

CHARLOTTE SELECTBOARD MEETING
Monday, June 13, 2022
Charlotte Town Hall 159 Ferry Road and via teleconference

APPROVED

SELECTBOARD MEMBERS: *In person:* James Faulkner, Chair, Frank Tenney, Vice Chair, Matthew Krasnow, (in person for executive session followed by remote), Lewis Mudge (arrived during the executive session), Louise McCarren (in person and remote)

ADMINISTRATION: Dean Bloch, Town Administrator (*remote*); Rebecca Kaplan (in person)

OTHERS:

In person: Robert Fletcher, Colleen Kennedy, Joe Kennedy, Shawn Sweeney, Moe Harvey, Mary Mead, Donna Liebert, Charles Russell

Remote: Junior Lewis, Paul Plante, Chea Evans, JD Herlihy, Peter Joslin, Donna Liebert

AGENDA ITEMS:

5:45 PM Site visit at 4221 Greenbush Road for HAP-22-05 (Kennedy)
6:00 PM Contracts for FY23 [possible executive session per 1 VSA §313(a)(1)(A)]
6:30 PM Adjustments to the agenda
6:31 PM Approve warrants to pay bills
6:35 PM Committee requests for unbudgeted expenditures (time allotted if needed)
6:36 PM Minutes: May 23, 2022
6:40 PM Open bids for cleaning Town Hall
6:45 PM Application by Colleen and Joe Kennedy for Highway Access Permit (HAP-22-05) at 4221 Greenbush Road
6:50 PM Interviews for appointment/reappointment
• Ken Spencer; Town Representative to Chittenden Solid Waste District
7:00 PM Public comment
7:05 PM Mitchell Shifrin—Open Space Agreement on property at 4035 Mt. Philo Road
7:10 PM Approve Use of ARPA funds to offset salary and benefit expenditures & apply equal amount of property tax revenue to town garage and broadband projects
7:15 PM Letter of Intent for FY23 Municipal Roads Grant-in-Aid Program
7:20 PM Selection of Consultant to Assist with Wastewater Disposal and Water Supply Permitting
7:30 PM Town Credit Card Policy
7:45 PM Remote Work Policy
8:00 PM Salary Administration Policy
8:15 PM Special Event Ordinance & Food Truck Ordinance 2
8:35 PM Refund \$100 to Virginia Nivola for withdrawn Highway Access Permit application
8:40 PM Pay-rate for Planning & Zoning Minutes Taker

8:50 PM Contract with Civil Engineering Associates for Town Garage engineering and permitting; increase by \$5,000 to \$23,000
8:55 PM Selectboard updates
• Town Garage
9:00 PM Adjournment

James Faulkner called the meeting to order at 6:05 p.m.

James Faulkner, Louise McCarren and Matthew Krasnow were present. Frank Tenney arrived at 6:08 p.m.

Contracts for FY23 [possible executive session per 1 VSA §313(a)(1)(A)]

MOTION by James Faulkner, seconded by Louise McCarren, to enter into executive session under 1 VSA §313(a)(1)(F), to discuss contracts for FY23, after making a finding that premature public disclosure of the information to be discussed would put the Town at a substantial disadvantage. Robert Fletcher and Dean Bloch were invited to join the executive session VOTE: 4 ayes, 0 nays, (1 absent); Motion Carried.

Lewis Mudge arrived during the executive session.

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

No action was taken.

Matthew Krasnow left the meeting.

Adjustments to the agenda

None

Approve warrants to pay bills

Warrants were signed.

Committee requests for unbudgeted expenditures (time allotted if needed)

None

Minutes: May 23, 2022

MOTION by Lewis Mudge, seconded by Louise McCarren, to approve May 23, 2022 minutes with minor edits by Louise McCarren. VOTE: 4 ayes, 0 nays; (Matthew Krasnow absent); Motion Carried.

Open bids for cleaning Town Hall

None

Application by Colleen and Joe Kennedy for Highway Access Permit (HAP-22-05) at 4221 Greenbush Road

Site visit at 4221 Greenbush Road for HAP-22-05 (Kennedy) took place at 5:45 p.m. with James Faulkner, Louise McCarren, Junior Lewis, the applicant, and the builder present. James Faulkner stated that Junior Lewis' conditions for this project were in two parts. First that the site distance is 450 ft to the north and 400 ft to the south. There are two Locust trees to the south that need to be cut due to the fact that these trees are north of the driveway and they decrease visibility. Second the curb cut will have to be graded to the correct height. Colleen Kennedy stated that she and her husband Joe did speak with the neighbors across the street and have plans to have continued discussions. She also stated that she and her husband are aware of Junior Lewis' conditions to their application and they concur. Shawn Sweeney, builder, stated that Junior Lewis made it clear that the trees need to be cut vs pulled down due to the root system that goes under the street. He also stated that they will follow the B71 driveway ordinance by keeping it 20ft off the road with a 3% grade. Frank Tenney stated that there is a discrepancy in the application where it says 22.109.HP—this is a receipt number, not a permit number.

Matthew Krasnow rejoined the meeting remotely.

MOTION by Louise McCarren, seconded by Frank Tenney, to approve the Highway Access Permit application, (HAP-22-05) at 4221 Greenbush Road by applicants' Colleen and Joe Kennedy and submitted by Shawn Sweeney, contingent upon the conditions set by the Road Commissioner to be completed; B71 standard is to be met, and the two Locust trees are to be removed by cutting. VOTE: 5 ayes, 0 nays; Motion Carried.

Interviews for appointment/reappointment**• Ken Spencer; Town Representative to Chittenden Solid Waste District**

Dean Bloch stated that the town has two positions that are representatives to the board of Chittenden Solid Waste District. The board is made up of representatives of towns and the terms ended at the end of May. The current representative, Ken Spencer, has indicated that he's interested in being reappointed. The alternate Abby Faulk isn't interested in being reappointed. Louise McCarren stated that she would like to recognize Abby Faulk for her work on the CSWD Board and all of the Selectboard agreed. Louise McCarren asked Ken Spencer what the plan was for residential compost pick up? She also asked what Ken Spencer's views are on the topic of going to a single provider? Dean Bloch will send these two questions to Ken Spencer via email since he's not present at the meeting this evening.

MOTION by Lewis Mudge, seconded by Matthew Krasnow, to approve Ken Spencer as town representative to Chittenden Solid Waste District for a two year term to expire May 31st, 2024. VOTE: 5 ayes, 0 nays; Motion Carried.

Mitchell Shifrin—Open Space Agreement on property at 4035 Mt. Philo Road

Frank Tenney stated that the last time this topic was discussed he had seen contradictory information in regard to buildings on the property and he had requested further clarification. Frank Tenney also stated that the paperwork didn't state the actual address and Dean Bloch reports that they did fix that with a form that includes the properties address.

Moe Harvey asked if there will only be four houses built there with the rest of the property remaining as open space off to the east? Frank Tenney stated that that was decided by the Planning Commission. Moe Harvey stated that it's definitely a wildlife corridor as it's full of wildlife and he has concerns of future development. Frank Tenney stated that the owners would have to go in front of the DRB and amend their subdivisions and this open space agreement would be discussed all over again and would have to be passed by the Selectboard again for approval. Peter Joslin stated that in all of his years on the Planning Commission they never amended an open space agreement.

MOTION by Frank Tenney, seconded by Louise McCarren, to approve the Mitchell Shifrin—Open Space Agreement on property at 4035 Mt. Philo Road. VOTE: 5 ayes, 0 nays; Motion Carried.

Public comment

Mary Mead stated that there is a possible departure of Keith Osborne, Zoning Administrator and she feels this would be a great loss to the town. She suggests that the Selectboard consider meeting with Keith Osborne, to ask him what it would take to keep him on board. James Faulkner stated that this has indeed been done already. Mary Mead suggested a stronger effort should be made and stated that many in this position have left already. Frank Tenney and Louise McCarren concurred with Mary Mead.

Donna Liebert stated that she submitted a letter one week ago to Dean Bloch in regard to her and her husband's concerns about the proposed town garage. She and her husband are Charlotte residents and live across the street from the proposed town garage site. She stated that she has always been in support of growth in the community. She has concerns with noise pollution and light pollution to their property. She questions if studies will be done to look at these issues as well as a road study and if there will be a no idle policy adopted by the town? Donna Liebert also asked if a turning lane will be required for safety. She stated that she has a concern with the proposed location for the reasons already stated but also due to her concern that her property will lose value. She asked the Selectboard to respond to the questions she stated tonight of which are also in her letter. James Faulkner confirmed that they do have a copy of the letter and will respond.

Junior Lewis stated that the mowing and care of the town properties looks fantastic this year.

Approve Use of ARPA funds to offset salary and benefit expenditures & apply equal amount of property tax revenue to town garage and broadband projects

James Faulkner stated that within the packet there was a thorough email by Mary Mead that explains what the plan is and why.

MOTION by James Faulkner, seconded by Lewis Mudge to approve the use of ARPA funds to offset salary and benefit expenditures & apply equal amount of property tax revenue to town garage and broadband projects. VOTE: 5 ayes, 0 nays; Motion Carried.

Louise McCarren left the meeting.

Letter of Intent for FY23 Municipal Roads Grant-in-Aid Program

Dean Bloch stated that this grant has been used for a couple of years for paying rock lining and ditching that the Road Commissioner does and every year a letter of intent is requested for towns that are interested in using it for the coming year. This grant is around \$12k. The town provides a 20% match. It's work that the Road Commissioner would be doing anyway. It addresses the clean water standards that are included in the Municipal Roads General Permit.

MOTION by Lewis Mudge, seconded by Frank Tenney, to approve the Letter of Intent for FY23 Municipal Roads Grant-in-Aid Program as submitted in the packet to be authorized by the chair. VOTE: 4 ayes, 0 nays, (Louise absent); Motion Carried.

Louise McCarren rejoined the meeting remotely.

Selection of Consultant to Assist with Wastewater Disposal and Water Supply Permitting

Dean Bloch stated that the town is delegated to administer the state Wastewater System and Potable Water Supply rules. Typically, the town has a consultant help with this and the Zoning Administrator does the administrative end. Two bids were received after the contract went out to bid, one by Landmark Engineering & Design and one by Vermont Contours. Vermont Contours is owned by Spencer Harris and he was the town's consultant for many years, and before that he was the town's Zoning Administrator. Keith Osborne and Dean Bloch interviewed both firms. Landmark Engineering Design is a small firm with two owners, one of whom is an Engineer, giving them deeper abilities. Vermont Contours is also small with one owner, Spencer Harris, and he's very knowledgeable about the town and what has transpired in the town in the past including permits that have been issued etc. In terms of the cost Spencer Harris' quotes are a bit less but his fees for drafting permits are not included. Landmark Engineering & Design's fee for drafting permits is included, ultimately making their total bid less. Dean Bloch stated that the town's fees could be revised. Charlotte's fees are currently lower than the state's fees for the Wastewater System and Potable Water Supply program. James Faulkner suggested adding the fee revision topic to the next meeting agenda since that is a separate topic. Dean Bloch stated that Spencer Harris would like to work remotely January-March of every year and if need be, he could get someone to sub for him during those months. Typically, there aren't a lot of test pits being dug during those months. Lewis Mudge stated that he feels it's valuable to have someone local with a background knowledge of the town of Charlotte.

MOTION by Frank Tenney, seconded by James Faulkner, to employ Landmark Engineering Design as Consultant to Assist with Wastewater Disposal and Water Supply Permitting. VOTE: 4 ayes, 1 nay (Mudge); Motion Carried.

Town Credit Card Policy

Louise McCarren stated that she feels the limit on the credit card should be \$2k/month. She feels the provision that the Selectboard has to approve any amount over \$250 should be removed leaving the person that holds the credit card responsible for the proper use of the credit card. If the rules aren't followed there will be consequences and if someone uses it for personal reasons they will be terminated. This isn't going to exempt them from following the purchasing rules or fiscal accounting. The purchasing policy says if it's over the \$1k a bid is required. Lewis Mudge stated that he agrees with Louise McCarren in regard to increasing the limit to \$2k and

the removal of the \$250 preapproval process. James Faulkner asked who reviews the credit card statement each month? Louise McCarren stated that she believes it's the head of each department and then it goes to Mary Mead. Dean Bloch stated that for an example with the library credit card, the Library's Director reviews their purchases, then they are submitted to the Library Board and then they're submitted to Mary Mead for payment. In all cases statements are submitted to Mary Mead for payment.

MOTION by Louise McCarren, seconded by Lewis Mudge, to have the credit card policy change to \$2k/month, removal of the \$250 preapproval process and the user must comply with the town's purchasing policy.

Lewis Mudge stated that it would make sense to hold off on a motion until the policy is adjusted in writing and presented at the next meeting for a vote. Louise McCarren agreed and she withdrew her motion.

Donna Liebert asked if there were multiple credit cards with a \$2,000 limit. Dean Bloch stated that there is one at the Town Hall, three at the Library and a new one proposed for the Senior Center.

Remote Work Policy

Louise McCarren stated that she feels that this policy needs a great deal of work. The way it's drafted now is patronizing and demeaning to employees. James Faulkner stated that it would make sense to assign the editing to Louise McCarren and Dean Bloch. Louise McCarren stated that she will have an edited draft done and on Dean Bloch's desk by Wednesday.

Salary Administration Policy

Dean Bloch stated that this was the same document that was reviewed at the last meeting. The original draft was written by Dan Lyons of Gallagher & Flynn which was edited by Frank Tenney and Louise McCarren. Following that Frank Tenney did further edits creating the current draft in hand. Frank Tenney stated that on the last page there should be further edits. Under new hires, the last sentence should say, "New hires may be placed higher than the first quartile if there are unusual circumstances which must be detailed in a written justification memo." The next sentence that needs to be added is within the New Employees with more than ten years paragraph, second sentence should read, "New employees may be placed higher than the second quartile if there are unusual circumstances which must be detailed in a justification memo."

MOTION by Frank Tenney, seconded by Lewis Mudge, to approve the town of Charlotte Salary Administration Policy with the changes as stated. VOTE: 4 ayes, 0 nays, (Matthew Krasnow absent); Motion Carried.

Special Event Ordinance & Food Truck Ordinance

Dean Bloch stated that the town attorney reviewed the Special Event Draft Ordinance but not the draft Food Truck Ordinance. This draft presented in the packet went through Keith Osborne first, followed by Planning and Zoning staff and then the town attorney. Lewis Mudge stated he feels there are two main issues with the draft. He feels that having to go through this ordinance for a party for "more than 50 people", isn't a reasonable threshold and there needs to be a

distinction between a commercial event vs. a private event. Dean Bloch stated that commercial events usually involve a fee or donation; and then there are events sponsored by nonprofits. He asked if nonprofit events would be covered by the ordinance.

Lewis Mudge stated that if an event involves the use of roads the Selectboard needs to be involved because there is a safety component in that case. Frank Tenney stated that larger events could present an issue safety-wise due to parking needs. Matthew Krasnow stated that he feels that there isn't a need for such control of the residents of Charlotte. It's his hope that the Selectboard can return to the original intent of this policy, to have a way to have fair expectations about mobile restaurants on properties, for commercial purposes or for private events. To make sure that these events don't impact the public good, such as emergency vehicles accessing a property and parking of vehicles impacting road safety. But not a blanket special event policy for the town. Frank Tenney stated that he agrees that the town doesn't need a blanket special event policy but one is needed for anything that is a public event for the general public. The event ordinance should also regulate whether or not an event can take place at a place of business.

Matthew Krasnow stated that permitting special events sounds like land use regulations and not ordinances. It's something the planning commission should be putting to a town vote to change the permitted or allowed by right uses and it should be done through the normal method of amending the land use regulations of the town. The original target was an ordinance for food truck businesses and where food trucks can conduct business. This topic wasn't about special events in general, that should go to the DRB or PC to interpret not the Selectboard. Dean Bloch stated that the policy was initially drafted by Keith Osborne and the intent was to try to streamline the process for an applicant for one event vs. the longer and more involved process of obtaining a permit for a permanent use. Dean Bloch stated that it would be beneficial for himself, Matthew Krasnow, Keith Osborne and the town attorney to discuss the topic more to decide if there is a need or not for this policy. If there is a need, the topic can be brought back to the Selectboard. Charlie Russell stated that if there is a problem that needs addressing, then so be it, but if not, he feels people should be able to have a gathering of 50 people without having to get the Selectboard's approval. JD Herlihy stated that he believes this draft process began before Keith Osborne's time. He feels the purpose of this draft was to create something that has a quicker and easier process for a one time use vs a permanent use as Dean Bloch had also stated.

Food Truck Ordinance

Dean Bloch stated that the main concerns that this ordinance will cover is crowd control, parking control and wastewater. This policy doesn't prohibit food trucks, it says there is a process for it. The exemption list on page six of the document highlights that bake sales or lemonade sales are not included in this process. Lewis Mudge asked when this became an issue. Frank Tenney stated that this came up as an issue with Charlotte Crossing when COVID-19 hit and there were three or four food trucks, and the issue was safety due to parking and a use that wasn't permitted on the property. They have a conditional use permit there. How many food trucks makes an event? JD Herlihy stated that the land use regulations has the outdoor markets in the LURs. He asked how the food trucks will be differentiated from the outdoor markets since outdoor markets generally have food available. Frank Tenney stated that this would make them get a permit for each of the individual members at the outdoor market. JD Herlihy stated that the outdoor market

is already defined in the land use regulations and that's not part of the outdoor market LUR. It's allowed by right in certain areas as well. He can't see how a differentiation will be made. Louise McCarren asked about the Senior Center music event. Lewis Mudge stated that municipal properties don't need permits. James Faulkner stated that the Senior Center music event will be placed on the agenda for the next Selectboard meeting where Louise McCarren can make a motion to allow this event to take place without a permit for this year only. Frank Tenney stated that he will continue to work on this ordinance.

Refund \$100 to Virginia Nivola for withdrawn Highway Access Permit application

Dean Bloch stated that Virginia Nivola had plans to build an accessory dwelling. She changed the location and then she lost her builder.

MOTION by James Faulkner, seconded by Louise McCarren, to approve a refund of \$100 to Virginia Nivola for a withdrawn Highway Access Permit application. VOTE: 5 ayes, 0 nays; Motion Carried.

Annual Contracts in FY23

This will be discussed at the next regularly scheduled meeting because it wasn't on everyone's agenda for tonight.

Pay-rate for Planning & Zoning Minutes Taker

The minute taker would like an increase from \$20 to \$25. The PC and the DRB members have reported that she has been doing a great job and support this increase in pay.

MOTION by Louise McCarren, seconded by James Faulkner, to approve the pay increase for the Planning and Zoning Minutes Taker to \$25/hour. VOTE: 5 ayes, 0 nays; Motion Carried.

Contract with Civil Engineering Associates for Town Garage engineering and permitting; increase by \$5,000 to \$23,000

James Faulkner stated that the Selectboard originally allocated \$18k for Civil Engineering & Associates for the permitting for the site plan. There have been several issues including the wetlands delineation. To continue with the work an increase is needed in the amount of \$5k. These funds will come out of the Highway Reserve Fund.

MOTION by Louise McCarren, seconded Matthew Krasnow, to approve the \$5k increase in the contract with Civil Engineering Associates for Town Garage engineering and permitting. VOTE: 5 ayes, 0 nays; Motion Carried

Selectboard updates

• Town Garage

James Faulkner stated that following the original town garage building estimate, that was felt to be too high, he met and spoke with a set of advisors including some residents and some non-residents, and came up with adjustments. The new estimate will be ready by next Monday. He feels this will be the lowest amount possible and he would like to be ready to accept the amount in order to start the process for putting it out to a bond vote. Lewis Mudge asked if the new plan

still includes six bays. James Faulkner stated that all those that advised on the matter were consistent with the advice that six bays are needed. Dean Bloch concurred and stated that they were told that four bays wouldn't suffice and the town would end up needing to add two additional bays so it would not save money. Donna Liebert asked if the new estimate would be available to the public and when? Dean Bloch stated that it would be made public the Friday before the next meeting.

Adjournment

MOTION by Louise McCarren, seconded by Frank Tenney, to adjourn. VOTE: 5 ayes, 0 nays; Motion Carried.

The meeting was adjourned at 9:05 p.m.

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