

**TOWN OF CHARLOTTE  
SELECTBOARD MEETINGS  
NOVEMBER 19, 2007**

**APPROVED**

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

**ADMINISTRATOR:** Dean Bloch.

**OTHERS:** Ellie Russell, Linda Hamilton, Larry Hamilton, Robert Paul, Robbie Stanley, Norm Anderson, Liam Murphy, Josh Flore, David Miskell, Dina Townsend, Clark Hinsdale III, Bill Fraser-Harris, Carrie Spear, Rachel Gill, Charlotte Citizen; and others.

**1. CALL TO ORDER**

Mr. Russell called the meeting to order at 7:00 p.m.

**2. ADJUSTMENT TO AGENDA**

None.

**3. PUBLIC DISCUSSION**

None.

**4. MINUTES**

**MOTION** by Ms. Cole, seconded by Mr. Stone, to approve the minutes of 11/05/2007 as written, with the following corrections:

**Page 5, agenda item #9, correct the spelling of "DRAFT";**

**Page 6, 5<sup>th</sup> paragraph, change the name to "Shelburne Police Citizen Advisory Board".**

**VOTE: 5 ayes; motion carried.**

**5. THOMPSON'S POINT COUNTRY CLUB – REQUEST FOR INFORMAL BALL FIELD**

Robert Paul, Thompson's Point Country Club President, explained a proposal by the Thompson's Point Country Club and cottage owners to seek permission from the Town to clean up, level off, and mow a currently overgrown old dump/burn site. The field was located on the south side of the mound system. Once the field was reseeded an informal soccer and football field would be created. The field would keep the kids off the road and provide a safe playing area. The field would be open for use by the public.

Mr. Paul submitted photographs of the proposed site (requested by Mr. Bloch) for Board review.

There was discussion regarding the existing Thompson's Point Wastewater system and impact a playing field might have on the mound system(s); a suggestion to maintain a 75-100' buffer distance between the edge of the proposed field and nearest mound; a

suggestion to fence off the mound and if any debris had been buried at the previous dump/burn site.

In response to Board questions, Mr. Paul reviewed a brief history of the Country Club, which was founded in the 1920s as a meeting place for association members and socializing. The current Tennis Court area was leased from the Town. The lease includes a clause that says the Country Club must maintain the property, said Mr. Paul.

Ms. Cole recalled that in the past the Thompson's Point people had approached the Town regarding a potential lease of the land across the road from the Tennis Courts. Rick Pete has secured a one-year lease to clean the property.

Mr. Russell pointed out that there was no clearly defined easterly boundary. Some of the land is leased to the Aurora Farms. The Town would require that the Country Club obtain insurance and to name the Town on the policy, said Mr. Russell.

Mr. Paul said that by turning the soil, smoothing the area and keeping it mowed that would create a fire barrier if a brush fire happened. The fields have not been grazed by cattle for many years and are overgrown.

Mr. Ladue pointed out that ground water flow from around the mound system causes water to flow down to the lake. The Wastewater Treatment Commission rotates the use of the mounds to maintain a healthy system. There might be a potential conflict of land use unless a suitable buffer was kept between the field and mounds.

Mr. Paul explained that he has been in touch with Steve Williams, who said he would place stakes by the mounds so we would know where to till the field. The club would like to turn the land and reseed before it was too late this season. Then the field would be usable next summer.

Ms. Cole suggested having a written lease arrangement that defined a designated area.

The Board suggested language that approval was "contingent upon approval by Steve Williams and included insurance with the Town named on the policy."

Mr. Stone said he didn't think either insurance or a lease were necessary. That way if the arrangement didn't work the Town could say to stop. Mr. Paul said that the club would need a written letter from the Town for the insurance that would also cover the club.

The Board members were informally polled and agreed that the Thompson's Point Country Club could move forward with clearing and re-seeding the proposed field area.

## **6. INTERVIEW FOR RECREATION COMMISSION**

The Board interviewed Dina Townsend for a position on the Recreation Commission. Ms. Townsend reviewed her qualifications and interest in the position. The Board thanked Ms. Townsend for coming.

The Board interviewed Bill Fraser-Harris for a position on the Recreation Commission. Mr. Fraser-Harris reviewed his qualifications and interest in the position. The Board thanked Mr. Fraser-Harris for appearing.

## **7. TOWN PLAN – CONTINUATION OF SELECTBOARD’S 1<sup>ST</sup> PUBLIC HEARING**

Mr. Russell opened a Public Hearing, which was a continuation of a hearing on the draft Town Plan.

Liam Murphy, resident, noted that the draft was well written as a result of a tremendous amount of work by various parties in Town. An overarching impression was that if the intent was to discourage development in Charlotte then the drafters did a good job. It appeared that the big picture was to focus development in hamlets or in the villages, but not in prime agricultural soils, which would be 50 percent of the Town, in areas of high public value, which is the other 50 percent of the Town, and preserves hundreds of little various things. Hamlets and villages are not practical since we don't have good information on water and sewer capacity and we don't have the political will to do either. If a circle was drawn around every sewer or water system as per the state statutes, we wouldn't be able to develop a single lot in town, except maybe the Burn's property. Charlotte still has 5-acre zoning in the middle of the village(s). Non-contiguous PRD's are a good idea on paper, but are not realistic. There are only a few pre-existing lots grandfathered in. Villages and hamlets are described in the draft Town Plan, but are not identified. The definition of sprawl defines all subdivisions approved outside of the village, for example, the Ten Stones community. If I was asked to litigate the Town Plan on behalf of a developer there are hundreds of things I could hang my hat on. There is a big change between this Town Plan and the last Town Plan. There is one sentence in the entire 114 pages that addresses a property owner's rights (Section 2.1.2.2). The words encouraged, discouraged, and balanced are inspirational things. There are a lot of "will not" "shall not" through out the Plan. "Key public resources", "natural resources" are undefined, but used throughout the Plan. The Planning Commission has the right to prevent anyone from developing within 200' of an agricultural use. If you overlay maps of protected farms, meadows, wetlands, forests, views, scenic areas, and/or water/sewer setbacks there isn't much land left for development. For example a village house purchased for conversion from a house to a two-unit apartment in the commercial zone was caught between one Town board approving the application and a second board denying approval. The Town can't even agree on a change of use. I haven't done a section by section analysis, but I could do one.

Mr. Bloch suggested that Mr. Murphy review the draft Town Plan and forward his analysis to the Board.

Clark Hinsdale III, resident, expressed concern that the draft Town Plan was a major sea change. He sold two percent of the Town last week, which was 307 acres with the development rights of 277 of those acres sold. I have another 11 percent of the Town available for sale. Another 144 acres was conserved land that sold to a Charlotte farmer.

In total 521 acres would be conserved upon sale. There was an issue with the way that appraisers looked at the Charlotte regulations when valuing land that impacts the development rights value and the property rights of land owners in Charlotte. If the appraised value was lowered then that would significantly dry up the conservation attraction. There were 700 existing parcels in town. There were more developed parcels than undeveloped. The proposal to limit the size of houses was a concern. When we are told that additions to existing structures are subject to the review process it is a great concern. Look at the scale in the historic districts, or is it the goal to have the limitations applied to the few dozen parcels left. The Town was prohibiting utility crossings under roads. As a reminder, with the exception of Route 7, all the town roads are rights-of-way (easements) only. The Town owns the surface rights and is allowed a standard depth. The private land owner owns the trees, dirt etc. The town can make sure that any work doesn't interfere with the right-of-way. The land owner reserves all rights that doesn't interfere with the maintenance of the road, said Mr. Hinsdale III. David Miskell read page 120, #4, crossings of town roads would be allowed.

There was discussion regarding the following sections of the draft Town Plan:

- Page 95, Section 5.11, #8, road crossings, which were general policies and strategies language that was held over from the previous Town Plan and not changed. Mr. Hinsdale III objected to the language to eliminate the Palmer Commercial District related to a one-acre building envelop and farm stands, which were allowed there, and said that it should be left as is.
- Page 105, Section 5.1.2, rural areas and policies. Protection of areas of high public value is a departure from current regulations. The change in the Town Plan would make the next revision of the regulations go in a direction of concern, said Mr. Hinsdale III. Mr. Murphy said that in the last review of the Zoning Regulations we had the same issue. Language in Section 7.2, Subdivision Standards should be used as voted on last year. You shouldn't make these absolutes that "you can't develop"; there should be a balancing.
- Pages 112-113, Section 5.5.2, General Strategies, #1, Natural Resources, reference to wetlands was taken out.
- Section 5.8.8, #4, Water supplies, utility lines crossing roads, has been changed to remove utility lines. Mr. Miskell said that the town must follow state regulations. Mr. Ladue said it looks to be an engineering issue. Mr. Bloch said that the Delegation Agreement is not referenced in the Town Plan. Septic permits were issued under the State of Vermont rules. The Selectboard could consider adding the reference, or not.

Mr. Murphy said that the draft language discouraged remote wastewater systems. It was not an engineering issue, but you had to read it in context as a policy choice. It suggested that the town may be responsible for community septic systems. Mr. Bloch said it was language held over from the previous Town Plan.

Mr. Murphy said that it would be a mistake to make changes in the Town Plan in a hurry. It would be another 5 years before it came up for review again. Mr. Stone spoke in support to taking time.

Mr. Murphy pointed out that the new Title 24 calls for certain thing to be in a town plan. General Section, page 101, General Policy, "...support Land Use Plan..."; #2, "encourages opportunities..."; #8, "outside village area..." are broad and arbitrary. Page 103, General Strategies, "annual cap on building units..." says that outside the village you can't do anything; #7, future growth in the village and hamlets should tie to broader definition. Mr. Bloch read Section 5.1.2, page 105, "...areas of high public value will be protected...where possible." The door is not closed, but is to be avoided, or mitigated. Mr. Miskell said that was different from the regulations, which don't say that.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to continue the Public Hearing regarding the draft Town Plan to 12/03/2007.**  
**VOTE: 5 ayes; motion carried.**

Mr. Bloch asked that Mr. Clark, Mr. Murphy, Ms. Cole and Mr. Ladue forward their comments on the draft Town Plan to the Town prior to the 12/03/2007 Selectboard meeting.

A Selectboard meeting would be scheduled for further discussion on the draft Town Plan. Mr. Ladue would forward dates for a potential Selectboard meeting to Town staff.

#### **8. JOSH FLORE – DISCUSSION REGARDNG CONSTABLE DUTIES**

Josh Flore, Charlotte Constable, appeared before the Board.

Mr. Flore explained a State Police Incident Call sheet and noted that there were 357 (18 were to the Fish and Game Department) calls for service to Charlotte from January 1<sup>st</sup> to November 16<sup>th</sup>.

Mr. Ladue submitted a copy of the State Police Quarterly Report to the Citizen Advisors Board for review. The Board reviewed surrounding towns with police departments versus towns with state police coverage.

Mr. Flore said he saw the constable role as a supplement/addition to what the County Sheriff or State Police provide. I can provide common police service, for example increased police patrol at the Charlotte Park and Wildlife Refuge.

Mr. Thornton pointed out that the duties of a town constable were strictly regulated via state statute, but Mr. Flore has police experience. Mr. Thornton read a section related to local law enforcement and a local constable authority.

Mr. Flore said that when a town elects a constable then they have full authority. The Town didn't vote to limit Cowboy Lewis' authority. Mr. Flore asked the Board for guidance regarding the role of the Town Constable.

There was lengthy discussion regarding emergency calls that would be handled by the State Police; the vandalized train cars currently stored at the former Champlain Flyer

Charlotte Train Station; domestic abuse situations (Mr. Flore said that the State Police should be called, but that he would act as a back up); a question on how Mr. Flore would be alerted to problems/calls (Mr. Flore explained that he has been in contact with Jim Mack, the Shelburne Police dispatcher. People should call 9-11 and the dispatcher would contact Mr. Flore.); Town concerns that when Cowboy responded to break-in calls that he would enter the structure despite being told not to by the State Police; and that the Town Constable would maintain a daily work/time sheet.

The Board noted that the Town Constable should be available as a presence at the Town Library, during Town Meeting, traffic control at parades, the Town Party, and to assist children left at the library.

Mr. Stone pointed out that the Town Constable was on a retainer of \$50 per week, but when there was extra duties at parades, etc, then those venues should pay for the service at \$15 per hour, said Mr. Stone. Ms. Cole asked that other costs, such as mileage, cell phone, etc. should be noted. Mr. Flore said the mileage expense was a tax write-off. A request for a blue light bar for my car and a traffic vest for my safety and visibility was submitted for consideration, said Mr. Flore.

There was brief discussion regarding improved communication equipment. Mr. Flore said that his cell phone and a Fire Department radio were sufficient.

Mr. Bloch reported that an e-mail was sent to the Town Attorney regarding an appointment letter. When a response was received from the attorney it would be forwarded to the Board members.

**MOTION by Mr. Thornton, seconded by Mr. Stone, to approve an expense of \$15 per hour for Town Constable duty/services requested above/over the normal 15 hours per week.**

**VOTE: 5 ayes; motion carried.**

Ms. Cole asked if the Shelburne Police would still respond to Charlotte calls. Mr. Flore replied that calls to the Shelburne dispatch were generally routed to the State Police. I would assist with what was occurring. I would report back to the Selectboard on a monthly basis and maintain contact with the State Police regarding events that have occurred in Charlotte.

Mr. Ladue asked if Mr. Flore required a letter from the Town regarding his appointment as the Charlotte Constable.

Ellie Russell suggested a written document/agreement that would include broadly defined duties.

Ms. Cole asked if Mr. Flore could set his own limits (for duties).

There was brief discussion regarding the limit of law enforcement (related to the constable), such as writing speeding tickets (Mr. Flore pointed out that he has training to estimate a speed, but for enforcement a radar unit would be necessary in order for a ticket to stand up in court); and authority for Mr. Flore to write a ticket for someone who ran through a stop sign (Mr. Flore could write stop sign violation tickets). Mr. Flore pointed out that the Town hired the sheriff to enforce speed limits. His first year he would concentrate on improving p.r. in Town. If he received a call that he didn't feel that he could handle he would call the State Police.

The Board would draft a letter of appointment and provide an article for the local Charlotte newspapers.

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve expenditure not to exceed \$375 for an R-1 Responder Mini-light and an emergency vest for the position of Town Constable as presented.**

**DISCUSSION:**

**Mr. Flore explained that he was a 13-year veteran police officer and understands that it was his discretion on when to use the light, or not. He was also a member of the Fire Department. If there was an accident and he was on the job as a fire fighter he would be able to assist the State Police if necessary, which he already does.**

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

**9. APPROVE TOWN FUND-BASED DRAFT AUDIT**

**MOTION by Mr. Stone, seconded by Ms. Cole, to approve a Town Fund-based draft Audit as presented.**

**VOTE: 5 ayes; motion carried.**

**10. APPROVE FIRE AND RESCUE FUND-BASED AUDIT**

**MOTION Mr. Stone, seconded by Ms. Cole, to approve a Fire and Rescue Fund-based Audit as presented.**

**VOTE: 5 ayes; motion carried.**

**11. OTHER BUSINESS**

Mr. Russell reviewed a draft Easement Deed to allow VELCO to build a 115kV transmission line over the conserved portion of the Pecor land.

**MOTION by Mr. Stone, seconded by Mr. Thornton, to approve a draft VELCO Easement Deed agreement regarding the conserved land on the Jean Pecor property, located on Greenbush Road, pending review by the Town Attorney; and to authorize the Charlotte Selectboard Chairperson to sign the Easement Deed agreement on behalf of the Town of Charlotte.**

**VOTE: 5 ayes; motion carried.**

Mr. Russell reviewed a fence and stone wall on the Dana Abgar property, located on Roscoe Road. Mr. Abgar parks his cars in the Town right-of-way. The Charlotte Road Commissioner, Junior Lewis, has suggested that the Town assist Mr. Abgar in finding an

alternate location to park his cars and to remove the fence and stone wall, which were 6' from the center line of the roadway.

Mr. Bloch noted that if the Board approved the removal it would become an enforceable action.

Mr. Stone spoke in support of removing the fence and stones for safety reasons and to allow the Town to snow plow the road. The Board should conduct a site visit and meet with Mr. Abgar.

Mr. Thornton asked what the legal ramifications were if the Town allowed people to place things in the Town right-of-way. If someone got hurt the Town could be sued, said Mr. Thornton.

The Board agreed that a subcommittee to meet with Mr. Abgar.

## **12. BILLS AND WARRANTS**

The Selectboard signed Bills and Warrants as presented.

## **13. ADJOURNMENT**

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

**VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 10:00 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.*