

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
FEBRUARY 13, 2017**

APPROVED

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow. **ABSENT:** Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator.

ITEMS TAKEN UP:

- 5:15 PM Personnel issue (likely executive session) Town Hall,
- 6:00 PM CVFRS Quarterly Report—at the Fire & Rescue Station, 170 Ferry Road
- 7:10 PM Adjustments to the agenda—at the Town Hall, 159 Ferry Road
- 7:11 PM Public Comment
- 7:15 PM Selectboard updates
- 7:25 PM Lund’s Mothers’ Day Ride for Children—May 14, 2017
- 7:30 PM Interview Heather Manning for vacancy on Recreation Commission—term ending April 30, 2020
- 7:40 PM Interview Richard Eastman for vacancy on the Planning Commission with a term ending April 30, 2018
- 7:55 PM Pursue zoning violation by Reset Properties, LLC with regard to outdoor lighting
- 8:00 PM Arthaud lease payment for Lot 128, Thompson’s Point-escrowing of 2017 lease payment
- 8:05 PM Appeal of ZBA Decision ZBA-15-06-CU (Application of Edgewater, LLC for Conditional Use Approval for Event Facility at 1046 Ethan Allen Highway)-scheduling of mediation (February 24) and appointment of Selectboard representative
- 8:10 PM Certificate of Highway Mileage
- 8:15 PM Notice of Conveyance of Municipal Real Estate and Quit Claim Deed to release Open Space Agreements on Lot 9 of Lawrence Krasnow subdivision, allowing conservation by Vermont Land Trust
- 8:20 PM Preparation for Town Meeting
- 8:35 PM Upcoming items: Thompson’s Point Agricultural Lease Thompson’s Point Wastewater Budget Land maintenance and Brush-hogging RFPs Notice of Vacancies on Town Board/Committees and Appointed Positions
- 8:40 PM Liquor License renewals (to be approved as Liquor Control Board): Roland’s Place, Inc.—request for renewal of First Class Restaurant/Bar License to Sell Malt and Vinous Beverages PBM Acquisition, LLC d/b/a Point Bay marina—request for renewal of Second Class License to sell Malt and Vinous Beverages Tenney Enterprises, LLC—request for renewal of Second Class License to Sell Malt and Vinous Beverages Whit’s End, LLC d/b/a Old Brick

Store—request for renewal of Second Class License to Sell Malt and Vinous Beverages

- 8:45 PM Thompson's Point lease renewals: Renew 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 31 at 263 Association Way Renew 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 32 & 33 at 39 Town Way

5:15 PM PERSONNEL ISSUE (likely executive session)

The Selectboard meet at the Town Hall to discuss a Personnel issue.

The Selectboard adjourned the hearing.

**JOINT CHARLOTTE SELECTBOARD/CVFRS
MINUTES OF MEETING
FIRE & RESCUE STATION
170 FERRY ROAD
FEBRUARY 13, 2017**

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow. **ABSENT:** Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator.

CVFRS: John Snow, Dick St George, Tom Cosinuke.

CALL TO ORDER

Mr. Morrison, Chair, called a joint Charlotte Selectboard/CVFRS meeting to order at 6:10 p.m. at the CVFRS Fire Station.

CVFRS QUARTERLY REPORT—AT THE FIRE & RESCUE STATION, 170 FERRY ROAD

Mr. Tegatz reviewed CVFRS quarterly financial reports that included the Management Financial (operating) budget, Budget versus Actuals report, Special Funds bank balances not included in the Operating budget report, and a summary report for FY17.

Ms. Spear asked for Tower Fund details. Mr. Tegatz explained that the radio tower funds paid for electronic equipment, such as computers or repeaters to improve communications. Fire Chief St George said that it costs \$12,000-15,000 to install upgrades to the repeater system.

Mr. Morrison noted that the patient billing revenue was up 10 percent, and asked if that is an indication of more activity. Mr. Snow explained that call volume has been higher, transports have become more frequent, and more people being transported are insured. The total number of collections has gone up due to the insurance, which results in more income, said Mr. Snow.

There was discussion regarding paid rescue staffing; the ability to run two ambulances with current staffing; call details; an update related to false calls; and trends over the last three years.

Mr. Bloch suggested scheduling a “meet and greet” with Rescue personnel. Mr. Cosinuke will provide biographies of Catilyn and Kevin to the Selectboard for review.

Mr. Snow reported that Frank Costner has been elected to the CVFRS Board. A donation enabled the purchase of a “LUCAS” medical machine, which has improved CPR capability. Rescue crews can handle moving a patient to the ambulance while the LUCAS machine continues to administer CPR. The department offers in-house programs for CPR education, and will offer a certification class and health care provider course. The programs are posted on the department website, said Mr. Snow.

Mr. Morrison asked if the department received any feedback regarding a purchase of a new pumper. Fire Chief St George said feedback received has been supportive. The Fire Department will host an open house Sunday, February 19, 2017, from 10:00 a.m.-4:00 p.m., and Thursday, February 23, from 6:00 p.m.-9:00 p.m.

Mr. Snow said that the Fire Department will present a power point slide show at Town Meeting regarding the department needs. Mr. Bloch said that the Selectboard is holding a pre-Town Meeting informational hearing on Monday, March 6th at 4:30 p.m., and Australian ballot information hearing at 6:00 p.m.

Mr. Morrison asked if the Fire and Rescue departments had a position regarding enhanced 911 dispatch. Mr. Snow replied that the departments have no position. It has not been discussed as a Board yet. The current system works well. Shelburne dispatch provides a good service and knows the area, said Mr. Snow. Fire Chief St George said that Shelburne dispatch will remain a part of the enhanced service.

ADJOURNMENT (JOINT CHARLOTTE SELECTBOARD/CVFRS MEETING)

The Charlotte Selectboard adjourned the Joint Selectboard/CVFRS meeting at 7:00 p.m.

Mr. Morrison said that the Charlotte Selectboard will return to the Charlotte Town Hall for the regular Charlotte Selectboard meeting.

CHARLOTTE SELECTBOARD MINUTES OF MEETING TOWN HALL FEBRUARY 13, 2017

SELECTBOARD MEMBERS: Lane Morrison, Chair; Carrie Spear, Fritz Tegatz, Matthew Krasnow. **ABSENT:** Jacob Spell.

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Bill Fraser-Harris, Heather Manning Richard Eastman, Kate Lampton, Robin Pierce; and others.

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 7:10 p.m.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENT

None.

SELECTBOARD UPDATES

Ms. Spear publically thanked David Schermerhorn for volunteering at the skating rink.

Mr. Morrison stated that there was a question regarding the Charter related to the 2017 Town Meeting and a process on voting by Australian ballot on April 11th. Article 5 is the Town budget discussion. Town voters will discuss and vote on the budget from the floor. What is decided would go forward for an Australian ballot vote on April 11th. Article 6, \$40,000 for trails, can be modified by a floor vote. A question is if the article is voted as zero dollars, then would the article go forward for an Australian ballot on April 11th, or not, asked Mr. Morrison.

Following a discussion and reading of the Town Charter language, Mr. Krasnow said that the Selectboard is not obligated to follow a Town floor vote. The Selectboard can warn the article as \$40,000 for an “up or down” confirmation Australian ballot vote on April 11th. A Town Meeting floor vote is a recommendation, said Mr. Krasnow. Mr. Bloch suggested that Section 3, subsection a, is the relevant language for adoption of the annual budget. A floor vote carries on to the April 11th Australian ballot, said Mr. Bloch.

Mr. Morrison said that on March 7th the Town voters decide the financial articles, and whatever is approved on a floor vote is warned for the April 11th Australian ballots. If Article 6 is rejected as a zero amount, then that is brought forward, said Mr. Morrison. Mr. Tegatz clarified so that the Australian ballot will confirm an article as rejected by a Town Meeting floor vote. Mr. Krasnow stated that if Article 6 is rejected at Town Meeting, then it would show up on April 11th as originally warned. A rejected vote can be made “affective” until the April 11th Australian ballot, said Mr. Krasnow.

Mr. Morrison asked staff to have the Town Attorney forward an opinion.

Mr. Morrison asked staff to set up an interview schedule for Thursday, February 16, 2017 regarding a Recreation Coordinator.

The next Selectboard meeting is scheduled for Monday, February 27, 2017, at 7:00 p.m.

Mr. Bloch explained a Thompson’s Point leaseholder’s request to split a middle lot between two neighboring lease holders. Mr. Tegatz asked staff to have the Town Attorney review the Zoning regulations related to Thompson’s Point lots. Mr. Krasnow

suggested having the applicant's attorney review the zoning regulations versus the Town Attorney.

LUND'S MOTHERS' DAY RIDE FOR CHILDREN—MAY 14, 2017

Mr. Bloch reviewed that the Lund's Mother's Day ride has been held for several years. A letter in support from Carl Herzog is in the file. The ride sponsor will have traffic control for the 200-300 riders, of which 75 riders will come through Charlotte. The CVFRS has signed off on the event in writing. No state permit is required, said Mr. Bloch.

Mr. Fraser-Harris said that the Recreation Commission has not considered the application this year. It has been a well run event in the past, said Mr. Fraser-Harris.

Ms. Spear asked if staff kept a calendar to keep track of all the yearly events. Mr. Fraser-Harris replied that the Town Administrator has kept an events calendar on the Town website and in the Recreation office.

Mr. Tegatz asked about traffic control points on the application map, and expressed concern regarding unmonitored road crossings. Mr. Bloch replied that the traffic information was not on the map.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a Lund's Mother's Day ride for Children on May 14, 2017, with application changes as discussed and amended regarding additional marshals to monitor intersections and/or road crossings, and for the ride sponsors to contact Bill Fraser-Harris, Charlotte Recreation Commission, for further communication regarding road marshals. VOTE: 4 ayes, 1 absent (Mr. Spell); motion carried.

INTERVIEW HEATHER MANNING FOR VACANCY ON RECREATION COMMISSION—TERM ENDING APRIL 30, 2020

The Selectboard interviewed Heather Manning, candidate to fill a vacancy on the Recreation Commission.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to appoint Heather Manning to the Recreation Commission for a term ending April 30, 2020.

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

INTERVIEW RICHARD EASTMAN FOR VACANCY ON THE PLANNING COMMISSION WITH A TERM ENDING APRIL 30, 2018

Mr. Krasnow recused himself.

The Selectboard interviewed Richard Eastman, candidate to fill a vacancy on the Planning Commission.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to appoint Richard Eastman to the Planning Commission for a term ending April 30, 2018.

VOTE: 3 ayes, 1 recused (Mr. Krasnow), 1 absent (Mr. Spell); motion carried.

PURSUE ZONING VIOLATION BY RESET PROPERTIES, LLC WITH REGARD TO OUTDOOR LIGHTING

Mr. Bloch reviewed a Notice of Violation issued by Joe Rheaume, Charlotte Zoning Administrator, regarding a zoning violation by Reset Properties, LLC. Exterior lighting shines onto adjoining properties and is out of compliance with the Charlotte Land Use Regulations. The property owner has not responded to notices in the past, or made changes. Does the Selectboard want the Town Attorney to pursue the violation in court, asked Mr. Bloch.

Ms. Spear asked if the property owner would pay court and Town Attorney fees. Mr. Bloch replied that any fees/fines assessed will come to the Town and that pays for the attorney and court fees.

Mr. Krasnow suggested that the Selectboard draft a letter and invite the property owner to appear at a Selectboard meeting for a discussion in conjunction with the Town Attorney pursuing the violation in court.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to authorize the Town Attorney to pursue a Zoning Violation by Reset Properties, LLC, regarding outdoor lighting in the Environmental Court on the Town of Charlotte's behalf, and in conjunction, designate Matthew Krasnow to draft and sign a letter inviting the property owner to appear at a Selectboard meeting for a discussion regarding the matter.

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

ARTHAUD LEASE PAYMENT FOR LOT 128, THOMPSON'S POINT- ESCROWING OF 2017 LEASE PAYMENT

Mr. Morrison explained that an email from Paul Arthaud, leaseholder of Lot 128, was received. Mr. Arthaud has asked to place his 2017 lease payment for Lot 128 in an escrow account, said Mr. Morrison.

Mr. Morrison reported that he spoke with VLCT PACIF and they have denied the original claim, and it has been appealed. The March 1st rent for the land is due. Liam Murphy, Mr. Arthaud's attorney, said that if the lease is void then the rent would be returned to Mr. Arthaud, explained Mr. Morrison.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve placing the Paul Arthaud lease payment for Lot 128, Thompson's Point, in an escrow account to be held by Murphy, Sullivan, and Kronk until a determination is made by the court for rent due March 1, 2017.

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

APPEAL OF ZBA DECISION ZBA-15-06-CU (APPLICATION OF EDGEWATER, LLC FOR CONDITIONAL USE APPROVAL FOR EVENT FACILITY AT 1046 ETHAN ALLEN HIGHWAY)-SCHEDULING OF

MEDIATION (FEBRUARY 24) AND APPOINTMENT OF SELECTBOARD REPRESENTATIVE

Mr. Bloch reviewed that a mediation session has been scheduled for February 24, 2017, regarding the Edgewater, LLC issue at the office of Donald Powers in Middlebury. The Town Attorney will be available via telephone and will not attend the mediation. Staff can attend, or be “on call”, suggested Mr. Bloch.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to appoint the Town Administrator to be on a stand-by basis for a mediation of an appeal of the Zoning Board of Adjustment decision regarding ZBA-15-06-CU, application by Edgewater, LLC, for an event facility at 1046 Ethan Allen Highway, on February 24, 2017.

DISCUSSION:

Mr. Bloch pointed out that the Town Attorney will be on stand-by as well.

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

CERTIFICATE OF HIGHWAY MILEAGE

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Certificate of Highway Mileage for the year ending February 10, 2018, as presented.

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

The Selectboard members signed the Certificate of Highway Mileage document.

NOTICE OF CONVEYANCE OF MUNICIPAL REAL ESTATE AND QUIT CLAIM DEED TO RELEASE OPEN SPACE AGREEMENTS ON LOT 9 OF LAWRENCE KRASNOW SUBDIVISION, ALLOWING CONSERVATION BY VERMONT LAND TRUST

Mr. Bloch explained a Notice of Conveyance of municipal real estate and a quit claim deed. The Town currently is a party to two Open Space Agreements associated with the Lawrence Krasnow subdivision. The open space agreements will be eliminate and a conservation easement on property owned by Clark Hinsdale will replace the agreements. The conservation easement will be held by the Vermont Land Trust. The conveyance has to be noticed in a newspaper 30 days prior to the closing. A quit claim deed will be signed and handed over by the Charlotte Selectboard Chair at the closing. If the closing falls through then the Town retains the quit claim deed, said Mr. Bloch.

Mr. Tegatz recused himself as an adjacent land owner.

Mr. Krasnow said that he has reviewed the Town’s Conflict of Interest Policy. His uncle created the subdivision 20 years ago and he feels there is no conflict of interest, said Mr. Krasnow.

MOTION by Mr. Morrison, seconded by Ms. Spear, to approve a Notice of Conveyance of Municipal Real Estate, and Quit Claim Deed to release Open Space Agreements on Lot 9 of the Lawrence Krasnow subdivision, allowing conservation by the Vermont Land Trust, and to authorize the Charlotte Selectboard Chair to sign the documents on behalf of the Town of Charlotte.

VOTE: 3 ayes, 1 recused (Mr. Tegatz), 1 absent (Mr. Spell); motion carried.

PREPARATION FOR TOWN MEETING

Mr. Morrison reviewed a Selectboard power point presentation for the 2017 March Town Meeting.

CHANGES/SUGGESTIONS:

- Slide 2 – change “Charter” to read “First Year Charter”
- Slide 4 – capitalize the word “Village”, replace the word “system” with “capacity”
- Slide 5 - add: percentages: at the end of the 1st bullet place (1.09% increase); at the end of the 2nd bullet place (1.45 % decrease); 4th bullet change to “projected tax rate”; 5th bullet change to “estimated municipal tax rate”
- Slide 7 – change “in-house” to read “Charlotte Housing Trust Fund (in-house fund)”
- Slide 10 – Bridge Repairs, add “/Reconstruction”; add: “all the town bridges at this point in time have received a good or excellent condition as rated by the State of Vermont”; change “guard rail” to one word “guardrail”

TASKS:

- Mr. Krasnow will contact the Trails Committee to coordinate a 2017 Town Meeting presentation regarding Article 6

UPCOMING ITEMS: THOMPSON’S POINT AGRICULTURAL LEASE; THOMPSON’S POINT WASTEWATER BUDGET; LAND MAINTENANCE AND BRUSH-HOGGING RFPs; NOTICE OF VACANCIES ON TOWN BOARD/COMMITTEES AND APPOINTED POSITIONS

Mr. Krasnow suggested having a discussion regarding land maintenance and brush hogging RFP’s at the February 27th Selectboard meeting. A vote on the items could occur at a future meeting, said Mr. Krasnow.

Mr. Bloch said that Town board/committee vacancies need to be posted.

Mr. Bloch said that the Town has a standard format for Thompson’s Point leases. Any changes should be forwarded to staff, said Mr. Bloch.

LIQUOR LICENSE RENEWALS (TO BE APPROVED AS LIQUOR CONTROL BOARD): Roland’s Place, Inc.—request for renewal of First Class Restaurant/Bar License to Sell Malt and Vinous Beverages PBM Acquisition, LLC d/b/a Point Bay marina—request for renewal of Second Class License to sell Malt and Vinous Beverages Tenney Enterprises, LLC—request for renewal of Second Class License to Sell Malt and Vinous Beverages Whit’s End, LLC d/b/a Old Brick Store—request for renewal of Second Class License to Sell Malt and Vinous Beverages

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to recess the Charlotte Selectboard regular meeting and reconvene as the Charlotte Liquor Control Board.

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

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a request by Roland's Place for renewal of a First Class Restaurant/Bar License to Sell Malt and Vinous Beverages.

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

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a request by PBM Acquisition, LLC d/b/a Point Bay marina, renewal of a Second Class License to sell Malt and Vinous Beverages.

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

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a request by Tenney Enterprises, LLC, for renewal of a Second Class License to Sell Malt and Vinous Beverages.

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

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve a request by Whit's End, LLC d/b/a Old Brick Store for renewal of a Second Class License to Sell Malt and Vinous Beverages.

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

The Selectboard signed the documents.

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

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

THOMPSON'S POINT LEASE RENEWALS: Renew 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 31 at 263 Association Way; Renew 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 32 & 33 at 39 Town Way

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a renewal of a 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 31 at 263 Association Way, and to authorize the Charlotte Selectboard Chair to sign the lease documents on behalf of the Town of Charlotte.

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

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a renewal of a 20 year lease to Genequil-La Casita, LLC, Chris Kuenne, Trustee for Lots 32 & 33 at 39 Town Way, and to authorize the Charlotte Selectboard Chair to sign the lease documents on behalf of the Town of Charlotte.

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

MINUTES: January 23, January 26, January 30

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of January 23, 2017, as written with edits:

- Page 4, line 166 – replace the word “present” with “promote a discussion regarding...”.

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

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of January 26, 2017, as written with edits:

- Page 1, line 36 – insert the word “projected” between the words “current” and “tax”.

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

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve the Charlotte Selectboard minutes of January 30, 2017, as written with edits:

- Page 1, line 27 – replace the word “values” with “revenues”;
- Page 2, line 43 – replace the word “resigning” with “leaving”, and delete the word “from”.

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

APPROVE WARRANTS TO PAY BILLS

The Selectboard reviewed and signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Tegatz, seconded by Ms. Spear, to adjourn the meeting.

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

The meeting was adjourned at 8:51 p.m.

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