

**Town of Charlotte
Selectboard
Meeting Conducted At Town Hall and via Teleconference
February 14, 2022**

APPROVED

Selectboard : In person: James Faulkner (Chair), Frank Tenney (Vice Chair), Lewis Mudge.
Remote: Louise McCarren

Staff: Dean Bloch, Town Administrator; Danielle Atherton, Minute Taker

OTHERS: In person: Ajat Tariyal, Mary Mead, Sue Smith. Remote: Charles Russell, John-David Herlihy, Leslie Lewis, Adam Dantzcher, Moe Harvey, Jr Lewis , Mike Dorsey, Chea Evans, Scooter MacMillan

Posted Agenda:

6:00 PM Adjustments to the agenda
6:01 PM Approve warrants to pay bills
6:05 PM Committee requests for unbudgeted expenditures (time allotted if needed)
6:06 PM Minutes: January 24, January 27
6:15 PM Ajat Tariyal and Komal Dhall—application for a Highway Access Permit (HAP-22-01) at 1914 Prindle Road
6:20 PM Conflict of Interest Policy—discussion, possible adoption
7:00 PM Public Comment
7:05 PM Liquor licenses • Whit’s End, LLC d/b/a Old Brick Store—renewal of Second Class License to Sell Malt and Vinous Beverages • Tenney Enterprises—renewal of Second Class License to Sell Malt and Vinous Beverages • Tenney Enterprises—renewal of Tobacco License to Sell Tobacco
7:10 PM Use of ARPA funds—create committee to review
7:25 PM Study re: East Charlotte Village Traffic Calming and Pedestrian Improvements
7:35 PM Contract with Lewis Excavating for Maintenance of Town Highways and Town Bridges (as Road Commissioner)
7:45 PM Planning for Public Informational Hearing on February 26
8:00 PM Land maintenance specifications and Request for Bids—discussion
8:15 PM Personnel Policy revisions—discussion
8:30 PM Employee performance reviews—discussion re: schedule
8:35 PM Recommend appointment of Keith Osborne as Town Health Officer by Dept. of Health
8:40 PM Selectboard updates
8:45 PM Contract [possible executive session]
9:00 PM Adjournment

CALL TO ORDER: James Faulkner called the meeting to order at 6:02 p.m.

CHANGES TO AGENDA:

- James Faulkner would like to give an update on the process for the town garage.
- James Faulkner would like to discuss the complaints filed against the DRB.

Approve warrants to pay bills:

James Faulkner requested members to sign. Louise McCarren will sign on 2/15. Lewis Mudge stated he already signed.

Committee requests for unbudgeted expenditures: None

Minutes: January 24, January 27:

MOTION by Frank Tenney to approve meeting minutes for January 24, 2022; seconded by Louise McCarren. VOTE: 4 ayes; motion carried.

January 27: Lewis Mudge would like to add this is a preliminary discussion and not set in stone. James Faulkner agreed. **MOTION by Frank Tenney to approve meeting minutes for January 27, 2022, as amended; seconded by Lewis Mudge. VOTE: 4 ayes; motion carried.**

Ajat Tariyal and Komal Dhall—application for a Highway Access Permit (HAP-22-01) at 1914 Prindle Road:

Louise McCarren was present for the site visit as well as the Tree Warden. Dean Bloch explained most likely trees will not need to be removed since the sight distance is 500 ft in both directions. James Faulkner explains the current residential curb cut was near a corner and feels this is an improvement since it moves the curb cut away from the corner and it slopes away from the road. **MOTION by Louise McCarren to approve the application for a Highway Access Permit (HAP-22-01) at 1914 Prindle Road; seconded by Lewis Mudge. VOTE: 4 ayes; motion carried.**

Conflict of Interest Policy—discussion, possible adoption:

Dean Bloch explained that the ARPA guidelines refer to a federal statute that requires an enforcement mechanism in the Conflict-of-Interest (COI) policy. Lewis Mudge discussed the potential consequences for a non-compliant or insubordinate member, whether it be removal, notification to the member or sanctioning. Frank Tenney asked if other towns in the state have an enforcement mechanism in place currently; Lewis Mudge confirmed.

Page 1: James Faulkner suggested adopting the policy for all of the boards instead of for the Selectboard only. Louise McCarren agreed one policy should be enforced for all entities within the town. Frank Tenney explained the DRB and Planning Commission each have their own policies and is unsure if the state statute allows it to be covered under one blanket COI policy. Lewis Mudge will contact VLCT to confirm. Lewis Mudge suggested changing the title from “Ordinance” to “Policy.” All members agreed.

Page 2: Lewis Mudge discussed the definitions and would like to run them by the town lawyer. Lewis suggests changing item J from “recusal” to “withdraw.” Louise McCarren would like clarity on item D and the term “consanguinity.” She feels a simpler approach is better. Frank Tenney added that items D and E are the same. James Faulkner defined item D, and felt it’s too detailed. Charles Russell from DRB feels the term “personal interest” is too broad of a statement. James Faulkner would like to add this to the next meeting agenda. James Faulkner referred to item F, which should reference other committees besides the Selectboard.

Page 3: Lewis Mudge referred to Article 4 and 5 and he doesn’t feel it falls within the parameters of a policy. James Faulkner and Louise McCarren agreed that this policy may not be the place for those Articles. Lewis Mudge will revise this section for the next meeting, and the board agreed to finish the COI policy at the next 2 meetings.

Public Comment:

JD Herlihy from the DRB wanted to share that their COI policy is in State Statute 24 VSA §4461. It follows the template from VPIC and suggested people reference it for specifications. He is for a unified COI policy but there will be some differences for the DRB.

Liquor license renewals:

MOTION by Frank Tenney to adjourn as the Selectboard and reconvene as the Liquor Control Board; seconded by Louise McCarren. VOTE: 4 ayes, motion carried.

MOTION by Louise McCarren; seconded by Frank Tenney to approve the renewal of Whit's End, LLC d/b/a Old Brick Store- Second Class License to Sell Malt and Vinous Beverages. VOTE: 4 ayes, 0 nays; motion carried.

Frank Tenney left the room.

MOTION by Louise McCarren; seconded by Lewis Mudge to approve the renewal of Tenney Enterprises-Second Class License to Sell Malt and Vinous Beverages. VOTE: 3 ayes, 0 nays; motion carried.

Frank Tenney returned.

MOTION by James Faulkner; seconded by Lewis Mudge to adjourn as the Liquor Control Board and reconvene as the Selectboard. VOTE: 4 ayes, 0 nays; motion carried.

Use of ARPA funds—create committee to review:

James Faulkner suggested for a committee to be created to review the ARPA funds since the Selectboard has a full schedule. Louise McCarren supports this and suggested the Selectboard should prioritize the items. Mary Mead thinks this should be done by the Selectboard, not another committee since they are in charge of the finances and there is not a looming deadline. James Faulkner confirmed the Selectboard would have the final say, the committee would make suggestions and do the labor behind it. Frank Tenney is ok with the Selectboard handling it, and suggested it to be added to the agenda for each meeting. Lewis Mudge agreed with Mary Mead's point, but there is a lot of legwork necessary to be done behind the scenes. He suggested that additional Selectboard meetings should be scheduled and dedicated solely to ARPA funds. Frank Tenney suggested the Selectboard delegate the items that need researching to the new committee, not the committee deciding which items to be considered. James Faulkner decides the Selectboard will take on the ARPA funds, and at the next meeting they will prioritize the items. Lewis Mudge suggested allowing the public to rank the top 5 categories.

Study re: East Charlotte Village Traffic Calming and Pedestrian Improvements:

Dean Bloch explained the Selectboard has approved \$4,000.00 as a match to \$20,000 for the project to be overseen by Chittenden County Regional Planning Commission. East Charlotte is the focus this year, West Charlotte will be next year. They are ready to select consultants, and want to see if there is a liaison within the Selectboard to provide input. Sue Smith asked how this project is different from the study 2 years ago. Dean Bloch answers the previous study was for traffic counts

and speed limit recommendations, this study is focused on creating a pedestrian friendly environment. James Faulkner volunteered himself to be the liaison.

Contract with Lewis Excavating for Maintenance of Town Highways and Town Bridges (as Road Commissioner):

Leslie Lewis explained that the last 20 years this was not required but now a contract is needed. The reason is that Workman's Compensation insurance is very expensive, and they need clarification there is no paving in the contract. **MOTION by Louise McCarren; seconded by Frank Tenney to approve the contract with Lewis Excavating for Maintenance of Town Highways and Town Bridges. VOTE: 4 ayes, motion carried.**

Planning for Public Informational Hearing on February 26:

Dean Bloch explained the Library, Community Center Committee, and CVFRS would each like to make a presentation on the articles to be voted for on Town Meeting Day. Dean Bloch asked if the Selectboard would like to also make a presentation. Frank Tenney suggested the Selectboard can answer any questions and that should be sufficient. James Faulkner agreed, and Louise McCarren suggested it to be organized by topics.

Land maintenance specifications and Request for Bids—discussion:

Dean Bloch received suggestions from the departments associated with land contracts. The consensus suggested to have a walk-through with all potential bidders beforehand to clarify what the requirements are. Dean Bloch explains the time table; advertisement is 2 weeks, then the Selectboard wants to look at proposals. The process could take a month or more. Dean Bloch suggested a member to be appointed to review the changes, then approve it to publication. James Faulkner volunteered since he is familiar with the process. Frank Tenney thinks a map would be beneficial. Sue Smith would like to clear up mulching specifications. She would like 3x3x3 (3" from the trunk, 3" deed, and 3' radius) for the measurements in the contract, and requested mowing specifications be reviewed. Adam Dantscher clarified the South-Eastern portion of the Burn's field was brush-hogged 2 summers ago, and he suggests the meadow to be mowed in early April if possible. James Faulkner agreed. Sue Smith would like the parsnip area to be brush-hogged. The board will further discuss this with Adam Dantscher. **MOTION by Lewis Mudge that James Faulkner will approve the specifications for the mowing and lawn maintenance bid to be advertised; seconded by Frank Tenney. VOTE: 4 ayes, 0 nays; motion carried.**

Personnel Policy revisions—discussion:

Matt Krasnow was not in attendance; he has been involved with the revisions to the Personnel Policy. This topic will be revisited when he is in attendance.

Employee performance reviews—discussion re: schedule:

- James Faulkner and Louise McCarren will review Dean Bloch.
- Louise McCarren and Lewis Mudge will review the Lori York at the Senior Center
- Frank Tenney and James Faulkner will review the Planning and Zoning office staff.
- Matt Krasnow and James Faulkner will review Nicole Conley.

James Faulkner would like to have them completed in one month.

Recommend appointment of Keith Osborne as Town Health Officer by Dept. of Health:

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James Faulkner is currently the Town Health Officer by default and recommends Keith Osborne. Frank Tenney advised that the State could be taking over the rental housing portion of the position.

MOTION by James Faulkner to appoint Keith Osborne as Town Health Officer; seconded by Lewis Mudge. VOTE: 4 ayes, motion carried.

Selectboard updates:

Town Garage:

James Faulkner explained there are 3 sites currently in line for the Town Garage. The Flea Market, Rise & Shine and Ferry Road. Dave Marshall drew the plans for the potential sites. Rise & Shine and Ferry Rd have been more of a priority due to traffic issues at the Flea Market site. James Faulkner would like to have a building by 10/1.

Timeline:

- Decision to be made on the location at the next meeting
- One month will be needed to choose the design.
- The building would then go up for bid, come back with a price. (July time frame)
- A meeting to approve a bond for the construction.

Louise McCarren wants to confirm the town will own the property. James Faulkner clarified it will be a 5-year lease to own for Rise & Shine, Ferry Rd will be 2-year lease to own, and the town owns the Flea Market currently. Lewis Mudge would like to see the price comparison for the two estimates, which is still in negotiations per James Faulkner. Frank Tenney feels since the town already owns the flea market location, it should be considered and suggests moving the driveway. Louise McCarren agrees, and would like to see if the traffic issues could be mitigated. Jr Lewis's prefers that location as well, but the concern is the speed limit being 50, a loaded truck leaving the driveway will not be able to get up to that speed. Jr Lewis's second choice would be Rise & Shine. Frank Tenney is concerned with the Rise & Shine location with the lot coverage requirements, and wants to make sure it doesn't interfere with any septic. James Faulkner confirmed a replacement septic area would be needed, which would be across the road. Frank Tenney asked about Ferry Rd, if a permit will be needed since the building has changed from what was presented. James Faulkner confirmed. Further discussion on the matter to be continued at the next meeting.

DRB Complaints:

James Faulkner addressed the complaints from the DRB meeting. Joe McLean was contacted, he explained the Selectboard does not have any jurisdiction over the DRB. Louise McCarren agreed the issues lie with the chair of the DRB and the members. Lewis Mudge would like a response given to the complainants in writing to clarify the Selectboard's inability to step in. James Faulkner will be sending a response explaining the legalities. Dean Bloch clarified the DRB will be addressing the concerns as well. Chea Evans asked if this was determined to lie within the authority of the DRB, why did Jim and Dean consult the town attorney regarding the potential conflict of interest of a DRB member. James Faulkner provided clarification as to what the Selectboard responsibility was. JD Herlihy from the DRB explained at the Feb. 23 meeting the complaints will be addressed and it is premature for the Selectboard to be involved. He also explained per the state statute, the Selectboard does have the authority to remove members for cause, though he said he doesn't think that's called for at this time. James Faulkner referred to Section 14, which requires a majority vote from the DRB. Frank Tenney and Lewis Mudge confirmed the Selectboard appoints people, and they can remove people.

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Traffic concern at Charlotte Central School:

James Faulkner has received suggestions to lower the speed limit, or to install a flashing light. This will be added to the agenda for the next meeting.

Contract [possible executive session]:

MOTION by James Faulkner to approve an executive session for 1VSA §313 (a)(1)(A) to discuss a contract. 4 ayes, 0 nays; motion carried.

MOTION by Frank Tenney to come out of an executive session; seconded by Lewis Mudge. 4 ayes, 0 nays; motion carried.

Adjournment:

MOTION by Lewis Mudge to adjourn the meeting; seconded by Frank Tenney. VOTE: 4 ayes, 0 nays; motion carried. The meeting was adjourned at 9:45pm.