

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
June 08, 2009**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Nancy Sabin, Mariana DuBrul, Trish Coleman, Roger Nishi, Joe Smith, Chris Preston, Joe Zilko, Tracey Beaudin, Lisa Kiley, Mary Lighthall, Eric Lemery, Margaret Kurt, Mike Kurt, Patty Horsford, Mike Frost, Robin Reid, Michael Burke, Maura O'Brien, Larry Hamilton, Jim Donovan, Robbie Stanley, Ellie Russell, Hugh Lewis Jr, and others.

(Note: The warned agenda was heard out of order, but appears in the published order for continuity.)

1. CALL TO ORDER

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

2. ADJUSTMENTS TO AGENDA

Add: Funding Remainder of a Co-housing Trail Grant;
Decision Making Discussion.

3. PUBLIC DISCUSSION

None.

4. APPROVAL OF THE MINUTES OF 03/30/2009, 05/11/2009, 05/18/2009

MOTION by Ms. Cole, seconded by Mr. Stone, to approve the minutes of 05/11/2009 as written, with corrections:

Page 1, correct the Administration heading to read "Selectboard Assistant";

Page 3, 9th paragraph, correct the name "Steve MacKillop";

Page 5, globally correct the name "Alexandria Lehmann".

VOTE: 5 ayes; motion carried.

MOTION by Ms. Cole, seconded by Mr. Stone, to approve the minutes of 05/18/2009 as written, with corrections:

Page 4, 3rd paragraph, delete the first paragraph.

VOTE: 5 ayes; motion carried.

5. INTERVIEW MARIANA DuBRUL FOR THE CONSERVATION COMMISSION (4 YEAR TERM)

The Selectboard interviewed Mariana DuBrul for a position on the Conservation Commission.

MOTION by Mr. Thornton, seconded by Ms. Cole, to appoint Mariana DuBrul to the Conservation Commission for a 4 year term.

VOTE: 5 ayes; motion carried.

6a. FUNDING THE REMAINDER OF A CO-HOUSING TRAIL GRANT

Mr. Stone reported that a grant application to fund a Co-housing trail under Route 7 to connect with existing trails was submitted. Mr. Bloch explained the grant was to fund a study to determine wetlands and map archeological sensitive sites. The RPC put out an RFP. A response to the RFP was received from Broadreach Planning and Design, dated 03/16/2009. The grant was approved, but the AOT determined that some aspects of the grant did not qualify for funding.

Mr. Thornton asked if there was a demand for a connecting trail, and who would use the proposed path. Mr. Russell replied that the path would connect Mt Philo to the West Village and to the Town beach. Currently the first phase of the path network doesn't connect. The Town has been waiting for a Route 7 underpass.

Mr. Bloch noted that UVM is booked to research the potential archeological areas. The \$2,000 to fund the study would come from this year's budget.

In response to a Board question, Mr. Bloch said that there was \$5,000 remaining in the Trail's Committee budget.

MOTION by Mr. Stone, seconded by Mr. Ladue, to allocate \$2,000 from the Trail's Committee budget to fund an Archeological study regarding a proposed Co-housing trail.

DISCUSSION:

Mr. Bloch explained that a contractor was selected by the RPC for a variety of work. This project was one aspect included in the Scope of Work. Mr. Bloch suggested that the Selectboard delay a vote until Jim Donovan, consultant, appeared to answer any questions.

Mr. Stone and Mr. Ladue tabled a vote on the motion until Mr. Donovan could appear.

(NOTE: Jim Donovan arrived during agenda item #8, discussion on re-paving Ferry Road. The Selectboard continued discussion of the Co-housing trail following agenda item #9.)

Mr. Donovan reported that he has not heard back from UVM, but the project is on the UVM schedule with a \$1,980-1,985 estimate to conduct an archeology study of the site.

Mr. Ladue asked if there was a defined area to look at. Mr. Donovan replied that the UVM team would look at the entire property. The MPO and RPC was trying to save the grant funding.

Mr. Ladue pointed out that VTrans wanted an environmental study. Mr. Donovan explained that the project included signage, interpretive work, and bike/pedestrian work. VTrans would administer the By-ways grant, which was approved. Then VTrans said the Co-housing trail didn't meet the criteria for a By-ways grant and to stop work.

Mr. Ladue asked if Mr. Donovan's consultant contract has a stop work section. Mr. Donovan explained that he has an on call contract. The state has a contract with the RPC. The archeology study part is in the contract documents. UVM has previous knowledge from past studies of the area what to expect in terms of archeological sites. If there are archeology resources then we can move the trail path.

Mr. Ladue suggested that a low impact path wouldn't have an impact on resources. Mr. Donovan pointed out that there were expenses for building up a low impact path and that could have an impact on drainage.

Mr. Ladue asked what amount Charlotte would need to put up. Mr. Donovan replied that there is \$2,000 allocated in the budget. No one has withdrawn the funds at this time.

MOTION by Mr. Stone, seconded by Mr. Ladue, to spend up to \$2,000 from the Trail's Committee budget to fund an archeological study regarding a proposed Co-housing Trail if needed.

DISCUSSION:

Mr. Stone suggested that Town staff contact the Trail's Committee to inform them that \$2,000 has been committed from the committee's budget for the Co-housing Trail project.

VOTE: 5 ayes; motion carried.

Mr. Donovan said he would contact UVM.

6b. BURNS PROPERTY – REVIEW TASK FORCE'S RECOMMENDED SITE PLAN

Charlie Prout and David Mullin, Burn's Property Task Force representatives, explained a proposal to take an affordable housing project to Sketch Plan Review before the Planning Commission.

Mr. Prout reviewed a Site Plan for a three-lot subdivision in the southwest corner of the Burn's Property as voted on at the March Town Meeting. There was sufficient septic (one shared system with one pump station) available for a three-lot subdivision. A perimeter drain was shown on the Site Plan. A common lot and three building lots (at 80' X 140' per lot) with individual driveways were proposed. A shared water well was identified for the three building lots. A request to lower the 45 mph speed limit at the top of the hill to 35 mph would be proposed.

Mr. Prout explained that the abutting neighbors were involved in the planning process and have signed off on the proposal. It is expected that the Planning Commission may propose changes to the current proposal.

Mr. Ladue expressed concern that there might be ground flow from the development septic that could jeopardize the Town's septic.

Mr. Ladue suggested exploring solar low cost housing designs.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve the Burn's Property Task Force recommendations, that the Selectboard has reviewed, to make application to the Charlotte Planning Commission for Sketch Plan Review, that the Burn's Property Task Force continue to present the project to the conclusion of the project, and to authorize the Charlotte Selectboard Chairperson to sign the Sketch Plan application on behalf of the Town of Charlotte.

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

7. GREEN MOUNTAIN POWER – Petition to Place New Utility Poles Within the Rights of Way on Lake Road and Hills Point Road

Eric Lemery, Green Mountain Power representative, handed out a copy of a revised Site Plan to place new utility poles within the rights-of-way on Lake Road and Hills Point Road for Board review. An e-mail was sent to the Selectboard Assistant regarding a cost analysis to conduct a feasibility study. It would cost \$250 to come up with an estimate.

Mr. Russell reviewed that Champlain Telecom and Green Mountain Power are proposing a co-location on 12-13 taller poles. The Town has asked for a cost to underground the new lines versus overhead lines.

Tracey Beaudin, Hills Point Road resident, asked how tall the poles would be on Hills Point Road. Mr. Lemery replied that the current poles were 35' high and would change to 40' tall with two at 45' crossing Hills Point Road. There would be a one-for-one pole replacement.

Ms. Beaudin expressed concern regarding possible adverse impacts to a tall Weeping Willow that is interfering with the existing lines on her property.

Mr. Stone read Section 5.8.12 of the Town Plan related to new lines being placed underground versus overhead. Mr. Lemery reviewed Public Service Rule 3.700 related to co-locating lines and Rule 5.600 related to relocation and rebuilding of lines.

Undergrounding costs were to be paid by those requesting it. In 2002 we went through the same process with the Town., said Mr. Lemery. Mr. Russell replied that the Town went through the same situation with VELCO. VELCO said that it would cost 10 times more to underground a line. The Town has asked Green Mountain Power to show that it is more reasonable to co-locate overhead lines then to underground new lines. Mr. Lemery said that he would need to talk to a company attorney.

Mr. Stone said that if the Selectboard needed to go back to the Town voters in March regarding potential Town Plan re-writes then they would need facts and figures to

present. If the language in the current Town Plan is not usable then the Town would need to know that.

There was lengthy discussion regarding Town Plan language that was influenced by the VELCO project; Hill Point Road lines that the homeowners paid to have undergrounded (Mr. Lemery pointed out the lines underground were low voltage lines to the houses. High voltage lines would be strung along the roads); the focus of the rebuilt lines that would improve power quality and reliability; and what orders supercede Town Plan language (Mr. Lemery said that Green Mountain Power follows Vermont Public Service rules). Mr. Lemery explained that Title 30 of the state statutes would force a utility to bury line at road crossings for safety reasons. Title 30 rulings state that permits must be submitted to local road commissioners for review to make sure there would be no impediments of roadways, said Mr. Lemery.

Jim Donovan noted that Language in the Town Plan regarding Lake Road was new in response to the VELCO project. Mr. Donovan submitted a letter with concerns to the Board from Valerie and Bill Graham, Barry Finette and Sharon Mount, dated 06/08/2009.

Trish Coleman asked if the lines were buried would the cost shift from a Hills Point Road or Lake Road homeowner to the Town in general.

Ms. Cole noted that Utility Line Policies and Strategies section of the Town Plan related to undergrounding lines has further discussion on co-locating of lines/infrastructure.

Mike Kurt, resident, pointed out that fiber optic lines are located lower on a pole than transmission lines, which are located at the top of a pole. If there is an option to get the fiber optic/telephone line buried what is the cost, asked Mr. Kurt.

Roger Nishi, Waitsfield/Champlain Valley Telecom, said that the issue would come up again in terms of cost. Joe Smith, Waitsfield/Champlain Valley Telecom engineer, said that the cost of installation for an aerial line was \$0.52 per foot and \$300 per pole versus \$6+ for direct burial of a line.

Mr. Nishi said the fiber optic project would bring faster speed service to town. If the line was buried and the cost spread across all Vermont users of the service that was not fair.

Mark Binkhorst, Hill's Point Road resident, asked if the line would go on the west or east side of the road. Mr. Lemery replied the line would go mostly on the west side.

There was further discussion regarding the width of the land required along the road right-of-way (10' adjacent to the right-of-way would be used); an offer by Waitsfield/Champlain Telecom to estimate costs for overhead lines versus buried for no cost; and Town Plan language in Williston and South Burlington that lines would be buried "if feasible".

8. RE-PAVING OF FERRY ROAD – Review Design for Paved Pedestrian Lane on the North Side between the Little Garden Market and the Old Brick Store

Mr. Russell noted proposed changes to a previously discussed pedestrian lane. A revised sketch shows two 10' vehicular lanes and 3' walking lanes on each side of the road. Ms. Cole explained 12' vehicle lanes, 8' to 10' parking lanes, a 3' parking lane in front of the Old Brick Store, and curbing in front of the Frost house to the edge of a narrower 11' vehicle lane. The Frost's have granted permission for people to walk on a grassy area in front of their home. A line would lead up to the curbing to delineate a walking lane.

Mr. Ladue asked why the road width was not 10' all the way. Mr. Russell said if the road width was kept at 10' that would give 4' for parking at the Old Brick Store.

Stephen Brooks suggested a pedestrian/green space on the north side of the road and to continue bold lines up to the monument/stop sign. Then make everything north of that pedestrian green space and make angled parking going south.

In response to a question, Mr. Thornton said the road was a 4 rod road.

Junior Lewis, Charlotte Road Commissioner, said that the input was good, but he didn't know if people could be kept from parking on the pedestrian walkway. Mr. Russell pointed out that lines could be painted now to try out the proposed configuration since the road wouldn't be paved for a month. If it doesn't work out then the lines could be paved over and we can try something else.

Mike Frost, resident, spoke in support of putting in curbing and creating a green space. People walk on grass. Curbing does make drivers slow down since the roadway narrows.

Mr. Stone expressed concern that truck drivers delivering produce would park at the store and create a one-lane road, which happens currently.

Trish Coleman expressed concern that creating pedestrian lanes would lead to future sidewalks throughout the village with additional expenses.

Jim Donovan suggested moving the (Frost) curb out another foot and include bicyclists as well. A pedestrian lane would force bicyclists out into the roadway. A cross walk at the eastern end of the Old Brick Store should be considered due to parking on the south side across from the store. Cross walks could be put in by the Post Office and Senior Center as well.

Mr. Lewis said that it made sense to widen the pedestrian lane on the south side for both pedestrians and bikes. That would make the travel lane 10'. Curbing would work better at the west end of the Post Office, said Mr. Lewis.

Nancy Sabin asked who would clear snow off the walkways. Mr. Stone replied the Town would plow the travel ways.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve painting lines for 10' travel lanes as presented in a Site Plan drawing, dated 06/09/2009.

VOTE: 5 ayes; motion carried.

9. REVIEW COST QUOTE FROM ENGINEERS CONSTRUCTION, INC. FOR INSTALLING CURBING AROUND WORLD WAR I MONUMENT AT INTERSECTION OF GREENBUSH ROAD AND FERRY ROAD

Mr. Russell reviewed a discussion between Al Pigeon, Engineers Construction, Inc, and the Town regarding a recommendation to leave the monument where it is, or moving the monument one foot north for minimal cost. Ms. Cole pointed out that changing the shape of the curbing would mean a slightly smaller garden. There are concerns that moving it would impact parking at the Old Brick Store and making changes to the intersection as well. The Town has explored other curbing configurations using the ECI information, said Ms. Cole.

Ms. Coleman asked why not save money and move the monument to the Town Green with a nice garden area. Ms. Cole explained that the Monument Committee gathered input and there was stronger desire to leave it where it is.

Mr. Russell reviewed issues with trucks running over the current monument curbing and hap-hazard parking at the Old Brick Store. Trucks have a problem maneuvering through the intersection.

Mr. Donovan spoke in support of the current monument location. When roads are narrow drivers travel slower. It is a relatively safe intersection because the monument is there. The flowers and landscaping are fantastic. If you make it easier to negotiate the intersection then people would go faster.

Patty Horsford agreed with the safety factor. A young mother who walks to the Old Brick Store has nearly been hit by people cutting the corner to avoid the stop sign. Kari had a drawing in the store showing the monument moved north and east. There is an estimate of \$15,000 for 18" curbing, which should be re-thought.

Mr. Thornton noted that he has trouble making the corner in his pick up truck. The store "parking lot" is not parking, but a part of the right-of-way.

Ms. Sabin said to move the monument back 3' and 2' toward the store.

Ms. Cole reviewed a \$1,700 cost estimate for raising the monument on its base, which is included in the cost of the 18" granite curbing.

There was further discussion regarding past solutions to protect the monument that included asking large trucks to use alternate routes to Horsford's Nursery.

Mr. Stone spoke in support of moving the monument. A problem was created when the Town allowed a homeowner at the intersection to erect a stone wall and plant a hedge in the Town right-of-way.

Mr. Lewis suggested the Selectboard to write a letter to Horsford's and area horse farms asking them to tell their delivery companies or horse vans that there was no right hand turn at the intersection. If the monument was moved it should be moved north and toward the store. Trucks would still run over curbing even at 18' high. What happens if the curbing is moved and who pays for it.

Mr. Stone suggested spending \$625 to put in curbing as approved 2 years ago. The town has \$9,000 to fix the monument, but we should not increase the budget another \$7,000 more.

Mr. Brooks said the grade is now 8" above the pavement. If the curbing height was increased to 18" versus 10" then the monument should be raised proportionately. If the monument was moved 1' over on its base that would create pressures on two edges and take pressure off two edges. The base weighs 9 tons. The foundation would have to be moved too. A professional engineering drawing was needed with an engineer's signature. Mr. Stone's suggestion to remove the stone wall has merit for public safety. That should be discussed with the property owner.

Alexandria Lehmann asked why the Board didn't take the Road Commissioner's word regarding vehicle problems into account. What does Mr. Ladue not like about moving the monument back, asked Ms. Lehmann. Mr. Ladue replied that he was still taking input and ideas into consideration. There have been a number of solutions expressed that could work. The best workable solution at the least cost is of interest. It would be good to have a turning radius friendly to the monument and removing the wall is a good idea. Writing letters to limit truck traffic is a good idea. I am not in favor of moving the monument, stated Mr. Ladue.

Ms. Lehmann asked what the criteria was for deciding a timeline. Mr. Ladue replied that the Board wanted to make a decision in time for repaving this summer. Cost is a factor in the decision making. Ms. Cole said one option that could be done is a concrete 8" curb.

Ms. Coleman said that the budget is already overspent. Will the money come out of the air, asked Ms. Coleman. Ms. Cole explained that the Town has an estimate and some funds. Some additional funds would be needed. It is nice to have the garden and monument at the intersection, said Ms. Cole. Ms. Coleman said the Board should stay within the \$9,000.

Ms. Sabin said that Densmore and Company would have an in-house engineer that could give a cost estimate. Mr. Brooks stated that the company did not have an in-house engineer.

There was further discussion regarding approaching the land owner regarding the stone wall and lilac hedge planted in the town right-of-way; an audience member concern that the town may have relinquished ownership of the right-of-way land to the property owner; the flower garden at the monument paid for and planted by Ms. Lehmann; and a request by Ms. Lehmann for the Selectboard to commit to talking with the land owner (of the stone wall).

It was the consensus of the Selectboard to talk with the land owner.

There was further discussion regarding Ferry Road traffic; a suggestion to have the Road Commissioner put in new concrete curbing to repair the existing curbing in the interim; rounding the curbing corners into a tear-drop shape around the monument for the garden; and moving the stone wall and hedge without spending money to see if that solves the problems.

Ms. Lehmann said she would pay the Road Commissioner to put in the new curbing. Mr. Lewis said if new curbing was put in now then we should make sure that we can replace the cement with granite in the future.

Mr. Ladue spoke in support of the round corners as per the ECI drawing.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve fixing the existing concrete curbing at the World War I monument located at the Greenbush and Ferry roads intersection for a cost not to exceed \$1,000, to round the curbing corners, contact Mr. Orin regarding a stone wall and hedge located within the Town right-of-way, and to extend the yellow traffic line.

DISCUSSION:

Mr. Brooks said the Town has a \$650 estimate to fix the existing concrete curbing in its current configuration.

Ms. Cole said she had heard that rebar in the concrete was not a good idea. Does the Town have a written proposal, asked Ms. Cole. Mr. Brooks replied yes, from me for \$650 for a temporary measure. Mr. Lewis reported that Ms. Lehmann said that the curbing was needed to keep the garden soil in.

Mr. Russell suggested holding off a vote for a week to allow the Town to have a discussion with Mr. Orin.

Mr. Stone and Mr. Ladue withdrew the motion.

**10. GUY BALDWIN – Offer of 7.3 Acre Parcel on Lewis Creek Road
The Selectboard decided to take no action on this offer.**

11. UPDATES AND EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Mr. Ladue, to recess the regular meeting and enter Executive Session for the purpose of discussing Tax Appeal Matters related to Robert Grist, and to invite Kay Gault and the Selectboard Assistant to attend.

VOTE: 5 ayes; motion carried.

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

12. APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants as presented.

13. ADJOURNMENT

MOTION by , seconded by , to adjourn the meeting.

VOTE: ; .

The meeting was adjourned at p.m.

Respectfully submitted, Kathlyn 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.