

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
May 1, 2019**

**APPROVED**

**SELECTBOARD MEMBERS:** Matthew Krasnow, Carrie Spear, Fritz Tegatz, Louise McCarren, Frank Tenney

**ADMINISTRATION:** Dean Bloch, Town Administrator

**OTHERS:** Wendy Hendrickson, Richard Hendrickson, G.A. Bouchard, Carlie Krolick, Thomas Nola, Adam Dantzschler, Virginia Keyser, Mac Keyser, Nancy Richardson, Lane Morrison, Carol Snow, John Snow, Julian Kulski, Margaret Foster, Nan Mason, Margaret Woodruff, Peter Nobes, John Pane, Megan Price, Bill Fraser-Harris, Eva Fraser-Harris, Sharon Richards, Dale Knowles, Christina Booher Erin Ross, Bill Stuono, Greg Ranallo, Katherine Ranallo, Mark Dillenbeck, Mary Holmes, Teena Flood, Jonathan Fisher, Gill Barlow, Jane Krasnow, Jane Kirby, Kristin Borquist, Robert Mack, Jr. and others.

**AGENDA ITEMS:**

Public input and discussion on improving the bidding process

7:00 PM Contractual obligation of the Town (executive session likely)

7:30 PM Adjournment

**CALL TO ORDER**

Chair Matthew Krasnow called the meeting to order at 6:00 p.m.

Matt said the Selectboard (SB) called this special meeting to gain input and have an open discussion about improving the bidding process. He mentioned the articles that have been written in local newspapers and that they are designed to be fair and unbiased documentation of the issue. He said comments that have been posted on Front Porch Forum (FPF) are biased and sometimes opinions not based on facts. He said FPF is a modern day public square and that open meeting laws are an engineered restraint of local government and the reason the issues at hand need to be discussed openly and respectfully in a special meeting such as this one. He asked that all comments remain germane to the issue of improving the bidding process.

Matt gave a synopsis on how the bidding for the removal of ash trees in town was conducted, why the trees needed to be removed and explained the extensive expertise of the committee formed to deal with the issue in order to advise the SB. Ultimately all of the ash trees will die rapidly after being infested with the emerald ash borer coming to town and will create an emergency situation. This preemptive removal of the live trees will guard against causing hazardous conditions and give the Town more control over the situation. Such matters have already been handled this way in Burlington. Matt also gave a timeline of the funds needed. There is \$10,000 available this fiscal year and \$20,000 available in the next fiscal year for this project.

Megan Price said her concerns about the process were that she wanted to see a written report outlining all five of the bids received for ash tree removal. She wanted to know who bid on the project and why there are so many committees advising the board. She said she felt decisions by the SB were being made in private settings. She said the entire bidding process needs to be made more public.

Matt said the Town has the information she is requesting publicly available and that the purchasing policy is online. He said the five bidders were laid out in the meeting packet on the Town website. He offered that the town administrator can make hard copies upon request. It is up to the townspeople to participate in the SB meetings and to access the information online on the Town website, he said.

Peter Richardson asked about the official SB regulations on calling an executive session since the agenda indicated there may be need for one at this meeting. He asked for specific examples as to why this can happen.

Matt read from Section 1, subsection f, of the statutes and summarized that in this specific case, in this meeting, it is a time for the SB to consider the contractual obligation and to discuss legal council.

Greg Renallo of Teachers' Tree Service spoke about this RFP process. He said the morning after the project was awarded to Chris' Lawn Care, the people who witnessed the meeting were upset. He was not at that meeting. He said he asked Matt and Dean for the reasons his company was not chosen for the job. Greg spoke about the many emails, calls and messages he read pertaining to the upset including those Bill Frasier Harris had received.

Greg said he received an email from the SB that discussed chipping and pricing for recreation and other departments Greg discussed what was in the RFP and what wasn't. He said items not in the RFP are not traditionally considered. He spoke of workman's compensation costs and insurance costs and that only tree companies with certified arborists should be considered. Greg said he does not trust the SB and that the comments Carrie Spear made after her motion in the discussion were blatantly biased on April 22.

Margaret Foster said she has lived in town for 35 years. She said she is the most curious about how the SB made their decision to vote in favor of the Chris' Lawn Care proposal after they had already heard the qualifications of Teachers Tree Service. She said she received an email from Frank Tenney that said he has always looked to fulfill the needs of local and small businesses in town. She asked for explanations from each board member explaining how they came to vote the way that they did.

Greg added that his company, Teachers Tree Service, is a small local business in town just like Chris Fortin's Chris' Lawn Care.

Matt said the vote was three in favor, one against, and one abstaining. Matt said he voted against the motion at the time because he took the tree warden's comments in favor of Teacher's Tree Service under consideration.

Carrie said she would hand out her letter later.

Louise said the fact that it was stated in the meeting that Chris' Lawn Care was a local business swayed her vote.

Mark Dillenbeck, Charlotte's tree warden, said Teacher's Tree Service is a local business and has donated a lot of work to the Town. He said he was sorry that fact had not given weight to the SB's decision. Mark said he has been communicating privately with Carrie and the SB and was not happy with their decision. The larger issue is how decisions are made by the SB and what can be done to do things better, he said.

Mark said the reasons for choosing one proposal over another should be openly available and also reasons as to why frontrunners are not chosen. He also suggested agenda items start with a contract review and start with a discussion about the proposals submitted before any motions are made. He said a rating or ranking system to consider criteria like price, quality, relevant track record, who has better quality recommendations and the like should be in place. He said looking at those ratings provides objectivity and it is transparent. There should also be clear rules about recusal, he said.

Matt said he has carved out time in future agendas to spend improving the process and that he liked Mark's ideas. He said a universal system of awarding contracts should be implemented. The Town enters into hundreds of thousands of dollars in contracts and this being so small of a contract in comparison is a valuable warning to the Town to clear this up, Matt said.

Fritz said he abstained because Greg is working at his farm and thought it was a conflict of interest. He asked if he should abstain from this discussion entirely and Matt said he sees no reason for him to recuse himself since this is a discussion with no voting taking place.

Peter Nobes said he lives on Spear Street and he is in favor of amending the policy but he had the current policy in hand and said there is "a lot of meat to it" and asked about the SBs use of it and the criteria and pathway they used for determining bids. He also asked about the required public information that should be made available.

Matt said the public information about this ash tree issue is documented and online.

Peter asked what of the current policy was being followed and if the SB would monitor the contract to see if the awarded bidder is meeting contract requirements. He asked who checks on that. Fritz said the remedy is in the payment. Payment is not given until the project is accepted, he said.

Jenny Cole said she knows how hard it is to put out RFPs and receive proposals and it is a clumsy process since sometimes people are neighbors. She said having a tree service is important in the discussion at hand but that it was not in the RFP. She said in the future requiring a tree service would be beneficial. She talked about roadside clearing of wood debris. She said questions arise when people bidding on the work are actually helping the Town prior to the RFP going out like in this case Chris Fortin helping to mark trees for cutting. She said when the Town starts to get bidders involved in the process before the bids it can make it complicated. She spoke about Greg and other contractors often giving more to the Town than they bid simply out of generosity.

Fritz said if requiring an arborist is a requirement for cutting roadside trees it will be expensive. Right now the Town depends heavily on Junior Lewis.

Junior said he was on the committee that advised the SB about the ash tree removal. He said there were a lot of meetings and he gave his opinion on the added expense of having to remove the roadside wood. He said he was not in favor of either bidder but said going with the lowest bidder who is an arborist seemed like a good choice and he was sure Greg would be awarded the contract. Greg was not present at the meeting on April 22 and Junior said if he had been the decision would probably be different. Mark could have asked the SB to rethink the decision at the meeting, Junior said. Next year when the RFP goes out to bid the Town will put in that there needs to be an arborist, he said. He added that he wished people would get all of their facts straight before getting on the computer. He said people jumped to conclusions online over this issue.

Anika Murat said she has lived in town for 20 years and her biggest concern is that the Town's tree warden said Teachers was the most qualified and yet did not listen to his expert opinion and did not choose to go with him even though the previous tree warden also highly recommended Teachers during his time. She said following this issue has gotten her to be more politically involved and it has been eye opening for her to witness.

Susan Vickness said she watched the VCAM recording of the April 22 meeting and it was eye opening for her as well. She said it was disconcerting to see the whispering and the SBs process of deciding on the matter. She said it looked like a person needs to be a pal of one of the SB members to be awarded a contract.

Virginia Keyser said she was previously ignored by the SB a decade ago with her research and urged this SB if they are given expert advice to please take it.

Teena Flood said transparency is missing and said it needs to be made more clear about why the SB is voting the way they are when they vote.

Robert Mack said he disagrees with the entire ash tree cutting process and doesn't think it need to be done.

Tom Nola said he has lived in Charlotte for 28 years. He said Teachers Tree Service would have been the obvious, most qualified choice since they were also the lowest

bidder. He said he understands people make mistakes but that there needs to be strength of character on the SB. Awarding the lesser qualified company is unexplainable, he said. The SB are all entrusted to make sound financial decisions for the residents of this town and this decision was not in line with thinking about what was best for the people, he said.

Matt said considering to rescind the decision after the contract has been awarded has legal ramifications that might be costly. He said it was a learning curve.

Carrie asked Dean to hand out the response to the public she had in writing. Matt said, as this was being passed out, that he had advised Carrie to hand this out after the meeting or upon request as to not disrupt the discussion. People in attendance asked that she read her statement aloud.

Carrie read her statement aloud, paraphrasing much of the content. She spoke about how well the SB works together, about her motion to award Chris Fortin the contract and that it was seconded. She said she reviewed all five bids and that the RFP did not say anything about arborist credentials. She said she has no personal relationship with any of the bidders other than that she knew Chris Fortin and his family had raised their family in Charlotte on the very road the ash tree removal is slated to begin this spring. The Fortins have a very strong work ethic, she said. She said she did not see anything on VCAM that was outside of normal operating procedures. She said Charlotters are passionate about their trees and spoke about her family history with cutting trees in town.

A resident in attendance reinforced the need for objective criteria in RFPs because it is not professional to have decisions being made regarding living on the same street where the work is to be done or that someone is thought to be a hard worker. These decisions need to be made objectively, she said.

Mark said the trees needed to be marked prior to the RFP going out and that Chris Fortin and others helped with the process.

Discussion about replanting trees took place and of natural regeneration of native species.

Greg said Teachers Tree Service is withdrawing its bid. He said moving forward going with a tree care company is the best bet and that he and his crew get the job done in half the time due to extensive experience. He said he took offense that Chris Fortin was chosen because he was local when Greg and his company are also local. He also said much of the SB explanations and consideration was not in the RFP and he recommends following the RFP to make better choices in the future.

Recreation Committee member and Charlotte resident Bill Frasier Harris said he was concerned when a SB member asked him for all of his correspondence with Teachers Tree Service. Matt interrupted him and told him to keep comments germane and moving forward in a positive direction.

Bill said he wasn't aware that being a lifetime Charlotte resident was part of the criteria when voting on bids or that of a SB member being generally aware someone has good work ethic. "How are you aware?" Bill asked the board. He said the policy states that the appearance of a conflict of interest can be more dangerous than having an actual conflict of interest.

George Thompson said to leave the trees standing until the bugs arrive.

Carlie Krolick said she lives a block from where this ash tree removal is to take place and some tree removal was done on her street last year. She spoke about the dead elms all over town and the lack of concern about removing those. She expressed concern for removing 50 or 60 healthy trees with no bugs in sight yet. The Town needs a licensed arborist to do this job to protect the prettiest canopy of trees in the area, she said. She urged the SB to be thinking about aesthetics as well as public safety in the future and said Teachers Tree Service would have been the wise choice for this project.

Junior said the Town has been cutting dead trees regularly. Matt said ash trees pose a particularly hazardous threat because of their structure and quick breakdown. He said the State is on the same page with the Town's decision to remove the trees before the emerald ash borer arrives and kills the trees rapidly causing an emergency tree removal situation.

#### **ADJOURNMENT**

**MOTION by Louise, seconded by Fritz, to adjourn. VOTE: 5 ayes; motion carried.**

The Selectboard meeting was adjourned at 7:29 p.m.

Minutes respectfully submitted, Lynn Monty, Recording Secretary.