

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
MEETING CONDUCTED AT TOWN HALL AND VIA TELECONFERENCE
AUGUST 10, 2020**

APPROVE

SELECTBOARD MEMBERS: Chair Matthew Krasnow, Vice Chair Frank Tenney, James Faulkner, Louise McCarren, (Carrie Spear absent)

ADMINISTRATION: Dean Bloch, Town Administrator

OTHERS: Thomas Cosinuke, Nicole Conley, Bill Fraser-Harris, Patrice Machavern, Dean Williams, Valerie Biebuyck, Barbara Russ, Fritz Tegatz, Richard Tonino, Dean Williams, Junior Lewis, Diane Nichols, Nancy Richardson, Megan Browning, Will Bown, Michael Russell, John Quinney, Dave Nichols, Peter Richardson, Seth Kittredge, Chea Evans, Nan Mason, Margaret Woodruff

AGENDA ITEMS:

5:00 PM Site visit: 1002 & 1046 Flat Rock Road

5:30 PM Site visit: 904 Mount Philo Road for Highway Access Permit application by L. Selina Peyser

6:00 PM Adjustments to the agenda

6:01 PM Public Comment

6:05 PM Recreation/Town Beach update

6:15 PM Whiskey Bay—potential for E-coli testing

6:25 PM CVFRS 4TH quarter and FY20 end-of-year financial update

6:40 PM L. Selina Peyser—Highway Access Permit application HAP-20-05 on Mount Philo Road

6:45 PM Morningside Road upgrade

7:25 PM Will Bown and Megan Browning—application for Highway Access Permit HAP-20-03 on Morningside Drive

7:40 PM Credit Card Policy—amend to add Technology Services Librarian/Assistant Director for Programs & Promotion

7:50 PM Proposal by Gallagher & Flynn to update competitive salary range for all remaining staff positions; and create a customized grading system methodology for all staff positions

8:05 PM Repair of north/south sidewalk between Library and Town Hall parking lots

8:15 PM Annual Town Meeting—discussion of improvements

8:25 PM Town budgeted donations—discussion of criteria and metrics

8:35 PM Access to Lot 127, Thompson's Point, 1002 Flat Rock Road(executive session is possible)

8:45 PM Minutes: June 29, July 27, July 30, August 3, 2020

8:50 PM Selectboard updates

8:55 PM Approve warrants to pay bills

9:00 PM Adjournment

CALL TO ORDER

Selectboard Chair Matt Krasnow called the meeting to order at 6:14 p.m.

Adjustments to the agenda

Dean Bloch said there is a change order for Stantec to review work on the bridge abutments.

Public Comment

None

Recreation/Town Beach update

The beach is busy and things are going well, Nicole Conley said. Recreation will not be able to use the school building or restrooms and research is being done about how things will operate this fall. More information is being sought.

Whiskey Bay—potential for E-coli testing

Dean said dogs are known to be walked in this area and Blue Green Algae has been detected and this brought up the issue of proper testing to be done at this beach. Cost and process was discussed. Nicole handles the testing of Town beaches with the help of the Lake Champlain Committee (LCC) volunteers for the Blue Green Algae. The Charlotte Health Officer is the one to close the beaches when it is needed. Nicole tests weekly for E-coli at the Charlotte Beach. She is willing to test for E-coli at Whiskey Bay as well if the Selectboard decides that is best, she said. The cost is \$20 per test. Blue Green Algae will be discussed at the next meeting. Nicole was asked by the Selectboard to encourage LCC to monitor the Blue Green Algae at Whiskey Bay until mitigation measures can be implemented. Dean Williams said dog feces can be found on the beach and he would like to find ways to encourage dog owners to pick up after their animals. Richard Tonino said it is difficult to monitor the Blue Green Algae and the beaches are often open when it is present and then after a process it is closed when it has dissipated.

CVFRS 4TH quarter and FY20 end-of-year financial update

Thomas Cosinuke presented three spreadsheets. He reviewed Budget vs. Actuals. The budget is in good shape. A new line item for PPE was more than \$16,000 to handle the Covid-19 response. Some of this money will come from FEMA and other grants. Matt Krasnow said COVID-19 is a moving target every week and asked that this line item stay for the next year or two so that the Town can keep a good grasp on what is needed when it is needed.

Thomas reviewed the Surplus Calculation spreadsheet. This indicates a reserve balance of just over \$42,000 and this is less than the average appropriation. There is nothing due back to the Town through the surplus analysis for the year.

L. Selina Peyser—Highway Access Permit application HAP-20-05 on Mount Philo Road

MOTION by Louise McCarren, seconded by James Faulkner, to approve L. Selina Peyser’s Highway Access Permit application HAP-20-05 on Mount Philo Road with a request for the Road Commissioner to sign off after requested tree removal is completed. VOTE: 4 ayes; Carrie Spear absent; motion carried.

Morningside Road upgrade

A formal recommendation on how to mitigate water run off was received. It reflects everything discussed at the last meeting, Matt said. It proposes a 15-inch culvert under Morningside Drive.

Seth Kittredge, a surveyor hired by Dave Nichols, described what is written in a deed that indicates the “point of beginning” of Morningside Drive and reviewed it with the Selectboard. It is consistent with what was found in earlier surveys, he said. The original lot division line laid out in 1864 is where he would place the highway, he said. This will be incorporated in the full survey for Nichols.

Nancy Richardson said there has been a dispute with that 1864 survey. The Morningside Cemetery Association has a number of issues with the findings, she said.

Matt said awarding an access permit and the cemetery drainage concerns are separate issues and asked the Selectboard for discussion on this. It is the Town’s responsibility to build the missing section of Morningside Drive to make the highway access permit feasible, he said. This would be no cost to the tax payers as Will Bown said he is willing to foot that bill to get this done. Matt said making the road improvements so that all parties needs are met is a good course of action.

The cemetery drainage issue was discussed. Options like tree removal were weighed. Peter Richardson said there is documentation that raises questions about right-of-way, among other issues, and he said he would like these issues to remain open to still be resolved. Matt said, yes, and these would be discussed at the next meeting.

Dan Cole asked if the Town still has the right-of-way. His research shows this is in question. Land records are confusing, he said. If the case ends up in court everybody loses, he said.

Matt said any reservations the cemetery committee has needs to be sent in a document so legal can look at it. This needs to be resolved and worked out reasonably for the tax payers and in a neighborly process. The breadth and depth of these concerns needs to be brought to light. A document for the Selectboard to review would be helpful at this point, Matt said. Nancy agreed and said this will be sent to the Selectboard before the next meeting.

Nancy Richardson said there has been changes in Vermont Law with what is considered valid with old deeds and surveys. Matt reiterated that the Selectboard would like a list of all of the concerns of the Cemetery Association to be discussed at the next meeting.

Will Bown and Megan Browning—application for Highway Access Permit HAP-20-03 on Morningside Drive

Louise McCarren said a fundamental issue has been raised regarding rights-of-way and this shouldn't be decided at this point. Matt disagreed and said the land has been successfully purchased with a subdivision approved by the Planning Commission and the applicant has agreed to all of the conditions and to pay the Town upgrading the westerly end of Morningside Drive.

Michael Russell said since there is not a Town right-of-way, this permit should not be approved. Matt said the Selectboard cannot withhold the right of a resident with an approved subdivision to gain an access permit.

Planning Commission Chair Peter Joslin said he supports approval of the permit and then there can be a dispute about the right-of way. The Selectboard needs to act on this permit first and then address the right-of-way second. This is the appropriate course of action, he said. The access permit and Town right-of-way are two separate issues.

Peter Richardson called for tree replacement. Matt said this is a separate issue and a discussion between neighbors and not germane to a highway access permit application. It is an issue that will be discussed in the next meeting, Matt said.

Nancy Richardson read a document that outlined the history of the approved subdivision of Will Bown and Megan Browning. She highlighted errors in the process such as the removal of trees and foliage and the use of an old, outdated survey. Regulations and statutes should be followed and this is unjust, she said.

Peter Joslin said anything that concerns the trees pertains to the subdivision and not the highway access permit.

Will said he is willing to pay for the cost of the Town portion of the upgrade of Morningside Drive but any culverts needed for the cemetery should be paid for by the Town or the Cemetery Association. Improvements needed immediately around the access to the cemetery should not be his responsibility, Will said.

Junior Lewis said each landowner takes care of the first culvert they need and then the Town is responsible for it after that. Culverts, like the ones in question, could be about \$400 plus the cost of ditching. The investment for the Town for 150 years to care for Morningside Drive has been extremely minimal, he said.

Matt called for the Town to cover the cost of some of the upgrades to this Town Class Three Highway that has been covered by homeowners for a half century. This will be discussed in a future meeting.

Nancy Richardson asked if she could appeal the Selectboard's decision. She asked that no work be done to access the land until this has been resolved. Property rights are at stake, she said.

MOTION by James Faulkner, seconded by Louise McCarren, to approve Will Bown and Megan Browning's application for Highway Access Permit HAP-20-03 on Morningside Drive with the written condition that they follow all recommendations for water drainage represented in the report of the engineer and reimburse the Town for named costs pertaining to Morningside Drive upgrades. VOTE: 3 ayes; 1 abstention (Frank Tenney); Carrie Spear absent; motion carried.

Credit Card Policy—amend to add Technology Services Librarian/Assistant Director for Programs & Promotion

MOTION by Louise McCarren, seconded by James Faulkner, to approve the Credit Card Policy amendment to add Technology Services Librarian/Assistant Director for Programs & Promotion. VOTE: 4 ayes; Carrie Spear absent; motion carried.

Proposal by Gallagher & Flynn to update competitive salary range for all remaining staff positions; and create a customized grading system methodology for all staff positions

Margaret Woodruff said she would like to have the library board share their perspective on this before anything is final. Matt said there will be a presentation of analysis and recommendations and there will be discussions with boards that manage the different departments.

MOTION by Matt Krasnow, seconded by James Faulkner, to approve the contract proposed by Gallagher & Flynn to update competitive salary range for all remaining staff positions; and create a customized grading system methodology for all staff positions not to exceed \$5,000, with authorization for the chair to sign. VOTE: 4 ayes; Carrie Spear absent; motion carried.

Repair of north/south sidewalk between Library and Town Hall parking lots

Fritz Tegatz offered an update. He said the square foot price for concrete may need to be adjusted.

MOTION by Matt Krasnow, seconded by James Faulkner, to approve the change order for the sidewalk to be overseen by the Clerk of Works. VOTE: 4 ayes; Carrie Spear absent; motion carried.

Annual Town Meeting—discussion of improvements

The use of Clorox wipes for the microphone need to be implemented. A new location needs to be found at some point. Occupancy restrictions are likely to be in place due to the pandemic. Conditions next March are unknown at this point. Moving the day was

discussed. Controversial advisory motions being brought to the meeting without warning was discussed. To be added to a future agenda.

Town budgeted donations—discussion of criteria and metrics

Louise said she is happy to work on this. To be added to a future agenda.

Access to Lot 127, Thompson's Point, 1002 Flat Rock Road (executive session is possible)

The Biebuycks (lot 129) said there is background that effects this decision and what is wanted is a new curb cut and new drive. Details of an agreement were read. Some of these details no longer exist. The Town made erroneous decisions, they said, and they are not willing to take on the resulting impact they have caused. They would not have purchased this lot had they known of an easement like the one thrust upon them now.

Michael Russell represents the leaseholder of lot 127. He said these are leased lots with the Town as the landlord and there is an obligation to see that all leaseholders can access their lots. The Biebuycks said it was verbally agreed upon a while ago, among neighbors, that there would be a new curb cut. Michael said claims of what his client has or has not said are irrelevant as they are not present.

Matt said the positions are clear. He requested more documentation. These two independent lease agreements need to be looked into by the Town, he said.

The Biebuycks said an error was made in 2014 by the Town with lot 128 that should not be rectified at their cost. This has been a two-year battle, they said.

MOTION by Matt Krasnow, seconded by James Faulkner, to enter into executive session. VOTE: 4 ayes; Carrie Spear absent; motion carried.

MOTION by James Faulkner, seconded by Louise McCarren, to exit executive session and reconvene as Selectboard. VOTE: 4 ayes; Carrie Spear absent; motion carried.

Selectboard updates

Approve warrants to pay bills

Adjournment

MOTION by James Faulkner, seconded by Louise McCarren, to adjourn. VOTE: 4 ayes; Carrie Spear absent; motion carried.

The meeting was adjourned at 9:15 p.m.

Minutes respectfully submitted, Lynn Monty, Recording Secretary.