

CHARLOTTE SELECTBOARD MEETING
Monday, June 27, 2022
Charlotte Town Hall 159 Ferry Road and via teleconference

APPROVED

SELECTBOARD MEMBERS: *In person:* Frank Tenney, Vice Chair, Lewis Mudge, Louise McCarren (in person & remote)

Remote: James Faulkner, Chair, Matthew Krasnow

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

OTHERS:

In person: Nicole Conley, Mary Mead, Donna Liebert, Hannah Perry, Peter Swift, Andrew Hale, Jeffrey Beerworth, Claudia Mucklow, Beth Merritt, Nan Mason

Remote: Andrea Dotolo, Junior Lewis, Bill Regan, Margaret Woodruff, Bill Fraser-Harris, Cheryl Sloan, others

AGENDA ITEMS:

- 5:30 PM Site Visit: 5201 Spear Street, for 6:40 pm agenda item
- 6:00 PM Site Visit: 1905 Mt. Philo Road for 6:50 pm agenda item
- 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: June 13, June 18, June 20
- 6:40 PM Application by Madeline Vdoviak-Markow for Highway Access Permit (HAP-22-06) on parcel owned by John Barlow and Elizabeth Poulson adjacent to 5201 Spear Street
- 6:50 PM License Agreement to Peter Swift and Diana L. McCargo to install utilities under Mt. Philo Road between 2766 and 1905 Mt. Philo Road
- 7:00 PM Public comment
- 7:05 PM Open bids for Trail Sign Fabrication Contract
- 7:10 PM Beach parking fees (for Thompson's Point leaseholders)
- 7:15 PM Request by Friends of the Charlotte Library to hold Charlotte Library Book Sale on Town Green, Sunday July 17, 2022
- 7:20 PM Request by Charlotte Library to hold Very Merry Theatre on Town Green, Friday July 29, 2022
- 7:30 PM Planning & Zoning permit application fees
- 7:45 PM Approve employee pay-rates for FY23 (starting July 1st)
- 7:50 PM Review of compensation for town employees
- 8:05 PM FY23 Contracts
- 8:30 PM Town Garage—placeholder
- 8:50 PM Selectboard updates
- 9:00 PM Adjournment

James Faulkner called the meeting to order at 6:30 p.m.

Adjustments to the agenda

None

Approve warrants to pay bills

Warrants were signed. James Faulkner will sign the remaining warrants on Wednesday morning when he returns.

Committee requests for unbudgeted expenditures (time allotted if needed)

Bill Fraser-Harris stated that he has three items to cover. 1) He met with Melissa Fortin at the beach and walked around the west side of the tennis courts. He would like clarification as would Melissa Fortin on this area as it seems to be in the mowing contract as an area that they are to mow. She and her husband have been weed whacking the area and it's been taking them a significant amount of time to complete. Melissa and Brian Fortin stated that they could remove mowing obstacles in 3 hours with two people so that the area could be mowed. This would cost the town \$300 and then that way the area could be mowed which in the long run is a savings compared to brush hogging fees. 2) He stated he would like permission to clear a brush pile on the right hand side of the playground which would cost \$125. 3) Lastly Bill Fraser-Harris stated that beach bank has been cleared every year with hourly bills submitted for this work.

James Faulkner stated that he is in favor of clearing the area next to the tennis courts since originally it was supposed to be in the brush hogging contract. Lewis Mudge asked if the money for these could be covered by the beach budget and Bill Fraser-Harris stated, no, it exceeded their budget. James Faulkner stated that the number for all three is \$1k. Mary Mead asked if this was coming out of beach maintenance and Bill Fraser-Harris stated that it has always come out of the land use budget. Lewis Mudge stated he feels this should come out of next year's budget, (fiscal year). Nicole Conley stated that if it's taken out of the budget for next year, it should be known that they also took out \$6,600, from the facility usage fees, a bill that she received for this year. Therefore planning should be had for above \$7k for next year that won't be accounted for in the recreation budget.

MOTION by Louise McCarren, seconded by Lewis Mudge, to approve spending from the town beach maintenance account up to \$1,000 in fiscal year 2023 for the three items requested. VOTE: 5 ayes, 0 nays; Motion Carried.

Nicole Conley stated that she wanted to give an update that the CVSD sent an updated invoice, and there are a couple of changes that will need to be made. The new amount is \$6,600 and this is going to come out of the budget for the usage of facilities. Moving forward she questions if an MOA with the district would be wise to make sure that there are certain things they are and are not charged for. This increased amount is not budgeted for next year.

Matthew Krasnow stated this was one area that was in question in the past. He feels this amount that CVSD is charging for use of their properties is much more conservative than what CVSD charges other towns for use of their properties. With that being said he feels it would be in the town's best interest to restart the conversation with CVSD to draw up a long term agreement of what that fee structure should and will look like so it's more predictable than it was for this year.

In a separate request, Nicole Conley stated that they have been working on the beach site plan and they would like to use Distinctive Landscaping for an additional two hours or less which would equate to \$190 or less. It's not budgeted this year or next year. It would be a tool to use for fundraising. It would come out of Site Planning budget line, but this budget line is at \$0.00 currently. Nicole Conley stated that it could come out of the capital reserve budget.

MOTION by Lewis Mudge, seconded by Louise McCarren, to approve up \$190.00 for beach site plan amendments to be taken out of the recreation capital reserve fund. VOTE: 5 ayes, 0 nays; Motion Carried.

Dean Bloch stated that there was a request by the Energy Committee to pay an invoice for \$1,800 for an educational sign at the compost shed. At the time it looked as though it put the Energy Committee over budget but it was found that certain items were paid for by the operating budget and were offset by grant money. With that considered, they're not over the budget total; but this expense is higher than the education budget of \$800. Dean Bloch asked if the two liaisons to the Energy Committee from the Selectboard were aware of the education budget line item being over budget or should this go to the Selectboard as a whole to approve it.

Lewis Mudge stated that he and Frank Tenney were on the call and were aware of this back in May. He feels this is a process issue. The committee isn't over budget they're simply moving line item amounts around. He feels that this should be allowed since they're not over budget and next year it should be highlighted to all committees if line item amounts get moved around, they need to give the Selectboard notice of these changes.

Mary Mead stated that the Energy Committee did get a grant that is a revenue that came in and their expenses come out of single line items. Education and community outreach was \$800 and they've already used \$900. Mary Mead stated this same issue happened last year and the process isn't very efficient. Frank Tenney stated that this isn't all on the Selectboard, the committees need to do better at communication and these types of things need to come to the Selectboard as a whole since the liaisons don't make any independent decisions. James Faulkner and Lewis Mudge concurred that this topic will be picked back up during budget season.

MOTION by Frank Tenney, seconded by Lewis Mudge, to approve up to \$1,800 out of the Energy Committee's budget for the compost shed sign. 5 ayes, 0 nays; Motion Carried.

Minutes: June 13, June 18, June 20

James Faulkner stated that, due to the time, minutes will be reviewed at the next Selectboard meeting.

Application by Madeline Vdoviak-Markow for Highway Access Permit (HAP-22-06) on parcel owned by John Barlow and Elizabeth Poulson adjacent to 5201 Spear Street
Louise McCarren stated that she and Frank Tenney went to this site visit.

MOTION by Louise McCarren, seconded by Matthew Krasnow, to approve the application by Madeline Vdoviak-Markow for Highway Access Permit (HAP-22-06) on

parcel owned by John Barlow and Elizabeth Poulson adjacent to 5201 Spear Street contingent upon the Road Commissioner's approval.

Frank Tenney stated that he felt that this should be tabled until a later date because there are sight distance issues, slope issues and the location might be changed for the driveway. Dean Bloch stated that this will need to go to the DRB and typically the Selectboard has waited for the DRB to go through their review process before assessing a highway access permit. James Faulkner agreed with Dean Bloch. Matthew Krasnow stated that he wanted to clarify the jurisdiction issue. If it's a slope issue on someone else's property outside of the town's right of way that's something the town brings up with the engineers through the DRB, not through the Selectboard's highway access permit. If it's a slope issue on someone's private property within the town's right of way, that is a jurisdiction for Selectboard discussion during a highway access permit application.

Hugh Lewis, Jr. stated that he was at the site visit and what he saw was that the sight distance to the north isn't safe due to the speed of the traffic and the poor visibility in that direction. They would need to meet the B-71 standard with the 3% grade. The applicants said they were going to look for an alternate location for the driveway with better sight distance. Moving slightly south would be helpful. In response to a question from Matthew Krasnow, Hugh Lewis, Jr. stated that the town requires the applicant to have 500 feet of sight distance due to the 50 mph speed limit in that location of road.

Louise McCarren withdrew her motion.

Andrea Dotolo, Civil Engineer, stated that she has walked the site and for a nine acre property with over 900 feet of road frontage, it's very limited on sight distance. She wonders what the town would consider for a minimum sight distance since they can't meet 500 feet of sight distance in either direction for this property. Matthew Krasnow asked Dean if the ordinance specifies the sight distance, or if it suggests it if feasible. Matthew also asked if there are typically opportunities for the Selectboard to write a letter to the DRB to request that they consider the sight distance. Dean Bloch stated that this is going to the DRB because it's considered conditional use due to development on slopes between 15-25% and over 25% is prohibited. He feels that if the Selectboard has an opinion on this case they should make that opinion known to the DRB. Matthew Krasnow asked for confirmation that this application is going to the DRB because it triggered the higher slope percentage. Dean Bloch stated that this is going to the DRB as development of slopes greater than 15%. Dean also read from the Highway Access Policy, Standard 5, which indicates the sight distance should be obtained if possible. He also said it's a very difficult parcel to develop, and there may not be an access that's possible on this parcel.

Matthew Krasnow said that if the language of the policy is "if possible," that's a lot weaker than saying "25% no way." He said the Town's obligation is to follow its guidelines, and if there's an "if possible," that suggests that it's allowed. Dean Bloch stated that there are a few roads in Town that most people consider dangerous, and this is one of them.

Andrea Dotolo stated that the issue with shifting to the south of the proposed access is that the road begins to dip. Going south causes a loss in sight distance to the south. Most of the trips to this sight would be going north and coming in from the north. Site distance to the south was prioritized because of this. When the driveway is moved to the south you start to get an irregular driveway. The Town of Charlotte has a maximum 8% slope on driveways and she plans on requesting some increase to that. Moving the driveway to the south you end up in the drop off area. James Faulkner stated that it would make the most sense to have another site visit with this additional information. Matthew Krasnow stated that because this is not a large subdivision but rather a conditional use which triggers the need for approval from the DRB for the driveway because of the slope issues he feels comfortable with waiting on the highway access approval until after the DRB has a chance to review this and weigh in. James Faulkner and Frank Tenney concurred with Matthew Krasnow.

MOTION by Frank Tenney, seconded by Matthew Krasnow, to continue this until the DRB review has been approved. VOTE: 5 ayes, 0 nays; Motion Carried.

License Agreement to Peter Swift and Diana L. McCargo to install utilities under Mt. Philo Road between 2766 and 1905 Mt. Philo Road

Frank Tenney and Louise McCarren were present at the site visit. Dean Bloch stated the Road Commissioner was present and he doesn't see any issues with this since the water line will be very deep relative to the road and the ditch on the east side of the road. The boring pit will be at least 25 feet from the west side of the road. It will be quite a distance from the road right of way on the east side.

MOTION by Lewis Mudge, seconded by Matthew Krasnow, to approve the license agreement to Peter Swift and Diana L. McCargo to install utilities under Mt. Philo Road between 2766 and 1905 Mt. Philo Road as presented in the packet and to be signed by the Chair. VOTE: 5 ayes, 0 nays; Motion Carried.

Public comment

Donna Liebert stated that she has concerns about the town garage. The location for the town garage has been voted on unanimously however there were other viable options presented to the board that she feels were not seriously considered. This was due to the fact that these locations weren't in close proximity to the salt pile as expressed by the Road Commissioner and the subcontractor, who are one and the same. Due to Junior Lewis having both roles in this situation he has a conflict of interest and should have recused himself from the discussion due to this potential bias, just as Matthew Krasnow did due to conflict of interest with his employer. Donna Liebert got confirmation from the Selectboard that if they decide to apply for a variance this will be public information. She stated that on the front page of the Citizen last week there was a headline that the bond vote is for \$1.5 million but nowhere in the article did it share with the taxpayers that the cost of the project is \$3 million. She feels that the taxpayers should be better informed. The other 1.5 million is being paid for by the ARPA and Highway Reserve funds. She feels that this isn't an appropriate use of the ARPA funds, (American Rescue Plan Act), and she expressed concerns about the money being used from these funds potentially depleting them for future needs. She would like to know how and when these funds would be replenished. She would like an answer to the question of if and when a road safety study and a lighting study

would be completed. She has major concerns about the safety of the trucks turning in and out of the Route 7 location and feels an accident is inevitable. She requested that the Selectboard not rush into this rashly without thoroughly going through the appropriate studies that would allow for an informed decision.

Andrew Hale, 127 Prindle Rd, stated that he and his wife are present as concerned citizens of Charlotte regarding the potential for a commercial size marijuana operation in the town of Charlotte. They're not anti-marijuana however this potential commercial size marijuana grow operation would be 200 to 300 ft from their front yard and they would be directly down wind. The town of Charlotte hasn't put in place regulations for such an operation. They're expecting their first child in a few weeks which adds to their concerns. They're calling on the town of Charlotte to consider reasonable regulations.

Jeffrey Beerworth, 151 Prindle Rd, stated that he has the same concerns as the Hale's. He reports sending an email to the town in regard to this issue. He feels there are ways to do this properly that can mitigate the negative effects. He's a retired police detective from Burlington. He offered to be a part of any committees that will be considering this going forward. Dean Bloch stated that growing of cannabis isn't considered agriculture so therefore it can be governed by land use regulations if it's over a certain size. James Faulkner said this can be added to the agenda item for the next Selectboard meeting.

Claudia Mucklow stated that she questions what the Selectboard's criteria and guidelines are for appointing people to committees and commissions because it appears as if it is all just arbitrary. She went on to say that a couple of months ago the Selectboard appointed Carrie Spear to the Planning Commission instead of reappointing Bill Stuono. Carrie Spear has no experience or relevant background in planning while Bill Stuono has a masters degree and tons of experience. She feels that it's clear that some of the Selectboard simply didn't want to have Bill Stuono back on the PC and it's likely that Carrie Spear was recruited last minute to have someone else to vote on and could sideline Bill Stuono. She feels that this doesn't reflect positively on the Selectboard. The other issue she wanted to speak to is the allegations against the town planner. She wonders what the Selectboard is going to do about it. If the allegations are true, she feels he should be dismissed. She feels that the stipends to the town planner for training the new staff should stop and this work should be part of the town planner job description to take away any incentive for him to sabotage his own trainees.

Open bids for Trail Sign Fabrication Contract

Bill Regan stated that he heard that another bid would be coming in tomorrow morning and he wondered if they should be done at the same time? Matthew Krasnow stated that the legal protocol would be that bids should not be accepted after 4 p.m. The purchasing policy gives the Selectboard the authority to reject any and all bids or to go out to re-bid for any reason. If this doesn't seem like a reasonable bid there are avenues to solicit more than one bid, versus being forced into going into a one bid contractual agreement.

Frank Tenney opened the one bid that was received by the deadline, and stated that the bid is from WS Sign Design Corporation for different amounts for small, large and parking signs. It appears to be a fairly complicated bid. The total sign cost is \$21,699.97 and there is an

installation cost of \$8,000, making for a total cost of \$29,699.97. The plan is to put this on the next Selectboard meeting agenda.

Beach parking fees (for Thompson's Point leaseholders)

Louise McCarren stated that the issue with the beach parking permits right now is that it excludes the lease holders on Thompson's Point from the definition of "resident" for a resident permit. She feels this isn't reasonable and the lease holders should be treated as residents for the purchases of the beach parking permits. The current pricing is \$30 for residents and \$50 for non-residents.

Matthew Krasnow stated that he has always understood that a resident meant someone that lives in Charlotte. A resident beach permit would be for anyone that pays property taxes in Charlotte such as homestead or non-homestead taxes. The beach was made possible with federal funding and part of the conditioning of this funding was that the beach needed to stay open to the public. It could not be made a private beach for Charlotte residents. It couldn't be made into a Charlotte country club. The land itself is from federal money and from the support of the whole tax base. That tax base includes resident and nonresident homestead and non-homestead declaration of the grand list and it includes the taxes the lease holders on Thompson Point pay on top of their lease payments. He feels that in all fairness anyone that is contributing to the property tax base should be considered a resident of Charlotte. He feels the Selectboard has an obligation to take a step back and look at what is fair here from a policy standpoint.

James Faulkner stated that he doesn't know of other towns that do resident and nonresident prices. Matthew Krasnow stated that Shelburne does do this but their beach was made without federal dollars. Louise McCarren stated that it is very clear that they can charge a differential for a nonresident. Mary Mead stated that this is mid-season and this isn't the time to make changes. She also stated that she finds it baffling as to why the Selectboard would want to micromanage something that is running smoothly without a problem. She expressed shame for those that have been buying the passes and lying about being a resident of Charlotte evidenced by their addresses on their checks. James Faulkner stated that it would be wise to discuss this at a later date so that a decision is made for the next season. Matthew Krasnow stated that in all fairness starting this at the start of the season would be wise as Mary Mead stated. Nicole Conley stated that parking permit stickers are ordered in March. Discussion will be had as early as this fall. Dean Bloch suggested having the Recreation Director and Commission come to the Selectboard with a recommendation. Bill Fraser Harris and Nicole Conley stated that they are happy to do that.

Request by Friends of the Charlotte Library to hold Charlotte Library Book Sale on Town Green, Sunday July 17, 2022

James Faulkner stated that he spoke with Nan today and also to Margaret Woodruff. In the past they've had someone there serving ice cream at the Charlotte Book Sale. It's not a food truck. Also, there will be another event at the same time on the town green which is a craft show and the application was handed into Dean Bloch today. Margaret Woodruff explained that the craft project and book sale are integrated into one thing, they're not two distinct things. There will be a 20 by 20 foot tent on the green for the craft part of the event. Beth Merritt stated that she wanted to clarify that the event will be of a much smaller scale this year. The book sale will not

be on the green like it has been in past years, it will be on the porch and in the program room. The tent will be on the green and it will have murals with the theme of climate change. The schoolhouse will likely be open as well.

MOTION by Louise McCarren, seconded by Lewis Mudge, to approve the request by Friends of the Charlotte Library to hold Charlotte Library Book Sale and Craft Project Event on the Town Green, Sunday July 17, 2022. VOTE: 5 ayes, 0 nays; Motion Carried

Louise McCarren left the meeting.

Request by Charlotte Library to hold Very Merry Theatre on Town Green, Friday July 29, 2022

Cheryl Sloan stated that it's an event that has taken place for at least 10 years. The event typically brings in a huge crowd from surrounding towns of around 100 people. Usually there are 30-40 children that participate every year. Don from Very Merry Theatre pulls in a wagon for the performance. The audience sits on the grass, food isn't served and the library's bathrooms are used by the public.

MOTION by Frank Tenney, seconded by Lewis Mudge, to approve the request by Charlotte Library to hold Very Merry Theatre on Town Green, Friday July 29, 2022. VOTE: 4 ayes, 0 nays, (one absent); Motion Carried.

Planning & Zoning permit application fees

A proposed revision to the planning and zoning fee schedule was presented by Dean Bloch. Dean stated that this schedule shows proposed changes and was started back when Wendy Pelletier was the Zoning Administrator. The Planning and Zoning Department had proposed this back in November and they had also obtained the fees from Hinesburg and from Shelburne as comparisons. The Selectboard has reviewed this once already in the past and some edits were made from that review and now it's being presented again. It could be approved in whole or it could be approved in parts. Different aspects are proposed for different reasons.

Lewis Mudge stated that some of the fees are quite substantial and he's not comfortable voting on these fees now. Dean Bloch stated that most of the proposed wastewater and water permit fees are the same as the state of Vermont and Colchester fees. The lowest gallon per day is different, but the proposed fees are mimicking the state of Vermont's fees.

James Faulkner stated that all the other towns in VT have the same fees as the State of Vermont fees, since only Charlotte and Colchester are delegated communities to administer the WW permit program.

Dean Bloch stated that the newest fee is the penalty fee and that is the after-the-fact fee for development for which a permit wasn't obtained. There are two fees, one is the fee if no notice of violation has been issued, and the other is after a notice of violation has been issued. These fees are to try to discourage development that is done without proper permitting.

Matthew Krasnow stated that he would like to postpone the voting on this fee schedule until Planning and Zoning staff can attend and explain the rationale behind the fee schedule changes.

Dean Bloch stated that there is one fee that is proposed to go down, which is the fee for a Certificate of Occupancy for unheated structures. The reasoning behind this is it is felt that they don't require as much work by staff.

Frank Tenney asked what the difference is between an Accessory Dwelling unit free standing and an Accessory Dwelling unit attached? Dean Bloch explained that the Accessory Dwelling unit free standing is similar to permitting a single family dwelling with all the same requirements and the proposed amount is to basically bring it up a little closer to a single family dwelling. The Accessory Dwelling unit attached doesn't involve as much to evaluate. James Faulkner stated that all this should wait until such a time when the Planning and Zoning staff can attend and present on these changes as Matthew Krasnow had suggested.

Louise McCarren rejoined the meeting remotely.

Approve employee pay-rates for FY23 (starting July 1st)

Dean Bloch stated that the employee pay-rates were adjusted by two factors. The salary administration policy has factors depending upon what quartile employees are in, whether it's 3%, 2.5% or 2%; and the cost of living adjustment was 4.5%. Employees' pay is proposed for FY23 with these adjustments. These are the numbers that were budgeted for. There are a couple of employees that are new since the town budget was approved, or some may have changed their hours.

MOTION by Lewis Mudge, seconded by Louise McCarren, to approve the employee pay-rates for FY23 starting July 1st as presented in the packet. VOTE: 5 ayes, 0 nays; Motion Carried.

Review of compensation for town employees

Dean Bloch stated that there have been a few questions from a few employees wondering if the Gallagher Flynn process was final or if there is more to it. Some have concerns about what their current pay is. Louise McCarren stated that it is in the employee salary document and if an employee feels that their salary needs to be adjusted or reviewed, they can come to the Selectboard. Frank Tenney stated there is a process where the employee is to go to their supervisor and if the supervisor agrees with it, then it goes to the Selectboard to be discussed. Dean Bloch stated that he has received request from two Planning and Zoning staff members regarding their pay. James Faulkner stated that there has been three requests and he feels all members need this information and this should be an agenda item for the next meeting.

FY23 Contracts

James Faulkner stated that six of the contracts have already been renewed and there are two new contracts and the rest are about to renew. Dean Bloch also stated that TechGroup is a current contractor for the town, and they have been for a few years. They assist with all the computer and network support. They have proposed some additional services that he hasn't reviewed as of yet. NEMRC assists the town assessor with creating and updating the grand list. They provided

a new contract that is a bit different than the last contract. He would like to make sure that the contract includes reappraisal of all properties this year. Dean Bloch stated that the position for the town hall cleaning went out to bid and the town didn't receive any response. Currently he is advertising for cleaners.

MOTION by James Faulkner, seconded by Frank Tenney, to renew the contracts for the following contractors: Comfort Hill Kennel, Lincoln Applied Geology, (water system maintenance and the landfill monitoring), Vermont Water, Brooke Milo, Danielle Atherton, P&P Septic, Climate Systems, Inc., and Casella. To be signed by the Chair. VOTE: 5 ayes, 0 nays; Motion Carried.

Town Garage—placeholder

Dean Bloch stated that they have been in touch with Sun Common about looking into how much electricity would be generated from solar panels on the roof. James Faulkner stated that this was an inquiry that they have sent out to Sun Common and to Green Mountain Solar but there hasn't been any response at this time.

Selectboard updates

James Faulkner stated that there was a contract that needed reviewing.

MOTION by James Faulkner, seconded by Louise McCarren, to enter into executive session under 1 VSA §313(a)(1)(A) to discuss a contract. VOTE: 5 ayes, 0 nays; Motion Carried.

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

No action taken.

Adjournment

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

The meeting was adjourned at 9:15 p.m.

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