

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
MEETING CONDUCTED AT TOWN HALL AND VIA TELECONFERENCE
SEPTEMBER 14, 2020**

APPROVED

SELECTBOARD MEMBERS: Chair Matthew Krasnow, Vice Chair Frank Tenney, James Faulkner, Louise McCarren, Carrie Spear

ADMINISTRATION: Dean Bloch, Town Administrator

OTHERS: Bill Fraser-Harris, Susan Smith, Valerie Biebuyck, Barbara Ross, Chea Evans, Andrea Messer, Rick Shappy, Ellen Fallon, Beth Humstone, Kai Schulz, Barbara Russ, Dean Williams, Jane Lawlis, Nan Mason, Charles Russell, Bill Stuono, Lane Morrison, Will Bown, Nicole Conley, Jessie Price, Richard Tonino, Debbie Rutter, Peter Richardson, Mark Naud, Nancy Richardson, Debra Kassabian, Ken French

AGENDA ITEMS:

6:00 PM Adjustments to the agenda

6:01 PM Public Comment

6:05 PM Green Lantern appeal for public records request (executive session is possible)

6:30 PM VELCO—herbicide application in the Charlotte Park & Wildlife Refuge

6:45 PM Plant/Plante property—Confirmation of Termination of Agricultural Land Tax Stabilization Agreement for Non-Farmer Owner; agreement terminated and expired on June 30, 1997, and Selectboard waived the first right of refusal on December 31, 2013

6:50 PM Nuisance Animal Ordinance—amend ordinance to create seasonal leash requirement for dogs on Thompson’s Point

7:20 PM Morningside Drive—legal status and drainage improvements

8:00 PM Salt shed& Town Garage—appoint planning committee and schedule first meeting

8:10 PM VCAM—request for locating/storing equipment at Town Hall

8:20 PM Warn hearing for petitioned amendment to Land Use Regulations

8:30 PM Charlotte Crossings—update

8:40 PM Budget review schedule

8:45 PM Minutes: August 24; August 28, 2020

8:50 PM Selectboard updates

8:55 PM Approve warrants to pay bills

9:00 PM Adjournment

CALL TO ORDER

Selectboard Chair Matt Krasnow called the meeting to order at 6:08 p.m.

Adjustments to the agenda

None

Public Comment

-Valerie Biebuyck read a document signed by herself and JC Biebuyck which addressed the longevity of her family lease on Thompson Point and the turnover of adjoining neighbors in that time. She spoke of alleged non-compliance of the Town with regard to the land use regulations in dealing with lot 127 and access to this lot. She asked for provisions regarding access in the new lease for lot 127. She asked for changes in the historical easements. She asked what the next steps are. Dean Bloch said the next step is for the leaseholder of lot 127 to apply for a highway access permit. Matt Krasnow said this issue is not easily solvable and incremental progress is being made.

-Bill Fraser-Harris said the beach is a tremendous success this summer.

Green Lantern appeal for public records request (executive session is possible)

MOTION by Matt Krasnow, seconded by Louise McCarren, to enter into Executive Session to discuss a public records request. VOTE: 5 ayes; all in favor; motion carried.

MOTION by Frank Tenney, seconded by Carrie Spear, to reconvene as Selectboard. VOTE: 5 ayes; all in favor; motion carried.

No action to be taken at this time.

VELCO—herbicide application in the Charlotte Park & Wildlife Refuge
Jenny Cole spoke about the history of working with VELCO and procedures.

MOTION by Louise McCarren, seconded by Matt Krasnow, to approve the VELCO herbicide application, as agreed upon, in the Charlotte Park & Wildlife Refuge, with authorization for the Chair to sign. VOTE: 5 ayes; all in favor; motion carried.

Meeting Minutes

MOTION by Matt Krasnow, seconded by Frank Tenney, to approve the Selectboard meeting minutes for August 24, 2020 as amended. VOTE: 5 ayes; all in favor; motion carried.

MOTION by Matt Krasnow, seconded by James Faulkner, to approve the Selectboard meeting minutes for August 28, 2020 as amended. VOTE: 5 ayes; all in favor; motion carried.

Plant/Plante property—Confirmation of Termination of Agricultural Land Tax Stabilization Agreement for Non-Farmer Owner; agreement terminated and expired on June 30, 1997, and Selectboard waived the first right of refusal on December 31, 2013

MOTION by Louise McCarren, seconded by Carrie Spear, to approve the Plant/Plante property confirmation of Termination of Agricultural Land Tax Stabilization Agreement for Non-Farmer Owner for the Plant/Plante property, with authorization for the chair to sign. VOTE: 5 ayes; all in favor; motion carried.

Nuisance Animal Ordinance—amend ordinance to create seasonal leash requirement for dogs on Thompson’s Point

Matt summarized the issue and said dogs need to be under control as stated in the ordinance. There needs to be enforcement or better messaging, he said. Changing the ordinance for a seasonal period for one part of Town might not make a difference, he said. Carrie disagreed and called for a Town-wide leash law.

Matt said changing the language of the ordinance is not going to fix the issue because there is still no enforcement. People are not abiding by the current ordinance of dogs being under control and won’t obey a leash law, Matt said, unless there is enforcement. Funds to enforce the current ordinance are needed, he said. A deputy canine control officer could be put into place to enforce the current ordinance.

Ellen Fallon said she had a Point of Order that the Selectboard has a predetermined view on this issue. Matt said this is the third or fourth meeting on the subject where the Selectboard has discussed this in public and the Point of Order is invalid.

Cali Griswold, the Charlotte Animal Control Officer said a leash law is black and white and is easily enforced. Voice command control cannot be easily proved or enforced. The leash law is the best option for the Town, she said. She has had an increased number of nuisance calls on Thompson’s Point year over year. Cleaning up after dogs is a separate issue, she said. That is an negligent owner issue. Under verbal control is much more open to interpretation than a leash law, she said. A Town-wide leash law is not a good idea, but Thompson’s Point has become a stand out because Whiskey Bay has become known as a dog beach. She said more signage about her availability is needed so she can answer complaints. She is only informed about 20% of the time when issues arise, she said.

Charles Russell had a Point of Order. He said the Thompson Point Leaseholders’ Association has met and said it would better serve the public to hear what went on at the meeting before the Selectboard deliberated on the subject.

John Streng said he is Vice President of the Thompson’s Point Leaseholders’ Association and represents all of the leaseholders. The long discussion they had at the annual meeting resulted in an outcome of wanting to approve signage to encourage people to pick up after pets and keep them under control. A statement written by Richard Tonino was submitted for the record:

To: Charlotte Selectboard

From: Dick Tonino

Re: Selectboard meeting 9/14/2020

I cannot be with you at the Selectboard meeting as I am camping at a primitive canoe campsite in the Adirondacks. I was asked by Dean Bloch to write something for the meeting. I will not know what is said and what is being discussed, but I can offer some thoughts. I ask that when discussion is opened to the public, this is brought up first, and read by Ruth DeFreest on my behalf.

I assume that the ordinance change is being addressed, specifically removing “under direct verbal command” for the roads and accesses of Thompson’s Point on a seasonal basis.

I would say 3 things about the ordinance.

- 1. The problem is with inattentive people, with the essential issue being awareness, interpretation and practice of “under direct verbal command.” This makes a simple standard of leashing the optimal solution.*
- 2. We were asked by the Selectboard to discuss the issue at the TPLA annual meeting, not necessarily asking for a vote. The vote was for a motion for signs, language not specified, with no reference or words to the change in the ordinance. This was supported by people both for and against the leash ordinance change. There was no motion on the ordinance change specifically, and there was no vote on it.*
- 3. The major points of the long discussion were signs, dog poop, poop station maintenance, and enforcement. The specific requests were sent to Dean Bloch on August 21, after being reviewed by the TPLA officers and verbally with the initiator of the sign motion.*

It is requested that these points be addressed tonight, as appropriate to any decision that is made on the ordinance change.

- 1. Motion to have signs. The ordinance as written should be stated in simple terms, such as “Dogs must be on leash or under verbal command at all times.” Signs at 3 poop stations and fourth at the Thompson’s Point Road- North Shore Road intersection adjacent to the tennis courts.*
- 2. Poop is an issue. Signs at 3 poop stations, in simple terms, such as “Please SCOOP and DISCARD all POOP.” The two signs should be separate but both prominent.*
- 3. Areas around 3 poop stations should be maintained. This should include trimming to insure visibility and access. Orange cones were suggested. Ask Town to ensure this is done on a regular basis.*
- 4. Enforcement is an issue. Animal Control Officer should have a regular attendance, particularly at Whiskey Bay. This should be done there at the busiest times, on hot afternoons, between 5 and 7 PM. Presence alone will have a positive effect.*

The other major issue is Whiskey Bay Access. Little has been done over this summer as we were involved in the whole of Thompson’s Point, thinking that an ordinance change for all the roads and accesses of Thompson’s Point would address the problems.

I ask that Whiskey Bay now be addressed separately. This is the most critical and concentrated area of the problem, which has steadily escalated over the years. Briefly Whiskey Bay Access has become a Dog Park, with unrestricted dogs roaming and swimming freely, manifested by many piles of dog poop ever present on the beach. This was a daily occurrence, especially in hot weather and in the late afternoon, often with 4-6 dogs running in an area the size of a single fenced tennis court. There is daily witness from several people and video evidence that can be presented to document the problem, but it should be enough to hear that Whiskey Bay now functions as a Dog Park with unrestrained dogs roaming and often fighting, and with people yelling to try to locate their errant dogs who have run up adjacent lots. All this is to the detriment of people who use Whiskey Bay; sitters, swimmers, boaters, and significantly those who leash and control their dogs.

I ask that action be taken to rectify the problem and prioritize Whiskey Bay for use by people more than for dogs. An ordinance change for Whiskey Bay is possible, along the lines previously proposed for the whole of TP, “ ”at large“ is defined as: ... not under leash, or when in the water, not under direct verbal command of the owner, agent or guardian,” but we have all seen how difficult it is to change an ordinance. I would recommend using the same authority that allows the Town to say “No Dogs” at Town Beach, and “Dogs must be leashed at all times” on the Town Path, to clearly and emphatically state “Dogs must be on leash at all time, except under direct verbal command when in the water” at Whiskey Bay.

This would be an important step to rectify the problem, reverse the culture of Whiskey Bay as a Dog Park without restrictions, promote a standard that can be seen and modeled, allow people to hold each other to the standard, and return this wonderful spot to a priority for people to enjoy its beauty.

Thank you.

Nan Mason said the proposal was to have better signage. And that was agreed upon at the leaseholders' association meeting.

Beth Humstone said she is supportive of the signage. Not everyone in the association agrees that this is a crisis. She called for an environment at Thompson's Point to be one of mutual respect.

Jane Lawlis said she has had no problems on Thompson's Point with dogs for the 28 years she has lived in Town. She said she made the motion at the association meeting to put up signs that lay out the ordinance as it stands. She said education on the current ordinance is called for.

Barbara Russ said she wants to be able to use Thompson's Point in a safe and healthy way. The leash law issue did not come up at the association meeting, she said. She said she was chased off Whiskey Bay yesterday by an out of control dog.

Charles Russell said leash laws can be dangerous and the association was not in favor. He is in favor of banning dogs from Whiskey Bay.

Jessie Price said the main "pain point" with this issue is Whiskey Bay and she supports a ban on dogs in that area.

Discussion to be continued at the next meeting.

Morningside Drive—legal status and drainage improvements

James Faulkner reviewed the history of this issue. All parties involved met with James and they organized and agreed upon a working solution. Matt said what has been approved by the Planning Commission is set to move forward since there is no objection at this time. Coming to the point of unanimous consent is incredible, Matt said. Fines for tree removal were discussed and the tree warden will be contacted by phone to answer further questions directly with Dave Nichols.

MOTION by James Faulkner, seconded by Frank Tenney, to authorize the Road Commissioner to construct the westerly end of Morningside Drive in accordance with the plan by Jessica Louisos of Milone & MacBroom entitled "Morningside Drive, Charlotte Vermont," last revised 9/9/2020; Will Bown and Megan Browning are to pay for the entire cost of constructing said westerly end of Morningside Drive with the exception of the installation of the culvert at the entrance to the cemetery, which is to be paid for by the Town; The Selectboard accepts the recommendation of the Tree Warden, that the fine of \$1,000 issued to Will Bown and Megan Browning due to unauthorized tree removal within the town highway right-of-way be made available to the Morningside Cemetery Association for tree planting at the cemetery site; and ongoing maintenance of Morningside Drive, such as snow removal, is to be performed by adjoining property owners; and to update the plans to include the turnaround. VOTE: 5 ayes; all in favor; motion carried.

Salt shed& Town Garage—appoint planning committee and schedule first meeting

Carrie said starting with a small group makes sense and then appointing a larger group later. Frank said he thinks one group from start to finish makes sense. Matt said non-voting members are a good way to go. James said a representative from the Energy Committee needs to be involved from the very beginning. The questions to address are, what does the Road Commissioner need, and what can that area handle. Frank said the initial committee needs to be appointed. Frank, Moe Harvey, James, Bill Stuono, Junior Lewis have volunteered to be on the committee. The first meeting will be determined at a later date.

MOTION by Matt Krasnow, Seconded by Louise McCarren to create the Salt Shed & Town Garage—appoint planning committee and schedule first meeting to be

comprised of five members, Frank Tenney, Mo Harvey, James Faulkner, Bill Stuono, and Hugh Lewis, Jr. VOTE: 5 ayes; all in favor; motion carried.

VCAM—request for locating/storing equipment at Town Hall

Ken French proposed smaller VCAM equipment to be installed rather than the ominous set up that is erected for each meeting. The new setup is already working in other partner Towns. Louise said she is cautious about audio and video access other than in Town meetings. She is reluctant. Ken said the cameras are turned off all day and all night until the producer comes in to turn the equipment on for the meeting. They operate internally only and nothing is broadcast outside of the building. Carrie asked that Zoom be used only and forgo microphones in the future. Ken said VCAM seeks a higher quality, professional, presentation to the public. It raises the production value for the public, He said. Matt said having what appears to be surveillance equipment installed in Town Hall could be unnerving for everyone. He said he is concerned about the culture presented to the public. The Charlotte Town Hall was bugged at one time in history, Matt said. Ken suggested black bags over the cameras when not in use. Matt asked if the equipment could be removed each time. Ken said these are not portable, they are designed to be installed. To be taken under advisement.

Warn hearing for petitioned amendment to Land Use Regulations

MOTION by Louise McCarren, seconded by Matt Krasnow, to warn a hearing for the petitioned amendment to Land Use Regulations as presented for October 26 at 6 pm. VOTE: 5 ayes; all in favor; motion carried.

Charlotte Crossings—update

Matt explained State statute and Charlotte Town governance. The notice of violation timeline was discussed. Legal avenues for appealing and applying for permits is encouraged. Contacting the Zoning Administrator is a great place to start, Matt said. An increase of public education and participation in municipal government is needed. The “us vs. them” mentality needs to be quelled. It is important to invite the public to join the boards and commissions and to come to the meetings.

Valerie Biebuyck asked, what is the remedy when the error is made by the Town? If a resident has violated a zoning regulation, there is a notice of violation, what is the remedy if the Town has violated its own regulation? Matt said it goes through the Superior Court system. Valerie spoke of her own specific issues regarding lots 127 and 129 on Thompson’s Point. Matt said it was a cooperative remedy at the time three years ago. Valerie said the Town never admitted the mistake. She said she spent two years of pro bono work to correct a Town mistake that had a negative impact on her lot.

Budget review schedule

MOTION by Louise McCarren, seconded by James Faulkner, to approve the schedule for budget reviews. VOTE: 5 ayes, 0 nays; motion carried.

Selectboard updates

Louise said she helped out at the race last weekend that came by the Town Beach. She said everyone was very respectful at the bridge, which is very narrow.

Matt said he was asked if the Town has any ability to take up the issue of traffic safety on Route 7, which was prompted by the recent car accident. He said the Selectboard can take that up at the next meeting.

Carrie provided an update on the East Charlotte Tractor Parade.

Approve warrants to pay bills

Adjournment

MOTION by Louise McCarren, seconded by James Faulkner, to adjourn. VOTE: 5 ayes; all in favor; motion carried.

The meeting was adjourned at 9 p.m.

Minutes respectfully submitted, Lynn Monty, Recording Secretary.