

CHARLOTTE SELECTBOARD SPECIAL MEETING
Monday, November 21, 2022
Charlotte Town Hall 159 Ferry Road and via teleconference

APPROVED

SELECTBOARD MEMBERS: *In person:* James Faulkner, Chair, Frank Tenney, Vice Chair, Lewis Mudge, Louise McCarren

Absent: Matthew Krasnow

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

OTHERS:

In person: Jonathan Silverman, Charles Russell, Charlie Pughe, Lynne Hale

Remote: Carrie Spear, Anne Marie Andriola, Kelly Devine, Paul Plante, others

AGENDA ITEMS:

7:00 PM	Library employee compensation
7:15 PM	Planning & Zoning Fees
7:30 PM	Explore creation of Local Cannabis Control Commission
7:45 PM	Personnel [possible executive session per 1 VSA §313(a)(3)]
8:00 PM	Adjournment

Library employee compensation

James Faulkner stated that he suggests going into executive session considering the discussion is about individuals and compensation.

MOTION by James Faulkner, seconded by Frank Tenney, to enter into executive session per 1 VSA §313(a)(3) for the appointment or employment or evaluation of a public officer or employee provided the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting. VOTE: 4 ayes, 0 nays, 1 absent: Motion Carried.

MOTION by James Faulkner, seconded by Lewis Mudge, to exit out of executive session. VOTE: 4 ayes, 0 nays, 1 absent: Motion Carried.

MOTION by James Faulkner, seconded by Louise McCarren to approve the pay rate increases for the following positions at the town library: the Inter Library Loan Librarian/Local History Curator, from \$20.72 to \$25.71, Cataloging Librarian from \$21.46 to \$25.66, Circulation Librarian, from \$19.14 to \$21.68, and Saturday Librarian Clerk from \$16.54 to \$17.48 to take effect November 26, 2022. VOTE: 4 ayes, 0 nays, (1 absent); Motion Carried.

James Faulkner stated that the second part of the discussion during the executive session was in regard to increasing the hours for all four of the positions, and the decision made was to do further research on the topic, and the topic will be brought back up during a future meeting. Jonathan Silverman clarified with the Selectboard that the start time for the pay increases is to begin on November 26, 2022, the start of the next pay period. The library board will supply to

the Selectboard whatever information that is necessary for further discussion on topic of increasing the hours for the positions discussed during executive session.

Planning & Zoning Fees

James Faulkner stated that he and Dean Bloch met with members of the planning and zoning department and boards and discussed some payrate increases for some items.

Dean Bloch stated that the planning and zoning staff compared Charlotte's fee schedule to the adjoining towns, Hinesburg and Shelburne.

Dean Bloch stated that there are two categories for residential permits: 4 bedrooms and less and 5 bedrooms and more. Both Hinesburg and Shelburne do as well. Current rates are \$1,000 and \$1,500 and the proposed rates are \$1,200 and \$1,600. These increases would be the same as Hinesburg and Shelburne.

Frank Tenney stated that an accessory dwelling is a 1,500 square foot house that a resident is allowed to have. He asked why the fee for the permit for an accessory dwelling unit wouldn't be the same as a permit for the original dwelling. He feels it should be the same price. Dean Bloch stated that one of the changes made in the regulations is there is no distinction between ADU that are attached or unattached. He feels that Frank's request is complicating a matter that just got simplified in the regulations. In most cases the ADU is going to be near the single family dwelling sharing the driveway that is already there, the envelope etc. Frank Tenney stated that there is no assurance that the ADU will be near to the single family dwelling. The rule on sharing the existing driveway leaves a lot of leeway.

Charles Russell stated that that is one of the grey areas that needs further discussion and clarification. Charlie Pugh stated that if there is a building envelope on the 50 acre parcel it has to be within the building envelope. The rate for the 1,500 square foot ADU is half of the rate of the 3,000 square foot primary dwelling.

Dean Bloch stated that Commercial increased significantly. The "up to 4,000 sq. ft." currently at \$350 increased to \$1,500, and "4,000 sq. ft. and over" would go from \$350 to \$2,000. These rates are in the same ballpark as Shelburne and Hinesburg. Frank Tenney stated that he's not against this increase but if the goal of the town of Charlotte is to increase commercial building, then this rate may want to be reconsidered.

Dean Bloch stated that Certificates of Occupancy are proposed to be distinguished between heated and unheated in terms of the fee. Current rates are \$150 for heated structures, and the proposed fee is to stay the same at \$150. Certificates of Occupancy for unheated structures are currently \$150, and these are proposed to decrease to \$50. Frank Tenney asked why this would be the case when Hinesburg and Shelburne have no fees for either. He pointed out that at least the unheated went down. Dean Bloch stated that there is a lot of work that goes into these Certificates. There is an argument to be made for a fee.

Dean Bloch stated that Penalty Fees are a new provision to address occasions when people have constructed without permits and the neighboring towns also have fees for this.

Frank Tenney stated that it would be his preference to have these fees no higher than the neighboring towns.

Dean Bloch stated that DRB applications are proposed to increase slightly. For Sketch Plan Review, the current rate of \$50 is proposed to increase to \$150. For Conditional Use Review, the current rate of \$500 is proposed to increase to \$800. For Site Plan Review, the current rate of \$500 is proposed to increase to \$800. No changes proposed for the Subdivisions, Subdivision Amendments & Boundary Adjustments.

Dean Bloch stated that for wastewater permits, the state of VT has several tiers. The lowest amount is for Residential (560 gpd or less) which has a fee of \$306.25; currently the town's rate is \$500, which it has been since 2007. It's proposed to increase to \$870 which is the same rate as the state's next tier for 560 gpd - 2,000 gpd. This increase will help cover the cost of the program. For larger systems the town would match the state's rates of \$3,000, \$7,500, \$13,500.

Charles Russell stated that part of that planning came from consideration of the budget. There is a cost for the engineer that analyzes the septic permit. The original revenue budget was going to be \$10,000 for that, but by increasing the fee to \$870 it increases the budget to \$18,000. Consequently, it closes the gap of \$8,000 between the expenses and the revenue.

Frank Tenney stated that over the last few years there have been more expenses with developments. The income needs to come up but he's uncertain with these levels of increases. Charles Russell made a point that there is incentive to get the permits through the town since it can be achieved more quickly. Frank Tenney stated that it makes sense to go with what the state is charging.

James Faulkner confirmed that the town's deficit is \$16,000 and it's cut in half by increasing this fee to \$870. He stated that the rates should be increased to eliminate the deficit. This needs to be shifted to the state. The burden of the cost of these wastewater systems shouldn't be the burden of the taxpayers as a whole. Frank Tenney stated that the town doesn't control where the wells can be drilled or where the septic systems can go. Those are controlled by the state.

Dean Bloch stated that the fee for System Alteration is currently at \$250, and is proposed to increase to \$500.

Charlie Pugh stated that this current list doesn't include all of the fees. James Faulkner stated that the plan is to review the information and the complete list and vote on the changes at the next meeting.

Explore creation of Local Cannabis Control Commission

Dean Bloch stated that without a Local Cannabis Control Commission an individual that wants to have a cultivation operation goes to the state for a license and the state can issue the license without checking with the town. After the license is issued the state then informs the town that it has been issued and in many cases the individual goes forward and begins a cultivation operation without communicating with the town. With a Cannabis Control Commission, the state will not issue the license until they get approval from the town. Dean Bloch stated that he recommends

creating a Local Cannabis Control Commission since the town is already facing four different situations where the cultivator has gone ahead and not checked with the town. This causes scenarios where permits aren't obtained and issues that should be addressed are not being addressed. The Selectboard could be the Local Cannabis Control Commission just like the Selectboard acts as the Liquor Control Board for the town.

James Faulkner concurred with Dean Bloch and stated that this Local Cannabis Control Commission won't have the authority that the state has but the state will ask the Local Cannabis Control Commission what their opinion is on the permit request. Down the road the town may need a separate Commission vs the Selectboard acting as one. Dean Bloch stated there is a resolution in the packet on page 4 of the packet that could be edited for Charlotte.

Charles Russell stated his concerns for the Selectboard acting as the Local Cannabis Control Commission, since in his opinion acting as the Commission wouldn't be as simple as functioning as the liquor control board. He feels it might create a lot of work for the Selectboard and may create multiple steps to the process. Dean Bloch stated that with the Selectboard acting as the Local Cannabis Control Commission, it would require the applicant to come before the Selectboard where they would then be directed to the DRB for proper permitting.

Charles Russell suggested creating an interim bylaw, and to list it as a conditional use in the Rural District so that it would have a clear process. The PC is working on this for the next round. It's important in order to prevent litigation. Frank Tenney stated that he's unsure that the town wants these in the Rural District. It's up to the PC to write these zoning bylaws to state where they should be allowed to go. He suggests to simply allow it in the industrial area only. James Faulkner stated the details can be made later but for starters the town wants to know ahead of any licensure being granted by the state.

Lynne Hale expressed her gratitude for the Selectboard and PC giving this issue the attention it needs.

MOTION by Lewis Mudge, seconded by Frank Tenney, to approve the resolution to create a Local Cannabis Control Commission as presented in the packet with edits to paragraph seven to include the language, "of Charlotte" following the language "legislative body of the town," the date of today being substituted for the date, and "the town of Charlotte" being substituted in for "the town in which the Local Cannabis Control Commission will be" in paragraph 9. VOTE: 4 ayes, 0 nays, 1 absent; Motion Carried.

Dean Bloch will write the final version of the resolution for the Selectboard's signatures and then it will be sent to the state.

Personnel [possible executive session per 1 VSA §313(a)(3)]

Frank Tenney stated that another attempt will be made to contact Matthew Krasnow to see if he can be a part of this executive session discussion.

MOTION by James Faulkner, seconded by Lewis Mudge, to enter into executive session per 1 VSA §313(a)(3) for the appointment or employment or evaluation of a public officer

or employee provided the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting. VOTE: 4 ayes, 0 nays, 1 absent: Motion Carried.

MOTION by Frank Tenney, seconded by Lewis Mudge, to exit out of executive session. VOTE: 4 ayes, 0 nays, 1 absent: Motion Carried.

James Faulkner stated that no action was taken.

Adjournment

Dean Bloch asked what the Selectboard's availability is for a Special Meeting on December 5th, 2022, to discuss the Fire and Rescue Budget. Lewis Mudge stated that he will be out of town on a business trip. Frank Tenney was unsure.

MOTION by James Faulkner, seconded by Lewis Mudge, to adjourn. VOTE: 4 ayes, 0 nays, 1 absent; Motion Carried.

The meeting was adjourned at 8:30 p.m.

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