

CHARLOTTE SELECTBOARD MEETING
Monday, August 8, 2022
Charlotte Town Hall 159 Ferry Road and via teleconference

APPROVED

SELECTBOARD MEMBERS: *In person:* James Faulkner, Chair, Frank Tenney, Vice Chair, Lewis Mudge, Louise McCarren (in person and later remote)

Remote: Matthew Krasnow (remote and later in person)

ADMINISTRATION: Dean Bloch, Town Administrator (*in person*)

OTHERS:

In person: Moe Harvey, Jerry Hawkins, John Green, Peter Carreiro, G.A. Bouchard, Elizabeth Flynn, Ed Flynn, Claudia Mucklow, Tony-Gerard Federico, Maggie Citarella. Terry Silva, Wolfgang Schneider

Remote: Tyler Lewis, Tim Nelson, Rob Mullin, Kim Findlay, Kristen Destigter, Nancy Faulkner, Paige Reynolds, Bill Regan, Carrie Spear, Corey McDonald, Deirdre Holmes, Paul Plante, Peter Joslin, Rebecca Foster, Junior Lewis,

AGENDA ITEMS:

6:00 PM Site visit—3400 Lake Road for 7:20 PM agenda item
6:30 PM Adjustments to the agenda
6:31 PM Approve warrants to pay bills
6:35 PM Public Informational Hearing for Town Garage Vote
6:50 PM Minutes: July 25
7:00 PM Public comment
7:05 PM Bid opening—Trail Sign Fabrication
7:10 PM Application for Highway Access Permit HAP-22-10 by Michael Spear to change agricultural access to residential access at 3400 Lake Road
7:15 PM Interview Claudia Mucklow for appointment to the Conservation Commission for term ending April 30, 2026
7:20 PM Request by Edward and Elizabeth Flynn to keep E-911 address (1244 Church Hill Road)
7:30 PM Contract with Techgroup for computer and tech support for FY23
7:35 PM Zoom meeting policy and incident follow up
7:50 PM Employee compensation—requests for review [possible executive session per 1 VSA §313(a)(3)]
8:00 PM Contract with CVFRS [executive session with CVFRS Corporate Board, per 1 VSA §313(a)(1)(A)]
8:55 PM Selectboard updates
9:00 PM Adjournment

James Faulkner called the meeting to order at 6:30 pm

Adjustments to the agenda

James Faulkner stated that the scheduled site visit—3400 Lake Road, didn't take place.

Also, discussion of the Gaujacs' subdivision application will take place at 8:00 PM. The 8:00 PM meeting with CVRS has been postponed.

Approve warrants to pay bills

Warrants were signed.

Public Informational Hearing for Town Garage Vote

Peter Joslin stated that he would like the Selectboard to talk about the future in terms of the town garage and having a Road Commission as part of the town in terms of employing them or outsourcing them. James Faulkner stated that it's difficult to outsource it and very expensive as well. The plan is to keep the present situation for as long as possible with Junior Lewis, and he feels it's possible for quite a few more years. If not, the town would be forced into going into a Municipal Road Department. The Selectboard is doing their best to try to avoid that if at all possible because it would be very expensive. Currently the Selectboard is asking the town to agree to the \$1.5 million with the other needed \$1 million coming from federal funds and the \$500k plus from the Road Commissioner highway funds. Today it cost \$1.5 million. If we have to go to Municipal, we would be faced with the expense of purchasing all of the equipment. The town doesn't own any equipment other than a speed cart. It would be \$3 million just to get the equipment and then the staff would need to be hired as well. Louise McCarren stated that if this facility is built it can also be used for a place to have a town meeting as well as storage space. It will give the town a lot of flexibility. James Faulkner stated that because of the size of the building it could serve as an emergency shelter as well.

Jerry Hawkins stated that he's not sure how a facility that is full of equipment could hold meetings and he questioned the parking space as well. Louise McCarren stated that the equipment would be moved out for the time of the meetings and that there is plenty of space to do so and room for those attending to park as well. Jerry Hawkins asked if there is only one restroom could the facility actually be used for an emergency shelter? Louise McCarren stated that that makes it difficult. Frank Tenney stated that there are other facilities as well to share in the load for the emergency shelter such as the Town Hall, the Senior Center, and the town Library. All of that would be incorporated in the emergency plan.

Jerry Hawkins asked if it wouldn't be possible to build something with the \$1.5 million that the town has already, with the federal funds and the Road Commissioner funds? James Faulkner stated that the Selectboard started with \$4 million and they were able to get it down to \$3 million. This all started by paying a professional estimator that estimates costs for buildings like this along with an architect. The Selectboard declined their original estimate of 3.7 million. The garage is bare bones at this point now that much has been eliminated that was deemed unnecessary at this time. There is a total of six estimates that were rounded out to get it down to \$3 million. For comparison purposes, Hinesburg built their town garage five years ago with six bays which is the same as the plans for the Charlotte town garage and they went out for a bond vote for \$3.1 million. That's before inflation, before pandemic and before all the issues with supply and increase in the cost of steel etc. It's quite amazing that the estimate isn't higher with all of the inflation. The Selectboard didn't come to this estimate on their own, it was done by professional estimators.

Jerry Hawkins asked again what could be built with the \$1.5 million that the town has? He went on to say that some people are saying that Junior Lewis is holding the town hostage with the statement that he will quit if the town garage isn't built. He wonders what will happen after the town garage is built and Junior Lewis retires? He stated that James Faulkner stated that the town can't afford to outsource it but he feels that's exactly what the town is doing with the contract with Junior Lewis.

Louise McCarren stated that she feels that he has raised a good point but with the town garage built it will be possible to negotiate a contract with someone new when Junior Lewis retires because the town will have a facility where they can work out of and store their equipment. Frank Tenney stated that the plan is to continue to have a contract with a new Road Commissioner when Junior Lewis retires. The Selectboard didn't choose Junior Lewis as Road Commissioner, the towns people voted him in as an elected official. He gets paid for the work that he does.

Jerry Hawkins asked what the rent was going to be for the Road Commissioner's equipment storage and use of the garage? James Faulkner stated that there have been many meetings to provide information on the plans for the town garage and an informational flyer was sent out to the residents of Charlotte. Following the acceptance of the bond vote the building contracts will go out to bid and it may be less and it may be more. These details will come out at that time.

Lewis Mudge stated that the town should not expect a return from the rental for the Road Commissioner. He encouraged Jerry Hawkins to look at this long term. He stated that it is unknown if Junior Lewis will run for Road Commissioner next year but that the town's people are not being "held hostage" by him. If the town ends up going Municipal down the line it will be an enormous expense for the necessary staff and equipment. If the infrastructure is in place, it will spread out this immense expense. The hopes are to not have to go in that direction. The town is getting a great deal by having a Road Commissioner for the work of plowing and maintaining the town roads. The need to go Municipal could be twenty years from now.

James Faulkner stated that the purchase of equipment could be spread out over the years to come because all at once would be too much for the taxpayer. Junior Lewis hasn't raised his budget in twelve years, the town's roads have been well taken care of, and he has managed to save money in the highway reserve funds of over half a million dollars. Having Junior Lewis as the town's Road Commissioner has financially been an ideal situation for the town. James Faulkner also stated that as far as outsourcing it would be a challenge for the town in general due to the expense but also due to availability. On top of that it would be a challenge without a town garage because the town would have to pay for the travel of said contracted company to and from the Charlotte roads on top of the work fees. Having a town garage would give the town a better chance at hiring another private contractor.

Peter Joslin stated that the Selectboard has to decide whether the long term plan is to outsource the work or to create a Municipal Highway Department. He feels it would be in the town's best interest to formulate a concrete plan for the future considering that no one has run for the Road Commissioner position other than Junior Lewis.

Matthew Krasnow stated that the town has had three Road Commissioners in the past eighty plus years. Henry Lane for forty-nine years, Jeff Hutchins and Junior Lewis. There are other excavation companies in town who are local but the Selectboard felt early on in the process that the town needed a town garage because the one on Root Road is completely inadequate. Leaning on the Road Commissioners to use their private garages for the town's purposes is now a liability to the maintenance of the town's infrastructure and the town really should have a functional town garage. It's not entirely the Selectboard's decision to forecast if the system of having an elected Road Commissioner for Charlotte will continue in the future and if so for how long. This is really dependent on if Junior Lewis decides to run for reelection year after year or if someone will run when Junior Lewis stands down from the role. The plan for building this town garage, which is a barebones garage, centrally located next to the sand pile on town owned land, really was a minimalist move by the Selectboard. This plan would incur as little cost as possible for the residents of Charlotte while also planning as much as possible for the future by being ready for the unknown. Without knowing what's to come in the future the Selectboard needs to manage it year by year. The best job that the Selectboard can do for planning for the future would be to simply ask Junior Lewis his timeline for this role and to take a poll for interest in this role of other excavating companies that would have the ability to be Road Commissioners.

Kim Findlay asked for the timeframe for breaking ground and completing this building. She also asked what Junior Lewis will do during this wait time. James Faulkner stated that if the bond vote is passed the very next day the request for proposal will be sent out to contractors to get the bids. Once the bids are received the Selectboard will vote on the bidding company of choice and the work will be scheduled. The hopes are to begin building in April of 2023 since most contractors are booked far out. Junior Lewis stated that he will be working out of the existing town shed that is on Root Road. There's no place to put the trucks inside so they will be outside like they had to be last winter. Last winter was very difficult with the arrangements. With the trucks outside it makes it quite difficult because they really should be inside due to the freezing temps that create issues with starting and running the trucks. These issues create delays with getting out on the roads. The trucks have computers in them and when they're cold they won't allow for the functions to work such as spreading sand and salt. James Faulkner stated that if work needs to be done on any one of the trucks Junior Lewis has to take the plow off from the truck to get it into the one bay over on Root Road. The truck doesn't fit all the way in the bay and therefore Junior Lewis has to put a tarp over the truck and use a salamander to heat the truck in order to get the truck up and running. It's a very inefficient process and challenging but he is able to do this as there is no other option without a town garage. This is something that was seen last winter and Junior Lewis never complained. Louise McCarren stated that we need to do better than that for Junior Lewis.

Peter Joslin stated that he doesn't feel the issue is Junior Lewis and he voted in favor of the garage and he would encourage those that haven't voted to vote in favor of it. He continues to feel that the Selectboard needs to focus on a plan whether it's continuing to outsource and develop new Road Commissioners or whether the long term plan is to have a town highway department. James Faulkner stated that as he has said he feels that that is what the Selectboard is doing by inching along in the direction of a Municipal Department. The first step being building a garage so that it's possible to either attract contractors or to go to a Municipal Department. Spreading the cost of the Municipal Department would be a lot easier on the taxpayer.

Peter Carreiro asked why something of smaller scale wasn't built with the budget of 1.5 million dollars. He feels that Junior Lewis is going to have an awful winter and spending the time to get extra money approved by the taxpayers seems like wasted time and created this situation where Junior Lewis and his staff are going to struggle as described this coming winter with getting the trucks ready for the work all winter long. Junior Lewis stated that prior to the fire, the building he was renting had eight bays with an upstairs in part of it. If a four bay garage was built it wouldn't be planning for the future. Down the road if the town invests in equipment, it should be stored inside and adding onto the existing building will be an expense when it could've been done all at once. Even with eight bays the building wasn't big enough still to store all of the equipment. If the building is to be built it should be built like the neighboring town's town garages. James Faulkner stated that the architect made it clear that adding on in the future would be very expensive. The difference between four bays and six bays isn't all that significant. If all the neighboring towns have six bays vs four bays there's good reason for that.

Terry Silva asked what the interest rate would be for the bond. James Faulkner stated that it's a moving target. Originally it was 3.5%. Just for example with a loan of 1.5 million for twenty years, there will be interest paid of \$640,940. The bond anticipation note will save the town quite a bit of money.

Jerry Hawkins asked what the maintenance and insurance is going to cost for the garage monthly or yearly. James Faulkner stated that the electrical would be about the same as it was with trying to make the town garage fossil free and with the use of solar panels. The garage will be heated to only 50-55 degrees. The primary energy is going to come from wood until the solar is up and running. Junior cuts trees frequently and so the wood will be free.

Rebecca Foster stated that the town doesn't pay taxes so the town doesn't have the benefit of the tax credit. There are lots of people who would love to make a purchase like this and then claim the tax credit for themselves and then they get to work that off over a number of years. The arrangement is that the town would get a discounted rate off from their electricity. After a number of years, the town would have the option to purchase the system at a reduced rate and this would give 100% of the power all to the town. The reduced rate is set in the beginning with the original negotiation. James Faulkner stated the Selectboard did look into purchasing solar panels, but it was too expensive. The experts have said that the solar panels on the building will provide enough electricity to supply the Town Hall, Library and Senior Center. This would save the town around \$20,000 per year. At this time there isn't a final quote as to what the insurance is going to cost.

Louise McCarren left the meeting at this time. Matthew Krasnow left the meeting also (from remote).

Minutes: July 25

Minutes will be voted on at the next meeting due to time.

Public comment

Moe Harvey asked for the Selectboard to think over the speed bumps by Spear's Store and to make a decision. He also said he feels the Town Hall should be pressure washed because it's very dirty and moldy.

Bid opening—Trail Sign Fabrication

James Faulkner stated that there are three bids for new signage for the town trails.

W.S. Sign Design Corp. out of Springfield Mass for a total of \$12,170.83

Building Character LLC out of Charlotte, VT for a total of \$15,971.00

Design Signs out of Essex, VT for a total of \$14,728.00

Dean Bloch will put the three bids into a comparison sheet. Frank Tenney stated he would like to make sure that these bids are looked over by the Trails Committee. Bill Regan said they would very much like to be involved and once they get the bids in writing from Dean Bloch they will look them over and share their input at the next Selectboard meeting.

Application for Highway Access Permit HAP-22-10 by Michael Spear to change agricultural access to residential access at 3400 Lake Road

Michael Spear withdrew his application.

Interview Claudia Mucklow for appointment to the Conservation Commission for term ending April 30, 2026

Claudia Mucklow stated that she has been a resident of Charlotte since 1985 and she originally came from Germany. She raised her children here and has a couple grandchildren living in the town of Charlotte as well. Over the last decade she has focused on wildlife issues. She's a board member of the VT Wildlife Coalition. She has been engaged with the Park & Wildlife Refuge and since last year she has been a member of the committee. She feels she can be a helpful member to the Conservation Commission. Maggie Citarella, Co-Chair of the Conservation Commission, endorsed Claudia Mucklow for the position on the Conservation Commission.

MOTION by Lewis Mudge, seconded by James Faulkner, to appoint Claudia Mucklow to the Conservation Commission for a term ending April 30, 2026. VOTE: 3 ayes, 0 nays, (2 absent); Motion Carried.

Louise McCarren rejoined the meeting virtually.

Request by Edward and Elizabeth Flynn to keep E-911 address (1244 Church Hill Road)

Edward Flynn stated he has resided at 1244 Church Hill Road since the year 2000 with his wife Elizabeth. They raised three children in Charlotte. The E-911 law came into effect around 1996. Their house was built during 1999-2000. Nothing has changed on the block. They are emotionally attached to it. It's an enormous burden on them to change their address so they would like to keep the E-911 address. Practically speaking it's easily identifiable from either direction on the road. It can be seen from the north from the road, and from the south you can see the mailbox at the start of the driveway. James Faulkner stated that the numbers are important to the rescue squad and he would like to give a heads up to CVFRS. Edward Flynn stated that it's in sequential order as is. Frank Tenney stated that the numbers could throw off a

potential emergency response. Elizabeth Flynn stated that the June 21st letter that was sent to them by Rebecca Kaplan stated that their address had been changed effective immediately without their knowledge. Rebecca Kaplan had also copied seven other entities, including the state E-911 Board, and she went to the postal service as well. Dean Bloch stated that, if the Selectboard approves your request, the plan will be to have Rebecca Kaplan take the necessary actions to remedy this. The Flynn's will go to CVFRS and make sure that they are aware of the situation.

MOTION by Lewis Mudge, seconded by Frank Flynn, based on the homeowners request they can keep their residential address of 1244 Church Hill Road providing they speak with Fire & Rescue. VOTE: 4 ayes, 0 nays, (1 absent); Motion Carried.

Contract with Techgroup for computer and tech support for FY23

James Faulkner stated that there is a proposal from Techgroup in the Selectboard's packets and all board members are to review this and it will be discussed at the next Selectboard meeting. Dean Bloch stated that this is an annual renewal and they added some additional cybersecurity services.

Matthew Krasnow rejoined the meeting in person.

Zoom meeting policy and incident follow up

Dean Bloch stated that there was an unfortunate situation at the last Energy Committee meeting when someone shared their screen with material that wasn't appropriate for a public meeting. Lewis Mudge stated that there are two issues to be handled with this situation, which is that apologies are necessary, and the moving forward, in terms of policy and procedures. James Faulkner agreed and stated that he did speak with the town attorney and there are constitutional protections to free speech and state open meeting law requirements to consider. Louise McCarren stated that it might be appropriate to have someone speak to the person responsible for the inappropriateness. Lewis Mudge stated simply labeling it as bad behavior isn't going to cut it. It should be known that the Selectboard takes these types of offenses very seriously and those that volunteer their time for these committees should be able to do so in a safe environment. Some of that should be in the context of addressing the incident and letting people that were on that call know that the Selectboard is taking it seriously. James Faulkner stated that the Selectboard most definitely takes it seriously and called the State Police the next day in regard to this incident. The State Police stated that if it happens a second time, then it will warrant action. Lewis Mudge stated that he would like to open the floor to those that were on the call to speak now if they would like. James Faulkner agreed to this and stated that there is a letter that was drafted and the Selectboard wants to make sure, that they do everything they can.

Wolfgang Schneider from the Energy Committee stated that he was on the Zoom meeting when the incident occurred. He made the point that when he arrived to the Selectboard meeting this evening, he signed in with his name, address, and email address, and while speaking his face is not hidden, as it can be on Zoom. As far as Zoom attendees, he feels that people should be required to give their name and email address to be let in. When speaking they should be required to have their video function on. The person that is facilitating the meeting should be the only person that signs into Zoom and they should have the opportunity to blank anyone who isn't

speaking properly. Frank Tenney stated that the host of the Zoom meeting has the ability to not accept people to join meetings and the ability to turn off their feed. James Faulkner stated that the comments are good comments but unfortunately it has to follow protocol and go through the lawyer. Lewis Mudge stated that this incident really highlights the need to have attendees on Zoom meetings really engage by having their names and faces visible when presenting in these meetings.

Rebecca Foster stated that she was also present at this meeting and she supports what Wolfgang Schneider suggested. In her view it can be an option chosen by the chair or facilitator of the meeting. For their small committee they may want to choose their own culture. They would like to see everyone that is attending, so as to have them be a genuine participant. People now have to worry about what an attendee is doing with their video feed off while looking at the faces that are being shared during the meeting. If someone isn't comfortable with being seen at the meeting they don't need to be at the meeting. If it's open meeting laws that are being followed then everyone needs to be open including muted blacked out observers. The exception to that would be people who phone in because in that way there would be equal exposure because it would be auditory for all participants. Her request is for guidance as to how to handle such incidences in the future, and an apology of the town to everyone at the meeting, in particular to the young interns; and permission to ban this person from their meetings. Her priority is to provide a comfortable and positive working environment for participants at the meeting without harassment and disrespect and prejudice so people can bring their best talents. Volunteers have a right to a safe working space just as do employees of the town of Charlotte. Another Zoom policy she would like is to have the town adopt the same criteria that the company of Zoom has for sensitive content.

Dean Bloch stated that Zoom is used by private groups and they may be able to adhere to that, but public organizations may not be able to, due to the open meeting law.

Rebecca Foster requested that the Selectboard send a letter to her for the interns and she will share it with them to keep their identities anonymous. These interns were very much affected by this offense. James Faulkner stated that they will do that. Lewis Mudge concurred and stated that two letters will be written and sent; one for the interns and one to reprimand the offender. This will be added to the agenda at a future date to discuss and establish rules and guidelines for these Zoom meetings. These rules and guidelines will be established in conjunction with the town attorney.

Employee compensation—requests for review [possible executive session per 1 VSA §313(a)(3)]

Two employees are requesting a review of their compensation. One is Nicole Conley and the other is Rebecca Kaplan. Dean Bloch is the supervisor for Rebecca Kaplan.

MOTION by James Faulkner, seconded by Lewis Mudge, to enter into executive session for employee compensation under 1 VSA §313(a)(3) with an invitation for Dean Bloch to attend. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Frank Tenney, seconded by Lewis Mudge, to exit executive session. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Matthew Krasnow, seconded by Lewis Mudge, to increase the compensation of Nicole Conley from 28.82/hr to 31.25/hr for 32hrs/week effective July 1, 2022. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by James Faulkner, seconded by Lewis Mudge, to increase the compensation of Rebecca Kaplin, Planning Assistant to \$25/hr effective July 1, 2022. VOTE: 5 ayes, 0 nays; Motion Carried.

Gaujac Subdivision

James Faulkner stated that the DRB will be reviewing a proposed subdivision, and this is a time to discuss the topic. There is a packet on the table for the Selectboard members to review but it's not in the packet for tonight's meeting due to it being an adjustment to the agenda. Looking at the map, the red line is where the subdivision is proposed. The history is these possible septic fields were identified in the anticipation that they may be necessary for the Town to use at some point. This proposed subdivision is right through the center of some of them. James Faulkner went on to say that the Selectboard isn't trying to block the subdivision but he's not in favor of losing the septic system areas.

Dean Bloch stated that the Gaujacs submitted a sketch plan application which will be in front of the DRB on Wednesday August 10th. James Faulkner stated that this is the first time he has heard of it and it's before the Selectboard now because it goes before the DRB on Wednesday. Matthew Krasnow stated that it would seem since it's in the sketch plan review stage it would be appropriate to contact the general counsel and see what the best path forward is to secure the intended original agreement regarding the Burns property. It may include exercising those rights now if needed to so that they become part of what the subdivision application is bringing to the DRB, or it may just entail having some type of party status to the subdivision review so that the town ensures that it doesn't lose any of the assets it currently holds in the form of the septic rights.

Frank Tenney stated that he thinks because of the complexity of it being over the area of two parcels that it's something that the Selectboard needs to be conscious of and have checked out. Matthew Krasnow stated that the Gaujacs are already in a resource sharing agreement with the town for water from the town well, so whether it's formal or informal we should have the conversation with them that still avails them of all of their rights before the DRB, to speak about these shared resource agreements that we have. Both the well water rights and these wastewater rights should be discussed, but in a way that doesn't hinder their rights in the process of subdividing with the town and their application before the DRB.

Dean Bloch stated he can consult with the town attorney and then with the result of that he can draft a letter and run it by James Faulkner and submit it to the DRB on Wednesday for their Sketch Plan meeting. Frank Tenney stated that in this case, being only a two lot subdivision, a sketch plan meeting could occur with only one more to follow. It could go straight to final, meaning there may only be two meetings on this particular subject. Matthew Krasnow suggested

asking the DRB for more time so that the town could go about this the correct way. Lewis Mudge stated that the Selectboard needs to make sure that the lawyer can give assurance that the town isn't giving away a possession of the town. All of the Selectboard members agreed that consulting with the lawyer is necessary.

Contract with CVFRS [executive session with CVFRS Corporate Board, per 1 VSA §313(a)(1)(A)]

James Faulkner stated that this agenda item has been postponed. The original thought was to postpone until next Monday at 7pm. Since then, Jared Bomba has requested waiting until their new board is in place on August 25th. Following discussion of scheduling and rationale for reschedule meeting dates, it was decided to go ahead with the original plan of meeting with CVFRS next week Monday, August 15, 2022 at 7:00 p.m. All concurred with this decision.

Selectboard updates

Dean Bloch stated that Nora Murphy, Media Factory Field Producer, will be leaving her position to move overseas. Much gratitude was expressed for all of her assistance with the broadcasting!

Adjournment

MOTION by James Faulkner, seconded by Lewis Mudge, to adjourn. VOTE: 5 ayes, 0 nays; Motion Carried.

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

Minutes respectfully submitted, Brooke Milo, Minute Taker. Edits by Dean Bloch.