

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
NOVEMBER 4, 2019**

APPROVED

SELECTBOARD MEMBERS: Matthew Krasnow, Chair; Fritz Tegatz, Frank W Tenney, Carrie Spear, Louise McCarren (departed 7:55 p.m.).

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Robert Mack, Peter Joslin, Steve Loyer, Brian Manning, David Marshall, Moe Harvey, Tammy Hall, Jeff Hall, Bill Fraser-Harris, Nicole Conley, John Quinney, Suzy Hodgson, Stuart Bennett, Kate Lampton, Rebecca Foster, Jim Donovan, Margaret Russell, Mike Dunbar, Dottie Waller, Gary Regan, Jim Hyde, Stephaney Hasse, Jack Pilla, Scooter MacMillan, The Citizen; and others.

5:00 PM Site Visit – Hinesburg Road across and west from Guinea Road – for Highway Access Permit application and proposed utility pole on north side of Hinesburg Road

AGENDA:

- 5:30 PM (at Town Office) Discussion of personnel (possible executive session)
- 6:01 PM Public informational hearing for vote on amendment to Town Plan
- 6:10 PM Cyber security—update by Steve Loyer of Techgroup
- 6:40 PM Use of former flea market for overflow parking at Charlotte Commons
- 6:50 PM Philo Ridge Farm Application for Highway Access Permit to move driveway serving new two- family dwelling Ditching Proposed utility pole serving new two-family dwelling and adjacent outbuildings
- 7:05 PM Budget review Recreation Programs, Recreation Operating Budget, Recreation Facilities Capital Reserve Fund 7:05 PM—7:50 PM Energy Committee 7:50 PM—8:05 PM
- 8:05 PM Wastewater disposal ordinances for West Charlotte village
- 8:30 PM Construction of State Park Road Path

CALL TO ORDER

Mr. Krasnow, Chair, called the meeting to order at 5:30 p.m.

EXECUTIVE SESSION: DISCUSSION OF PERSONNEL

MOTION by Ms. Spear, seconded by Ms. McCarren, to recess the regular meeting and enter Executive Session for the purpose of discussing Personnel Matters where the Town may be placed at a disadvantage,

VOTE: 5 ayes; motion carried.

The regular meeting was recessed and the Selectboard entered Executive Session at 5:31 p.m.

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

VOTE: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting was reconvened at 6:11 p.m. Mr. Krasnow reported that no action was taken.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC INFORMATIONAL HEARING FOR VOTE ON AMENDMENT TO TOWN PLAN

Mr. Bloch reviewed that the Town will vote on an Amendment to the Town Plan regarding adoption of the Energy Section on Tuesday, November 5th. Absentee ballots have been received.

Mr. Joslin, Charlotte Planning Commission Chair explained that the Energy Section is a critical piece, and if passed that will give the Town options for alternative energy siting and a say where open space is that the Town would like to protect.

CYBER SECURITY—UPDATE BY STEVE LOYER OF TECHGROUP

Steve Loyer and Brian Manning, Techgroup representatives, reviewed a written handout regarding cyber security at the Town Hall as a whole and a roadmap for going forward that included the Town's network, best practices, current layers of protection in place, and recommendations to enhance security.

There was lengthy discussion regarding employee training related to specific security awareness; the need for a written manual and policies that should include checks and balances, consistency, and updated to stay current (Mr. Manning noted that things change weekly); daily backups in house and off site; and concerns regarding employee use of remote access to the Town network (Mr. Loyer suggested meeting at a later time for further discussion regarding off site software use by Town employees).

TASKS:

- Local computer firewalls – currently turned off and should be on
- Changing passwords every 60-90 days
- Replace “legacy” operating systems – upgrade to MS Windows 10, and/or replacing older computers
- Control of individual access for data security
- Backups – local and off site
- Mandate SIM and SOC (pricing is needed)
- Policies and Procedures
- End user training

NEXT STEPS:

Schedule a meeting between the Selectboard and Techgroup

USE OF FORMER FLEA MARKET FOR OVERFLOW PARKING AT CHARLOTTE COMMONS

Mike Dunbar, Charlotte Crossings property owner, explained that construction was finished with three leases signed. A potential restaurant is still being negotiated. A question is where people will park if a larger event is held in the back field. He is requesting use of the Flea Market for overflow parking. There is a path, a level grade and access is not an issue, said Mr. Dunbar.

Ms. Spear asked if Mr. Dunbar had planned for extra parking when the original site plans were drawn. Mr. Dunbar said that he had 30 parking spaces with extra parking on the east side up on the hill,

Mr. Tenney asked if the Planning Commission would need to review the parking plan. The number of approved parking spaces was based on square footage for a restaurant, said Mr. Tenney.

Mr. Joslin explained that the number of parking spaces is dictated by the use. If the use changes that would impact the number of parking spaces. For the Dunbar application, there was always going to be outside seating for a restaurant. The number of seats was limited by the septic, recalled Mr. Joslin. Mr. Dunbar said that if there was a large event then he would bring in port-a-potties. The use is commercial space and there is nothing in the regulations regarding events, said Mr. Dunbar.

Mr. Krasnow pointed out that the request for parking at the Flea Market comes before the Selectboard. Events require an application and that is where the Selectboard captures the use being on Town land. Mr. Krasnow pointed out that the Town Hall parking lot could be used for overflow parking. People could ride a shuttle to the event site, suggested Mr. Krasnow.

Ms. Spear suggested a site visit.

Mr. Bloch reported that a committee of residents will meet on November 14th regarding a park and ride discussion.

PHILO RIDGE FARM □ Application for Highway Access Permit to move driveway serving new two- family dwelling

Tad Cook, Philo Ridge Farm representative, explained a proposed adjustment to an existing driveway 50' to the west, which would give more room between a house, the driveway and a mound system. The Vermont Land Trust has signed off on the mound system, which is located on conserved land, said Mr. Cook.

Mr. Lewis, Charlotte Road Commissioner, said that there are 500' sight distances in both directions. A metal 18" X 30' culvert is needed, said Mr. Lewis.

Ms. Spear pointed out that the existing driveway is a circular drive. The easterly side of the driveway is now an agricultural use, and not a residential use. She has concerns regarding a potential change from agricultural to residential for that section of a circular

driveway. People will tend to use it and increase traffic, said Ms. Spear. Mr. Cook said that the access to the house is on the west side. Signage will clarifying use of the drive, suggested Mr. Cook.

Tammy Hall, resident, expressed concerns for moving the driveway onto conserved land, agricultural use of the circular driveway would change to other uses, and the potential increase in the number of cars using the circular driveway. Mr. Cook pointed to a boundary line on the site map that defined where the conserved land was in relation to the house. Signage will be posted at the upper drive to make sure people will not use it. The driveway exists and we do want to maintain it for the tractors, said Mr. Cook.

Ms. Hall said that she went to the site visit at 5:30 p.m. and no one was there. Mr. Bloch explained that a time change to 5:00 p.m. was made.

Ms. McCarren asked Ms. Hall what outcome she wanted. Ms. Hall said that she didn't think that a big mound system on conserved land was the right use. The house was just a farm house in the past and now it has been broken up into many units, so there will be more people, said Ms. Hall.

Mr. Cook reiterated that the current driveway exists. The only change is to move it. The easement is on the Vermont Land Trust parcel on the west side. The east side is the duplex lot, said Mr. Cook. Mr. Tegatz said that regarding an easement, you don't give yourself an easement. When the property is sold then you give an easement. There were three things that the Town agreed to with the Better Back Roads program, one of which is that Town road culverts will be 18" minimum and driveway culverts will be 15". As per the "Town Road and Bridges Standards" a culvert is required, and for a 5 percent or more slope to the road ditch you have to add stone aprons on both sides of the culvert. Mr. Tegatz read the standards into the record regarding culverts. It says a 15" culvert. He has concerns that might not be large enough and suggested conditioning approval for an 18" x 30' culvert, said Mr. Tegatz.

MOTION by Mr. Tegatz, seconded by Ms. Spear, to approve a Highway Application Permit, HAP19-03, request by Philo Ridge Farm, with the following condition:

- **Installation of an 18" X 30' culvert, hard wall and out flow structures as required by the Town Road and Bridge Standards.**

DISCUSSION:

Ms. McCarren asked Ms. Hall if she felt that her concerns were heard. Ms. Hall replied yes. A question is does the Town have a noise ordinance. She is disturbed by construction noise day and night, stated Ms. Hall. Mr. Joslin explained that the Town has performance standards for commercial businesses, which does not include agricultural businesses.

Mr. Cook said that he will limit the construction hours.

Ms. Spear asked what will keep the east side of the driveway from becoming anything but agricultural. Mr. Tenney said that it is agricultural and any other use would come before the Selectboard.

**Mr. Bloch said that the existing west driveway would be removed and seeded.
VOTE: 5 ayes; motion carried.**

□ Ditching

Mr. Cook said that the ditching along the road is silted in. Randy Fisher will excavate it and install the culvert to keep water flow out of the field. Mr. Lewis said that he was OK with Randy or Steve doing the work as long as he was notified before the work started.

Mr. Tegatz said that the pitch of the ditch slope is 3 percent maximum. Mr. Cook said that Civil Engineer, Inc designed a 3 percent slope on either side.

□ Proposed utility pole serving new two-family dwelling and adjacent outbuildings

Mr. Cook explained that an existing power line goes to the barn from a pole located across the road. He is proposing a pole on the west side of the road and then undergrounding the power line from the new pole to the outbuildings on site, said Mr. Cook.

Mr. Tegatz suggested boring under the road versus installing a new pole. He considers a duplex as new construction and needs no pole, said Mr. Tegatz. Mr. Lewis said there might be ledge on the ridge there. Mr. Hall explained that there is a lot of ledge going to the shop on the hill. The soil around the house and main barn is fine, said Mr. Hall.

Mr. Lewis said that power lines need to be buried 42” deep unless a meter is mounted on a pole, then a line can be undergrounded in less than 42” on private land.

Mr. Tegatz suggested that service could come from the existing pole if a transformer in a vault is used, and then go underground under the road to the property.

Mr. Cook noted that there is an existing power line now that could carry to the barn, and then to the house. The old service went to the house, said Mr. Cook. Mr. Hall clarified that it went to the barn first and a meter, and then to the house. Ms. Hall said that there was no separate meter going to the house and if it is on the barn then you can’t measure what the house uses.

Mr. Tenney suggested that the Zoning Administrator should look into utility pole request. A discussion is needed, said Mr. Tenney.

PUBLIC COMMENT

None.

BUDGET REVIEW

□ **Recreation Programs, Recreation Operating Budget, Recreation Facilities Capital Reserve Fund**

Nicole Conley, Recreation Director, and Bill Fraser-Harris, Recreation Commission representative, reviewed proposed Recreation Operating and Recreation Facilities Capital Reserve Fund budgets.

In response to a question regarding the Recreation telephone line item charge, Mr. Krasnow explained that each Town department was assigned a share of the cost. For example, Recreation is \$700 annually for one telephone. The Town's share is \$1,400 for a multi-line system. He will ask staff to double check the Recreation share, said Mr. Krasnow.

Mr. Fraser-Harris explained that the annual tennis court maintenance repair for cracks is \$1,600. Advantage Tennis offers a three-year armor crack repair contract. There is talk about changing one tennis court to a pickle ball court and that would require resurfacing. There is talk about new pickle ball courts. He is recommending boxing and locking an electrical box at the skating rink to keep the lights off in summer, said Mr. Fraser-Harris.

Robert Mack, resident, expressed concern that the recreation budget will grow in the future.

The Selectboard thanked Ms. Conley and Mr. Fraser-Harris for the budget presentation.

□ **Energy Committee**

John Quinney, Suzy Hodgson, Rebecca Foster, and Stephany Hasse, Energy Committee members, reviewed a proposed Energy budget and work plan that reflected the Town Plan implementation table.

There was discussion regarding roof weatherization at the Senior Center, installing an EV charger at a Town Hall parking space (west end), changing to LED lighting (\$200 per fixture for 20 fixtures) at the Town Hall; a suggestion to consider timed or motion detection switches for outdoor lighting at the Town Hall parking lot; and a request by the Energy Committee to be invited when the Selectboard meets to discuss budget adjustments.

WASTEWATER DISPOSAL ORDINANCES FOR WEST CHARLOTTE VILLAGE

Mr. Krasnow reported that the Selectboard has received comments regarding proposed wastewater disposal ordinances from the Town Attorney.

ALLOCATION ORDINANCE

David Marshall reviewed the Town Attorney comments regarding a proposed allocation ordinance that strengthened the committee's work, and a policy issue component that none of the allocation be used for on-site correction of a property owner's problems.

Mr. Tegatz said that Christina had a question on adaptive reuse, or home conversion. Mr. Marshall said that the Town Attorney had no recommendation on that. It benefits either way.

Mr. Tegatz suggested saying “home conversion/adaptive reuse” on page 4.

TASK:

- Schedule a home conversion/adaptive reuse discussion for the next Selectboard meeting at 5-6 p.m.

SEWER USE ORDINANCE

Mr. Marshall explained that reference words have been cleaned up regarding Article 7 – powers, and Article 8 – enforcement/penalties. The Town Attorneys input is very useful and strengthened the proposal, said Mr. Marshall.

Mr. Marshall asked if the Town Administrator or Health Officer should handle enforcement/penalties.

Mr. Tenney pointed out that home conversion/adaptive reuse is in zoning bylaws. There are a slurry of uses from office to retail store. We are putting a priority on everything, said Mr. Tenney. Mr. Tegatz explained that it is on the use of the building. Part is to prioritize what is in the Town versus demolishing. It should be considered under Conditional Use. It is just one more thing they would be allowed to use, said Mr. Tegatz.

Mr. Marshall said that comments from the Town Attorney are useful tools for implementation of the program.

Moe Harvey, resident, asked if there is a step where the Town votes on the ordinances. It is common courtesy to bring it to the March Town Meeting, said Mr. Harvey. Mr. Krasnow explained that the Town is in the process of taking steps to produce a document. A next step at the November 25th would be to have a work session to codify a responsible document. The meetings are open to the public and Mr. Harvey is invited to attend. The Selectboard has not discussed a process for adoption yet. The public has plenty of time to have input before adoption of ordinances, said Mr. Krasnow.

Mr. Tegatz noted that the Town Attorney says that it can be an Advisory Motion at the Town Meeting to go forward.

Mr. Joslin said that home conversion is specific to satellite structures. Article 5 talks about uses. These are two separate things that need clarification, said Mr. Joslin.

Mr. Tegatz asked staff to provide a clean document copy at the next Selectboard meeting and one copy with the red changes.

CONSTRUCTION OF STATE PARK ROAD PATH

Margaret Russell, Trails Committee representative, said that after the last meeting Mr. Lewis, Jim Donovan, and Ms. Thompson agreed with the Selectboard that one point person is needed to manage the project. Jim and Junior said you can't leave the project part way done over the winter due to erosion. If the volunteer team is willing to commit to one person in charge then the Trails Committee is behind it, stated Ms. Russell.

Robert Mack said that he was asked to volunteer one day on the project. He has offered red rock with fines that is from a job site in Shelburne that is available. There needs to be a commitment in a time frame where we can do it, said Mr. Mack.

Dave Garbose said that he has advocated completion of a State Park Road trail for a long time. He is a runner and a path is needed for safety.

Mr. Garbose read a written statement into the record. He came up with a list of professional people and their professional services they bring to the project. This is 24 hours/\$24,000 on a community project. Ward has agreed to be in charge. He wants three crews; Junior to put in the culverts, and Robert's rubble. We have all agreed to do it on one day. Whatever is not done can be completed later. We are asking the Selectboard to release \$30,000 from the \$100,000 Trail Reserve Fund so we can do the work on November 23rd, said Mr. Garbose.

Mr. Mack said he was not sure it could be done in one day. Ward is not available on November 23rd. He has plenty of blasted rock with fines material to bring the path up to the road level. This is not a final product; it is for the path base on top of fabric. The Selectboard can inspect it, said Mr. Mack.

Ms. Russell said she agrees with Dave that we need to work with the Selectboard. There are two seats open on the Trails Committee and members are getting discouraged. We are at a tipping point on the committee where people are losing interest. The Trails Committee is un-chaired and needs more help. Release money so we can have a plan to do the project in May, said Ms. Russell.

Ms. Spear said that she can understand the need for a State Park Road trail and would support it. She wouldn't support a path from the Co-housing trail to the West Village. It needs discussion, said Ms. Spear. Ms. Russell pointed out that the Town-link trail is in the Town Plan.

Mr. Krasnow said that he has been on the Selectboard for five years and the Town has spent \$100,000 on trails. The Town voters approved \$40,000 for the Trails Reserve Fund at the March Town Meeting. A trails build out with connectivity is a good plan. This presented crowd-sourced one day construction project at the budget proposed is unprecedented, said Mr. Krasnow.

Mr. Garbose said that the volunteers would save the Town a lot of money. All we need is to have some money to buy fabric, some food and gas, said Mr. Garbose.

Ms. Spear asked if Trudell has staked the property line yet. Mr., Bloch replied not yet.

Mr. Donovan asked if there would be a point person there. Ward said he would not be there on November 23rd, said Mr. Donovan. Mr. Mack replied that with two crews working on both ends could get a path completed up to the gully in one day. We wouldn't get the gully done, which could be done in the spring, said Mr. Mack.

Jack Pilla, resident, asked what's deal not getting it done in one day. There are volunteer groups, such as the Fellowship of the Wheel that get trails done all over the state. Mr. Pilla explained that he went running on the road with his dog this evening and ended up jumping into the gully. Running on the road is not safe and we need trails, stated Mr. Pilla.

Mr. Krasnow said he was in favor of authorizing flagging a path, trees cut and stumped. The plan presented is not thought out well enough and is a liability to the Town. In the past we went through the Purchasing Policy and spent \$90,000 for a trail. We went with the best trail builder in the state and the next year there was an \$8,000 washout. He didn't see the home work done here. Blaze and mow a walk-able, ski-able all winter trail now and do the final construction in the spring, advised Mr. Krasnow.

Mr. Garbose said that the land for the trail is not level. You can't mow a walk-able trail there. There are three teams and Junior running the culvert team. If we are not breaking ground then there is no sense having these people participating, said Mr. Garbose.

Ms. Spear said that she was comfortable with blazing a trail. When she talked with Ward last Sunday, he said it could be done and then finished in the spring, said Ms. Spear.

Mr. Krasnow outlined the following issues;

1. Appointing someone in charge
2. Trail specifications
3. Waiting until spring to get it all done

Mr. Lewis said that he could put in the culverts if the Selectboard will pay for the culverts and erosion stone. Ms. Russell said that Greg Renalo can cut the trees.

Mr. Krasnow asked for the cost of three culverts and 1 extension. Reclaimed Route 7 concrete has toxins and that is a concern, said Mr. Krasnow. Mr. Donovan clarified that three culverts would be needed as follows: one west of Vineyard View, two at the brook, and 2 extensions. John Limanek said he would build a boardwalk further west at the ditch, reported Mr. Donovan.

MOTION by Mr. Tegatz, seconded by Mr. Tenney, to approve the installation of three culverts, 2 extensions and the Town would pay for the culverts and any road materials that can not be donated for free, to be installed by Lewis Excavation, and volunteers to sign a hold harmless documents.

VOTE: 4 ayes, 1 absent (Ms. McCarren); motion carried.

Mr. Krasnow suggested further discussion at the November 25 Selectboard meeting.

Mr. Tegatz said that if Greg wants to cut and grind stumps he can do it.

Mr. Krasnow asked if Trudell will stake out a section of the path in the spring.

MINUTES: October 28, 2019

Deferred to the next Selectboard meeting.

SELECTBOARD UPDATES

The Selectboard made changes to the November 25th Selectboard meeting agenda as follows:

- Defer an Affordable Housing discussion to January, 2020
- Staff to contact Gallagher and Flynn
- Defer Wastewater discussion to December 9th, 5:00 p.m.
- Delete site visit
- Move the budget review on November 25th to 7:00 p.m.

Mr. Tegatz reported on the Library addition progress.

Mr. Tegatz reported on the status of the Dorset Street Bridge and upper bridge following a high water flow event. There has been damage and he will solicit an opinion. He recommends setting aside funds for a new bridge deck in the budget, and research grants, said Mr. Tegatz. Mr. Bloch said that he will contact the CCRPC for design grants to replace the Dorset Street bridge deck.

Mr. Bloch reported that the Town Attorney drafted a response to Charlotte Solar, LLC, and that it has been sent to the Public Service Board.

Mr. Krasnow thanked Amos Baer for his work on the Conservation Commission.

Ms. Spear showed photographs of a hike on the Plouffe Lane trail.

APPROVE WARRANTS TO PAY BILLS

The Selectboard approved warrants to pay bills,

ADJOURNMENT

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

VOTE: 4 ayes, 1 absent (Ms. McCarren); motion carried.

The meeting was adjourned at 9:45 p.m.

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