

**Town of Charleston  
Selectboard Meeting 8/23/18**

MINUTES

A meeting of the town Selectboard was held August 23, 2018. Attending: Selectpersons Meghann Carter, Glenn Peterson, and Larry Young; Residents Margaret Maxwell, Ivan Maxwell, and John Simsarian; and Selectboard Clerk Colleen Kellogg.

THESE MINUTES ARE UNOFFICIAL UNTIL APPROVED AT THE NEXT MEETING.

Meeting called to order at 7:00 pm.

The August 9th meeting was cancelled due to lack of a quorum. As Mr. Young was present on August 9th, he accepted and signed the cancellation notice in lieu of the minutes.

PUBLIC COMMENT

Margaret Maxwell was present to discuss access to her property. A letter from her attorney Charles Merriman to the Selectboard regarding detritus in the public right-of-way (ROW) known as Bly Farm Rd was received, as well as copies of correspondence related to earlier efforts to resolve the matter, including an unanswered offer to trade land for access. On Mrs. Maxwell's behalf, the Selectboard is asked to acknowledge her legal right to access and to plow snow; and to direct the Road Foreman to remove detritus from the public ROW. Mrs. Maxwell also submitted a letter requesting certain actions/permissions by the Selectboard, including removal of Mr. Davis' cattle trailer from the ROW in front of her shop and permission to use the ROW to move snow. The Selectboard reviewed the letters.

Mrs. Maxwell says she is asking for what is her legal right, as used historically. Mr. Peterson reports that the Town attorney advises the board to take no action, but to send the request letters to him for response. Ms. Carter said that the board appreciates Mrs. Maxwell's time in submitting written request. She also said that the board would like time to consider and discuss the matter, consider earlier conversations with attorneys and VTrans staff regarding ROW statute, and get back to Mrs. Maxwell as quickly as possible.

Ivan Maxwell stated that ownership of the land under the ROW does not affect the public nature of the public ROW or landowner right to access. He asked the Town to find out from its attorney any law that proves that town does not control the right of way, that a neighbor can control it, and that an abutting landowner doesn't have access to their property. Mr. Maxwell reports that according to VTrans, a standard house driveway access is anywhere from 12-26ft—not a square but with a radius. He said Mrs. Maxwell had a 'no trespass' order served on her due to deviation from square. The Maxwell's do not find the "do nothing" argument to be acceptable. It isn't enough of a legal argument to justify what is happening. They want to see law or case study to justify Mrs. Maxwell not having a "reasonable access."

John Simsarian, who resides on West Echo Lake Rd was present to discuss ditching on the road adjacent to his house. He asked for ditch maintenance in front of his house and also on East Echo Lake Rd where culverts are blocked. One results in a large volume of water onto his field, and the other causes water to run along the road, contributing to road washout. Ms. Carter has looked at the site and found a culvert half full, as well as a rise in the ditch that further undermines culvert. The

Road Foreman is aware of the problem and will complete the work on East Echo Lake Rd when he returns to that area.

#### ROAD REPORT

Replacement of Bridge #5 on Hudson Rd is scheduled for September 10<sup>th</sup>, and a newspaper announcement of road closure was reviewed. The board approved the wording and instructed Ms. Kellogg to run the notice in the Chronicle and Newport Daily Express next week.

The repaving of the Durgin Rd Bridge is also complete, and board members said that the work looked good. Mr. Peterson is waiting to hear from Mike Green about scheduling the work to patch the abutment crack.

Ms. Kellogg reports that the FEMA project on Hudson Rd is complete and the financial report and request for reimbursement was submitted earlier that day.

#### OLD BUSINESS

Following up on discussions with employees, Ms. Carter made a motion that the town provide individual health insurance through Blue Cross Blue Shield of Vermont for full time employees, beginning September 1, 2018, and make a contribution equal to the premium for the Standard Silver Plan for an Individual, but also give employees flexibility to add eligible family members at their own cost through payroll deduction. Mr. Peterson seconded the motion, and all were in favor.

Ms. Carter made a motion to discontinue the monthly wage stipend benefit previously paid to full time employees and make the stipend paid with the August 7<sup>th</sup> payroll the final stipend payment, seconded by Mr. Peterson and approved.

Ms. Kellogg offered edits to the Personnel Policies to reflect the above changes to employee benefits. Motion by Ms. Carter to approve the edits and furnish a copy of the updated Policies to affected employees, seconded by Mr. Peterson and approved. Ms. Kellogg will distribute copies to employees and have them sign receipt acknowledgements next week.

A security fence around the solar array disconnect and inverters has been recommended by the installer and the Solar Oversight Committee, and an estimate was received from Round Hill Fence. While the total seemed high to the board, Mr. Peterson checked with an installer friend who told him that the materials cost is about right, and this is what drives up the cost. The installation calls for a heavy gauge—nothing less than 15gauge—rather than the ‘Home Depot’ version. The board instructed Ms. Kellogg to find out what gauge Round Hill was quoting, and also to look around for alternative vendors.

Mr. Pepin has arranged for chimney cleaning and inspection of the garage wood stove, as recommended by the town’s loss control specialist.

There was no other business brought before the board

There were no Bills or Orders to approve.

## ANNOUNCEMENTS

The Charleston Town School District has warned a Special Meeting on Wednesday, September 12, 2018 at 6:00 pm at the Charleston School. The question before voters is: Shall voters vote to remain a single town school district and reject the recommendation of the acting secretary of education to become a unified union school district with the Brighton Town School District.

There will be a Planning Commission meeting on Thursday, September 13<sup>th</sup>, at 6:30 pm, immediately preceding the Selectboard meeting.

Ms. Carter announced that she may have to miss the October 11<sup>th</sup> Selectboard meeting.

Seeing no other business or discussion, a motion to adjourn was made by Mr. Peterson, seconded by Ms. Carter, and the meeting adjourned 8:27 pm. The next meeting is September 13<sup>th</sup> at 7:00 pm.

Approved this 13th day of September 2018:

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Selectboard, Town of Charleston