

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
OCTOBER 29, 2007**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Jenny Cole, Winslow Ladue, Ed Stone, Frank Thornton.

ADMINISTRATOR: Dean Bloch.

OTHERS: Ellie Russell, Larry Hamilton, Robbie Stanley, Robert Bloch, Frances Foster, David Miskell, Robert Mack Jr, Nancy Barnes, Dorothy Hill, Nancy Wood, Jack Pilla, Clark Hinsdale III, Gary Franklin, Dan Cole, Carley Krolick, Robin Reid, Jessie Bradley, Junior Lewis, Larry Hamilton, Alexandra Lehmann, Martha Perkins, Happy Patrick, Mary Lighthall, Deb Stone, and others.

(NOTE: the agenda was heard out of order, but appears as warned for continuity.)

6:00 p.m. SITE VISIT: Monument at intersection of Ferry Road and Greenbush Road.

1. CALL TO ORDER

Mr. Russell called the meeting to order at 7:05 p.m.

2. ADJUSTMENT TO AGENDA

None.

3. PUBLIC DISCUSSION

None.

4. MINUTES

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve the Selectboard minutes of 09/10/2007 as written, with the following corrections:

Page 2, item #5, Motion, 3rd paragraph, change “farm toy”; and “...David Nichols on Saturday afternoon...”; last sentence bottom of page, replace “Plouffe Lane Town” with “Charlotte Park and Wildlife Refuge”;
Page 3, item #7, globally correct the name “Gill” with “Gil”; 4th paragraph, change to read “...all four quadrants of the Village...”;
Page 5, Item #10, 3rd sentence, change to read: “There was an estimate of \$1500 for a study.”

VOTE: 4 ayes, 1 abstention (Mr. Thornton); motion carried.

MOTION by Ms. Cole, seconded by Mr. Ladue, to approve the Selectboard minutes of 09/24/2007 as written, with the following corrections/additions:

Page 2, 4th paragraph, change “tree farm” to “tree fund”;
Page 3, top of page, change to read: “...limestone ledge may be...”; 4th paragraph, change the number of visitors to “401”.

VOTE: 3 ayes, 2 abstentions (Mr. Stone, Mr. Thornton); motion carried.

Approval of the minutes of 10/15/2007 and 10/22/2007 were tabled. There was discussion regarding the Plouffe Lane agenda item.

(See agenda item #13, Authorize Marking of Boundaries of Former Landfill Parcel on Plouffe Lane)

5. REQUEST FOR \$100,000 DISBURSEMENT FROM THE TOWN CONSERVATION FUND TO CONSERVE 40 ACRES LOCATED AT THE SOUTHWEST CORNER OF STATE PARK AND MOUNT PHILO ROADS

Frances Foster explained a proposal to purchase development rights on a 40 acre parcel currently owned by the Hinsdales. The rights will be purchased at a discounted rate for \$165,000, with \$100,000 requested from the Charlotte Conservation fund. It is important to preserve the viewshed of Mount Philo, natural resources and agricultural land resources. The Land Trust would hold an agricultural easement on the land. A question is if a walking trail could cross the land. Gary Franklin, Charlotte Trails Committee and I walked the parcel. A trail could closely follow an existing hedge row to get people off the road. Ms. Foster submitted color photographs of views along Mount Philo Road. She had spoken the buyer of the property and he has some concerns.

Mr. Thornton asked how much land was preserved in Charlotte. Ms. Foster replied she did not know.

Mr. Ladue asked if there was an existing easement on the Almond property. Ms. Foster answered no; a trail easement was not firmed up at this time. Mr. Ladue said if a trail easement hasn't been firmed up then shouldn't it be included in the approval request.

There was lengthy discussion regarding Charlotte Conservation Commission support for the development rights acquisition; details of a proposed walking trail on the Hinsdale property; the Trails Committee suggested a 4' wide trail easement located up against the hedge row; that there were no agricultural easements on the land currently; worth of the development rights (Ms. Foster noted that the property buyer would donate a portion of the rights in place of cash); and a variation between site drawings of the property. Ms. Foster explained that the buyer wanted a larger area around a proposed house site and to locate agricultural uses further away from the house site.

Mr. Franklin said that there was interest in finding a connection to the Mack Memorial trail. Cost to build a trail on an easement was estimated at \$14,000 from Mount Philo along State Park Road, which was one option. The committee looked at the Almond property, but there were issues, such as topographical challenges on the Almond property, an abutting property owner and some wetlands located westerly. The current site is a nice piece of land and very little development was needed (to construct a trail). The distance along the road side was short, said Mr. Franklin. Ms. Foster pointed out that this site was available now, and there was not much movement on the Almond property.

Mr. Russell stated that the request for funding was for more money than other town projects. Ms. Foster explained that the Land Trust had \$40,000 and was raising an additional \$20,000. The Charlotte Conservation Commission fund had \$656,000. Charlotte Land Trust funds were intended only for land conservation, pointed out Ms. Foster.

Mr. Russell asked if the conservation on the (Hinsdale) property would raise the property value of the Allmon property. Ms. Foster replied that she didn't know.

Ms. Foster said that she would discuss an easement agreement with the land owner then she would return to the Board with more details. Was there standard trail easement language that the Town used, asked Ms. Foster.

Mr. Franklin suggested that a preliminary assessment for a practical road crossing should be done first. Mr. Russell suggested that the town ask for CCMPO involvement. Mr. Bloch would approach the CCMPO. Mr. Hinsdale III said that a safe place to cross was identified at the Windy Ridge curb cut. The site distances were at least 100' each way. An existing farm road cut was a logical safe place, said Mr. Hinsdale.

Mr. Ladue suggested that a more detailed town-wide trail plan should be done.

6. INTERVIEW CANDIDATE FOR EMERGENCY MANAGEMENT DIRECTOR

Ms. Cole recused herself due to a conflict of interest.

The Board interviewed Dan Cole, candidate for the Emergency Management Director position.

7. APPOINTMENT OF EMERGENCY MANAGEMENT DIRECTOR MOTION by Mr. Stone, seconded by Mr. Thornton, to appoint Dan Cole as the Emergency Management Director.

VOTE: 4 ayes, 1 recused (Ms. Cole); motion carried.

Ms. Cole rejoined the Board.

8. INTRAMURAL BUDGET

Deb Stone, Recreation Coordinator, reviewed a proposed Recreation Budget of \$38,100 (last year's budget was \$38,425). Activities included soccer, basketball and TiKwanDo in the fall, TiKwanDo and field hockey in the winter, lacrosse and tennis in the spring. A basketball camp would start next week.

There was discussion regarding past offerings that included dance and driver's education, which had been dropped in the past; a suggestion to reconsider offering driver's education (Ms. Stone said that a cost for the driver's education course was \$650); a question of the basis of the recreation budget (Ms. Stone said that the budget was based off the FY07/08 budget); the difference between the Intramural budget and the

Recreation budget (Mr. Russell explained that the Intramural budget was created by the Town Clerk and folded into the Recreation fund for bookkeeping purposes).

It was the consensus of the Selectboard to include a Driver's Education course in the budget.

9. RECREATION COMMISSION – PRELIMINARY BUDGET DISCUSSION

Jessie Brad, Robin Reid and Carley Krolick, Recreation Commission members, appeared before the Board.

Ms. Reid noted that there was \$2000 plus remaining in the Beach Maintenance fund. Capital projects included repairs to the tennis courts, docks, grounds maintenance, bath house, and sea wall, which should be included in the budget. Mr. Russell said that the use of the Recreation Reserve fund was discussed at the Town Meeting.

There was further discussion of Town beach improvements and planning regarding the access at Thompsons Point and creation of a parking area; grant application opportunities; maintenance of the tennis courts; and a question of the existence of a master maintenance plan. Mr. Russell suggested that state funding should be explored.

Ms. Brad asked if the commission pursued public access improvements would the Board support those efforts. Mr. Ladue suggested that a long range plan that included a public process should be done.

Ms. Krolick said it would be a good idea to have a line item in the budget. The commission had raised \$600, but that went into the General Fund. It was felt that the money should go into the Reserve Fund versus the General Fund.

Mr. Russell suggested adding mowing of the ice skating rink to the Town budget as a line item.

10. DISCUSSION OF JOB DESCRIPTION OF RECREATION DIRECTOR

Ms. Krolick handed out copies of a Recreation Director job description for Board review.

There was discussion of the proposed job description; the relationship of the Recreation Commission to the Recreation Coordinator; coordination of programs (Ms. Stone said that most programs were held in the evenings); point #3 of the description related to specific duties for beach maintenance (Ms. Reid noted that she has run the beach maintenance for 16 years) and if it should be taken out of the job description; and concerns related to hiring kids at the beach.

Mr. Russell suggested that the Beach job should be a formal position that reports to the Selectboard.

11. APPROVE FUND-BASED DRAFT AUDIT FOR TOWN

Nancy Wood, auditor, appeared before the Board, and reviewed amount of money in line items, and a debt service spread sheet.

Mr. Bloch, Selectboard Clerk, suggested that the Board approve the audit with changes.

It was the consensus of the Selectboard to ask the Town Clerk to meet with the Board for further discussion.

12. VARNEY FARM – AUTHORIZE SITE PLAN UPDATE, ACCESS EASEMENT TO CHARLOTTE PARK AND WILDLIFE REFUGE, AND ACCESS PERMIT APPLICATION

Ms. Cole reviewed a written draft access easement to the Varney Farm. The proposal included two sections: one for an access and driveway, and a trail easement to the Charlotte Park. A Site Plan was updated with a change to proposed parking behind the Thorp Barn.

Dorothy Hill, abutter, said they had just received the revised proposal. Security at the site hasn't been established. A gate is easily by-passed. No public hearing has taken place and now there is a revised map and a two-page plan. Points #4 and 5 of the plan were a concern, stated Ms. Hill. Mr. Russell said that the proposal was about access, not security. An easement gives the (Town) the right to use it. This was a draft written by Ms. Cole and the Town Planner, said Mr. Russell.

Ms. Cole said that there had been discussions that a parking area should be gated and how to control access for certain uses, pointed out Ms. Cole.

Mr. Russell said that further discussion of a site plan and access to the Charlotte Park and Wildlife Refuge would be put on a future Selectboard agenda.

13. AUTHORIZE MARKING OF BOUNDARIES OF FORMER LANDFILL PARCEL ON PLOUFFE LANE

Mr. Bloch explained that there was a discussion that the boundaries of the former landfill were ill-defined. The parcel was surveyed. There was a question if an adjoining landowner was using Town land and if a gate was on Town land. A quote of \$1,500 was received to re-survey the Town parcel.

MOTION by Mr. Thornton, seconded by Mr. Ladue, to authorize an expenditure of an amount not to exceed \$1,500 to hire Mark Ward to re-survey, or mark, the former Landfill parcel as per a letter, dated 10/22/2007.

DISCUSSION:

Mr. Stone asked why do a re-survey at this time. The Town was in the process of litigation with the Plouffe Lane party. The litigation should be concluded first and then do a survey, said Mr. Stone.

Mr. Thornton said if there was a question on where the boundaries were. Mr. Stone replied that the question hasn't come up yet. We already have a surveyed map showing the boundaries.

Mr. Ladue asked if the pins were set at the boundaries. Mr. Stone replied yes. They were set by the surveyor. If the pins were not correct, then we could go back to the surveyor to re-set them, said Mr. Stone. Mr. Russell noted that the survey was done in 1985.

Mr. Thornton said that survey marks are easily moved. If a question comes up if the markers were moved then a re-survey would point that out. Then the Town would be in much better position in court.

(NOTE: The Motion was deferred until later in the meeting to allow the Board to continue hearing the agenda items.)

(NOTE: the Board continued discussion of the above motion following tabling of the 10/15/2007 minutes)

Mr. Russell asked if a motion would interfere with litigation. Mr. Ladue asked where the idea of a survey came from. Mr. Russell explained that Mr. Beldock claims that part of the parking lot was on his land.

Mr. Thornton and Mr. Ladue withdrew their motion.

MOTION by Mr. Stone, seconded by Mr. Ladue, to recess the regular meeting and to enter Executive Session for the purpose of discussing potential Litigation Matters, and to invite the Selectboard Clerk to attend.

VOTE: 5 ayes; motion carried.

The regular meeting was adjourned and the Board entered Executive Session at 10:00 p.m.

14. RELOCATION OF MONUMENT AT INTERSECTION OF FERRY ROAD AND GREENBUSH ROAD

Mr. Russell noted that a site visit was conducted at the Ferry Road/Greenbush Road intersection at 6:00 p.m. this date. It was proposed to move the monument in the intersection 5' north and 3' east.

MOTION by Ms. Cole, seconded by Mr. Ladue, to reconsider a Selectboard decision regarding a relocation of the Monument made at the 10/15/2007 meeting.

VOTE: 5 ayes; motion carried.

Martha Perkins, resident, said that she looked at the monument site today. The monument provides structure to the area and gives some protection to cars as they back out from the store. Leaving the monument as is would be safer than giving drivers more room for someone to bump into a car backing out into the roadway.

Ellie Russell, resident, spoke in support of Ms. Perkins point. However, the Board should consider moving and consolidating all the monuments together in one location. The existing stop sign at the Ferry Road/Greenbush Road intersection has to stay where it is,

but it is somewhat of a problem. The monument was an obstacle where it was located currently.

Ms. Perkins said the monument was not an obstacle. It is better at the current location than having a car coming down the road and bumping into other cars.

Dorothy Hill, resident, stated that the monument is great where it is. It provides traffic calming. If all the monuments were moved together it would look like a cemetery.

Mr. Russell clarified that the proposal included putting an 18" high circle around the monument after it was moved 5'. The idea is to keep trucks from chipping away at the monument curbing.

Mr. Stone spoke in support of moving the monument out of the intersection. There were concerns that big trucks would knock it over as they made a turn at the intersection.

Ms. Cole read a section of a written Monument Committee Summary report regarding the World War I and World War II monuments. A question of moving the monuments has historically been an unresolved issue as per warned articles at Town Meetings in 1921 and 1941, noted Ms. Cole.

Alexandra Lehmann, resident and keeper of the garden at the monument, said that she attended the site visit and drew a chalk circle on the pavement at the intersection. Moving it would make it easier to get around the monument. People should go look at the site. A suggestion to move the monuments to the Town Hall with a symmetrical garden was a surprise (as described in the Summary). My take on a debate a few years ago was that there were more people who wanted it left where it was. An option would be to move the top of the monument to the green and leave the base as a round about in the intersection.

Mr. Russell said that the Board could make a decision to move to a circle, whether the monument stays or not. It doesn't cost much more to move it 5' or 100'.

There was a suggestion to conduct a survey to consolidate the location of the monuments, or not.

Mr. Stone suggested that the Board ask a designer for input. The \$540 to repair the monument could be used to design a plan instead. Ms. Russell said that Jim Donovan offered to draw up a plan. Ms. Cole cautioned that drawing up a site plan implies that other elements could be incorporated into a drawing, such as sidewalks, etc.

Larry Hamilton, resident and Charlotte Tree Warden, said that he had recently visited the new Vietnam and Iraq Veterans' monument at Sharon, VT. One needs to see it on foot to get a full value of a war memorial. Mr. Hamilton spoke in favor of moving the monument to the Town Center.

Ms. Cole noted that it might be time for a plan at the Town Center. There is a Monument Committee in place, said Ms. Cole.

MOTION by Mr. Thornton, seconded by Mr. Ladue, to thank Alexandra Lehmann for her many years of beautification of the Monument located at the Ferry Road/Greenbush Road intersection.

VOTE: 5 ayes; motion carried.

15. APPROVE BOILERPLATE FOR TREE PLANTING AGREEMENT

Mr. Bloch reported that the Town Attorney had reviewed a proposed Tree Planting agreement.

Ms. Cole asked if someone could request a tree purchased through the Tree Fund, or was the Town planting trees in a Town right-of-way. Mr. Hamilton, Charlotte Tree Warden, replied it is both. There are many land owners that would like trees planted on their property, which would have to be within 50' of the centerline of a road. Also the Town would plant trees in a Town right-of-way where the snow drifts, or where appropriate.

Mr. Hamilton explained that property owners would plant trees provided by the Town, or pay a \$75 per tree charge if the Town planted the trees for them. It is felt that property owners would take better care of a tree that they planted.

Mr. Ladue asked who would be responsible for taking trees down 20 years in the future. Mr. Hamilton replied that it was the property owner's tree. They would pay to take it down. Trees would be planted on the property owner's land, but in the Town right-of-way.

There was discussion regarding what was a Town right-of-way; what constituted a property owner's land versus a Town right-of-way; and a paragraph in the proposed Tree Planting Agreement that gave the Town the authority to plant trees in a Town right-of-way.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve a boilerplate Tree Planting Agreement as presented.

DISCUSSION:

Ms. Cole asked if the property owner would pay \$75 per tree. Mr. Hamilton reiterated that if the property owner plants the tree then the tree was free, as well as a tree tube. The funds come from the Ruter Fund. There would be a \$75 per tree charge if the Town planted the tree for the property owner.

Junior Lewis, Charlotte Road Commissioner, said that it would be better if the trees were planted on private property. Trees planted in the Town right-of-way would eventually need pruning of the lower branches for line of sight distances, or if the tops interfered with utility lines overhead.

VOTE: 5 ayes; motion carried.

16. VOLUNTEERS CHRISTMAS PARTY – DECEMBER 8TH

Mr. Stone reported that arrangements have been made with Wally Gates for a Christmas Party at the Senior Center on Saturday evening, 12/08/2007.

17. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

18. ADJOURNMENT and EXECUTIVE SESSION

See motion to recess the regular meeting and enter Executive Session for the purpose of discussing potential Litigation Matters, agenda item # 13.

The meeting was recessed and the Board entered Executive Session at 10:00 p.m.

MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn Executive Session and reconvene the regular meeting.

VOTE:

MOTION by Mr. Ladue, seconded by Ms. Cole, to adjourn the regular meeting.

VOTE:

The meeting was adjourned at 10:55 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary.

These minutes are subject to correction by the Charlotte Selectboard. Changes, if any, will be recorded in the minutes of the next meeting of the Board.