

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
APRIL 23, 2018**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Carrie Spear, Frank W Tenney, Matthew Krasnow, Fritz Tegatz.

**ADMINISTRATION:** Dean Bloch, Town Administrator.

**OTHERS:** Steve Williams, Chris Gulipeau, Mary Mead, Gerald Bouchard, Christina Booher, Hugh Lewis Jr, John Limanek, Robert Mack, Kate Lampton, James Moody, Ethan Lisle, Rebecca Foster, Ed Cafferty, Richard Eastman, John Quinney, Derk Bergquist, Michael Russell, Eddie Krasnow, Jane Krasnow, Charlie Pughe, Darlene Holmes, Ella Lisle, Bretton Gardner, Dick McAvenia, E J Blondin, and others.

**5:40 PM Site visit: 313 Church Hill Road—to view proposed fence within town highway right-of-way**

**AGENDA ITEMS:**

- 6:00 PM Thompson’s Point Wastewater Disposal System Ordinance—draft amendments
- 7:05 PM Selectboard updates: purchase of server
- 7:15 PM Orthodontic rider for town employees
- 7:20 PM Equipment grant application to VLCT PACIF
- 7:25 PM James Moody, 313 Church Hill Road—request to extend fence within town highway right-of-way
- 7:35 PM Open paving bids—select paving contractor
- 7:45 PM Interviews for reappointments/appointments to committees/boards/commissions □ Ethan Lisle—appointment to the Energy Committee (as Student Member) for a term ending September 1, 2019 □ John Limanek—reappointment to the Trails Committee for a 2 year term ending April 30, 2020 □ John Quinney—reappointment to the Energy Committee for a 2 year term ending April 30, 2020 □ Jim Hyde—reappointment to the West Charlotte Wastewater Advisory Committee for a 2 year term ending April 30, 2020 □ Richard (Dick) Eastman—reappointment to the Planning Commission for a 4 year term ending April 30, 2022 □ David Kenyon—reappointment to the Planning Commission for a 4 year term ending April 30, 2022 □ Derk Bergquist—reappointment to the Conservation Commission for a 4 year term ending April 30, 2022
- 8:00 PM Charlotte Housing Trust Grant Program
- 8:30 PM Request for Bids for Operator of Town Hall, Library and Beach Water Systems
- 8:35 PM Appeal of Preliminary and Final Plat Decisions by KR Properties, LLC—determination whether Town Attorney should enter appearance to represent town in the appeal

- 8:40 PM Little Garden Market, LLC— request for renewals (to be approved/denied as Liquor Control Board) of:  First Class Commercial Caterer License to sell malt and vinous beverages  Second Class License to sell malt and vinous beverages  Tobacco License
- 8:45 PM Reschedule Selectboard meeting scheduled for May 28 (Memorial Day)

### **CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 6:00 p.m.

### **THOMPSON'S POINT WASTEWATER DISPOSAL SYSTEM ORDINANCE— DRAFT AMENDMENTS**

Steve Williams and Chris Gulipeau, Thompson's Point Wastewater Committee members, briefly reviewed an update on wastewater system hookups for Lane's Lane.

The Selectboard continued a review of the revised draft Thompson's Point Wastewater Disposal System Ordinance and amendments, dated 04/09/2018, as follows:

#### *CHANGES/EDITS:*

- Edit to capitalize the word "Ordinance" throughout the document
- Section 202 – delete the word "denoting"
- Section 207 – add "All replacement or new appliances as of June 1, 2018, shall meet current Efficiency Standards."
- Section 304, 1<sup>st</sup> sentence – delete "except Lot 204"; delete "or prior to this date" and change to read "...December 31, 2028 either voluntarily or in the event..."; delete the entire paragraph starting with "The following applies to Lot 204..."
- Section 304, page 5, 1<sup>st</sup> sentence – delete "Lots 201-208..."; 2<sup>nd</sup> paragraph and 3<sup>rd</sup> paragraph – delete entire paragraphs and replace with a reference to fee documents for Lots 201-208
- Article IV, Section 401, 1<sup>st</sup> paragraph, last sentence – replace "Schedule B" with "Schedule B1"
- Section 402, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence – change to read "Any Structure as defined and listed on Schedule A1 or B1 may be renovated or reconstructed provided such renovation or reconstruction does not increase occupancy of the Structure."; subset "a, b, c, d, e" change to capital "A, B, C, D, E"; subset A change to read "No increase in Occupancy as defined in Section 201/208."; delete subsets C and E
- Section 403 – delete
- Article V, Section 501, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence – change to read "The Thompson's Point disposal system is intended only for the treatment and disposal of domestic sanitary waste; which includes toilet wastes, grey water from kitchen sinks, lavatory, bath tubs, dish washers, clothes washing machines, and showers only."; 2<sup>nd</sup> sentence – delete the words "sewage works" and replace with "treatment facility"
- Section 503 – delete entire section 503
- Section 504, page 7 – delete starting from "In forming its opinion..." to subset g "...processes employed."

- Section 505, 1<sup>st</sup> paragraph, last sentence – delete the words “sewage works” and replace with “treatment facility”
- Section 506 – change to read “No person shall discharge any substance into the public sewer before April 15<sup>th</sup>, or when the system is operational of any year, or after October 31<sup>st</sup> of any year.”
- Section 508 – delete entire section

**CONCERNS:**

- Consider restrictions for tying plumbing fixtures (sinks, washing machines, bathroom fixtures, etc) from auxiliary structures into a primary camp structure
- Impacts of average seasonal flows related to the state permit and how to determine the number of fixtures per camp that exist
- Leaseholders that might discharge sewage/grey water into the public disposal system prior to the April date or prior to the system becoming operational

**NEXT STEPS:**

- Mr. Williams to contact Brian Harrington regarding percentage of fixtures in each camp; for example, clothes washing machines
- Create, or locate, an inventory of fixtures per camp

**ADJUSTMENTS TO THE AGENDA**

Add: Executive Session regarding Real Estate Matters

**PUBLIC COMMENT**

None.

**SELECTBOARD UPDATES: PURCHASE OF SERVER; APPOINTMENT TO CONSERVATION COMMISSION**

Mr. Krasnow reported that an e-mail was received from VSP Trooper Daley regarding a resident complaint. Mr. Krasnow has drafted a response to the complaint and forwarded copies for Selectboard review. Mr. Morrison asked Mr. Krasnow to send the response letter, or email, to the complainant.

Mr. Morrison reported that he had attended an ANR meeting regarding Mt Philo State Park on Thursday, April 19, 2018. Mr. Krasnow said that he will draft a letter/petition regarding concerns related to the proposed Park restrictions for community signatures prior to the next Selectboard meeting on May 14<sup>th</sup>. The ANR deadline for comments/input is June 1<sup>st</sup>, said Mr. Krasnow.

Mr. Morrison reported that he will be out of town and asked Mr. Krasnow to sign the Town payroll in his absence.

Mr. Bloch reported that there have been no mail box issues.

Mr. Bloch noted a correction to an appointment at the prior April 9<sup>th</sup> Selectboard meeting. Kevin Burget should have been appointed to replace a vacancy on the Conservation Commission for a term ending 2020 versus 2022.

Mr. Bloch reported that the January 16, 2018, RFP for the Town server contract approved a hardware purchase. The cost has increased by \$700 since then. An order needs to be placed soon, said Mr. Bloch.

Christine Booher, Assistant Town Clerk, pointed out that the SymQuest contract will come up for renewal soon. Is it the intention for the Selectboard to put the contract out to bid, or if not, the SymQuest contract will automatically renew as per the contract. The Town has to give SymQuest 6 months notice. The Town Hall employees are split whether the SymQuest contract should be renewed or not. There are no quotes for the hardware purchase and that is a violation of the Town's Purchasing Policy, stated Ms. Booher. Mr. Bloch said that there are two issues: network support and hardware. The Town has had other contractors/vendors in the past. There were 4 quotes and SymQuest was on par with the others. SymQuest had excellent references that were checked out. He suggested go through SymQuest for a year and then go out to bid next year. He has reported a price update from the October quote. It is a final quote to sign the document for software, hardware and installation, said Mr. Bloch.

Mr. Tegatz asked if the hardware was SymQuest hardware. Ms. Mead replied no.

Mr. Krasnow suggested inviting the SymQuest representative to the May 14<sup>th</sup> Selectboard meeting. Ms. Booher asked if she could invite other companies. Mr. Krasnow said that he would like to discuss the issues with SymQuest regarding the hardware, unit pricing and other questions. Ms. Booher reiterated that the Town needs to send a written notice to SymQuest within 30 days, not 60 days, that the IT contract will go out to bid so that SymQuest's contract does not automatically renew, which was signed on July 11th.

#### **ORTHODONTIC RIDER FOR TOWN EMPLOYEES**

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve an Orthodontic Rider, Option D, with Northeast Dental for Town employees for FY2019, with a starting date of July 1, 2018, for \$500 per year for adults.**

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

#### **EQUIPMENT GRANT APPLICATION TO VLCT PACIF**

Ms. Booher reviewed a request for the Selectboard to sign off on a VLCT PACIF grant to purchase a desk and floor mat from W B Mason for a sum of \$400.

**MOTION by Mr. Tenney, seconded by Mr. Tegatz, to approve a request for an 2018 Equipment grant application to VLCT PACIF for a desk and mat for the amount not to exceed \$435; and to authorize the Charlotte Selectboard Chair to sign the grant application document on behalf of the Town of Charlotte.**

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

**JAMES MOODY, 313 CHURCH HILL ROAD—REQUEST TO EXTEND FENCE WITHIN TOWN HIGHWAY RIGHT-OF-WAY**

James Moody, 313 Church Hill Road, reviewed a request to extend an existing 82' cedar fence that is located within the Town highway right-of-way. The existing fence is 10' high with a 32" gap from the ground to the bottom of the fence. The proposal will extend the fence 76" on one side of the driveway and on the other side install a post and 50" of fence with a gate. There is a temporary snow fence now to help contain the dogs. A business next door parks vehicles close along the side boundary, and the Town garage is across the street. He would like to shield his house from those businesses, said Mr. Moody.

Hugh Lewis Jr, Charlotte Road Commissioner, said that if the applicants do put up the fence then the applicants must understand that the Town is not responsible for any repairs or damage to the fence. There will be no way for snow to go through a solid fence, said Mr. Lewis. Mr. Moody replied that he understood that the Town will not be liable for any damages. The application states that the fence is 7' from the road edge, but it is actually 14'. He is looking to improve the value of his property, said Mr. Moody.

Mr. Tenney noted that the 2007 Zoning permit application described a 10' high fence and the minutes of the meeting describes a 6' high fence with a 2' gap from the ground. At the site visit this date, the attendees saw a new portion of the fence that is higher than the existing fence, said Mr. Tenney. Mr. Moody said that the new portion will be cut down to match the existing fence.

Mr. Tenney said that there is a 50' side yard setback requirement and the fence is within the Town right-of-way. A question is where the boundary line is, said Mr. Tenney. Mr. Bloch said that the Zoning Administrator will look at the fence and rule on the side yard setback issue.

Mr. Tenney asked if the gate will be flush with the fence. Mr. Moody replied yes.

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a request by James Moody to extend a fence within the Town right-of-way as presented at the Charlotte Selectboard meeting of April 23, 2018, with the condition that the Charlotte Selectboard and Charlotte Road Commissioner are not liable for damage(s) to said fence.**

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

**OPEN PAVING BIDS—SELECT PAVING CONTRACTOR**

Mr. Morrison opened 5 Paving Bids, and noted that the Charlotte Road Commissioner will make recommendations for a decision to be determined at this meeting. Mr. Lewis asked if the bids were for grade 3, or grade 4 hot mix asphalt materials. Mr. Morrison said that the grade was not specified.

Bids received follow:

- Pike Industries for \$57.90 per ton

- Whitcomb for \$63.93 per ton
- D & F Excavating, Middlebury, for \$62.00 per ton
- J Hutchins, Richmond, for \$63.50 per ton
- S D Ireland for \$63.80 per ton

Mr. Lewis recommended awarding the bid contract to Pike Industries for \$57.90 per ton. Issues with a Pike paving project a few years ago have been resolved, reported Mr. Lewis.

Mike (?), Pike Industries representative, stated that the paving would be done in May.

**MOTION by Mr. Tenney, seconded by Ms. Spear, to award the Paving Contract to Pike Industries for \$57.90 per ton.**

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

#### **INTERVIEWS FOR REAPPOINTMENTS/APPOINTMENTS TO COMMITTEES/BOARDS/COMMISSIONS**

**Ethan Lisle—appointment to the Energy Committee (as Student Member) for a term ending September 1, 2019**

The Selectboard interviewed Ethan Lisle for an appointment to the Energy Committee Student Member.

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to appoint Ethan Lisle to the Energy Committee as a Student Member for a term ending September 1, 2019.**

#### **DISCUSSION:**

**Rebecca Foster, Energy Committee member, said that Mr. Lisle was a sophomore, and suggested a two year term.**

**AMENDMENT by Mr. Krasnow, seconded by Ms. Spear, to appoint Ethan Lisle to a 2-year term ending September 1, 2020.**

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

**John Limanek—reappointment to the Trails Committee for a 2 year term ending April 30, 2020**

The Selectboard interviewed John Limanek for a reappointment to the Trails Committee.

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to reappoint John Limanek to the Trails Committee for a 2-year term ending April 30, 2020.**

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

**John Quinney—reappointment to the Energy Committee for a 2 year term ending April 30, 2020**

The Selectboard interviewed John Quinney for a reappointment to the Energy Committee.

**MOTION by Mr. Krasnow, seconded by Mr. Tenney, to reappoint John Quinney to the Energy Committee for a 2-year term ending April 30, 2020.**

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

**□ Jim Hyde—reappointment to the West Charlotte Wastewater Advisory Committee for a 2 year term ending April 30, 2020**

The Selectboard interviewed Jim Hyde for a reappointment to the West Charlotte Wastewater Advisory Committee.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to reappoint Jim Hyde to the West Charlotte Wastewater Advisory Committee for a 2-year term ending April 30, 2020.**

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

**□ Richard (Dick) Eastman—reappointment to the Planning Commission for a 4 year term ending April 30, 2022**

Mr. Krasnow recused himself, noting that his family has a subdivision application before the Planning Commission.

The Selectboard interviewed Richard Eastman for a reappointment to the Planning Commission.

**MOTION by Mr. Tegatz, seconded by Mr. Tenney, to reappoint Richard Eastman to the Planning Commission for a 4-year term ending April 30, 2022.**

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

Mr. Krasnow rejoined the Selectboard.

**□ David Kenyon—reappointment to the Planning Commission for a 4 year term ending April 30, 2022**

Reappointment of David Kenyon was deferred to the next meeting of the Selectboard.

**□ Derk Bergquist—reappointment to the Conservation Commission for a 4 year term ending April 30, 2022**

The Selectboard interviewed Derk Bergquist for a reappointment to the Conservation Commission.

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to reappoint Derk Bergquist to the Conservation Commission for a 4-year term ending April 30, 2022.**

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

### **CHARLOTTE HOUSING TRUST GRANT PROGRAM**

Mr. Bloch reviewed that Nancy Wood had asked the Selectboard to consider renewing a Charlotte Housing Trust Grant program at the 2018 Town Meeting. The fund contains \$139,000 in the program line item, reported Mr. Bloch.

Mr. Morrison asked for community input to reactive an Affordable Housing Committee, or to make the funds available.

Peter Richardson, Church Hill Road resident, said he had been a member of the Affordable Housing Committee. The fund was created by the committee. There has been little activity. His interest is to encourage a use of the funds for affordable housing, review the policy and procedures to illuminate why the committee was not more successful or effective. He would be interested in serving on a committee, said Mr. Richardson.

Mr. Morrison suggested an Ad hoc Committee to review and update the policies.

Michael Russell, resident, pointed out that the new Town Plan, Chapter 1, supports affordable housing. The Town should consider using the funds to leverage grant funding for affordable or senior housing, suggested Mr. Russell.

Mr. Krasnow asked if the former committee had a charter. Mr. Bloch replied that it was not really a charter. There were 5-7 committee members at the start, said Mr. Bloch.

There was further discussion regarding the Trust fund grant policy; projects that were built by Habitat for Humanity utilizing \$10,000 Trust grants; and restrictive compliance issues involving a penalty section in the policies.

Kate Lampton said that the land conservation is asked by funding organizations what Charlotte has done in the form of affordable housing. The lack of activity works against land conservation efforts. She would recommend reactivating the committee, said Ms. Lampton.

Eddie Krasnow, resident, asked if there is a target number of affordable units for the Town. Mr. Russell said that the Town Plan calls for 9-21 affordable units over 5 years.

Mr. Krasnow said that he was interested in participating in an Ad hoc Committee.

Mr. Morrison suggested that interested parties should meet informally to gauge interest. Mr. Bloch stated that if it was not a formal meeting then there was no need to comply with Open Meeting Laws.

#### **REQUEST FOR BIDS FOR OPERATOR OF TOWN HALL, LIBRARY AND BEACH WATER SYSTEMS**

Mr. Bloch reviewed a bid for water sampling at the Town Hall, Library and Beach. The Beach has a lower level of certification requirements and could be separated out for a bid request, noted Mr. Bloch.

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve release for an RFP for an operator of the Town Hall, Library and Beach Water Systems, with a change to send "...a report to the State of Vermont and the Charlotte Town Administrator", and to match titles for the "Town Office and Library".**

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

**APPEAL OF PRELIMINARY AND FINAL PLAT DECISIONS BY KR PROPERTIES, LLC—DETERMINATION WHETHER TOWN ATTORNEY SHOULD ENTER APPEARANCE TO REPRESENT TOWN IN THE APPEAL**

Mr. Krasnow recused himself, noting that his family has a subdivision application before the Planning Commission.

Mr. Bloch reviewed that the Planning Commission had issued a Preliminary decision that was appealed by the applicants. That appeal was put on hold until the Planning Commission issued a Final Decision that was also appealed by the applicants on narrow grounds. A question is should the first step be a mediator negotiation versus going to court, or if there is no resolution, then go to court, said Mr. Bloch.

Mr. Morrison said that the issue is in court currently. The question is if the Selectboard wants to enter an appearance in support of the Planning Commission and Zoning Board, said Mr. Morrison.

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve that the Town Attorney enter an appearance to represent the Town of Charlotte in the appeal(s) by KR Properties, LLC, of the Charlotte Planning Commission's Preliminary and Final Plat Decisions.**

**VOTE: 4 ayes, 1 recused (Mr. Krasnow); motion carried.**

Mr. Krasnow rejoined the Selectboard.

**LITTLE GARDEN MARKET, LLC— request for renewals (to be approved/denied as Liquor Control Board) of:  First Class Commercial Caterer License to sell malt and vinous beverages  Second Class License to sell malt and vinous beverages  Tobacco License**

**MOTION by Mr. Tenney, seconded by Ms. Spear, to recess as the Selectboard and to convene as the Charlotte Liquor Control Board.**

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

**MOTION by Mr. Tenney, seconded by Ms. Spear, to approve a request for renewals for a First Class Commercial Caterer License to sell malt and vinous beverages, a Second Class License to sell malt and vinous beverages, and a Tobacco License by Little garden Market, LLC.**

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

The Selectboard members signed the license documents.

**MOTION by Mr. Tegatz, seconded by Ms. Spear, to adjourn as the Charlotte Liquor Control Board and reconvene as the Charlotte Selectboard.**

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

**RESCHEDULE SELECTBOARD MEETING SCHEDULED FOR MAY 28 (MEMORIAL DAY)**

The Selectboard approved a change of meeting date from Monday, May 28, 2018, to Tuesday, May 29, 2018.

**MINUTES: April 9, 2018**

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Charlotte Selectboard minutes of April 9, 2018, as written, with edits:**

- **Page 3, line 93 – change to read “...to approve temporarily...”.**

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

**EXECUTIVE SESSION – Real Estate Matters**

Mr. Morrison said that no action will be taken in Executive Session. The purpose is a discussion and to add the Real Estate topic to a future agenda, said Mr. Morrison.

**MOTION by Mr. Tegatz, seconded by Mr. Tenney, to recess the regular meeting and enter Executive Session for the purpose of discussing Real Estate Matters where premature knowledge might place the Town at a disadvantage, and to invite the Town Administrator to attend.**

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

The Selectboard recessed the regular meeting and entered Executive Session at 8:50 p.m.

**MOTION by Mr. Tenney, seconded by Ms. Spear, to adjourn Executive Session and reconvene the regular meeting.**

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

Mr. Morrison said that no action was taken.

Executive Session was adjourned and the regular meeting reconvened at 9:05 p.m.

**SIGN WARRANTS TO PAY BILLS**

The Selectboard signed warrants to pay bills.

**ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

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