

CHARLOTTE SELECTBOARD MEETING
Monday, July 28, 2025
Charlotte Town Hall 159 Ferry Road and via teleconference

SELECTBOARD MEMBERS: *In person:* Lee Krohn, Chair; Frank Tenney, Vice Chair; Lewis Mudge, (absent); Natalie Kanner; J.D. Herlihy (remote & in person)

ADMINISTRATION: Nathaniel Bareham Town Administrator

OTHERS:

In person: Lane Morrison, Mary Mead, Charles Russell, John Snow, Patrice Machavern, Scooter MacMillan, Moe Harvey, Jim Hodson, Tim Post, Deirdre Holmes.

Remote: Carrie Spear, Paul Plante, Thyleen Tenney, Hugh Lewis, Jr.

AGENDA ITEMS:

- 7:00 PM Approval of Consent Agenda
 a. Meeting Minutes for July 14, 2025
 b. Approval of the Town's Financial Control Checklist
 c. Approval of a Resolution to reduce the number of Conservation Commission members from nine to seven
- 7:05 PM Adjustments to the Agenda
- 7:10 PM Public Comment for items not on the Agenda
- 7:15 PM Selectboard & Town Administrator's Updates
- 7:20 PM FY25 Budget Review with the Town Clerk & CVFRS
- 7:50 PM Discussion, and possible action, on approving the Tax Rate for FY26
- 7:55 PM Discussion, and possible action, on approving an Open Space Agreement for Leary-LaBerge Demick
- 8:00 PM Discussion, and possible action, on authorizing the Town's Attorney to file an action to renew a judgement order for zoning penalties with the Environmental Division of Vermont Superior Court
- 8:05 PM Discussion, and possible action, on the Charlotte Energy & Climate Action Committee's energy modernization project
- 8:50 PM Discussion of Charlotte/AFSCME Collective Bargaining - Proposed Executive Session per 1 V.S.A. § 313(a)(1)(B)
- 8:55 PM Signing of Warrants
- 9:00 PM Adjournment

Call to Order

Lee Krohn called the meeting to order at 7:02 p.m.

Approval of Consent Agenda

a. Meeting Minutes for July 14, 2025

b. Approval of the Town's Financial Control Checklist**c. Approval of a Resolution to reduce the number of Conservation Commission members from nine to seven**

MOTION by Natalie Kanner, seconded by Frank Tenney, to approve the consent agenda for July 14, 2025, as amended. VOTE: 3 ayes, 0 nays, 2 absent (Mudge & Herlihy); Motion Carried.

Adjustments to the Agenda

None

Public Comment for items not on the Agenda

Lane Morrison stated that he sent a letter to the Selectboard a few days ago from the Senior Center Board. He read this letter for all to hear regarding safety concerns in the West Village, specifically on Ferry Road from the Old Brick Store down to the Senior Center. He went on to state that several close encounters with folks getting in and out of their vehicles following parking along this section of roadside has been witnessed and reported. This is of extreme concern due to the extra traffic along this roadway due to the ferry traffic. In general there is simply not enough parking in this area to accommodate the increased business at the Old Brick Store and the activities at the Senior Center. Lane Morrison stated that the recommendation is to have the Selectboard put together a study committee, chaired by a Selectboard member, to include representation from the Senior Center, The Old Brick Store and possibly adjacent neighbors. Years ago a sidewalk was approved along with diagonal parking and a curb but then it got rejected. This could be looked at again as a solution. Another idea is to contact neighbors on the east and west sides of the Senior Center to inquire about purchasing property, leasing or an agreement to allow parking on the property. He went on to state that north of the Senior Center there is property that could accommodate parking for ten to fifteen cars. If it comes to purchasing property, the Senior Center is willing to take on a fundraiser to buy land for this purpose and then the Senior Center will turn the property over to the town.

Selectboard & Town Administrator's Updates

Natalie Kanner stated that a document was received from Emily Tupper, the Assistant Town Clerk of Charlotte. This document is a detailed list of the procedures for contracts and procurement. She went on to state that she would like to share this with all of the Chairs from all of the town's committees and commissions so that all are aligned with the processes that are being requested from the clerks office.

Natalie Kanner stated that the Recreation Commission received a lot of positive feedback on the handicapped parking spot and the temporary ramp at the beach. They're still collecting data on the beach survey for the bathhouse and eventually RFPs will be put out for design build teams. Natalie Kanner stated that the Energy and Climate Action Committee will be presenting later this evening.

Frank Tenney stated that the DRB is going through their applications and things are going fine. Frank Tenney stated that the PC is working on the town's regulations. Discussion was had at their last meeting regarding what is necessary to change and they will be looking at Thompson's

Point's regulations. This work has been generated by new state laws being put into place and therefore the PC is working on making sure that they're in compliance.

Natalie Kanner stated that feedback from town employees has been in favor of a Selectboard member attending the town employee staff meetings. She is able to attend the August meeting and following that the Selectboard can decide how to cover this need.

Lee Krohn stated that the town's Constable Josh Fleury has submitted his resignation as of August. This is due his families' needs and the fact that he's now the acting Police Chief in Shelburne.

Nathaniel Bareham stated that the PC is working on taking action with the amendments to the LURs based on East and West Villages planning project that was done in conjunction with Regional Planning as well as the Department of Housing and Community Development. The town did receive a Bylaw Modernization Grant as a part of that project and in order to close out the PC will need to put forward certain amendments to the LURs. At the next meeting the new Town Planner will be coming in. He went on to state that they're at the final stages of making any amendments that the PC wants to have. This work is about a month behind schedule. There is no financial lien associated with the deadline.

FY25 Budget Review with the Town Clerk & CVFRS

John Snow, President of Charlotte Fire and Rescue Services, presented CVFRS' preliminary FY25 financial results summary. He stated that revenue is down due to reduced call volumes and the expenses are down even more mostly due to vacancies at senior levels early in the fiscal year and staffing challenges. The expectation is that CVFRS will end up with an operating surplus of roughly \$33,000. The call volume is down by 20% which leads to reduction in billing and reduction in revenue. If there is structural changes to the community that CVFRS serves there will need to be ways to adapt to this potentially enduring change. CVFRS is dependent on Medicare and Medicaid as sources of funds for their revenue which are subject to political policy changes. John Snow stated that they anticipate to continue to see benefit from their participation in the solar program of the town. They have invested a modest amount of doner funds into the installation of an in house water filtration system for potable water. There has been some deferred maintenance due to the turn over at the Chief level creating the need to catch up on some of the older apparatus. He went on to state that they have had a mix of employees; permanent full time and part time and per diem. There is a savings on the benefits side but the per diem pay rate is higher. The permanent part time employees has been proven to be very successful but they simply don't have enough of them. Volunteers aren't part of the scheduled staff because of the training and experience requirements. John Snow stated that if they have all the qualifications they could be scheduled in but there just aren't that many qualified EMS professional volunteers anymore. There is an average of a 30% turn over in this line of work which adds to expenses because there are costs associated with training and mandatory physicals and background checks.

Patrice Machavern stated that CVFRS doesn't anticipate a rebate surplus for FY25 activity. The amount received in June was actually for FY24 due to the fact that CVFRS didn't have a Chief.

Mary Mead presented on the FY25 budget review. She stated that Total Revenues were budgeted at \$4,241,234 & the town collected \$4,283,069.24 which equates to \$41,835.24 more than what was anticipated. This surplus in expected revenue comes from the Delinquent Tax Penalties & Interest, the Land Use Change Tax, the Planning and Zoning and Senior Center revenues and interest income.

J.D. Herlihy joined the meeting on line.

Mary Mead stated that Total Expenditures were budgeted at \$4,241,234 with actual expenses of \$4,294,777.27. This equates to an amount of \$53,543.27 over budget with a net overage of \$11,708.03. This overage is due mainly to Selectboard legals and the Road Commissioner's budget due to the July storms. These expenses will increase since there are still April, May and June 2025 bills yet to be booked. This will be done by August 5, 2025. She went on to state that the overages were offset with the loss of the Charlotte Town Planner midyear. At the start of the year the town didn't have a Senior Center Volunteer Coordinator. In the assessor's office the town switched to NEMRC to do the town's assessing. This was budgeted for on the high side and it came in at about half of what it was budgeted for. The Recreation Director had a leave of absence and then his hours were drastically reduced following. Mary Mead stated that the Landfill Monitor line item was budgeted at \$8,296 and nothing was spent from these funds. The Village Wastewater System Maintenance line item was budgeted for \$8,000 and very little has been used of these funds. There is a sheet included in tonight's meeting packet regarding the Spear Street repair expenses. The remaining \$33,013.50 due from the State for this project arrived today. A total of \$1,049,492.96 was spent on this Spear Street repair project. Of that, \$54,269.83 was not reimbursed as the expenses fell outside the April 6th deadline.

Nathaniel Bareham stated that regarding the Landfill Monitor line item, Lincoln Applied Geology had some miscommunication as they were under the impression that there wasn't access to Plouffe Lane and didn't complete the testing because of this misunderstanding. Discussion was had regarding assuring that they have a proper contact person and the desire to understand how they came to the conclusion that they couldn't access the area to do the testing. Nathaniel Bareham will look into this further. Nathaniel Bareham stated that he notified the state regarding the lack of testing in the past years' time.

Discussion, and possible action, on approving the Tax Rate for FY26

Mary Mead stated that the Municipal Grandlist at \$13,945,626 which is less than a 1% increase over the town's 2024 Grandlist. The budget report included in tonight's packet includes a detailed explanation of the tax rate worksheet. The total dollars to raise of \$2,633,353 is divided by the total Grandlist which is \$13,945,626. This results in a tax rate of \$0.1888. Mary Mead stated that the Local Agreement Tax Rate is \$0.0004. The total municipal tax rate will be \$0.1892. Last year the town's municipal tax rate was \$0.1835.

MOTION by Natalie Kanner, seconded by Frank Flynn, to approve the FY26 Tax Rate of \$0.1888 and the Local Agreement Tax Rate of \$0.0004 to make a total Municipal Tax Rate of \$0.1892. VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

Discussion, and possible action, on approving an Open Space Agreement for Leary-LaBerge Demick

Nathaniel Bareham Stated that the open space agreement is a requirement for PRD's under the town's LURs. As a part of that the DRB will require that a person who seeks PRD and is approved for it, to set aside 50% of the total acreage of the project into an open space agreement with the town. The open space agreement has been sent to all the parties for their review. It's important to note that the 50% is being achieved in two ways. The first is for 4.3 acres under the existing open space agreement and the other 0.7 acres is being done separately as a part of a density reduction easement in transfer of development rights to the receiving property. He went on to state that the only amendment that he would like to propose is a reference to the document which has all restrictions that exist within the town's open space agreement and it provides the town with executory interest to enforce it and act the property.

This document was shared with the members of the Selectboard at this time.

Natalie Kanner asked for clarification regarding the transfer of development rights that occurs in these situations.

Frank Tenney stated that the town of Charlotte doesn't do transfer of development rights. This is a transfer of density.

Discussion was had regarding the DRB's voted on and approved decision.

MOTION by Natalie Kanner, seconded by Frank Tenney, to approve the Open Space Agreement between the Town of Charlotte, Dianne Leary, James LaBerge, Hazel LaBerge for the property located at 4670 Greenbush Road as presented with a reference to the density reduction easement and transfer of development rights to receiving property contract that will be signed by the private parties and further authorize SP&F Attorneys and the Town Administrator to make any non-material changes deemed necessary to complete the Agreement. VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

Discussion, and possible action, on authorizing the Town's Attorney to file an action to renew a judgement order for zoning penalties with the Environmental Division of Vermont Superior Court

Lee Krohn stated that the background on this is included in tonight's meeting packet and it relates to flood lights that were found to be in violation some years ago. The town asked the land owners to remove them or shield them and no action has been taken.

Nathaniel Bareham stated that renewing the judgement order is so that the statute of limitations isn't reached. By renewing this judgment order with the Superior Court will maintain the lien as well as the ability to collect penalties for that violation.

Scooter MacMillan received confirmation that multiple attempts have been made to communicate with the property owners to no avail.

MOTION by Natalie Kanner, seconded by Frank Tenney, to authorize SP&F Attorneys Stitzel Page & Fletcher to file a court action to renew the existing Environmental Division judgment order against Reset Properties, LLC, pertaining to penalties for zoning violations on the property located at 821 Ferry Road. VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

Discussion, and possible action, on the Charlotte Energy & Climate Action Committee's energy modernization project

Jim Hodson from the CECAC along with Tim Post, consultant, presented the committee's analysis of the bids received and potential cost savings. There is a copy of the CECAC's presentation in tonight's meeting packet.

Jim Hodson stated the town garage doesn't meet all of the town buildings needs for electricity. About 35,000 kilowatt hours is still needed to meet the town's needs.

A slide was reviewed by Jim Hodson that isn't in the power point presentation in tonight's meeting packet that includes key questions to answer for this project and can be seen below.

-How much would the town be willing to pay over the next 10 years to get our energy for ½ the cost starting tomorrow and 1/10th the cost 25 years from now?

-How much annual taxpayer impact are we willing to incur, if any, in the short term for long term benefit?

-Are we willing to accept direct visual aesthetic impact over invisible indirect environmental impact? (212K in environmental costs or the equivalent of releasing 35 million balloons of CO₂ over Charlotte)?

-Are we willing to wade through the administrative and inter-entity decision complexities and voting requirements on an accelerated basis to achieve better financial results?

Jim Hodson stated that many quotes have been received by solar vendors and heat pump vendors and there are a lot of different combinations that could be applied

The rest of the power point presentation was given at this point as is seen in tonight's meeting packet which goes through multiple examples and scenarios.

Tim Post stated that heat pump equipment in this project is rated for minus 15 degrees which is 100% viable down to minus 15 degrees. Last year, Charlotte Vermont had two days when temperatures reached 16 degrees below. The life of the legacy equipment is extended significantly when only needed to be run a few times per year.

Luke Chermol stated that with the legacy equipment currently being twenty some odd years old the town would be up against the clock with equipment reaching the end of its lifespan.

Jim Hodson stated that the vents from the current furnace will remain and if desired in the future they could be used. The heat pumps will have separate placements independent from the current heating system in the town buildings.

Natalie Kanner stated that it's not fundamentally accurate to state that there is no cost when the legacy equipment fails with the heat pumps in place because of the need to have secondary heat source a few times per year.

Discussion was had regarding the thirty percent incentive on the solar arrays and the rebates from Efficiency Vermont on the heat pumps and not on the solar that amounts to about \$10,000 to \$15,000 over the whole project.

Jim Hodson stated that an engineering evaluation would be done prior to the use of the roof.

Every vendor that looked at the roof so far felt good about the use of it but an engineers clearance would be received prior to the project proceeding.

Jim Hodson stated that the properties in this project are adjacent properties and there is an exception for adjacent properties.

Tim Post stated that another part of this project that is in favor of the town is that all of the town properties are already in a group net metering agreement which means they're already grandfathered in.

Discussion was had regarding deadlines and phasing the project in order to assure that something gets done in time.

Tim Post stated that a phased approach may be possible but a large portion of the project would be subject to risk of not getting the incentives.

Lee Krohn stated that if this project ended up involving a bond it would take multiple hearings and long warning periods.

Jim Hodson stated that leasing is something that the CECAC has looked at but roughly speaking it would cause the town to have to buy after five years.

Tim Post stated that whoever owns it makes the money. With that being said it is an option and there are several people interested in third party ownership.

Jim Hodson stated that CVFRS is very receptive to being a part of this project with solar arrays on their roof. Their board has a scheduled meeting that is to take place on August 19th and if this plan is going to involve them it would be ideal to have that known so they could vote on it at this upcoming meeting. He went on to state that if the town has any hope of doing this project it's going to be contingent upon CVFRS, the Charlotte Selectboard, the town vote, and the Green Bank. The Green Bank votes in October and they could lock in on the rate and the decision time. At that time a town vote would take place that would ask the town residents contingent on CVFRS and Green Bank are you in favor of a four to five hundred dollar range bond which is the size of the bond for the whole project. The numbers could be worked out as to what is spent where and if they were done all in contingency but if they were done in serial it's not at all likely to make the December deadline for the incentives.

Natalie Kanner stated that with the Green Bank vote taking place in October and the town vote being in November which is inside of a month and there is a required 60 day warning period it would be beneficial to be able to warn the vote with the rate being either TBD or with a given a rate window.

Jim Hodson stated that the terms of the loan would be known before the Green Banks vote in October.

Natalie Kanner requested that the Green Bank be asked if they could give assurances that they would be approving the range rate. She went on to state that it's understandable that they can't guarantee a rate until they vote in October. The town vote would need to be warned before the Green Bank vote in October.

J.D. Herlihy stated due to the time constraints that this project is under, making CVFRS the third party may make it so something can happen versus nothing.

Tim Post stated that the town would get carbon reduction however the town would only get a very small savings each year with a third party. Over a twenty five year period the town would only see a very small amount of the money back but it creates a scenario where energy expenses are predictable.

J.D. Herlihy stated from a budgeting perspective it's stable. It's worth looking at with an understanding that time is of the essence.

Jim Hodson stated that CECAC will look further into third party investor options as requested by the Selectboard.

Nathaniel Bareham stated that it's important to note that with consideration of the third party model from the town's perspective the transfer of any title or any interest in town property still requires a town vote. There is a statutory process for any municipality in Vermont that the town of Charlotte would need to go through to convey an interest in the town property.

Natalie Kanner stated that her concern is that time would be lost with researching this other avenue that would have the same hurdles and would have a lot less cost savings to the town. Tim Post stated that a lot of this information is already gathered.

Natalie Kanner stated at some point the next step needs to be taken due to the deadline.

Jim Hodson stated that he would like to engage the Green Bank at this point in time as this seems like the preferred avenue and at the same time the committee will look at the third party leasing options. Either avenue will save the town money and will stabilize the town's energy costs and will help the town with the fossil fuel position.

Discussion was had regarding the quotes and the need to go out for bid again due to the timing of the start of the project. The purchasing policy requires that the project goes out for bid and at least three bids are needed to vote on at that point.

Jim Hodson stated that multiple vendors would need to be selected based on starting work in early November. These vendors are only going to give the town a fixed quote if they know there is a town vote that it's contingent upon.

Tim Post stated that at least five percent of construction is needed, some infrastructure installed, to comply with the safe harbor which gives the project the possibility of bringing it on the next year. The issue is that trying to get roof or field work done in January or February is nearly impossible. Therefore you would get started but wouldn't have the ability to get back on the roof until March and back into the ground until April or May at the earliest. With a loan the town could safe harbor most of the critical material like inverters and modules which aren't that expensive. He went on to state that the bulk of the expense is labor, heavy equipment needed and balancing of the system. A safe harbor could be done with all of the equipment first and the modules and the inverters would be the most critically effected by potential tariffs over the next three to six months. If the loan was granted the town would be able to pay that and then do another milestone payment when the rest of the equipment arrived.

Jim Hodson stated that the next steps include getting to the Green Bank to understand the terms is critical to locking in any fixed scenario. The other piece, that Lee Krohn as the liaison could lead, is the communication with CVFRS' board to come to a conclusion of the preferred approach, there or not. Once the two pieces are gathered it gives CVFRS' the ability to vote on this.

Lee Krohn stated in response to Scooter MacMillan's question, that the bidding process and the decision of the contractor for the project will need to happen before the vote as the town residents will want to know what things are going to cost and rightfully so.

Discussion of Charlotte/AFSCME Collective Bargaining - Proposed Executive Session per 1 V.S.A. § 313(a)(1)(B)

MOTION by Natalie Kanner, seconded by J.D. Herlihy, to find that premature general public knowledge of these collective bargaining negotiations would clearly place the public body at a substantial disadvantage. VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

MOTION by Natalie Kanner, seconded by J.D. Herlihy, to enter into executive session for the discussion of collective bargaining negotiations per 1 V.S.A. § 313(a)(1)(B). I further invite Nathaniel Bareham into this session. VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

MOTION by Frank Tenney, seconded by J.D. Herlihy, to exit executive session for the discussion of collective bargaining negotiations per 1 V.S.A. § 313(a)(1)(B). VOTE: 4 ayes, 0 nays, 1 absent (Mudge); Motion Carried.

Frank Tenney stated that no decision was made during executive session

Signing of Warrants

Warrants were signed

Adjournment

MOTION by Natalie Kanner, seconded by Frank Tenney to adjourn. VOTE: 4 ayes, 0 nays, 1 absent (Mudge);

Motion Carried.

The meeting was adjourned at 10:13pm

Minutes respectfully submitted by Brooke Milo, Minute Taker.

Edits by Nathaniel Bareham.