

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
APRIL 23, 2007**

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Nancy Sabin, Gloria Warden, Emily Stetson, Gerry Couture, Chris Brom, Jonathan Freese, Tome Mansfield, Jack Chrisman, Jessie Fry, Tim Sampson, David Conard, Don Johnson, David Miskell, John Hammer, Charlotte News, Rachel Gill

SITE VISIT: For Highway Access Permit, 2030 Greenbush Road

1. CALL TO ORDER

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

2. ADJUSTMENT TO ADENDA

None.

3. PUBLIC DISCUSSION

None.

4. MINUTES

MOTION by Mr. Winslow, seconded by Ms. Cole, to approve the minutes of 04/09/2007 as written, with corrections as follows:

Page 2, Motion for the Field House Athletic Club, correct the date of “04/28/2007”;

Page 5, 7th paragraph, replace the word “reserve” with the word “install”.

VOTE: 5 ayes; motion carried.

5. LEADER PROGRAM – VLCT HEALTH INSURANCE INCENTIVE PROGRAM

Gloria Warden handed out copies of a VLCT Health Insurance Incentive Program that was started five years ago, and explained advantages of the program. The Town could receive credits for what the Town pays for health insurance. Benchmarks would need to be established the first year. A Letter Of Intent was needed from the Board, which would commit the Town to completing the benchmarks.

Mr. Thornton asked what the burden would be for the Town employees. Ms. Warden replied that a coordinator would be appointed. Staff recommended establishing a committee to work with a Wellness Coordinator to run wellness/safety meetings.

Mr. Thornton asked for clarification of the criteria and the benefits to the Town. Mr. Thornton expressed concern that volunteer programs might become mandatory at some future time.

Ms. Cole asked if a Wellness Coordinator could be a Town employee. Ms. Warden replied that it wasn't specific, it just says a Wellness Coordinator was needed.

Mr. Russell noted that there were eight employees/officials on the Town insurance program.

Mr. Stone and Ms. Cole spoke in favor of the program. Mr. Thornton said he would like to know more information. Mr. Russell said the Town could send in a letter, or wait until the 05/14/2007 Selectboard meeting for further discussion.

MOTION by Mr. Stone, seconded by Ms. Cole, that the Town of Charlotte involve the Leader Program for a Health Promotion Incentive Program for health insurance members who participate in the health programs; and to send a Letter Of Intent as soon as possible indicating that the Town's intent was to participate in the program.

DISCUSSION:

Mr. Thornton reiterated concern that he didn't have enough information regarding the program.

John Hammer, resident, pointed out that there were 25 towns participating in the program.

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

6. HIGHWAY ACCESS PERMIT FOR CHRIS BROWN AND ERIN HYER AT 2030 GREENBUSH ROAD

MOTION by Mr. Stone, seconded by Mr. Thornton, to open a public hearing regarding HAP-07-05.

VOTE: 5 ayes; motion carried.

Chris Brown, owner of the subject property, explained a proposed change to a previous Highway Access Permit to improve the decent of a driveway down a hill, which would cut across the hill north to south. The new driveway path would minimize impacts to the lot, and minimize the need for fill. There were no changes the landscape planned. The driveway would be 132' long, and come past the trees.

There was discussion regarding a location of a proposed barn and distances on a site map.

Mr. Russell read the 2006 approval for a Highway Access Permit and conditions. Last year sight lines originally proposed were 200' to the north and 500' to the south. Mr. Ladue said that the new proposal was for a 300' line of sight. Mr. Brown explained that he did major tree trimming and the area was more open now.

Mr. Russell pointed out that conditions called for tree trimming in perpetuity. Fill would be needed in either driveway location and trees would be cut back. There was nothing showing how much cutting or filling is needed, or what the grade is on the Site Map.

Mr. Brown stated that the line of sight is unimpeded after the tree trimming. The slope of the hill increases the further south the driveway went. Nick Martin developed the original application and sold the lot to me, explained Mr. Brown.

There was further discussion regarding line of sight distances provided by the Charlotte Road Commissioner; growth of the trees along the road; a condition that the applicant was required to secure an agreement from the neighbor to trim trees in perpetuity (Mr. Brown said that Town employees had cut trees on both sides of the road, which improved the line of sight); and what the Town policy was in positioning driveway entrances opposite from each other for safety issues.

Jonathan Freese, neighbor, spoke in support of pushing the driveway to the north end. Ted Roberts also thinks it is a good idea, and had no objection to keeping the trees trimmed as long as the trees were not cut down, said Mr. Freese.

Mr. Ladue asked for clarification regarding requirements for a Letter Of Instruction related to an agreement for cutting trees.

**MOTION by Mr. Stone, seconded by Mr. Thornton, to close the Public Hearing regarding a Highway Access Permit -07-05, 2030 Greenbush Road.
VOTE: 5 ayes; motion carried.**

Mr. Russell said that the Selectboard would issue a written decision.

7. SELECT CONTRACTOR(S) FOR LAND MAINTENANCE AND BRUSH-HOGGING CONTRACTS

Mr. Russell reviewed four bids received for land maintenance contracts regarding lawn mowing and brush-hogging. The Lakefield Ball field was included under item #2, and the tennis courts was included under item #1.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to award a brush-hogging bid to Chris Fortin for an amount of \$1,725.00, or \$1,575.00 without the Mack Trail.
VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Thornton, seconded by Mr. Ladue, to reconsider the previous motion.
VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Stone, seconded by Mr. Thornton, to award a brush-hogging contract to Justin Bora for the amount of \$1,575.00 for Barber Hill, Burns Property, Landfill-Greenbush, and Landfill-Plouffe Lane for the year 2007.
VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Stone, seconded by Ms. Cole, to award the contract for the Berry Farm Ballfield to Jim Sestokas for the amount of \$6,960.00.
DISCUSSION:**

Ms. Sabin asked if the Little League contributed to the upkeep of the ball field. The Little League had said that they would pay for the field maintenance, said Ms. Sabin. Mr. Russell replied that the Little League fertilized the field. The Town voters had approved taking over maintenance of the field.

Gerry Couture, resident, asked if the only deciding factor for awarding contracts was the lowest bid. Mr. Russell replied that the Selectboard reserved the right to award contracts. Mr. Couture said that he had provided maintenance second-to none last year during a difficult season. He wouldn't change his bid, but if job performance value is factored into the decision then he believes he did provide good service.

VOTE: 4 ayes, 1 abstention; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Stone, to award the contract for the Trevor Mack Trail mowing for the amount of \$100.00 for the season to Prestons.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to award the Town Beach, Lake Field, and Town Green contract to Justin Bora for the amount of \$10,985.

VOTE: 5 ayes; motion carried.

MOTION by Ms. Cole, seconded by Mr. Stone, to award the contract for the Charlotte Park and Wildlife Refuge to Chris Fortin for the amount of \$4,500.00.

VOTE: 5 ayes; motion carried.

8. VELCO/MACK REQUEST TO USE CONSERVED LAND ON NORTH GREENBUSH ROAD FOR VELCO STAGING AREA

Tim Sampson, Charlotte Land Trust representative,

Robert Mack said that he was approached by VELCO regarding a possible two-year lease of numerous properties along the rail road that included a 25.5 acre parcel off Greenbush Road (part of the Lavallette property) to store poles starting May 1st.

There was discussion regarding the length of the route section that the poles would be installed along, (Mr. Mack said the poles would be used on the VELCO route from Ferrisburg to Shelburne); the number of trips generated from the staging field to the site where a pole was needed (Mr. Mack said the he expected that the trucks would take the safest and easiest route, and VELCO might use helicopters when necessary); if upgrades were needed to the agricultural road for VELCO to use (Mr. Mack said the agricultural road was 70' and he hoped would be upgraded); and a letter from Fran Foster, Charlotte Land Trust, regarding stewardship of the conserved land. Mr. Stone said Mr. Mack was premature to appear before the Board if there weren't answers to Board questions/concerns.

Mr. Mack said he has not seen a lease contract and suggested that a site visit was a first step before a public hearing. Mr. Mack said that ideally he would plant corn by the first of May.

Mr. Russell said the Town has the right to enforce violations related to land covenants and restrictions, and read Land Trust agreement rights of enforcement regarding agricultural and scenic covenants. .

Mr. Ladue said the language in the deed included a right to construct a building, such as barns, sugar house, or similar buildings. Mr. Mack said that a proposed building envelope could be moved.

Mr. Ladue said that a question was if a staging area to store poles was an agricultural use as per the covenants. Mr. Mack pointed out that the Teddy Bear Factory has a conservation easement and would be considered for a staging area for VELCO. Mr. Ladue asked if there were other options, such as at the Charlotte railroad facility.

Ms. Sabin asked how VELCO would transport an 80' pole around the turns and bends in the roadways. Greg Walsh, VELCO representative, said that a reticulating vehicle would be used. Construction wouldn't start until July 1st, not May 1st. Mr. Walsh suggested that the Board schedule a site visit with VELCO representatives to answer questions.

Mr. Walsh clarified that VELCO was looking for a staging space with the least impact. VELCO would try to confirm what the Charlotte Land Trust wants VELCO to do. There were discussions with Fran Foster, the Vermont Land Trust and the Vermont Teddy Bear Factory in Shelburne. VELCO would have to consider any environmental, or archeological impacts.

Ms. Cole pointed out that part of the agricultural driveway was also part of a private driveway. Mr. Mack said he had not approached the property owner (of the shared driveway) yet.

Mr. Walsh clarified that he doubted that VELCO would use a helicopter except as a last resort. A lot of people in the area own horses and VELCO wouldn't want to cause any problems. VELCO was looking at other options for staging areas in South Burlington, Shelburne, etc, and if the Mack property was denied VELCO would keep looking.

There was brief discussion regarding rail road siding needs that were critical. Ms. Cole suggested using the state owned land on Ferry Road for a staging area. Mr. Walsh replied that there were wetlands on that site.

Jack Clemmons, resident, expressed concern regarding potential noise, impacts on views, and traffic on Greenbush Road. Mr. Walsh explained that there could be a maximum of 200 poles on site, which the field could support. The growth of the corn would shield the poles from view. VELCO hasn't contracted with the Vermont Railway yet.

Don Johnson, resident, asked if the poles would be off-loaded at Greenbush Road and not off-loaded by rail. Mr. Walsh explained that the poles would be off-loaded by rail and flat car trucks would take the poles to the staging area. Each truck could take 15-16 poles. Poles would also be stored at the Meach Cove property, and another staging area would be located south of Vergennes.

Emily Stetson, resident, expressed concern that using Greenbush Road would endanger bicyclists, children, and the safety of motorists. There are 19-20 children that live along Greenbush Road.

Ms. Sabin reiterated concern that using the conserved land for a staging area was not an agricultural use, and that 70-80' poles would impact the road safety.

Mr. Stone suggested that VELCO could build a road to the back of the farm property.

Ms. Sabin asked if the farm was a part of the Land Trust. Mr. Mack replied yes.

Ms. Cole asked if delivery of all material would be by rail. Mr. Walsh suggested that the Board should schedule a site visit, or e-mail questions, which VELCO would answer.

Mr. Russell asked VELCO to forward a list of other potential options. The Town paid money (to acquire the easements) and there are restrictions on the land. There were no provisions for temporary disturbances, said Mr. Russell. Mr. Walsh said that this was the best location as per the construction manager.

Tim Sampson said the Charlotte Land Trust doesn't have an easement on the Mack Farm, but does on the Lavallette piece.

The Board would compile a list of questions and explore options for other locations.

9. THOMPSON'S POINT WASTEWATER ORDINANCE

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a Town of Charlotte Thompson's Point Wastewater Ordinance as amended and restated, dated 04/23/2007, with definitions for "low-flow" designs, Section 207 and Section 208 (page 7) Clothes and Dish Washers added; Section 402 (page 4-5), no additional plumbing after 1993, or flow offsets for flow reduction.

DISCUSSION:

Mr. Ladue noted that there were four documents that included Schedule A and B, and Appendix A and B. It would be good to have the four documents attached to the ordinance.

There was brief discussion regarding a potential to Amend the Motion.

Mr. Thornton asked how Section 504 would be enforced. Mr. Mansfield explained that if there is a problem with the supply line then the bill would go to the camp owner versus the lease holders.

Mr. Ladue suggested added language to Appendix B for a notice to system users that there may come a time for conservation measures and what those steps would be; and where the private system(s) end and where the shared public system starts.

There was discussion regarding the public septic system, which included the step tank; the camp owner responsibility, which was taking care of the line from the step tank to the camp; and a suggestion to include the community system as part of the definition Section 215.

AMENDMENT to the motion by Mr. Stone, seconded by Mr. Thornton, to include language for future conservation measures; and to delete Section 1101.

DISCUSSION:

Mr. Mansfield explained that Section 213, definition of public sewer, was understood as where the underground pipe connects to camps is the start of the public sewer.

VOTE on Amendment: 5 ayes; motion carried.

10. APPROVE APPLICATION FOR A MUNICIPAL EDUCATION GRANT FOR PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT WORKSHOP

Mr. Russell explained the application was for a grant for two training sessions headed by Steve Stitzle.

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve an application for a Municipal Education Grant for the purpose of retaining the services of Steve Stitzle for Planning Commission and Zoning Board of Adjustment workshop(s), and to authorize the Selectboard Chair to sign the grant application on behalf of the Town of Charlotte.

DISCUSSION:

Mr. Ladue suggested inviting Shelburne and Hinesburg to participate in the workshops.

VOTE: 5 ayes; motion carried.

11. GREEN MOUNTAIN POWER – PETITION TO REPLACE ONE POLE, ADD A POLE AND THREE REGULATORS BETWEEN 1510 HINESBURG ROAD AND 1711 HINESBURG ROAD

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a petition by Green Mountain Power to replace one pole, add a pole and three regulators between 1510 Hinesburg Road and 1711 Hinesburg Road.

DISCUSSION:

Ms. Cole asked what the height of the pole near Pizza On Earth was, and if this could be an opportunity to remove the pole in the area where the regulators were being removed. Mr. Ladue asked if there is a pole height Ms. Cole would like the pole to be. Ms. Cole replied the lower the better.

Mr. Stone suggested inviting a Green Mountain Power representative to appear before the Board.

Mr. Stone and Mr. Thornton withdrew the motion for future discussion.

12. SPEARS CORNER STORE – REQUEST FOR CLASS 1 AND CLASS II LIQUOR LICENSE

MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn as the Charlotte Selectboard and reconvene as the Charlotte Liquor Control Board.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a Class II Liquor License for the Spears Corner Store as presented.

VOTE: 5 aye; motion carried.

MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn as the Charlotte Liquor Control Board and reconvene as the Charlotte Selectboard.

VOTE: 5 ayes; motion carried.

13. APPOINTMENTS TO TRAIL COMMITTEE

Mr. Russell recused himself.

MOTION by Mr. Ladue, seconded by Mr. Stone, to appoint the following to the Trail Committee: Brook Scatchard, Trina Bianchi and Michael Russell for one-year terms; and Margaret Russell, Tom Bates, Carol Clay and Gary Franklin for two-year terms.

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

Mr. Russell rejoined the Board.

14. THOMPSON'S POINT – LEASE FOR LOTS 118 AND 119

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a Thompson's Point lease for Lots 118 and 119 as presented.

VOTE: 5 ayes; motion carried.

1. ARBOR DAY DECLARATION

MOTION by Mr. Stone, seconded by Mr. Ladue, to declare May 4 and 5th as Arbor Day.

VOTE: 5 ayes; motion carried.

16. SELECTBOARD UPDATE

1. SECOND CONSTABLE

Discussion of a position for a Second Constable was tabled.

2. POSSIBLE AMENDMENTS TO PERSONNEL POLICY

Mr. Russell explained a definition of a "full-time" position was 35 hours per week.

Mr. Thornton asked the definition met the Labor Law definition.

Mr. Russell said that the amendment would change 35 hours to 30 hours for a full-time position, which would qualify an employee to receive benefits.

3. CHARLOTTE LAND TRUST APPLICATION FOR MOUNT PHILO INITIATIVE

Mr. Bloch reviewed a memo from Kate Lampton was only a FYI for the Board.

Staff suggested advertising a Lister position in the Charlotte News.

4. SETTLEMENT OF APPEAL BY CLARK HINSDALE JR

Mr. Russell reported that he was authorized to mediate a settlement of the Clark Hinsdale Jr. Appeal, which was finalized. The Planning Commission decision paperwork needs finalizing, said Mr. Russell. Mr. Bloch explained that staff was working on the paperwork. There was a question of what was considered an “earth tone” on a building. The answer was “you know it when you see it.”

5. LETTER OF SUPPORT

Mr. Russell said the Town Planner would draft a letter of support for the Vermont Housing and Conservation Board for the Selectboard Chairperson to sign. The Charlotte Land Trust was purchasing 69 acres (/Allman property) adjacent to Mt Philo State Park for \$1.2 million.

Mr. Ladue asked what the Land Trust objective was.

There was discussion regarding the source of funding of \$300,000 of taxpayer money; a discussion with Fran Foster was needed (Mr. Russell would talk to Fran Foster); and Selectboard support for a letter (Mr. Stone and Mr. Thornton didn't see a need for a letter).

17. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

18. ADJOURNMENT

MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:25 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.

12. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

13. ADJOURNMENT and EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Mr. Thornton, to adjourn the meeting and enter Executive Session for the purpose of discussing the Clark Hinsdale III Mt Philo appeal.

VOTE: 5 ayes; motion carried.

The meeting was adjourned and the Board entered Executive Session at 9:16 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.