

CHARLOTTE SELECTBOARD MEETING
Monday, February 10, 2025
Charlotte Town Hall 159 Ferry Road and via teleconference

SELECTBOARD MEMBERS: *In person:* James Faulkner, Chair; Frank Tenney, Vice Chair; Lewis Mudge, (remote and in person); Natalie Kanner; Kelly Devine

ADMINISTRATION: Nathaniel Bareham Town Administrator

OTHERS:

In person: Charles Russell, Scooter MacMillan

Remote: Hugh Lewis Jr., Lee Krohn, Nancy Faulkner, Paul Plante, Rep. Chea Waters Evans, Ruth Uphold, Adam Dantscher, Alexa Lewis

AGENDA ITEMS:

- 6:30 PM Approval of Consent Agenda a. Meeting Minutes for Jan. 6, 2025, and Jan. 23, 2025.
- 6:35 PM Adjustments to the Agenda
- 6:36 PM Liquor Control Board: a. Application 41513 – 2nd Class Liquor License Renewal – Crust & Cork LLC
- 6:40 PM Approval of Warrants to Pay Bills
- 6:45 PM Selectboard & Town Administrator’s Updates
 - a. Update on FHWA Emergency Relief Program grant funds
 - b. Update on Spear Street repairs
 - c. Update on Selectboard meeting agendas
 - d. Update on committee/commission application form
- 6:50 PM Public Comment
- 6:55 PM Discussion, and possible action, on adopting a Code of Ethics Investigation and Enforcement Ordinance
- 7:10 PM Discussion, and possible action, on appointing a designated complaint recipient for Municipal Ethics Complaints
- 7:15 PM Discussion, and possible action, on amending the Town’s list preferred vendors per Section V of the Town’s purchasing policy. To include:
 - a. Adam Dantscher for Brush-hogging and Cemetery Maintenance services.
 - b. Fortin’s Lawncare for Mowing services.
- 7:25 PM Possible discussion, and action, on Requests for Proposals for:
 - a. Mowing
 - b. Brush-hogging
 - c. Cemetery Maintenance
- 7:35 PM Discussion, and possible action, on the Assistant Town Administrator job description

- 7:50 PM Discussion, and possible action, on a letter of support for CCRPC's FY26 Unified Program Work Project
- 8:00 PM Discussion, and possible action, on an Open Space Agreement between the Town of Charlotte, and William and Louise Gregorek
- 8:15 PM Adjournment

Call to Order

James Faulkner called the meeting to order at 6:33 p.m.

Approval of Consent Agenda a. Meeting Minutes for Jan. 6, 2025, and Jan. 23, 2025.

MOTION by Kelly Devine, seconded by Natalie Kanner, to approve the consent agenda and take the action contained there in for February 10th, 2025. VOTE: 5 ayes, 0 nays; Motion Carried.

Adjustments to the Agenda

James Faulkner stated that the agenda item, Discussion, and possible action, on a letter of support for CCRPC's FY26 Unified Program Work Project, will be removed from tonight's agenda due to needing more information.

Nathaniel Bareham stated that he is following up with CCRPC on a few questions and the deadline for this is at the end of March.

Liquor Control Board: a. Application 41513 – 2nd Class Liquor License Renewal – Crust & Cork LLC

MOTION by Frank Tenney, seconded by Natalie Kanner, to recess as the Selectboard and convene as the Liquor Control Board. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Natalie Kanner, seconded by Kelly Devine, to approve DLL Application 41513 for the renewal of a 2nd Class Liquor License for Crust and Cork LLC for the period ending April 30, 2026. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Frank Tenney, seconded by Natalie Kanner, to adjourn as the Liquor Control Board and reconvene as the Selectboard. VOTE: 5 ayes, 0 nays; Motion Carried.

Approval of Warrants to Pay Bills

Warrants were signed.

Selectboard & Town Administrator's Updates**a. Update on FHWA Emergency Relief Program grant funds**

Nathaniel Bareham stated that as a reminder the town of Charlotte is using the Federal Highway Administration Emergency Relief Program grant funding to cover the costs of repairs to Spear Street. This is grant funding that will cover 100% of the cost of repairs up until April 7, 2025. This update is to formally state that the grant agreement has been signed and the town has started submitting requisitions to the Federal Highway through VTrans for reimbursement of funds that

have already been submitted and paid for by the town. He went on to state that there will be some updates coming and those change orders will need to be updated in the later grant agreement.

b. Update on Spear Street repairs

Nathaniel Bareham stated that the slope stabilization by Dirt Tech is almost fully completed. The culverts and the concrete wing walls have been installed and the next step will be to backfill the site and then paving will be needed. He went on to state that typically, plants will not open for paving until later in the spring, so there may be some costs to the town associated with repaving that section. The backfill portion of the work will take some time and is weather dependent.

James Faulkner stated that they are two to three weeks ahead of schedule, which is great. The plan is to have the road back open by April 1st which can be done without the completion of the paving as long as the guardrails are in place.

c. Update on Selectboard meeting agendas

James Faulkner stated that the Selectboard has been doing well with consolidating the meeting agendas and has gotten a lot of policies and procedures corrected. A lot of the thanks goes out to Nathaniel Bareham for this work. It should be known that there is a lot of work going on outside of the meetings to make these agendas smaller and more concise.

d. Update on committee/commission application form

Nathaniel Bareham stated that it's around this time that the town usually puts out it's broad notification for terms that are set to expire on April 30, 2025. Natalie Kanner put together an application which was then reviewed and edited by Nathaniel Bareham. The Selectboard is welcome to provide any edits but the goal is to have this finalized in the next two weeks so that the notification of vacancy can be put out and the applicants can have a form to streamline the process.

Public Comment

Rep Chea Waters Evans stated that she has heard from many people regarding a hay wagon on Route 7 with an advertisement on it that some feel is a billboard. As a state representative it's something she wanted to comment on, on behalf of her constituents. This might be something that the Selectboard wants to put on a near future agenda.

Natalie Kanner stated that she read an article on this topic in Front Porch Forum.

Frank Tenney stated that this was reported on, on the local news. There is one on 116 in Hinesburg as well. It's believed that there are six of them in VT and six of them in NY. The state was in the process of deciding if it would be a \$50 fine and they would need to be removed or not. The owner of the business feels there is no violation and he didn't get a call back from the state. He went on to state that it's unclear if this is a subject that the Selectboard has any control over.

Kelly Devine stated that it all depends if the town has any sign specific regulation in the town ordinance otherwise the Selectboard has to follow the state laws.

Frank Tenney stated that this can be brought to the ZA to decide if it's in violation of one of the town's regulations.

All concurred that this would be a good first step on the matter.

Discussion, and possible action, on adopting a Code of Ethics Investigation and Enforcement Ordinance

Nathaniel Bareham stated that this is all outlined in detail within the Staff Report document in tonight's meeting packet. In short, Act 171, which created the Ethics Commission also had requirements that the municipalities were to follow. One of those requirements is that the town should adopt a complaint investigation ordinance policy. He went on to state that it was recommended by VLCT that an ordinance be adopted so he worked with town staff and with VLCT staff to put together a draft ordinance. In addition to this, if the Selectboard decides to accept this ordinance they would also need to provide proper notice per state statute. There is a draft notice of ordinance included in tonight's packet as well.

Discussion, and possible action, on appointing a designated complaint recipient for Municipal Ethics Complaints

Nathaniel Bareham stated that the town would be required to appoint a designated official to receive complaints and that official would be in charge of determining whether or not the complaints are in fact a violation of the Vermont ethics law. The ordinance also requires an alternate in case the point of contact is in fact the person that the complaint is against. He went on to state that this draft ordinance was drafted from a template provided by VLCT and with much input from town employees, specifically Mary Mead and Magaret Woodruff since they oversee other staff in the town that this might have an impact on. Once this was done he reached out to VLCT in order to have a couple clarifying questions answered regarding who should be included in this. Nathaniel Bareham stated that the ordinance specifies that there are specific officers to complete this ethics training before September 30, 2025. He feels that it is appropriate to share this required training after the next round of appointments for town officials. Any member of a non-advisory public body, essentially anyone that has a budget line item on behalf of the town would be required to take this training. He went on to state that the town doesn't have to fund the training, the state and the Municipal Ethics Commission has made this training available online and it is completely free. The process to complete it is straight forward. It's about a 45 minute long video and there is a short knowledge assessment at the end. There is a small section where they can input an email address for confirmation by the appropriate municipal official that they have completed the training. Nathaniel Bareham stated that an example of a member of a quasi-judicial body of a municipality would be the members of the DRB.

Frank Tenney stated that the Selectboard is also an example of a member of a quasi-judicial body of a municipality at times such as when they are doing a road cut.

Kelly Devine stated that this would likely include when the Selectboard acts as the Liquor Control Board or the Cannabis Control Board as well. Frank Tenney concurred.

Kelly Devine stated that she has concerns about warning this at this time since there is already a lot going on in the town.

Nathaniel Bareham stated that there is no timeline on this but he feels since it's relatively straight forward getting this done would be good so that the town is compliant with state statute.

The Investigation ordinance would become effective sixty days after adoption. Realistically since the training requirement is September 30, 2025, it would need to be done sixty days ahead of that deadline for those bodies to meet that requirement.

Charles Russell stated that it would seem that it would be wise to include a full specific list of

those that are included in needing to complete this training. It would eliminate the need for anyone to ask the definition of non-advisory public officers. It's also important to have the Municipal Code of Ethics available at the same time for a frame of reference.

Nathaniel Bareham stated that the ordinance sets forth some very broad requirements but any committee or commission can set higher standards.

Kelly Devine stated that it would be important to share this with the different committees and commission to get their feedback on it as well and to let them know this is approaching.

Nathaniel Bareham stated that he is happy to do that.

James Faulkner stated that it would make sense to put it on the agenda for the middle of March to allow for the Town Meeting to be completed and to allow for the committees and commissions to have some input on it.

Discussion was had regarding what to include under the list of, "Municipal Officer" or "Officer" in the ordinance to have a bit more clarity.

Nathaniel Bareham stated that he is nearly done with the Committee & Commission Handbook and the definition of the advisory bodies could be included within this handbook and this defined list location could be referenced in the ordinance to make it a bit cleaner.

Kelly Devine concurred.

Discussion was had regarding when to make the decision of who will be appointed as the designated official to receive complaints and who would serve as the alternate role.

All concurred that waiting until after the election was logical.

Nathaniel Bareham stated that typically the designated official to receive complaints is the Chair of the Selectboard and the alternate is another member of the Selectboard.

Discussion, and possible action, on amending the Town's list preferred vendors per Section V of the Town's purchasing policy.

a. Adam Dantzcher for Brush-hogging and Cemetery Maintenance services.

b. Fortin's Lawncare for Mowing services.

James Faulkner stated that these contracts are annual contracts. The equipment for this work costs a lot of money. There aren't all that many vendors to do this work. It would make sense to extend their contracts and or make them preferred vendors.

Kelly Devine stated that as she has mentioned before there is work to be done on the town's purchasing policy. These smaller contracts should be able to be handled by the Town Administrator, Nathaniel Bareham.

Nathaniel Bareham stated that he concurred that the purchasing policy needs some adjustments. In particular the spending cap that requires that the project goes out for bid is low and outdated. The two emergency meetings that come to mind were for the pump station and the Holmes Covered Bridge of which both were just over the \$5,000 cap. It would also make sense to look at the definition of the purchasing agent. It would be useful to look at the purchasing policy to streamline the process. He went on to state that assigning the title of preferred vendor to a contractor would eliminate the need to go out for bid but at any time the Selectboard could go out for bid since having a preferred vendor doesn't take away the ability to do so.

James Faulkner stated that these contractors do quality work and it makes sense to hold on to them.

Lewis Mudge stated that it is appropriate to highlight the wonderful work that these two contractors do by making them preferred vendors this evening. He is in favor of continuing to go out for bid for the town mowing since the town usually receives multiple bids and the contract is

\$30,000 which is a lot of money for the town. As for the brush-hogging going out for bid, it may not be necessary since to his knowledge there hasn't been another bidder for the work.

MOTION by Kelly Devine, seconded by Natalie Kanner, to add Adam Dantzcher to the Town of Charlotte's list of preferred vendors, pursuant to Section V of the Town of Charlotte's Purchasing Policy, for the following reasons; historically his performance has been excellent, he's very reliable and responsive to extra service requests and he has an extensive knowledge of the town's needs. VOTE: 5 ayes, 0 nays; Motion Carried.

Lewis Mudge arrived at the meeting in person.

MOTION by Kelly Devine, seconded by Natalie Kanner, to add Fortin's Lawncare to the Town of Charlotte's list of preferred vendors, pursuant to Section V of the Town of Charlotte's Purchasing Policy, for the following reasons; historically his performance has been excellent, he's very reliable and responsive to extra service requests and he has an extensive knowledge of the town's needs. VOTE: 5 ayes, 0 nays; Motion Carried.

Possible discussion, and action, on Requests for Proposals for Mowing, Brush-hogging, and Cemetery Maintenance

Nathaniel Bareham will speak with Adam Dantzcher about the Brush-hogging Cemetery Maintenance contracts and he will bring the proposed contracts back to the Selectboard to review.

James Faulkner stated that the main reason to still go out for bid for the town mowing contract is due to the expense of the contract being \$30,000.

Charles Russell stated that he understands there have been some past contractors that didn't complete satisfactory work but there has also been lower bids in the past by young contractors that resulted in good work. Putting it out for bid allows for an opportunity to see what else is out there for this service. He went on to state that extending the contract beyond one year was mentioned earlier this evening and this isn't something that can be done.

Nathaniel Bareham stated that he will look into this topic further but having multiple year contracts for land maintenance is something that other municipalities do have.

Nathaniel Bareham stated that it's the preference of Adam Dantzcher and Brian Fortin that these jobs go out for bid and or the contracts get signed earlier than what has historically been done, which is March/April so that they have time to do the necessary planning and staffing to complete the work for the town.

All concurred.

Discussion was had regarding a potential clause to extend the term of the contract.

Nathaniel Bareham stated that due to the fact that the contract expired on December 31, 2024, it can't be extended. If the Selectboard wishes to extend the contract next year without going out for bid it could do so but it would need to be done before the contract expires. At this time the Selectboard could decide to go out for bid and could make a future decision on making it a one to two year contract depending on what additional information comes in at that time.

Discussion was had regarding pushing the end date of the contract out to the end of March.

Adam Dantzcher stated that he has a three year contract with the town of St George for roadside mowing with an annual review to provide clarity if there might be additional work or not. This was done to keep the vendors that the town has and likes.

Scooter MacMillan stated that he is unclear as to how there is a possibility of a multiyear contract when as Charles Russell stated earlier it would bind future Selectboards to a decision made by past Selectboards.

All concurred that this is still to be looked into and if it's decided to be a multiyear contract there will need to be a clause.

MOTION by Kelly Devine, seconded by Lewis Mudge, to approve the request for proposal for mowing and land maintenance, dated February 10, 2025, as presented. VOTE: 5 ayes, 0 nays; Motion Carried.

Nathaniel Bareham stated that he went back and looked at the town's history of bids for both the brush-hogging and for the cemetery maintenance contracts and Adam Dantzcher has been the only bid received since 2017.

Nathaniel Bareham stated that he is now realizing that the motion that was made to make Adam Dantzcher a preferred vendor would be much clearer if the services were listed of brush-hogging and cemetery maintenance.

MOTION by Kelly Devine, seconded by Natalie Kanner, to reconsider the motion on preferred vendor, Adam Dantzcher. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Kelly Devine, seconded by Natalie Kanner, to add Adam Dantzcher to the Town of Charlotte's list of preferred vendors for the service of brush-hogging and cemetery maintenance, pursuant to Section V of the Town of Charlotte's Purchasing Policy, for the following reasons; historically his performance has been excellent, he's very reliable and responsive to extra service requests and he has an extensive knowledge of the town's needs. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Kelly Devine, seconded by Lewis Mudge, to reconsider the motion on preferred vendor, Fortin's Lawncare. VOTE: 5 ayes, 0 nays; Motion Carried.

MOTION by Kelly Devine, seconded by Natalie Kanner, to add Fortin's Lawncare to the Town of Charlotte's list of preferred vendors for the services of town lands mowing, pursuant to Section V of the Town of Charlotte's Purchasing Policy, for the following reasons; historically his performance has been excellent, he's very reliable and responsive to extra service requests and he has excellent knowledge of the town's needs. VOTE: 5 ayes, 0 nays; Motion Carried.

James Faulkner stated that two years ago the town didn't have these maps that clarify the areas of need for mowing and brush-hogging. This is something that Nathaniel Bareham put together and this is another area of improvement since Nathaniel Bareham became the TA. He expressed his sincere gratitude.

Discussion, and possible action, on the Assistant Town Administrator job description
James Faulkner stated that the Assistant Town Administrator job description was created by Frank Tenney and Natalie Kanner and he is in favor of getting this position filled to assist Nathaniel Bareham with his large workload.

Frank Tenney stated that he's still trying to decipher if there is any duplication with the job description with other positions in the town.

Kelly Devine asked why there are two versions of the Assistant Town Administrator job description.

Natalie Kanner stated that the short job description is completely new made of job details that she and Frank Tenney got feedback from commissioners on and the longer one is a combination of the details from the Town Planner job description along with everything that was suggested from the commissioners and all that Frank Tenney felt should be included. She went on to state that the job description as it's defined will be mostly exempt from being a union eligible position since this job description includes stepping in as acting Town Administrator when necessary.

Discussion was had regarding this position and how to move forward and it was discovered that an executive session would need to take place to have all the questions that arose discussed. Since it wasn't warned these particular questions couldn't be answered this evening.

James Faulkner stated that this will go on the next Selectboard meeting agenda.

Frank Tenney and Natalie Kanner stated that they will work together to review current job descriptions to make sure there is no repetition of duties.

Frank Tenney stated that the Zoning Administrator, Planning and Zoning Assistant and the Town Planner job descriptions will be looked at.

James Faulkner stated that the number one concern of his is getting some assistance for the Town Administrator.

Discussion, and possible action, on an Open Space Agreement between the Town of Charlotte, and William and Louise Gregorek

Nathaniel Bareham stated that this open space agreement is being done in conjunction with a two lot subdivision that was before the DRB last year. At this time the town attorney and the applicants attorney have both reviewed it. The applicant is okay with the terms of the agreement. He has had the chance to look over the terms of the agreement with David Rhue and he has no issues with it so at this time it is up to the Selectboard to review and approve if they're so inclined.

MOTION by Kelly Devine, seconded by Natalie Kanner, to approve the Open Space Agreement between the Town of Charlotte, and William and Louise Gregorek, for the property located at 351 Swamp Street, as presented. VOTE: 5 ayes, 0 nays; Motion Carried.

Adjournment

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

The meeting was adjourned at 8:02 p.m.

Minutes respectfully submitted by Brooke Milo, Minute Taker.
Edits by Nathaniel Bareham.