

**CHARLOTTE SELECTBOARD MEETING**  
**Monday, February 28, 2022**  
**Charlotte Town Hall 159 Ferry Road and via teleconference**

**APPROVED**

**SELECTBOARD MEMBERS:** *In person:* James Faulkner, Chair, Frank Tenney, Vice Chair, Matthew Krasnow (joined remote at 6:45 pm), Lewis Mudge, (arrived in person at 6:15 pm), Louise McCarren

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

**OTHERS:**

*In person:* Fritz Tegatz, Peter Carreiro, Jeff Hall, Tammy Hall

*Remote:* Scooter MacMillan, Patrice Machavern, Chea Evans, Rayne Herzog, Cheryl Brodowski, Junior Lewis, Peter Joslin, Carrie Spear, Juliann Phelps, Megan Price

**AGENDA ITEMS:**

- 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: February 14, February 17
- 6:15 PM CVFRS 2nd quarter financial review
- 6:30 PM Conflict of Interest Policy—discussion, possible adoption
- 6:55 PM Consider whether to extend masking requirement for Town buildings
- 7:00 PM Public Comment
- 7:05 PM Liquor licenses
  - Spear’s Corner Store, incorporated—renewal of Second Class License to Sell Malt and Vinous Beverages
- 7:10 PM RaceVT.com—applications to use town roads for Shelburne Half Marathon/5K/10K and Covered Bridge Half Marathon/5K/10K on September 10, 2022
- 7:20 PM Kelly Brush Foundation—application to use town roads for Kelly Brush Ride on September 10, 2022
- 7:30 PM Coordination of boards’ and committees’ meeting schedule
- 7:40 PM Town garage
- 8:40 PM Remote computer access for Zoning Administrator
- 8:45 PM Selectboard’s meeting schedule for March
- 8:50 PM Selectboard updates
  - VT Alert for Charlotte events
- 9:00 PM Adjournment

**CALL TO ORDER**

**James Faulkner called the Selectboard meeting to order at 6p.m.**

**Adjustments to the agenda**

Louise McCarren stated that the vacation policy should be revised to match an employee's years of experience. She raised that she would like this topic added to the next meeting's agenda. Dean suggested that it be added to the first meeting in March since that agenda includes the work plan and the topic could be prioritized.

**Approve warrants to pay bills**

Warrants were approved and signed.

**Committee requests for unbudgeted expenditures (time allotted if needed)**

None at this time.

**Minutes: February 14, February 17**

**MOTION by Louise McCarren, seconded by Frank Tenney, to approve the Selectboard meeting minutes for February 14, 2022 as amended. VOTE: 4 ayes, 0 nays; Motion Carried.**

**MOTION by Lewis Mudge, seconded by Frank Tenney, to approve the Selectboard meeting minutes for February 17, 2022. VOTE: 4 ayes, 0 nays; Motion Carried.**

**CVFRS 2nd quarter financial review**

- Fritz Tegatz shared that in the budget vs actuals, there is revenue at this time from patient billing. The new company that is contracted has been doing a great job at collecting the fees. The insurance and dues expenses are front loaded, so are a higher percentage in the first part of the season.

- James Faulkner requested budget line item 51024, Professional Services be discussed. Fritz stated that this is the software and the programs used to report to the state and they're paid upfront. Patrice Machavern shared that this expense is predominantly the independent auditor. He spends four full days on site and comes back and spends another two days and goes through all the inventory. This year it is scheduled for the first or second week in August.

- James Faulkner requested an explanation for budget line item 52011, Protective Clothing/Uniforms. Fritz and Patrice indicated that this amount is for bunker gear for current employees. This year there were four new employees.

- Lewis Mudge asked for clarification of the budget column and Patrice Machavern stated that that is the budget amount for the full fiscal year of 2022. She further explained and gave clarification that the fiscal year 2022 runs from July 1<sup>st</sup> 2021 and runs until June 30<sup>th</sup> of 2022 and the budget column reflects what was voted on and approved at last year's town meeting.

- Fritz Tegatz brought up the Management Financial Report (Operating) for FY22.

This shows total income at 54% and total expenses at 53%. After two quarters the target is 50%. Actual is 506,161.94, Budget is 933,246.00 and percentage of the Budget is 54.24%.

- Lewis Mudge pointed out that the budgeted amount for EMT payroll was the biggest line item on the list which includes per diem and full time staff. Patrice stated that this includes the total number of shift hours per year 17,472 staff hours and four permanent full time staff members that get paid vacation and therefore need coverage. Therefore 18,000+ shift hours for this line item as well as their fit-for-duty physicals and finger printing of new staff. There are also six paid holidays. Those that work on a holiday get paid time and a half.

- Louise McCarren made a statement that Fritz is going to be moving out west and that she's grateful for all he has done and he'll be greatly missed, all of the Selectboard members concurred.

### **Conflict of Interest Policy—discussion, possible adoption**

- James Faulkner stated that he felt that he dropped the ball as he didn't send anything out on this subject. Louise stated one policy for all committees would make sense and James agreed with this.

- Lewis Mudge stated that there is one problem with the idea of one policy due to article 8 Disqualification and Recusal. A Selectboard member can recuse him or herself but there's little leeway to force a Selectboard member out of position like there is with the DRB and the PC members since the Selectboard has the power to remove those members if necessary. Frank Tenney stated that they use the mechanism for removal for conflict of interest for all boards. Lewis Mudge went on to say that he is specifically speaking of statutes and the mechanisms in place which give the means for the Selectboard to remove members from boards in situations where the members should be removing oneself (i.e. recusing) and they don't. Therefore, merging the policies creates a discrepancy. Frank stated that a line serving as a disclaimer could be added to the new policy that would define the difference between the appointed and the elected and that the disciplinary action of removal could not be used on an elected official. Lewis agreed that this could be a solution to the discrepancy but that he is still unsure about merging the policy for all committees. Frank stated that there could be two policies one for the elected and one for the appointed. Louise McCarren stated that this information was helpful and she understands the concern with the discrepancy with creating one policy for all.

- Lewis also shared that some folks have emailed him about creating an ethics board. Lewis stated that he's not in favor of it as it's not common for small towns and Charlotte is a small town. Frank Tenney agreed with this point.

- Lewis will work on this further and have it ready for the next regular meeting on March 14<sup>th</sup>.

### **Consider whether to extend masking requirement for Town buildings**

- James Faulkner shared that the Senior Center and the Town Library would like to continue with mask wearing and he feels that there should be one mask wearing requirement for all of the town buildings. James feels that extending the mask wearing requirement for one more month would make sense to him.

- Lewis Mudge asked for clarification of the CDC guidance that has changed. Louise stated that the CDC has made recommendations dependent on the vaccination numbers in the town.

**MOTION by Louise McCarren, seconded by Lewis Mudge to extend the mask wearing requirements for town buildings for one more month ending March 31<sup>st</sup>. VOTE: 5 ayes, 0 nays; Motion Carried.**

### **Liquor licenses**

**MOTION by Frank Tenney, seconded by James Faulkner to recess as the Selectboard and reconvene as the Liquor Control Board. VOTE: 5 ayes, 0 nays; Motion Carried**

- **Spear's Corner Store, incorporated—renewal of Second Class License to Sell Malt and Vinous Beverages**

**MOTION by James Faulkner, seconded by Louise McCarren to approve Spear's Corner Store, incorporated—renewal of Second Class License to Sell Malt and Vinous Beverages. VOTE: 4 ayes, 0 nays, (Frank Tenney abstained); Motion Carried.**

**MOTION by Frank Tenney, seconded by Lewis Mudge to recess as the Liquor Control Board and to reconvene as the Selectboard. 5 ayes, 0 nays; Motion Carried.**

### **Coordination of boards' and committees' meeting schedule**

Dean Bloch commented that he felt like the committee meetings were spread out well for the most part. Dean would like clarification as to what the issue is. Frank Tenney stated that he likes to attend all of the meetings and the Energy Meeting and the DRB have been holding meetings on the same night. Dean shared this overlap is temporary and due to the DRB attempting to get caught up. Frank feels there could be some adjustments made to the monthly meetings to avoid overlap such as reminding the committees to attempt to prevent overlap.

### **Public Comment**

No public comment.

### **Selectboard's meeting schedule for March**

James Faulkner stated that there is a reorganization meeting next week and Dean Bloch confirmed that it has been penciled in for Monday March 7<sup>th</sup> at 7 pm. Also, March 14<sup>th</sup> and March 28<sup>th</sup> are on the calendar. Dean reported that the meeting schedule will be approved at the reorganization meeting for the rest of the year and that the 2<sup>nd</sup> and 4<sup>th</sup> Mondays each month at 6 pm is the typical schedule for the monthly meetings. The start time was discussed and all agreed that 6:30 p.m. would be reasonable start time in general for meetings going forward.

**RaceVT.com—applications to use town roads for Shelburne Half Marathon/5K/10K and Covered Bridge Half Marathon/5K/10K on September 10, 2022**

Rayne Herzog shared that his application was for the second annual Shelburne 5K/10K and Half Marathon on Saturday May 7<sup>th</sup>. He reported that he will be providing policemen on the corner of Route 7 and Bostwick Road and Greenbush Road and Lake Road, and Lake Road and Orchard Road. Dean Bloch made a point that they can only make requirements for police to be stationed in Charlotte, not police to be stationed in Shelburne.

- James Faulkner asked if there was any port-o-lets that he was proposing because on the application the box wasn't checked. Rayne Herzog reported that the only spot is on the corner of Greenbush Road and Orchard Road where there will be a water station and a port-o-let.

**MOTION by Louise McCarren, seconded by James Faulkner to approve the Race VT Shelburne 5K, 10K and Half Marathon for May 7<sup>th</sup>, 2022. VOTE: 5 ayes, 0 nays; Motion Carried.**

- Rayne Herzog shared that the other race that he is seeking approval for is the Covered Bridge Half Marathon/5K/10K on September 10, 2022. The map was referenced and he shared there would be a volunteer north and south of the covered bridge. Outside of that it is really an out and back type of run. There is to be a port-o-let at the cross walk at the Charlotte Beach, and water stations at the 5K turn-around, 10K turn-around and half marathon turn-around. Due to COVID-19, cups are filled with water and the participants throw their empty cups into a trash bag. Policemen have been at the same intersections for the past eight years: the corner of Lake Road and Orchard Road and the corner of Ferry Road and Lake Road.

- James Faulkner pointed out a signature from Fire & Rescue Chief or Assistant is needed for both applications.

- Dean Bloch asked if there would still be a donation of \$1dollar per participant to go towards the town's scholarship funds for recreational programs and Rayne stated that that is indeed the case.

- Dean Bloch stated that a certificate of insurance is a requirement. Rayne Herzog reports that his insurance representative, Scott Sutter said he shared this with the town a couple of months ago. Rayne Herzog will reach out to Scott Sutter to confirm that this was sent. Dean will look for this email.

- Lewis Mudge asked about the Kelly Brush Ride being on the same date. Rayne Herzog reports that he and the folks from the Kelly Brush Ride agree that there is no interference with scheduling these races on the same day.

**MOTION by Frank Tenney, seconded by Louise McCarren to approve the Race VT Covered Bridge Half Marathon/5K/10K on September 10, 2022 with the application to include a signature from the Fire & Rescue Chief and with proof of insurance. VOTE: 4 ayes, 0 nays, (Matt didn't vote); Motion Carried.**

**Remote computer access for Zoning Administrator**

James Faulkner explained that the Zoning Administrator is interested in doing

remote work. The discussion at the time was this is something that isn't normally done except for emergency situations only; the Zoning Administrator would like to do this once per week. James stated he feels he needs to be an employee in this role for at least six months before remote work once per week could be considered. His other concern is other's wanting to have a remote day which could "snowball."

Dean Bloch shared that the Planning & Zoning Department has met and made a schedule so that there would be in office coverage from 8 - 4p.m. and he will be available by phone. Louise McCarren asked if he could have his phone on call forwarding.

Frank Tenney expressed his concerns with someone coming in and with the Zoning Administrator not being physically present.

Louise McCarren asked what Dean's recommendation would be. Dean shared that he would recommend granting remote work once per week. There has been a lot of Zoning Administrator turnover and this is something to help keep a person in this role engaged. Dean said that the Zoning Administrator would be available by phone and email during his remote hours. Working from home is a distraction-free environment Dean stated.

Lewis Mudge stated that he's inclined to give it to him because it's a difficult year and he agrees that we want to keep the person in this role happy.

The board agreed that it can be looked at by the board in two months (i.e. after three months of employment) but ultimately Dean's judgement should be strongly considered.

### **Kelly Brush Foundation—application to use town roads for Kelly Brush Ride on September 10, 2022**

Cheryl Brodowski shared that it will be the 17<sup>th</sup> annual Kelly Brush Ride, starting and finishing at Middlebury College. She doesn't anticipate any changes to their route.

- Louise McCarren asked about the overlap with the Covered Bridge Half Marathon/5K/10K on September 10, 2022 and Cheryl Brodowski concurred with Rayne Herzog that there will be no issues as the timing is such that they aren't on the same stretch of land at the same time on that date. Louise expressed her concern with the danger of the covered bridge and Cheryl Brodowski shared that they have a volunteer and speed bumps were added last year as well.
- James Faulkner stated that the signature by the Fire & Rescue Chief or Assistant and a certificate of general liability insurance coverage are needed.
- Frank Tenney asked about volunteers at the intersections along the route and Cheryl Brodowski reported that they had eighteen motorized bikers out patrolling the route at the larger intersections. Frank asked about Spear Street being narrow and curvy and Cheryl Brodowski reported that the cyclists were pretty spread out by that point of the ride.

**Motion by Frank Tenney, seconded by Lewis Mudge to approve the use of town roads for the 17<sup>th</sup> Annual Kelly Brush Ride on Saturday September 10, 2022 with the application to include a signature from Fire & Rescue and proof of updated**

**insurance coverage. VOTE: 5 ayes, 0 nays; Motion Carried.**

### **Town garage**

- Matthew Krasnow shared that he will be recusing himself from the planning and execution of the Town Garage due to the fact that one of the proposals in the packet is from his employer. He left the meeting at this time to make sure there is no conflict of interest.

- James Faulkner shared that this process involves a lot of moving parts that includes getting state and local permits, septic design, architecture, engineers, and construction which makes it important that a location is decided on sooner than later. There are four possible sites for the town garage. James shared a spreadsheet showing the pros and cons to each of the locations. He stated his preference is to not include discussion of the finances. Lewis Mudge made a point that it would make sense to highlight the locations that involve little to no expense.

- Jeff Hall shared that he owns property at 1151 Hinesburg Charlotte Rd of about 143 acres with a barn in place of about 5,400 square feet and he's willing to sell to the town. It has two 20 ft openings now and one 16 ft opening with overhead doors. Encore Solar is interested in putting a solar field there. The land isn't conserved. It's encircled with conserved land though. Plenty of room for expansion. It's centrally located in the town of Charlotte. Solar panels are used for electricity currently. He is asking \$2.2 million.

- James Faulkner shared that Junior Lewis has been involved in the research for the right location as well as Moe Harvey and Dean Bloch. The garage would need to be 140' by 60' and 100ft is needed outside the garage door to allow the trucks to get in and out.

-James Faulkner shared that the Flea Market's biggest obstacle is safety due to the speed of traffic in that location, for egress on Route 7. Perhaps, reducing the speed limit or a flashing light would help. The town owns this property and the engineer has all that he needs for the water and septic etc. All that would be needed is permits. It's centrally located and near the salt shed and sand piles. Suitable soils on the site, possible connection to the village system.

-The property over at Rise n' Shine Farm owned by Peter and Dale Carreiro has limitations for expansion due to its size. A subdivision would be required here. Peter Carreiro spoke, sharing that his attorney said it would be a boundary adjustment and not a subdivision. James stated how appreciative he is for all that Peter has done to help with this process of gathering information.

-The property down on Ferry Rd owned by Greg Beldock, has a similar problem with lack of possibilities with expansion. One other challenge there is also that the intersection there poses safety issues. This property would need to be subdivided. It's located at the bottom of the hill and is not centrally located.

-The other lot is off from Hinesburg Rd and is a two acre parcel that would be donated to the town of Charlotte by Peter Trono. It would need surveying and wetland studies and it is on the far end of town and far away from the sand shed. The biggest issue there is the

high-water table and would require a lot of gravel to be brought in. James stated how grateful he is for the offer but he's unsure if it will work due to the distance and the need for the gravel with the high-water table. James stated that the property would also need a subdivision.

- Lewis Mudge made a point that Junior Lewis' input needed to be heavily considered as the Road Commissioner.
- Peter Joslin spoke and asked how the town came up with the four to five options? He wonders if there was any ask out to the town's people broadly in regard to possibilities. James Faulkner said that he himself, Moe Harvey, Junior Lewis and Dean Bloch ask around and that's how they came up with the current options. Peter Joslin went on to urge that the bigger picture be looked at despite the urgency to make this decision. James highlighted how difficult it is for a Road Commissioner to work out in the weather during the winter and preventing him from having to work through another winter like this is the goal.
- Junior Lewis shared how difficult it is currently to work in the conditions that he is left to work in at this time. He is in favor of the Flea Market location since it's already owned by the town and it's close to the sand shed and salt pile. He feels that the option that is the least expensive is what the taxpayer is going to want. He plans to only run as Road Commissioner for one more year if there isn't a building/garage put up. Lewis Mudge asked if Junior feels that the Flea Market location would work with it being on the busy Route 7 location. Junior stated that he feels that it would work since the trucks wouldn't be coming or going loaded and since that area of Route 7 has break down lanes on both sides of the road.
- James Faulkner shared that he received an email from a Charlotte resident, Nancy Wood, who stated a concern. She said that the town has a commitment to maintain the scenic value of Route 7 with very limited commercial property or access. She wonders "how would the town garage and equipment be esthetically designed and camouflaged to be consistent with that commitment." James stated that this is a good point and to that he shared that the town garage would be built 180ft from the center line, almost to the woods on the flea market site. The trucks will enter on the west side of the building and not the front, (the front being the side facing Route 7). Trucks will not be visible from Route 7. The design of the building would be important and the side that is seen from Route 7 could be barn style and there could easily be a lot of landscaping done as well. A lot of the equipment could stay over by the sand shed.
- Jeff Hall asked if there were any estimates on the cost of building the garage at this point and James Faulkner stated that there weren't any at this time. The garage would be 140/60 and the height would need to be roughly 20 feet tall Junior Lewis shared.
- James Faulkner stated that he has met with the Zoning Administrator, Town Planner and Dean Bloch, Town Administrator to discuss the permits needed. Getting the building up before next winter is going to be challenging but it's doable if a site can be decided on.
- Carrie Spear made a point that the landscaping in front of the garage could be something that could be done as a community to reduce the expense.
- Juliann Phelps asked when there might be a clearer timetable, if and when the



town will bond for it. James Faulkner said the thought was that there may be a special town meeting at the end of June or beginning of July for the one issue to apply for the bond.

- Peter Joslin stated that he feels that this should be thought about for long term knowing that Junior Lewis won't be the Town Commissioner for many more years. He wonders what other options could be parleyed into the purchase of some other land. If there was a property close to the village and purchased for the town garage that had a lot of water or septic capacity it could be a real value to the town beyond its use for a town garage. James Faulkner, Frank Tenney and Lewis Mudge commented and agreed that this has been an issue that is well known to the town. It's no mystery that the goal of the town is to figure out a solution for the tragic loss of the Road Commissioner's garage back in December.

- Dean Bloch stated that he feels the flea market seems like the best options at this time, after weighing the pros and cons of each parcel being considered.

- Megan Price stated that she feels extremely concerned that the town has jumped into this process. She can and does empathize with Junior Lewis and his crew but she feels the town is abandoning the process it's had in place for 50 years. She feels that someone in private enterprise should be elected as the Road Commissioner with the use of their own equipment. She's concerned with what will happen when Junior Lewis retires and we simply have a town garage. She fears that this could mean that the town would then need to buy all of the equipment, hire staff, pay pensions etc. She estimates that the town could be looking at over 5 million. She would like a backup plan in place. She stated that she feels there should be an ad put out in the papers because there are residents that may not know this has happened and may have some land available. She feels that the town should ask anyone in town with an excavation business if they would be interested in the Road Commissioner position in the next 3-4 years. It would also be good to know if they have space for a leased building that could be used while the town makes a plan. She feels that the Selectboard is jumping into this too quickly without proper organization.

- Frank Tenney made a point that if there was a town garage it would be an asset and would make it easier to get another contractor in as Road Commissioner down the road. He also made the point that the 1-year term is too short especially if the person coming in would need to buy all of their equipment. All agreed that that should be changed but that discussion will be at a later date.

- James Faulkner stated that he feels that this has been well thought out and planned and countless hours has gone into this at this point and the bottom line is the town can't go through another winter without a town garage.

- Lewis Mudge stated that this town garage will be an asset to the town.

- Frank Tenney stated that there could be a transition phase where the town could start building its own fleet of equipment and trucks. Simply that it's a possibility.

- Louise McCarren stated that she is in favor of the flea market location after hearing what Junior Lewis had to say.

**MOTION by James Faulkner, seconded by Louise McCarren to accept the Flea Market as the site for the town garage. VOTE: 4 ayes, 0 nays, (Matthew Krasnow recused himself and was consequently absent during the vote); Motion Carried.**

James Faulkner stated that Dave Marshall of Civil Engineering Associates has been very helpful with creating 15+ maps and working through the pros and cons of the four potential sites with the wastewater, storm water and wetlands etc.

**MOTION by Frank Tenney, seconded by James Faulkner to make Civil Engineering Associates a preferred vendor for the Town Garage construction project. VOTE: 4 aye, 0 nays, (Matthew Krasnow recused himself from this discussion and consequently was absent during the vote)**

**MOTION by James Faulkner, seconded by Louise McCarren to use Civil Engineering Associates as the Engineer for the project of building the Town Garage on the Flea Market site, at a cost not to exceed \$18,000. VOTE: 4 ayes, 0 nays, (Matthew Krasnow recused himself from this topic and was consequently absent during the vote); Motion Carried.**

### **Selectboard updates**

#### **VT Alert for Charlotte events**

- Dean Bloch shared that Karina Warshaw and Chris Davis have worked to get trained in the VT Alert System. They are able to send out alerts that are Charlotte specific now. The Selectboard all agreed that their contact information could be put on the list with the exception of Matthew Krasnow who was absent.

### **Adjournment**

**MOTION by Louise McCarren, seconded by Frank Tenney, to adjourn. VOTE: 4 ayes, 0 nays, (Matthew Krasnow was absent ); Motion Carried.**

The meeting was adjourned at 8:40p.m.

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