

Town Administrator's Report for Selectboard Meeting on August 22, 2016

Catherine Bock—this is an application to the Charlotte Housing Trust for a \$10,000 construction grant to assist with construction of an affordable single family dwelling. Catherine is not building the house for herself; her purpose in building it is simply to create an affordable dwelling in the Champlain Valley Co-housing neighborhood.

Catherine is also applying for a \$50,000 grant from the Champlain Housing Trust, which has indicated that it appears this is likely to be approved, and as a result the Champlain Housing Trust will put an affordability covenant on the lot. A benefit of participating in a project with Champlain Housing Trust is that they have more administrative capacity to find an income-eligible family to purchase the dwelling and to enforce the affordability covenants upon resale.

The current balance of the town's Affordable Housing Fund is \$139,584. A grant to David and Diane Nichols of \$15,000 was approved in 2015 of which \$10,000 is still outstanding.

Firewall for Town Hall Computer Network—Troy Tsounis, our network consultant, recommends that we upgrade the Town Hall's computer firewall for internet and e-mail services, to protect the computer from various viruses and malware. A portion of the total cost of \$2,895 is for hardware (\$629), a portion is for licenses and services (\$1,066), and a portion is for installation and set-up (\$1,200). Additionally, we will need to budget \$739 annually for ongoing licenses/subscriptions/services. The FY 17 budget for Computer Service is \$6,000, though \$4,128 was spent in this account in FY16—so there seems to be some capacity in this line-item, e.g. to pay for this year's licenses and services (\$1,066). The remainder could be paid from the Improvement and Repair Reserve Fund—this fund currently has \$36,401, partly due to fact that the exterior painting job completed last summer came in quite a bit under budget. (A portion of the fund is earmarked to replace the Town Hall carpet).

With regard to the previously discussed upgrade to the e-mail/application program (e.g. Microsoft 365 or Google Apps), unless there are compelling reasons it seems that upgrade should be budgeted for FY18 rather than installed during the current year. The installation cost will be approximately \$4,250 and the software cost will be in the vicinity of \$2,730 (this will be an ongoing annual cost). Troy will be available at the meeting to answer questions.

Welcome to Charlotte sign—The firm that made the original signs provided a quote of \$363 for a replacement. It also provided a quote for tamper-proof fasteners; because there is a minimum order from the manufacturer, fasteners for one sign cost \$77.76 and for 10 signs cost \$146.74. In discussing this with the Road Commissioner, we both felt that fasteners for 10 signs should be purchased—he suggested this be paid for from the Highways budget, and he will change out the fasteners on the remaining signs.

Appeal of ZBA decision by Paul Arthaud—Paul Arthaud appealed the Zoning Board's denial of the application to construct a camp on Lot 128 at 1012 Flat Rock Road. In doing so, Paul and his attorney felt the need to reserve his right to appeal, while recognizing that a potential settlement between he and the Town (see item below) would make the appeal moot. The

question in front of the Selectboard is whether to have the town attorney enter an appearance for this docket. This would be a precautionary step—in all likelihood, this appeal will not proceed while the resolution of issues related to the separation of Lots 127 and 128 is being negotiated.

Carrie & Peter Fenn's request for refund of application fee—Carrie and Peter Fenn have requested a refund of the \$500 fee for their application to the Zoning Board of Adjustment to reconstruct the structure on Lot 128 as a camp, based on the fact that Lot 128 cannot be developed. (Their e-mail asks for \$513.50, but \$13.50 was for copies). It appears that the application was denied for reasons other than the disallowed separation of Lots 127 and 128; that issue was not mentioned in the Zoning Board decision. Nevertheless, if Lots 127 and 128 had not been separated into two leases, clearly the Fenns would not have made an application for development of Lot 128. So, it seems appropriate to refund the application fee since their application was submitted with the understanding that Lot 128 is developable.

Paul Arthaud's request for settlement—The request for settlement is in the Selectboard's packet. Paul has asked that the request be discussed in executive session. Vermont's "Open Meeting Law" (Title 1 V.S.A. §313) states (in relevant part):

"A public body may not hold an executive session except to consider one or more of the following:

- (1) After making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:
 - (E) pending or probable civil litigation to which the public body is or may be a party"

There is a possibility that the town may become involved in civil litigation regarding this issue, however, it does not seem that disclosure of the potential terms of the settlement would put the town or a person at a substantial disadvantage in such litigation.

In any event, the last time the Selectboard discussed this issue it indicated that a possible course of action would be to submit a claim to VLCT PACIF (i.e. the town's insurance carrier) This is the current potential action in front of the Selectboard.

Personnel Policies—There are two categories of edits to be reviewed:

1. "Clean-up" edits that are intended to clarify verbiage or describe current practice (e.g. for health insurance and retirement benefits). A summary and a "redlined" version of the policies are in the packet.
2. The addition of a provision to provide a new benefit in the form of partial reimbursement for educational expenses. This was triggered by an employee's request. Lane will be providing a draft.

Verizon Wireless application—The application proposes to add an antenna on top of an existing utility pole on the west side of Route 7 just north of the driveway into Horsford Nursery. The antenna and its base are approximately 5 feet in height—so the top of the antenna would be 39 feet from ground elevation. A guy wire, power line and fiber optic line would be run across

Route 7 to an existing pole on the east side of Route 7. There is one existing guy wire between the poles on the east and west side of Route 7.

The "Section 248 Process" categorizes projects that are relatively small modifications to existing facilities as "de minimis projects". See "A Guide to the §248a Process for the Siting and Deployment of Telecommunication Facilities" published by the Department of Public Service at http://publicservice.vermont.gov/sites/dps/files/documents/Pubs_Plans_Reports/Legislative_Reports/Public%20Guide%20248a.pdf.

To qualify for de minimis status, a proposed project must meet the following criteria:

- (A) The height and width of the facility or support structure, excluding equipment, antennas, or ancillary improvements, are not increased;
- (B) The total amount of impervious surface, including access roads, surrounding the facility or support structure is not increased by more than 300 square feet;
- (C) The addition, modification, or replacement of an antenna or any other equipment on a facility or support structure does not extend vertically more than 10 feet above the facility or support structure and does not extend horizontally more than 10 feet from the facility or support structure; and
- (D) The additional equipment, antennas, or ancillary improvements on the support structure, excluding cabling, does not increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the support structure by more than 75 square feet.

Projects that meet these criteria do not need to file a 45 day notice in advance of submitting an application to the Public Service Board. It seems to me that this project meets these criteria. If the Selectboard disagrees with this classification, it would need to file comments to the Public Service Board within 21 days of the application date (August 12th).

Designate Voting Delegate to the VLCT Annual Meeting—Information is in the packet.

Selectboard Schedule—the 2nd Monday in October is Columbus Day. This is not a town holiday—but I just wanted to confirm that the Selectboard wants to meet on this date.