

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
NOVEMBER 13, 2018**

APPROVED

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

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Rick Brigham, Nat McKeen, Lisa Thornton, Sue Smith, Diane Taybey, Jim Donovan, Peter Joslin, Laurie Thompson, Jenny Cole, Margaret Russell, Linda Radimer, John Limenak, Hugh Lewis Jr, Gerald Bouchard, Betsy Tegatz, Marty Illick, Charlie Pughe, Ethan McLaughlin, Christine Cowart, Stephaney Hasse, and others.

AGENDA ITEMS:

- 6:01 PM Review of FY2018 Audit Report
- 6:15 PM Public Meeting for State Park Road Path
- 7:20 PM Open bids for generators for Town Hall and Senior Center
- 7:25 PM Board of Listers—Grand List Errors and Omissions
- 7:30 PM Budget Review Charlotte Park & Wildlife Refuge 7:30 pm—7:45 pm
- 7:45 PM Potential Allocations and/or Articles for Town Meeting—discussion
- 8:00 PM Discussion of permit appeal process with Planning Commission
- 8:25 PM Set date for performance reviews with employees
- 8:35 PM Selectboard updates— Senior Center parking donation of trail easement crosswalk @ CCS

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 6:08 p.m.

ADJUSTMENTS TO THE AGENDA

None.

REVIEW OF FY2018 AUDIT REPORT

Rick Brigham, Sullivan and Powers, Co representative, reviewed a draft Audit Report, Audit letter and Management's Discussion and Analysis report for the fiscal years ending June 30, 2018 and 2017. The Audit Opinion, pages 1-3, finds that the Town has achieved an "Unqualified Audit Report". Mr. Brigham said that he has had conversations with the Town Administrator regarding new bonds coming up. A question is how much debt is enough, or too much, and if it is a Selectboard, or taxpayer issue. It is recommended that the Selectboard keep on eye on it and how proposed bonds will affect the tax rate moving forward, said Mr. Brigham.

Mr. Morrison noted that the Town has three on-going bonds, one of which will finalize next year. The Library and Rescue Service have proposed bonding projects in the future, said Mr. Morrison

Mr. Brigham said that the General Fund budget actuals indicate a \$72,000 loss over the year, which was planned as a way to reduce the fund balance, and a Management Letter was not needed due to the clean audit. There were no difficulties in performing the audit. The lines of communication with Town staff are excellent, said Mr. Brigham.

Mr. Morrison thanked Sullivan and Powers, Co, Mary Mead, Christina Booher and Dean Bloch for their work and efforts.

PUBLIC MEETING FOR STATE PARK ROAD PATH

Jim Donovan, Landscape Architect, reviewed a proposed alignment of the State Park Road path layouts on the north side of State Park Road featuring two proposed options labeled Option A (in yellow) and Option B (in blue), with shifts in the path between Yellow and Blue shown in white, on an overhead colored ortho-map. The path options have been broken down into four sections as shown on the map. A third Option "C" was brought to his attention by landowners that would move the path away from the roadway at the State Park Road/Vineyard View Road intersection going up Vineyard View Road and crossing two properties along the edge of the vineyard. He would need to talk to a third property owner. It may cost \$3,000-4,000 for an archeological study, said Mr. Donovan.

In response to a question, Mr. Donovan said that no motorized vehicles will be allowed on the path.

Mr. Limanek asked how far the Blue option was from the road. Linda Radimer asked if the Blue path was behind a line of trees. Mr. Donovan replied that there wasn't enough room to get a path behind the trees. It is not anticipated that any of the trees, shown as green dots on the map, would be lost with the Blue path. Any green dots with an "X" would need to be cut down, clarified Mr. Donovan.

(?) asked if there will be difficulty in maintaining the paths in the winter. Mr. Donovan replied that the Yellow will be more difficult to maintain in winter since it is closer to the road. The Blue and Yellow paths are about the similar, except the Blue path is a bit further away from the road edge, said Mr. Donovan.

Margaret Russell, Trails Committee member, asked if Option C will have an 8' easement. Mr. Donovan said that the easement could be up to 10' wide. The Yellow might be narrower to get around some of the swales and ditches, said Mr. Donovan.

Christine Cowart asked if there is a second alternative. Mr. Donovan said that in the second section Yellow stays 4'-5' off the road edge and between the road and trees. There is a 100' easement where a 20' path easement could be located within a significant wetland along the Kimball Brook. The path could cross the wetland at the bottom edge, or the Blue path could be 30'-40' away from the road and go through the wetland crossing by a boardwalk or bridge, said Mr. Donovan.

Mr. Donovan pointed to a dead elm tree and non-significant trees where the path could drop down along the edge of the wetland. A bridge would entail two supports, versus a boardwalk with many supports. Either option will have an impact of wildlife movement and water through there. A boardwalk would be 6'-7' high and a bridge would be 8'-10' high. Both would still be below the road level, but not by much. The Yellow path would impact an existing drainage ditch. A culvert could be put under the path with fill near a cluster of willow trees, or the front willow trees could be removed to make a path 6'-8' wide. A second drainage ditch would also require a culvert for the trail. Cutting and filling the slope in the wetland buffer may be needed. A 'white' alternate path would cost \$120,000, a boardwalk \$365,000 and a bridge \$415,000-420,000. There could be some shifting between the Blue path down to the Yellow path and back up to the Blue path again. There could be some shifting up from the Yellow so it goes between the Blue and Yellow past the wetland to save the drainage work if we go with the Yellow near the trees, said Mr. Donovan.

Ms. Cowart reiterated that a path could go from Blue to Yellow, and then back again. Would the path reconnect on the east side of the wetland, asked Ms. Cowart. Mr. Donovan reviewed that the Blue path could follow the edge of the wetland and could reconnect on the east side. There is no budget estimate. The budgets are rough for comparison only, said Mr. Donovan.

Diane Taybey, resident, asked if Option C across her property and goes through Jonathan's property goes north. Mr. Donovan replied yes. The path could be done as a spur, or use the road for access, said Mr. Donovan.

Ms. Radimer asked if that is a bridge where the Blue joins the white. Mr. Donovan replied no, and pointed to a white line that goes down a slope. We are trying to keep a 5 percent grade for ADA requirements, said Mr. Donovan.

Mr. (?) said that he has lived across the road for 24 years, and said that the wetland to the north will fill with water in the spring and gets to 6' all the time.

Ms. Russell asked if the sections by the road will have safety barriers. She has seen Burlington move road markers to give more room for a bike path, said Ms. Russell. Mr. Donovan replied yes, for the summer. In winter it would be hard for the Road Commissioner to plow. For example, on Swift Street there are plastic tubes in the roadway to separate vehicles from bicycle riders, explained Mr. Donovan.

A concern was voice regarding the layout of a path over a steep slope and resulting erosion. Mr. Donovan said that the slope would need stabilization, which could be a part of the wetland permit.

Mr. Tenney asked what would a 1' retaining wall near the road, or a 3' retaining wall further from the road cost. Mr. Donovan said that it was easier to have a path next to the wetland, either at the top of the slope, or where the white line is proposed.

PUBLIC STRAW POLL:

The attendees indicated that a path from the Blue line to the Yellow line and back again was favored.

Mr. Donovan reviewed Table 2C where there is one property going through a subdivision application along the north side of State Park Road. There is the potential for a 20' easement along the front of the property. The Yellow path is drawn 4'-5' from the road. Some trees would need to be removed. There is drainage at the north end that will require a culvert and fill, said Mr. Donovan.

Mr. Morrison asked if there was potential for a variable easement. Mr. Donovan replied no. There is a 20' variable easement on a previous section, noted Mr. Donovan.

Mr. Donovan pointed to wetlands in a forested area that would require a wetlands permit. Mr. Tenney asked if all the wetland areas could be bound in one wetland permit. Mr. Donovan replied yes.

Mr. Donovan said that in the field past a potential driveway the Blue path could go further from the roadway.

Sue Smith asked if there will be wetland impacts. Mr. Donovan replied that the wetland impacts will be minimal. It has habitat value, is low, and flood water storage would be minimal and on the edge. Some plantings could be done to minimize impacts and increase habitat values. The second wetland area has invasive that could be removed. Wetland permit costs are unknown. It is not known if permit fees are waived for a municipality. As drawn, the Blue path would have an estimated \$4,500 application fee, Yellow at \$2,500. The area has "dry" wetlands and path maintenance would be similar to a previous section, said Mr. Donovan.

Mr. Krasnow suggested that a path behind the trees would be better if the difference in wetland application fees is only \$2,000.

PUBLIC STRAW POLL:

A Blue path is the preference; safety impacts were better behind the trees for user comfort versus walking along the shoulder of a road.

Mr. Donovan reviewed the final wetland in the meadow at the edge of the easement that has no habitat value and is continually mowed for hay. The subdivision applicants have proposed a horse paddock there if the development is approved. Putting the trail at the edge of the wetland wouldn't have much impact. There is not much difference between the Blue and Yellow. Visibility is good. The Yellow would be 2'-3' lower than the road so it is separated from the road vertically. There is potential for 3-4 parking spaces at the end of the road. People park there already. A Maple tree was not marked as a significant tree since it is dying. It will be removed and/or replaced with a native species, said Mr. Donovan.

PUBLIC STRAW POLL:**The Blue path is the preference.**

Mr. Tenney asked if there will be a barrier between the trail and parking lot. Mr. Donovan replied that it could be a row of small evergreens, a small fence, or a grass strip. Mr. Tenney said that there should be something to eliminate the potential for people to park on the path.

Mr. Donovan said that a discussion with the State Park has not taken place yet regarding a cross walk to the park. He would go back to the Steering Committee regarding the comments tonight. The ANR wetlands permit application will start before January, 2019, said Mr. Donovan.

Mr. Morrison asked if there is a grant application. Mr. Donovan clarified that he is talking about a wetlands permit, which has a per square foot cost. The Trails Committee is seeking more grant money for construction, said Mr. Donovan.

Mr. Tenney asked if there were any additional costs. Mr. Donovan said that there is a \$250 processing fee to split the application apart. The Yellow path is totally within the easements.

There was discussion regarding the estimated time for the ANR to review the wetland permit; a time line at the end of November/December for submitting a wetland permit; January, 2019 for a response by the ANR; and warning a Selectboard meeting for a Public Hearing to review a draft of a final path assuming the ANR review is done. If there are more comments then another Public Hearing could be warned for March 11, 2019. The next public meeting schedule is for February 11, 2019. He will post information on Front Porch Forum, in the local newspapers, or people could send comments to his email, said Mr. Donovan.

Mr. Bloch said that the grant application is on the Selectboard's December 10, 2018, agenda.

Ms. Spear asked if there is a cost difference between the Blue and Yellow. Mr. Donovan reviewed a cost analysis spread sheet that is a cost comparison between the two paths for each section, which are ball park figures. The big difference is in Table 2B that are proposed crossings of Kimball Brook. A cost analysis for Option C has not been done. Option C adds distances up Vineyard View Road and across properties, said Mr. Donovan.

Mr. Morrison thanked Mr. Donovan for his presentation and work.

PUBLIC COMMENT

None.

OPEN BIDS FOR GENERATORS FOR TOWN HALL AND SENIOR CENTER

Mr. Morrison opened two timely sealed bids for generators for the Town Hall and Senior Center, and one timely unsealed bid submitted by e-mail:

- Peck Electric – total bid of \$18,660 includes two 20 kW generators and installation
- Reliant Electric – total bid of \$27,187 includes a 5-year warranty, no generator size noted
- (e-mail bid) Brookfield Service – total of \$54,100 for two 38 kW generators

Mr. Bloch suggested that the Selectboard award a bid at the next, or a future Selectboard meeting. Mr. Tegatz said that he will create a comparison spreadsheet for Board review.

BOARD OF LISTERS—GRAND LIST ERRORS AND OMISSIONS

Betsy Tegatz, Lister, reviewed a Grand List Errors and Omissions list.

MOTION by Mr. Tenney, seconded by Mr. Krasnow, to accept a Grand List Errors and Omissions report for the Fy2018 tax year, date 11/13/2018, as presented.

VOTE: 5 ayes; motion carried.

BUDGET REVIEW □ Charlotte Park & Wildlife Refuge

Jenny Cole and Sue Smith, Charlotte Park and Wildlife Refuge Oversight Committee members, reviewed a written proposed budget and projects at the park. Money was added to fund Emerald Ashborer treatment of trees, said Ms. Smith.

Mr. Morrison asked what the treatment would cost. Ms. Smith replied that it depended on the diameter of the Ash tree and how far away the tree was located.

There was brief discussion regarding an Ahead of the Storm grant that was received; horse back rider use of the trails; and a proposal to hold a community event in the fall at the park, which would coincide with the park's 20th anniversary.

Mr. Morrison thanked Ms. Cole and Ms. Smith for a proper presentation.

POTENTIAL ALLOCATIONS AND/OR ARTICLES FOR TOWN MEETING—DISCUSSION

Mr. Morrison reviewed the following possible Town Meeting topics:

- Conservation Fund – not requesting any funding
- Trails Committee request for \$30,000
- Capital Reserve Fund request for \$50,000 for repairs to the Town Hall roof (could be \$25,000 this year, or \$50,000)
- Possible Library addition bond article TBD (is on the December 17, 2018 Selectboard agenda)
- Parking project for the Senior Center located between the Children's Center and the Fire Station, under discussion for \$50,000 for a gravel road

Mr. Tegatz suggested seeking \$25,000 for the Town Hall roof, which was not leaking yet. Mr. Bloch said that there is no estimate for asphalt or standing seam metal roofing.

Mr. Tegatz said that there was a discussion regarding diagonal parking along Ferry Road for additional parking for the Senior Center. Mr. Morrison clarified that the project was for Town parking versus Senior Center parking. A health center is proposed on land behind the Children's Center, said Mr. Morrison.

DISCUSSION OF PERMIT APPEAL PROCESS WITH PLANNING COMMISSION

Mr. Joslin reviewed an appeal by KR Properties, LLC regarding a subdivision, and asked what procedure the Selectboard used in determining the Selectboard's decision of the appeal. He had recused himself as an abutter during the Planning Commission hearings. The Planning Commission tried to work with the Krasnow family. For the Planning Commission it makes sense to have some representation regarding the appeal so that the Selectboard could have received input from the Planning Commission, said Mr. Joslin.

Mr. Tegatz said that when someone files suit the Planning Commission should inform the Selectboard post haste. The first step in a court process is that a judge orders mediation, which proceeds on the court's time line, said Mr. Tegatz. Mr. Joslin said the Planning Commission could accommodate that. Daryl could deal with it and/or put it on the Planning Commission agenda. When an appeal is remanded back to the Town the Selectboard should designate Selectboard representatives to interact with the Planning Commission, said Mr. Joslin.

Mr. Tegatz said that in an appeal both sides pay mediation and attorney's fees. In this case the Krasnow's asked to sit down with the Selectboard and bypass the attorney and court costs. We did. It was a time line created by the court, reiterated Mr. Tegatz.

Mr. Tenney said that at one point he talked to Marty Illick and Charlie Pughe. Ms. Illick said that she sat down with Mr. Tenney and Mr. Tegatz once late in the game. It wasn't a great procedure. It compromises how the Town views Planning Commission decisions. A question is if this is the procedure the Selectboard wants in upholding the Planning Commission documents in terms of setting a precedent, said Ms. Illick.

Mr. Tenney said that the Board had staff look into how other towns handle the process. Some towns do have Planning Commission members active at the beginning, and other towns don't have input until the end. There is no clear standard, stated Mr. Tenney.

Ms. Illick said that the Krasnow application took a two-year process of holding Planning Commission hearings and she doesn't think the Selectboard had the capacity to understand the thought processes behind the Planning Commission decision in such a short time line, said Ms. Illick.

Mr. Pughe said that Marty is saying that there is a lot of history that the Selectboard didn't have, and the Board negotiated without that history. Why does the Planning Commission go through the process when the Selectboard changes the decision. The Planning Commission went back and forth with the Krasnow's over many long meetings, and those details in the Decision are the final piece, said Mr. Pughe.

Mr. Joslin said so Fritz is saying that sometimes an appeal is mediated and goes to court. It made sense to have the Planning Commission at the mediation, said Mr. Joslin. Mr. Bloch said that there was a staff disconnect with the Planning Commission that should have been brought into it.

Mr. Joslin said that Marty and Charlie were asked to represent the Planning Commission. Is Fritz saying in an ideal world the Planning Commission would have given the Selectboard details before they met with the appellant, asked Mr. Joslin.

Mr. Morrison said that there were two parties; the Krasnow's and the Selectboard. In a friendly meeting the Board should have met with the Krasnow's and the Planning Commission. The Board always supports the Planning Commission decisions. In the past the procedure has been where the Planning Commission meets the Board and the Board mediates, said Mr. Morrison.

Mr. Krasnow said that the legal structure in the state is the judge. The first crack is the Planning Commission and applicant. The second crack is the Board to meet with the landowner. And the third crack is the judge. The state is saying it is the Selectboard to meet with an appellant. Framing the process between the Planning Commission and landowner is not legal, said Mr. Krasnow.

Mr. Pughe agreed that the Selectboard can make decision, however, the Planning Commission should be a part of the discussion. Ms. Illick said the Selectboard has the authority to make a decision whatever they want. It shouldn't be a last ditch decision. The Planning Commission still doesn't know what decision the Selectboard made. She suspects it was resolved as it did change the appeal to desires of the applicants, said Ms. Illick.

Mr. Bloch stated that 90 percent of the Planning Commission decision was upheld. Ms. Illick expressed concern that the Selectboard is setting a precedent. Mr. Bloch replied that a letter was sent out. You would have to go back and forth between the two documents – the Planning Commission Decision and the Selectboard Decision - to see the changes. It says condition "Y" and condition "F" were changed, said Mr. Bloch. Ms. Illick asked when the Selectboard made the change to the Planning Commission Decision is it documented with justification.

Mr. Pughe expressed concern regarding the process since the Planning Commission is currently hearing a similar subdivision application across from Mt Philo Road.

Mr. Bouchard said that the court decision came down after the Planning Commission decision. The current subdivision application could end up in court, said Mr. Bouchard. Mr. Joslin stated that the Krasnow Decision was complicated. We are hearing that the Selectboard upholds 9 out of 10 Planning Commission decisions. Sounds like two changes, and there should be some reason to substantiate those changes, said Mr. Joslin.

Ms. Illick said if the District Court makes a decision the court would have justification why. Mr. Morrison said he saw that in the solar farm appeal on Mt Philo. Mr. Morrison said that he is saying that the Board is sorry, we should have called the Planning Commission in to let you know what the Board was thinking and as part of the process. Mr. Joslin replied that a discussion should happen before a discussion with the appellant. An applicant can appeal, an attorney sends a letter outlining grounds for appeal. The Town would want to know what the grounds are, said Mr. Joslin.

Mr. Pughe asked Mr. Tenney how the Zoning appeals are handled. Mr. Tenney replied that the Selectboard handles all mediations. There hasn't been an appeal in a long time. There was Affectionately Cats for a duplex violation, recalled Mr. Tenney.

Mr. Morrison said that it would be incumbent on the Selectboard to notify the Planning Commission when there is an appeal to work with the Selectboard.

Mr. Morrison thanked the Planning Commission members for their input.

SET DATE FOR PERFORMANCE REVIEWS WITH EMPLOYEES

Mr. Krasnow reported that he has not connected with the Town employees. He is suggesting a lunch time review schedule, said Mr. Krasnow.

Staff will warn Performance Reviews for Town employees for Tuesday, December 4, 2018, at 5:00 p.m., for Daryl Benoit, Aaron Brown, Nicole Conley, and Dean Bloch. Mr. Joslin, Planning Commission Chair asked to attend the review for Mr. Benoit and Mr. Brown.

SELECTBOARD UPDATES—

Senior Center parking

Discussed under the "Potential Allocations and/or Articles for Town Meeting.

donation of trail easement

Mr. Bloch reported that a Greenbush Road property owner has offered to donate an easement for a section of the Town Trail (Co-housing north to the West Village). He would like to ask the Town Attorney to review a boiler plate agreement and conduct a land title search, said Mr. Bloch.

Mr. Krasnow and Ms. Spear asked to see the easement details.

Staff to add the easement donation to the November 26, 2018, Selectboard agenda.

crosswalk @ CCS

Mr. Bloch reported that a Chittenden County Regional Planning engineer will forward a recommendation by the end of the month regarding a possible crosswalk between the school and Philo Ridge Farm.

Ms. Smith asked for clarification regarding a proposed Senior Center parking area. Mr. Morrison explained that Ben Mason has proposed donating a strip of land if the Town would construct a road to the back 1- acre lot where a health center could be built. It is located between the Children's Center and the Fire Station.

Mr. Bloch asked if the Selectboard is considering funding construction of the road in the next year. The Health Center is scheduled for a January 2019 Sketch Plan review and a final subdivision hearing in February, or March, 2019, which would include a road. The cost to design a roadway is \$1,000-2,000. The property owner has delineated a wetland evaluation that shows the location of a wetland with dry land in the corridor for a road and parking as per an e-mail dated 11/13/2018, said Mr. Bloch.

Mr. Tegatz suggested waiting until next summer for a wetland determination. Mr. Morrison asked if it would be advantageous to cost share with the property owner. A 500' long roadway 50' wide could be proposed, said Mr. Morrison.

Mr. Bloch said he would solicit quotes from Hugh Lewis Jr and other contractors.

Mr. Tegatz suggested using Google maps showing a road and parking plan and get a ball park figure from Hugh Lewis Jr. Mr. Morrison suggested a roadway 25' wide with a 25' wide parking on the Fire Station side as Phase 1.

Mr. Joslin said that the Planning Commission would like to see a sketch plan development of the entire parcel. Is the road part of the subdivision, asked Mr. Joslin. Mr. Bloch replied yes. The parking will be separate and would be gravel. The Town may budget for a road. By constructing the road The Town has the right to do parking, said Mr. Bloch.

Mr. Pughe noted that a storm water permit is a long process. Mr. Bloch said that is it up to Mr. Mason to do. Mr. Tegatz pointed out that the Selectboard couldn't proceed until the ANR and storm water permits were in hand.

Mr. Joslin reviewed the Planning Commission hearing process for a January Sketch Plan Review, and a final hearing in April for a Planning Commission decision. If the road is going through a wetland then permits are needed. If a road is in the dry area then you wouldn't need a permit, said Mr. Joslin.

Mr. Tenney asked what the cost of a permit is. Mr. Pughe replied that it is on a square foot price. Mr. Tenney asked if the Town added the road to the property owner's permit would the Town pay a prorated square foot cost. Mr. Morrison said it would be on the FY2019 Town budget.

MINUTES: October 22, 2018

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Charlotte Selectboard minutes of October 22, 2018 as written.

VOTE: 5 ayes; motion carried.

APPROVE WARRANTS TO PAY BILLS

The Selectboard approved warrant to pay bills,

ADJOURNMENT

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 8:45 p.m.

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