

**CHARLOTTE SELECTBOARD MEETING**  
**Monday, June 10, 2024**  
**Charlotte Town Hall 159 Ferry Road and via teleconference**

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

**ADMINISTRATION:** Nathaniel Bareham Town Administrator

**OTHERS:**

**In person:** Mike Dunbar, Glenn Deruchie, Jacques Larose, Lori York, Lynn Fax, Bill Stuono, Charles Russell, Wolfger Schneider, Robin Reid, Rayne Herzog, Cheryl Sloan, Margaret Woodruff, Dina Atwood, Deirdre Holmes, Jack Pilla

**Remote:** Brett Yates, Carrie Spear, Elias Erwin, Jessica Shook, Junior Lewis, Kevin Bessett, Mike Yantachka, Nancy Faulkner, Paul Plante

**AGENDA ITEMS:**

- 6:30 PM Adjustments to the Agenda  
6:31 PM Approve Warrants to Pay Bills  
6:35 PM Public Comment  
6:40 PM Selectboard & Town Administrator's Updates  
6:45 PM Board of Sewage Disposal Commissioners – Wastewater Allocation Application  
WW-23-2 Charlotte Village Partners  
7:00 PM Applications for Use of Town Facilities:  
1. Juvenile Diabetes Research Fund Bike Race – Glen Deruchie  
2. Green Mountain Bike Club Time Trials – Kevin Bessett  
3. Kelly Brush Foundation's Century Ride - Betsy Cabrera  
4. Covered Bridge 5k, 10k & Half Marathon – Rayne Herzog  
7:15 PM Presentation by the Energy Committee on increasing the per kWh charge being levied by the Town's Chargepoint EV charger from \$0.19/kWh to \$0.25kWh  
7:20 PM Committee request for unbudgeted expenditures: 1. Trails Committee – Request to spend \$500 from the Trails Reserve Fund to replace the Ferry Road Trail's bridge  
7:30 PM Discussion of Bargaining Unit Proposed by AFSCME Local 93 – Possible Executive Session per 1 V.S.A. § 313(a)(1)(E), (a)(1)(F)  
8:00 PM Opening, and possible approval, of Bids to remove and replace the pump station at the Charlotte Town Beach  
8:05 PM Discussion, and possible appointment, of the Town's Representative to the Chittenden Regional Planning Commission's Planning Advisory Committee  
8:10 PM Discussion, and possible approval, of renewing a contract with the Chittenden County Sheriff's Department for traffic enforcement services  
8:15 PM Discussion of the Personnel Policy re. Health Benefits  
8:35 PM Discussion on how the Purchasing Policy applies to Town Committees/Commissions

8:45 PM Approve Meeting Minutes for May 10 and May 20, 2024  
8:50 PM Adjournment

### **Call to Order**

James Faulkner called the meeting to order at 6:40 p.m.

### **Adjustments to the Agenda**

None.

### **Approve Warrants to Pay Bills**

Warrants were signed.

### **Public Comment**

Lynn Fax stated that she works with the group that organizes the Grange on the Green concert series. The Town Library has been gifted the gift of shade from Otter Creek Awning as well as other donors. This would gift would include an awning for the Town Library porch that would be retractable. She went on to state that she knows that this needs Selectboard approval and will be voted on during the June 24, 2024, meeting. The awning has a 25 year life span and would greatly improve the conditions for the musicians that play during the concert series. Pictures were sent to all the Selectboard members.

Bill Stuono stated that in October of 2021, he submitted a formal complaint to the Selectboard regarding heckling behavior by a member of the ZBA whenever he attempted to speak publicly. The Selectboard took no action at that time. This person is now a member of the DRB and the inappropriate behavior has continued and on two particular occasions when Bill Stuono spoke and on these two occasions two Selectboard members witnessed this heckling. He went on to state that it's of utmost importance to have an environment where individuals feel free and comfortable to speak. He continued to state that he's requesting that the Selectboard take immediate action and consider the removal of this member of the DRB. A written formal complaint will be submitted this evening.

James Faulkner stated that the Selectboard will look into this matter.

### **Selectboard & Town Administrator's Updates**

James Faulkner stated that Nicole Conley, Recreation Director, has resigned and there are currently three applicants to fill the position. There is one candidate that looks to be an excellent fit. The Selectboard needs to decide if there needs to be a meeting to conduct interviews or if James Faulkner, Natalie Kanner and Nathaniel Bareham could manage the process for the sake of time and following a candidate decision the Selectboard could vote on this at a Selectboard Special Meeting day and time TBD.

All concurred that James Faulkner, Natalie Kanner and Nathaniel Bareham can manage this and gather all information needed for the vote during a Selectboard Special Meeting.

Lewis Mudge stated that Sun Common is filing bankruptcy.

Nathaniel Bareham and James Faulkner concurred that this closing of business will not affect the town.

**Board of Sewage Disposal Commissioners – Wastewater Allocation Application WW-23-2  
Charlotte Village Partners**

**MOTION by Lewis Mudge, seconded by Kelly Devine, to recess as the Selectboard and reconvene as the Board of Sewage Disposal Commissioners. VOTE: 5 ayes, 0 nays; Motion Carried.**

Nathaniel Bareham confirmed that the site plans are on the website.

Jacques Larose from Civil Engineering Associates stated that he's working with Mike Dunbar the owner of CPP Partners, LLC. They're proposing the conversion of the 4 bedroom abandoned home to an office building at the 251 Ferry Rd property. This office building would consist of 15 employees and as part of that proposal suitable wastewater capacity is needed. There is an existing onsite system which is adjacent to the house where a parking lot is needed. Reuse of the system is not possible so they're asking for allocations for 225 gallons per day to serve the 15 employees that would be using the office. They have submitted a Sketch Plan to the DRB already.

Elias Erwin, of Landmark Engineering and Design, has evaluated the application on behalf of the Town and submitted his findings, which is included in tonight's meeting packet. He stated that there is wastewater system capacity for the requested 225 gallons per day.

Discussion was had amongst the Selectboard members and it was made clear that there is more than enough wastewater capacity for this site.

Jacques Larose stated that this property is surrounded by wetland and wetland buffers. A wetland map has been provided. The only available area on this property for parking would be over the existing, potentially 100 year old, system and this is not allowed by VT Regulations. If they had to reuse the old system there the use of the building for an office building wouldn't be possible because there is no other location for the necessary parking lot.

Lewis Mudge received confirmation that the plan is to not use the 490 gallon per day system and the ask is that the new system will solely be connected to the municipal water system.

Natalie Kanner asked if the new system would need to be pumped out into the wetlands.

Jacques Larose stated that it would leach out, right now it's a gravity system from the home into the side yard.

Mike Dunbar stated that if the existing wastewater system was evaluated for this business it would fail.

Jacques Larose stated that the existing system is allowed to be used for a 4 bedroom household. This is a transition from a house to a business and a parking area is required by zoning. A wetland permit is in review at the state at this time but the expectation is that this will be approved.

Elias Erwin stated that there is an uncommitted reserve capacity of 1,310 gallons per day.

Mike Dunbar stated that that is the capacity of what it is built for now not necessarily what it could be built for.

Discussion was had and all concurred if in the future this property became a home dwelling again it would need to come back to the Selectboard for review for change in allocation.

Jacques Larose stated that all avenues have been exhausted for alternate locations of the parking area for this business. The DRB has the Sketch Plan and have asked for several conditions that they are working on. This approval is needed this evening so that the State Wastewater permit and Act 250 permit can be obtained.

Elias Erwin stated that he is in support of this approval.

**MOTION by Kelly Devine, seconded by Lewis Mudge, per the requirements of Article 8 of the Town of Charlotte's Sewer Allocation Ordinance, approved January 06, 2021, and § 10.1 the Board makes an affirmative finding that the on-site capacity was maximized prior to considering approval of the preliminary sewer allocation application. VOTE: 5 ayes, 0 nays; Motion Carried.**

**MOTION by Kelly Devine, seconded by Lewis Mudge, to approve the Preliminary Sewer Application for Charlotte Village Partners, application number WW-23-2 as presented. VOTE: 5 ayes, 0 nays; Motion Carried.**

**MOTION by Lewis Mudge, seconded by Frank Tenney, to adjourn as the Board of Sewage Disposal Commissioners and reconvene as the Selectboard. VOTE: 5 ayes, 0 nays; Motion Carried.**

**Applications for Use of Town Facilities:**

- 1. Juvenile Diabetes Research Fund Bike Race – Glen Deruchie**
- 2. Green Mountain Bike Club Time Trials – Kevin Bessett**
- 3. Kelly Brush Foundation's Century Ride - Betsy Cabrera**
- 4. Covered Bridge 5k, 10k & Half Marathon – Rayne Herzog**

Nathaniel Bareham stated that all of these events have occurred in the past. CVFRS has been notified regarding all of these events with no known objections. There is insurance for all of the events except for the Kelly Brush event which will be received by July. He went on to state that he sees no reason not to approve these events.

Rayne Herzog, from RaceVT.com, stated that the Covered Bridge event is a 5k, 10k & half marathon but the half marathon will take place at 8 am and they will be off the road by 11am. There is a chance that the walkers in the end may cross over the time of the cyclists. This has never been an issue and this event has occurred for the past 10 years.

**Green Mountain Bike Club Time Trials – Kevin Bessett**

Nathaniel Bareham stated that this event has been happening for 20 plus years. The application outlines where the event will be occurring, they have a plan to remove any trash and traffic control has been put into place. They're still waiting to solidify parking. Kevin Bessett stated that he has been in contact with the Old Lantern and was given permission and he will submit this approval in writing so that it can be filed with the application. Robin Reid stated the hill that bikers will need to travel to get to the race location from the Old Lantern in her opinion is unsafe. Kevin Bessett stated that they have been parking at the Old Lantern for 4-5 years and have had no issues.

**Kelly Brush Foundation's Century Ride - Betsy Cabrera**

Jessica Shook stated that she's the events manager for the Kelly Brush Foundation. They're proposing to run the 100 mile portion only of the 19<sup>th</sup> annual Kelly Brush Ride. It's the same route taken since the very first race. The foundation contracts with the Shelburne Police

Department, Addison County Police Department as well as Green Mountain Flaggers in order to keep the riders safe on the roads. There is one water stop in Charlotte at the Charlotte General Store and that is all set. The directional signage will be put up on Friday and taken down on Sunday.

Nathaniel Bareham stated that the Kelly Brush Foundation insurance expires in July but the town will receive a copy of their COI once it renews in July. The event isn't until September.

#### **Covered Bridge 5k, 10k & Half Marathon – Rayne Herzog**

Rayne Herzog stated that the Covered Bridge race begins at Shelburne Beach, and then they travel on Beach Rd and then they go onto Orchard Rd, followed by Lake Rd. The turn around point is near to the area of Thompson's Point. There will be someone present on the north and south side of the bridge. He went on to state that Louise McCarren has volunteered every year for this in the past. The Shelburne Police will be at all major intersections.

#### **Juvenile Diabetes Research Fund Bike Race – Glen Deruchie**

Glen Deruchie stated that the race begins at The Double Tree in Burlington and goes all the way to the Middlebury College Campus and back. The race goes through Charlotte for roughly 18 miles each way. There is a rest stop at the Charlotte ballfield. They provide their own port-o-lets, their own food and they contract with the Shelburne Police Department and the Addison County Sheriff's Department for traffic safety. There is presently 150 riders registered for this event and the registration is still open at this time.

Natalie Kanner received confirmation that the application has an error and in fact Charlotte residents can be a part of this event if they choose to register.

Frank Tenney received confirmation that CVFRS has been notified and that Glen Deruchie has coordinated with the Recreation Department regarding the use of the baseball field parking lots. Glen Deruchie stated that he has been given the combination to the lock on the chain fence so that the port-o-lets can be delivered the day before the event, the signs will go up on Friday and will come down on Saturday after the event and they will have 7 support vehicles to support the riders. This year they are bringing bottled water.

**MOTION by Kelly Devine, seconded by Natalie Kanner, to approve the following 4 applications for the use of town facilities: 1. The Juvenile Diabetes Research Fund Bike Race with the amendment to the application that it is open to Charlotte residents, 2. Green Mountain Bike Club Time Trials, 3. The Kelly Brush Foundation's Century Ride, and 4. The Covered Bridge 5k, 10k & Half Marathon. VOTE: 5 ayes, 0 nays; Motion Carried.**

#### **Presentation by the Energy Committee on increasing the per kWh charge being levied by the Town's ChargePoint EV charger from \$0.19/kWh to \$0.25kWh**

Wolfger Schneider from the Energy Committee stated that he has been in contact with Nathaniel Bareham regarding this and Nathaniel Bareham has access to change this. The reason that the Energy Committee is recommending this change is because the town is losing money and it makes sense to increase to \$0.25kWh. This increase will cover the increased costs of electricity to the town and would provide a small savings as well.

Natalie Kanner received confirmation that these saving wouldn't go back to the Energy Commission but rather to the General Reserve Fund in the Charlotte Budget.

Discussion was had regarding the timing of this change.

Nathaniel Bareham stated that there is no required notification of this change and it could be done by him tomorrow.

**MOTION by Frank Tenney, seconded by Natalie Kanner, to make a change to the rate on the EV charger to \$0.25 per kWh effective immediately. VOTE: 5 ayes, 0 nays; Motion Carried.**

Deirdre Holmes stated while on the topic it would be good to begin planning for a parking fee that is executed for those that park at the electric car charging stations for more than the maximum of 4 hours.

All concurred and this will be discussed further in the near future.

**Committee request for unbudgeted expenditures: 1. Trails Committee – Request to spend \$500 from the Trails Reserve Fund to replace the Ferry Road Trail’s bridge**

Jack Pilla stated that the bridge on what is known as the Cowboy Lewis Trail has been washed away 4-5 different times. Junior Lewis removed the washed away bridge. Concrete barriers have been brought in that raised the foundation for the bridge two feet high and there are three steel beams going across and the new bridge will be built on top of that. He went on to state that the Trails Committee General Fund has somewhere around \$500. The bridge will cost less than \$1,000. A rough estimate of \$800 has been made at this time. The design this time will consist of building the bridge in one piece, last time it was built in two pieces. There will be three 2/6 boards going across and the top is going to be at least 42” high which meets the standards.

Charles Russell stated that the last bridge was designed to accommodate equine.

Lewis Mudge concurred stating that this rebuild should be designed to accommodate equine.

Kelly Devine received clarification regarding process, that the Selectboard need only provide approval for the monetary transfer from the Reserve Fund to the Trails Committee’s General Fund and from there the project will be handled by the Trails Committee without any further need of approval from the Selectboard.

Further discussion was had regarding the trail needing to accommodate equine as well and that the bridge needs to satisfy the safe travel of equine.

Junior Lewis stated that the current design would not allow for the necessary weight capacity needed for the use of equine.

Charles Russell stated that there was earlier trail’s projects that included the building of bridges where Junior Lewis got Black Locust trees that could be milled by Gerald Bouchard and this type of lumber would last.

**MOTION by Kelly Devine, seconded by Natalie Kanner, to approve the request for \$500 from the Trails Reserve Fund to the Trails Committee to replace the Ferry Road Trail’s bridge with a note that the bridge needs to be safe and accessible for equine use. VOTE: 5 ayes, 0 nays; Motion Carried.**

**Discussion of Bargaining Unit Proposed by AFSCME Local 93 – Possible Executive Session per 1 V.S.A. § 313(a)(1)(E), (a)(1)(F)**

James Faulkner stated that the purpose of this is to make sure that all of the Selectboard is informed as to where things are at with this issue. The Town Attorney is available for this executive session.

**MOTION by James Faulkner, seconded by Kelly Devine, that these discussions on pending civil litigation, to which the public body is a party, and discussions regarding confidential attorney client communication will place the public body at a substantial disadvantage. VOTE: 5 ayes, 0 nays; Motion Carried.**

**MOTION by James Faulkner, seconded by Kelly Devine, to enter into executive session pursuant to 1 V.S.A. § 313(a)(1)(E) and (a)(1)(F) to discuss pending civil litigation, to which the public body is a party, with the Town's attorney. And to invite both Dina Atwood and Nathaniel Bareham into this session. VOTE: 5 ayes, 0 nays; Motion Carried.**

**MOTION by Frank Tenney, seconded by James Faulkner, to exit out of executive session and reconvene as the Selectboard. VOTE: 5 ayes, 0 nays; Motion Carried.**

Frank Tenney stated that no action was taken.

### **Opening, and possible approval, of Bids to remove and replace the pump station at the Charlotte Town Beach**

Nathaniel Bareham stated that the town received one bid from Waterman which is the same company that bid last time this went out to bid. He reached out to at least a ten other contractors and despite this effort this is the only bid received.

James Faulkner stated that the one bid is from Waterman Site Works, LLC in the amount of \$25,700.

Natalie Kanner received confirmation that the pressure testing will not be included.

James Faulkner read all the details of the bid including what is and is not included.

Nathaniel Bareham stated that he could reach out to the Town Engineer and find out what other options the town has. This bid went out as a replacement of the system which was a precast concrete pump station. The lack of bids is a reflection of timing and contractors being overbooked.

Robin Reid stated that another option is to install composting toilets which is what they have at Kingsland Bay and this system works great there. There are also other septic innovations that are licensed now in Vermont.

Kelly Devine stated that the Selectboard could ask the Recreation Commission for recommendations for alternative technology.

Charles Russell stated that the Selectboard could request an itemized break down of the bid from Waterman Site Works, LLC. It's possible to break the project up into small parts such as having the town purchase the new tank and then hiring a contractor to install it and a plumber to hook it up. Completing the task in pieces could be more cost effective. He went on to state that Junior Lewis could potentially do some of the work or volunteer local contractors that want to help the Recreation Department.

Nathaniel Bareham stated that the purchasing policy does allow for the Selectboard to delegate an individual to contact the company from which a bid was received to see if a lower price can be negotiated and to get itemized pricing.

Kelly Devine stated that due to the lack of time and the likelihood of timing and contractors being overbooked it would make the most sense to see what other technologies there are for septic systems

Robin Reid stated that it makes sense to deal with the use of Port-o-lets for one season and to make the best decision possible on how to fix this problem.

Lewis Mudge stated that he concurs with Kelly Devine.

Discussion was had regarding the unanimous feeling that the bid is too high and likely too high by \$10,000.

James Faulkner stated that the bid says that if it were excepted on June 10<sup>th</sup> the job would be completed by June 20<sup>th</sup>. The grant is for roughly \$14,000 and the remainder would be roughly a \$12,000 expense to the town.

Nathaniel Bareham stated that there is \$17,000 in the funds that were set aside in the Improvement Repair Fund for next fiscal year. This would mean the project would need to take place in July.

Frank Tenney stated a temporary solution that would allow the use of the toilets in the bathhouse would be to have the septic tank emptied and then monitored. If the septic tank stays below the full line then no waste goes to the pump station where the leak is at. It costs roughly \$300-\$400 each time the septic tank is pumped out.

Junior Lewis stated that although Frank Tenney's idea seems like a good temporary solution it won't work due to the fact that the pump station is filling up with ground water and is back flowing into the septic tank. If the septic is pumped out it is going to simply fill right back up with the water from the pump station as soon as it's pumped out unfortunately.

Frank Tenney stated that the line to the pump station from the septic could be blocked off.

All concurred that James Faulkner will be appointed to talking to the contractor to get further details of a price break down and to potentially negotiate a lower bid.

**MOTION by Kelly Devine, seconded by Lewis Mudge, to delegate James Faulkner to work with the bidders for the beach septic system and to return to the Selectboard with any new information relative to break down of price, the timing of the project to coincide with the town grant and any concessions in price that the contractor is willing to make by June 24, 2024. VOTE: 4 ayes, 0 nays, 1 abstention (Faulkner); Motion Carried.**

**Discussion, and possible appointment, of the Town's Representative to the Chittenden Regional Planning Commission's Planning Advisory Committee**

Nathaniel Bareham stated that historically the Planning Advisory Committee has been staffed by Town Planners. He's willing to step in as an alternate to this position as well.

**MOTION by Lewis Mudge, seconded by Kelly Devine, to appoint Larry Lewack as the Town's Representative to the Chittenden Regional Planning Commission's Planning Advisory Committee and Nathaniel Bareham as the alternate for either the term or the length of their employment. VOTE: 5 ayes, 0 nays; Motion Carried.**

**Discussion, and possible approval, of renewing a contract with the Chittenden County Sheriff's Department for traffic enforcement services**

James Faulkner stated that there is a budget for this contract but this doesn't include a budget for more work. This increased work will need to be put into the budget.

Natalie Kanner asked if they can drive by the beach and James Faulkner stated that they can do that but not over the weekend.

**MOTION by Kelly Devine, seconded by Lewis Mudge, to renew the contract between the Chittenden County Sheriff's Department and the town of Charlotte, 24-17, at an amount not to exceed \$30,000 beginning on July 01, 2024, and ending on July 01, 2025. VOTE: 5 ayes, 0 nays; Motion Carried.**

**Discussion of the Personnel Policy re. Health Benefits**

Kelly Devine stated that prior to the next Selectboard meeting, which is June 24, 2024, she and Lewis Mudge will be meeting with a representative of BCBS of VT in order to collaborate and to come forward with a benefits package and plan to present to the Selectboard and town employees. She went on to state that they have done an analysis of both benefit packages, research on the health reimbursement account that is in need of a more streamlined operation and they are looking at a possible HSA benefit so that employees can have options for things that aren't covered by insurance.

Lewis Mudge stated that the goal is still to reduce the number of options and depending on the savings it may or may not be a single plan that is offered. The savings will also come from the costs and the ratio of costs that are paid for by the town. There are 11 different options right now and they definitely want to simplify the process. He went on to state that \$30,000 savings is the goal and what they are committed to reaching.

**Discussion on how the Purchasing Policy applies to Town Committees/Commissions**

Discussion was had regarding the different Town Committees and Commissions having different interpretations of the Town Purchasing Policy. It was unanimous that the language of the policy needs adjustments to make things clearer.

Margaret Woodruff stated that she would love some clarification as this comes up a lot.

Natalie Kanner stated that clarification in regard to grants and use of grants could also be beneficial.

Nathaniel Bareham stated that he could do some research on what other towns are doing and the language that they use for their purchasing policies.

James Faulkner stated that the policy needs to be clarified and simplified.

All concurred.

Kelly Devine stated that she's in favor of giving Nathaniel Bareham authority to approve up to a certain amount.

Frank Tenney stated that he would work with Nathaniel Bareham on this project.

**Approve Meeting Minutes for May 10 and May 20, 2024**

Lewis Mudge stated that he was not present for either of these two meetings.

Kelly Devine requested an early departure due to early morning obligations.

Lewis Mudge and Kelly Devine left the meeting at 9:27 p.m.

**MOTION by Natalie Kanner, seconded by Frank Tenney, to approve the Selectboard meeting minutes for May 10, 2024, as amended. VOTE: 3 ayes, 0 nays, 2 absent, (Mudge & Devine); Motion Carried.**

**MOTION by Frank Tenney, seconded by James Faulkner, to approve the Selectboard meeting minutes for Monday, May 20, 2024, as amended. VOTE: 3 ayes, 0 nays, 2 absent,**

**(Mudge & Devine); Motion Carried.**

**Adjournment**

**MOTION by James Faulkner, seconded by Natalie Kanner, to adjourn. VOTE: 3 ayes, 0 nays, 2 absent, (Mudge & Devine); Motion Carried.**

The meeting was adjourned at 9:33 p.m.

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

DRAFT