krasnow.

MINUTES: September 12, 2016

MOTION by Ms. Spear, seconded by Mr. Tegatz, to approve the Charlotte Selectboard minutes of September 12, 2016, as written, with edits:

- Globally correct the spelling of John "Crabbe";
- Page 2, line 72 – replace the word "more" with "different"; line 74 – add "...the issuance of which was in error," to the end of the sentence;
- Page 3, line 1`4 – replace the word "Environmental" with "Superior"; line 129 – insert the word "be" between "will" and "taken";
- Page 4, line 142 – add "...due to delays in the project."; line 162 – delete "Should";
- Page 9, line 410 – replace "he could look into" with "fiber optic projects have been covered via".

VOTE: 5 ayes; motion carried.

EDUCATION BENEFIT FOR EMPLOYEES

Mr. Morrison briefly reviewed a request by Christina Booher for a UVM tuition reimbursement for a Non-profit and Governmental Accounting course.

Mr. Tegatz suggested that the education benefit/reimbursement for employees should be included in that particular department's budget. He did not know what counted as an educational course needed for the advancement of an employee's job. A department head would know what that is, said Mr. Tegatz.

There was discussion regarding the differences between the Town paying for VLCT or NEMRC seminars at a cost of \$95 versus college courses at a cost of \$1,900; defining an educational benefit as a course that would help an employee do their job better; and a suggestion to pay 50 percent of a course fee to recognize the support a well educated employee brings to their job.

Mr. Morrison said that typically an employee benefit would be in the Personnel Policy, and read a proposed draft related to an approval process prior to signing up for a course, limiting the benefit to \$2,000 per year so that the Town can manage budgets, and final grade requirements.

Mr. Spell spoke in support of reimbursing tuition at 50 percent per academic year.

MOTION by Mr. Spell, seconded by Mr. Tegatz, to approve a tuition reimbursement amount of 50 percent for the UVM course taken by Christina Booher upon achieving a satisfactory grade of 3.0 GPA.

DISCUSSION:

Ms. Mead said that she didn't agree with attaching a grade to reimbursements. There are a lot of classes that are on a 'pass/fail' grade, said Ms. Mead.

AMENDMENT by Mr. Spell, that requires a ‘passing’ grade or a 3.0 GPA.

DISCUSSION:

Mr. Krasnow suggested making it a “pass or a B” grade.

Ms. Mead pointed out that someone could do an unsatisfactory job at class and still receive a “pass” grade.

There was further discussion regarding what would constitute a satisfactory completion of a course, and what the threshold requirements should be. Mr. Morrison said that as per VLCT, a seminar or college course should 100 percent directly related to the job.

Catherine Hughes, a taxpayer, concerned citizen and Ms. Booher’s neighbor, said that the course Christina is taking is beneficial to her job. Let the department head decide like Mr. Tegatz said, stated Ms. Hughes.

Mr. Krasnow said that a VLCT development seminar cost is \$95 for a 6 hour course. A college full semester commitment and level of learning is \$1,500-2,000, said Mr. Krasnow. Mr. Mullin explained that Burlington pays 50 percent for educational development courses. The student pays up front and the requirement is a “B” grade, said Mr. Mullin.

Ms. Mead said that the Board should put money into a department’s budget. Department heads know what will be beneficial for a job. A line item of \$2,000 – how does that work. Pay 50 percent, or what ever is in the budget, said Ms. Mead.

Mr. Tegatz said a request for an educational benefit needs to come with justification. It is “x” dollars for a seminar course, or college course, so we know what it is for and that the terms are met, said Mr. Tegatz.

Mr. Krasnow noted that a 2.7 grade equals a “B” letter grade.

Ms. Booher said a Non-profit and Governmental Accounting course wasn’t officially available until August so she couldn’t ask for permission to take the course in advance. UVM announced an instructor at the last minute, said Ms. Booher.

Mr. Krasnow asked Dean or Mary if the Town has offered to pay for the education of employees in the past, or is this a new benefit. Mr. Bloch and Ms. Mead replied that it hasn’t been offered in the past other than VLCT seminars.

Mr. Bloch asked what account the funds would come from. Mr. Morrison replied the Town Clerk Seminars budget line item has \$500 in it.

VOTE: 5 ayes; motion carried.

Mr. Morrison asked Ms. Booher to submit a copy of the grade and tuition invoice.

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

Deferred to a future agenda.

TEMPORARY SPEED TABLE ON GREENBUSH ROAD AT THE ENTRANCE OF THE VILLAGE SOUTH OF FERRY ROAD

Mr. Morrison reviewed that the Route 7 reconstruction project has routed more traffic onto side roads and there are speeding issues. Huntington has temporary speed bumps that can be moved around. The neighbors love it, but the motorists don't. A question is if one should be purchased on a trial basis. Thompson's Point Road has speeding issues where it turns to dirt, noted Mr. Morrison.

Mr. Mullin said that speed bumps and speed tables would delay emergency vehicles response times by 30 seconds if Rescue has to slow down, go over, and then speed up again. Speed bumps cause an issue with fire truck maintenance as well. Speed tables would be bad for patients with back injuries, giving a jarring ride. More aggressive speed enforcement is a better way to go. In Burlington the smaller secondary roads have a lot of cutouts where the roadway narrows and that slows down traffic. It could work on Greenbush Road, suggested Mr. Mullin.

Ms. Frost, Ferry Road resident, said she has lived on Ferry Road and Greenbush Road all her life. Her pet was killed on Ferry Road. She hears the concern regarding emergency vehicles. It is 30 seconds of slowing down versus a problem every single day as dozens of vehicles speed by her house. It may be worth while to slow down every vehicle so pedestrians can safely walk or bike to the village, said Ms. Frost.

Ms. Reid said that the speeding issue have improved since the State Police have been enforcing traffic laws. The best remedy is call up the person if know you who they are, said Ms. Reid.

Mr. Milne said that he supports the rescue service. Charlotte doesn't have a police department. Vergennes has a full-time police department and they do stop speeders, Shelburne and Hinesburg have police departments that ticket speeders. He lets the State Police park in his driveway. We need more radar speed signs to slow people down. His UVM students have clocked drivers going 65-70 mph as the drivers hit the intersection 'braking zone' in front of his house. He is willing to fund some of the radar signs. Individuals can put in cross-walk with out the Selectboard approval according to the state. Speed limits in Charlotte are random, for instance, F5 to Ferry Road goes from 25 mph in the Village to 45-50 mph. Bikers and runners use Lake Road and it is dangerous. He will share the UVM data with the Town. It is the Selectboard's responsibility to look out for safety, said Mr. Milne.

Mr. Milne said that permanently mounted radar signs can cost \$500-600. He can get the names of companies, and a friend said he could create them in his work shop. Mr. Milne said that he was here representing five of his closest neighbors.

Mr. Krasnow expressed concern that too many flashing radar signs all around the Town would not be effective. The Town has chosen to keep the urban encroachment out of Charlotte. There are two unique villages. He didn't believe the signage would slow people down unless there is a police car parked there as well, said Mr. Krasnow.

Mr. Morrison asked Mr. Milne to get pricing to the Town Administrator as a start.

Mr. Krasnow said that the state gives money to small towns dealing with transportation issues. There is unexpended funds from the Traffic Enforcement budget and a sheriff could be hired. We don't have directed patrols with the State Police. Invite a sheriff in for a discussion regarding expectations and tell them we want tickets given out, suggested Mr. Krasnow.

Ms. Wygman resident, related a dangerous incident as a motorist passed the school bus with flashing lights. Residents should be able to walk in the village to the store, or library, and ride a bike. Missing in the village are signs for "No Passing", "Welcome to West Charlotte Village, Now Slow Down", and flashing lights at the 25 mph speed signs, said Ms. Wygman.

Mr. Lewis, Charlotte Road Commissioner, said he is on the roads most of the time and knows most of the speeders, which are Town's people. He has stopped people speeding through his work zones. The Town is already cluttered with signage, said Mr. Lewis.

Mr. Morrison summarized options:

- Radar speed signs, King Milne to research companies and costs
- Flashing signage
- Signage: "No Passing"
- Mr. Krasnow to contact sheriff and look into contract details
- Speed limits – staff to look into
- Put on future Selectboard agenda
- Clarify that speeding tickets are to be issued, no warning tickets, for anyone going 5-10 mph over the posted speed limit
- Share the speed cart data with the State Police – crowd sourcing real time speed is a good idea.

FERRY ROAD—DISCUSSION OF A PAINTED CROSS-WALK

Susan Ohanian, Senior Center representative, explained a Senior Center proposal to have CCS students design and paint cross-walks in between the Children's Center and the Library, the Senior Center and the Post Office, and at the Old Brick Store. The Road Commissioner could paint white lines and the students paint in between the lines with colored paint. Paint is water based that dries in 15 minutes. The students could do one cross-walk and see how it goes. The paint lasts for 18 months and the 5 gallon cans cost is \$120 per can, said Ms. Ohanian.

Mr. Morrison asked Ms. Ohanian to present a written plan and suggested targeting a project in the spring.

SELECT CONSULTANT FOR REVIEW OF APPLICATIONS FOR POTABLE WATER SUPPLY AND WASTEWATER DISPOSAL PERMITS

Mr. Bloch briefly reviewed a current contract with Lamoureux and Dickinson for review of wastewater permits. An RFP for consultants on a per application basis was sent out and three bids were received. Lamoureux and Dickinson's bid is the lowest. Planning and Zoning staff, and the Planning Commission have reviewed the bids, and recommended Lamoureux and Dickinson. A second issue is to review Town fees to match the fees paid for the consultant, said Mr. Bloch.

In response to questions, Mr. Bloch said that the state charges \$306 for the permitting process and the Town currently charges \$500.

There was lengthy discussion regarding proposing Town fees that would pay for the cost of a consultant; concerns regarding oversight, which is not done by the state, water quality and how a well could impact another well; having a Town engineer who would be more in tune with Charlotte's water/septic issues versus the state; and a Selectboard member suggestion to spread the cost burden of development among taxpayers rather than a developer at a fee level with the state. Mr. Tegatz said that a fee is the cost of development in the Town. A person should pay for those costs versus the taxpayers. A taxpayer wouldn't share in the proceeds when a property is sold, pointed out Mr. Tegatz.

Mr. Hammer, former resident, said that this issue was discussed 6 months ago. Spencer Harris resigned. The state takes longer and is cheaper, but doesn't do good job – there are no site visits. Spencer did site visits and there was better control, said Mr. Hammer.

Mr. Krasnow suggested that the Town could do a one-year experiment matching the state fee of \$306. Mr. Bloch said that the Town has to enforce the state rules. The state doesn't do site visits; they rely on a contractor, or applicant's consultant to do things right. Do you want the Town to do site visits and not pay for it, asked Mr. Bloch.

Mr. Tegatz suggested that a site visit shouldn't be done until a permit issued.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to select Lamoureux and Dickinson as the consultant to review applications for potable water supplies and wastewater disposal permits based on the three quotes received.

DISCUSSION:

Mr. Morrison asked if the motion is accepted do we change the fees. Mr. Tegatz replied that the motion is to accept the rates. We can decide how to charge the developer separately, said Mr. Tegatz.

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

CHANGE FEE STRUCTURE FOR POTABLE WATER SUPPLY AND WASTEWATER DISPOSAL PERMITS

Following discussion regarding differences of opinion related to what permit fee the Town should charge, Mr. Morrison said that no action will be taken.

Mr. Morrison asked staff to keep track of what it costs the Town to administer the permits.

Mr. Bloch said that could mean that everyone has to apply for a permit before a site visit. The current fee is \$500 for a permit, or a developer could hire their own engineer, clarified Mr. Bloch.

SWAP APPOINTMENTS TO HEALTH OFFICER & DEPUTY HEALTH OFFICER EFFECTIVE OCTOBER 1, 2016

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a swap of appointments as follows: Joe Rheame as the Charlotte Health Officer, Kelly Griswold as the Charlotte Deputy Health Officer, with compensation as per the position(s).

VOTE: 5 ayes; motion carried.

TRACTOR PARADE—APPROVE AS TOWN EVENT FOR INSURANCE; APPROVE COMMITTEE MEMBERS; APPROVE TRAFFIC CONTROL PLAN AND ROAD CLOSURES

The Selectboard reviewed a letter from Ms. Spear regarding an annual Tractor Parade with edits/corrections to the letter as follows: dated 09/26/2016, for the 9th of October, 2016, with the parade and road closures from 1:00 p.m. to 3:00 p.m.

Ms. Spear said that she has not heard back from Josh Flores regarding traffic control coverage.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Annual East Charlotte Tractor Parade, on Sunday, October 9, 2016, from 11:00 a.m.-5:00 p.m., as a Town of Charlotte event for insurance coverage, to approve the committee members as Carrie Spear, Deb Christie, Cindy Bradley and June Bean, with road closures beginning at Nichol's farm located south on Spear Street going north through the Hinesburg Road/Spear Street intersection continuing north and ending at Sheehan Green from 1:00 p.m.-3:00 p.m.

VOTE: 5 ayes; motion carried.

BUDGET REVIEW PROCESS AND PRESENTATION

Mr. Morrison briefly reviewed past practices of using the NEMRC system for budgeting purposes and printing an Excel spread sheet in the Town Reports.

Mr. Spell spoke in support of using NEMRC as a working document during the budgeting cycle. The Town Treasurer can add notes in NEMRC, which becomes an historical accounting of how we arrived where we did. An Excel spreadsheet printed in the Town Report makes reading and following the budget easy, said Mr. Krasnow.

Mr. Morrison said he would ask Ms. Mead to attend the budget discussion sessions and transfer NEMRC into Excel like last year.

SELECTBOARD UPDATES

PECK ELECTRIC—hearing on September 26

Mr. Morrison reported that the Peck Electric hearing was cancelled and would be rescheduled for October, date to be determined.

OLD LANTERN MEDIATION—October 18

Jacob Spell is the primary liaison; Lane Morrison is the alternate liaison. Mr. Spell will attend the October 18th Old Lantern mediation.

EDGEWATER, LLC APPEAL

Mr. Bloch reported that the Edgewater Center, LLC mediation is on hold. A date would be scheduled for November. The Town is an “interested party.”

ROUTE 7 FILL

Mr. Morrison said that VTrans was asked to submit a plan regarding the removal and dumping of fill from the Route 7 reconstruction project. The request to dump fill on the John Crabbe property requires Planning Commission review of an open space agreement, said Mr. Morrison.

Mr. Tegatz asked if the state would need Town permit for a curb cut to move fill onto the Mack farm, and expressed concern that the State of Vermont doesn't follow Town ordinances. For example, the state put in utility poles where there were no poles and the utility was to be underground. Now wires are on poles. The Route 7 project will be dormant for the winter, and staff should let the state know the Selectboard has concerns, said Mr. Tegatz.

LOT 127 & 128 THOMPSON'S POINT

Mr. Morrison reported that Kelly Kindestin has signed a non-waiver agreement this week and the investigation into the Lot 127 and 128 issue will start.

Ms. Biebuyck asked what the non-waiver agreement meant. Mr. Morrison replied that it means an investigation will start, but it doesn't mean that the insurance company has taken on the case. Ms. Biebuyck asked if that meant that the insurance company was not waiving their right not to pay the Town. Mr. Bloch replied yes. Ms. Biebuyck asked if the insurance company information is public information. Mr. Bloch said that a copy would be sent to Ms. Biebuyck.

TOWN PLAN PUBLIC HEARING—September 29th

Mr. Bloch reported that the Planning Commission is holding the first public hearing regarding the draft Town Plan. The Selectboard is not taking action, but can make comments, said Mr. Bloch.

LISTER VACANCY

Mr. Bloch reported that there were no applicants yet. The Lister's are working among themselves quite well.

Mr. Morrison reported that Ms. Mead has appealed the Vermont Department of Labor decision. A letter was received this date that an Administrative Law Judge has been assigned to the case and a pre-trial conference is scheduled for Wednesday, October 5, 2016, at 9:00 a.m. He has talked with Michael Hoyt, the Vermont Department of Labor representative, regarding the process. The judge will take questions of the parties and schedule a trial hearing. Mr. Hoyt recommended having the Town Attorney enter an appearance on behalf of the Town of Charlotte, said Mr. Morrison.

Ms. Spear asked if any Selectboard member could contact Mr. Hoyt. Mr. Morrison replied yes.

Mr. Morrison said that he believed that the Town has complied with the law. He did tell Mr. Hoyt that the Selectboard took a vote to pursue Ms. Mead's original appeal to the state. The Selectboard should present a unified position and not debate it, said Mr. Morrison.

Mr. Spell asked for clarification of "unified" position. Mr. Morrison said that the Selectboard did take a vote 3-2 to defend the claim. Although it was not unanimous, the Town did have a position and the Department of Labor upheld it, said Mr. Morrison.

Ms. Spear stated that she would not change her mind. Mr. Spell asked if Ms. Mead had legal representation. Mr. Tegatz said that the matter is between Mr. Hoyt and the judge. The Selectboard shouldn't have any input. The Town Attorney wrote two letters of response and we should have him handle the matter, said Mr. Tegatz.

Mr. Spell said that he had spoken with Mr. Hoyt. He was not sure that the Town Attorney was needed. It is a procedural matter, said Mr. Spell.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to authorize the Town Attorney to participate in the October 5, 2016, 9:00 a.m. scheduled pre-trial conference on behalf of the Town of Charlotte.

VOTE: 3 ayes, 2 nays (Ms. Spear, Mr. Spell); motion carried.

Ms. Biebuyck asked if anything will be happening on Lots 127/128. The structure on Lot 128 is a safety hazard and is in violation of the lease. There is an old unstable propane tank on the side of the structure. It has propane in it and is falling away from the structure. There was discussion about dismantling the structure. It is the structure in violation of the lease, and not the leaseholder, said Ms. Biebuyck. Mr. Morrison replied no. There is no claim by Paul Arthaud. Lot 128 is private property The Town might be able to ask Mr. Arthaud to remove the tank since it is a safety issue, said Mr. Morrison. Mr. Bloch suggested that there is an on-going appeal and the Town should wait until that plays out.

Following further discussion, Mr. Spell said that when you enter into a real estate agreement you are told you can do x, y, and z. If due diligence was done in 2004, what

changed in 2014, asked Mr. Spell. Mr. Morrison replied that the Town owns the land and that is why the investigation is starting.

Ms. Biebuyck said that when Paul Arthaud bought the lots, 127 and 128, they were all part of one lease. At one time Paul talked about renovating the guest house, but he didn't do it. When he went to sell the lots people liked the nice big house, but didn't want to deal with that nasty shack. So Paul came to the Selectboard to subdivide the nice big house so he could sell the lot. The neighbors had petitioned the Town to keep the property up. Paul didn't pay the money to fix it, he wanted someone else to do it. It is the Selectboard's responsibility to enforce the lease, said Ms. Biebuyck.

Mr. Morrison said ultimately the Selectboard has to resolve the claim. The Selectboard is doing what is appropriate right now, said Mr. Morrison.

APPROVE WARRANTS TO PAY BILLS

The Selectboard reviewed and signed warrants to pay bills.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:43 p.m.

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