

**Town of Charlotte
Board of Selectmen
Minutes**

**Monday, March 28, 2005
7:00 PM, Charlotte Town Hall**

MINUTES APPROVED

MEMBERS PRESENT: Chair Eleanor Russell
Jennifer Steele Cole
Charles Russell
Ed Stone
Francis Thornton

OTHERS: Dean Bloch (Selectboard Assistant)
Mary Jane Cheney
Pete Demick
John Hammer
Clark Hinsdale, Jr.
Marty Illick
Allan Karnatz
Junior Lewis
Dave Miskell
Dan Senecal-Albrecht
Carrie Spear
Bob Titus
Jeff Titus
Jocelyn Bolick (clerk)

The meeting was called to order at 7:00 pm.

The items on the agenda were as follows:

Adjustment to Agenda / Public Discussion / Approve Minutes for March 14 / Appointments / Liquor Control Board – renewal of 2nd Class liquor licenses for Tenney Enterprises and Spear's Corner Store / Survey for Land Use Regulations / Interview and appointment of Cemetery Commission applicants / Enforcement of outstanding zoning violations / Selectboard Update: Charlotte Park paths; village walkways; Class IV roads; Speed limit studies; Higbee Road; Town Hall wiring / Titus Farm – application to approve funding from the Charlotte Conservation Fund and send a letter of support to the Vermont Land Trust / Town Hazard Mitigation Plan – review and approve / Bills and Warrants / Adjournment

Adjustment to Agenda

Add the appointment of Martha Perkins to the Thorp Barn Committee.

Public Discussion

None.

Approve Minutes for March 14

Motion made by Jennie Cole, seconded by Ed Stone:

“To approve the selectboard meeting minutes with corrections for March 14th, 2005”.

Vote: all in favor.

Throughout document, change “Debra Drewniak” to “Deborah Drewniak”.

On page 3, change “Measured Policy and Planning” to “Metropolitan Policy and Planning”.

On page 5, under Approve Policy for Review of Septic Test Pits, change “quite a few votes” to “quite a few voters”.

On page 6, under Land Use Regulations, change “questions for the website” to “questions for the questionnaire”.

On page 6, under Selectboard Assignments, add “Thorp Barn Committee” to Jennie Cole’s assignments.

On page 7, change “Curt Fisher” to “Kurt Fisher”.

On page 7, change “Cowboy Lewis” to “Hugh Lewis, Sr.”.

On page 8, under Selectboard Work Plan and Priorities (discussing sidewalks), change “under the Burns issue” to “under the village planning issue”.

On page 8, under Selectboard Work Plan and Priorities (discussing sidewalks), change “stone path” to “gravel path”.

On page 8, change “Fairleigh” to “Fairlee”.

Appointments

Motion made by Jennie Cole, seconded by Ed Stone:

“To appoint Martha Perkins to the Thorp Barn Committee.”

Vote: 3 in favor, (Charlie and Frank were absent).

Motion made by Ed Stone, seconded by Jennie Cole:

“To appoint Nell Fraser and Karol Josselyn to the Conservation Commission.”

Vote: 3 in favor, (Charlie and Frank were absent).

Francis Thornton arrived at the meeting.

Motion made by Ed Stone, seconded by Jennie Cole:

“To appoint Robin Reid and Carol Clay to the Recreation Commission.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Ed Stone, seconded by Francis Thornton:

“To appoint Dean Bloch to the MPO TAC (Metropolitan Planning Organization Technical Advisory Committee.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Ed Stone, seconded by Francis Thornton:

“To appoint Nancy Sabin as auditor for the next 3 years.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Francis Thornton, seconded by Ed Stone:

“To appoint Lucia Plante as town service officer.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Jennie Cole, seconded by Ed Stone:

“To appoint Robin Pierce as MPO alternate.”

Vote: 4 in favor, (Charlie was absent).

There will be an advertisement for 2 positions on the Planning Commission coming out in the next paper.

Liquor Control Board – renewal of 2nd Class liquor licenses for Tenney Enterprises and Spear’s Corner Store

Motion made by Ed Stone, seconded by Francis Thornton:

“To adjourn as Select Board and reconvene as Liquor Control Board.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Francis Thornton, seconded by Ed Stone:

“To renew the second class liquor license for Tenney Enterprises.”

Vote: 4 in favor, (Charlie was absent).

Motion made by Francis Thornton, seconded by Ed Stone:

“To renew the second class liquor license for Spear’s Corner Store”.

Vote: 4 in favor, (Charlie was absent).

Motion made by Ed Stone, seconded by Francis Thornton:

“To adjourn as Liquor Control Board and reconvene as Select Board.”

Vote: 4 in favor, (Charlie was absent).

Survey for Land Use Regulations

Ellie said the latest version was handed out to the Selectboard members. This input is primarily from Jennie Cole and Peter Richardson. Frank provided input on a prior version.

Motion made by Jennie Cole, seconded by Ed Stone:

“To approve a survey for the Charlotte Land Use Regulations as amended.”

Vote: 4 in favor, (Charlie was absent).

Frank said Affordable Housing is talked about in 2 different places in the survey. That seems to be emphasized, and Frank doesn't understand the need to emphasize it. Frank feels that the people who spoke at the hearing will be the same people who fill out the questionnaire. Ed feels the questionnaire is fine as is. Ellie said the more information received from the public, the better.

50 voters did not vote on this issue. John Hammer suggested having a drop-off at town hall. Jennie suggested having drop-off boxes at other locations. Frank thought the survey should state that the board is trying to address the areas of concern. Frank feels that you need to have the questions come across as completely neutral.

Clark Hinsdale Jr. asked about the process after the questionnaire. He suggested telling the people what the process is going to be when they're filling out the questionnaire. Ed feels we need to do the survey then educate people on what will be happening next. John Hammer suggested having a line in the questionnaire telling where additional copies are available. Jennie stated having a drop-off in East Charlotte as well as town hall.

Frank suggested broadening item #6 on the questionnaire to state which areas of the regulations are good or bad, rather than just addressing affordable housing. Dean said that would make #6 and #8 similar. Ellie felt #8 could be removed since #6 is being altered.

Interview and appointment of Cemetery Commission applicants

Mary Jane Cheney said she loves cemeteries. She was brought up in a family that went to visit cemeteries every Sunday to visit relatives. She has done research on the cemeteries in Charlotte and has a general interest in preserving them and making them accessible to people who need to use them.

Ed asked about burying relatives on your property. Mary Jane felt cremation on personal property is fine, though she isn't sure about burying bodies on personal property in this day and age. Frank said state law does permit it. Mary Jane said property possession changes so much nowadays.

Mary Jane said she lived in Charlotte for the last 10 years. She grew up on her current property, and when it came up for sale she and her husband bought it.

Mary Jane asked about the number of cemeteries in Charlotte. Barber Cemetery is the only town cemetery. The commissioners look after the stones and maintain it. There is a record of who is buried there. There are no spaces

available for sale. Dan Cole, Bernie Balen and Moe Harvey are on the cemetery commission, but Moe is leaving.

Ellie said there would be no decision tonight; she would like to check with the other applicant to ascertain interest.

Charles Russell arrived at the meeting.

Pete Demick said he has been a member of VOCA for over a decade, and has done restoration of gravestones. He feels he's knowledgeable and can teach others how to maintain them. It would be a cool volunteer job after doing Rescue for so long. Pete asked about the responsibilities – maintain the stones, check the fences, etc. Pete said there are 8 cemeteries total, but some are abandoned.

Enforcement of outstanding zoning violations

Charles Russell said it was brought up that the inability to enforce the bylaws may be a reason that people argued against them. Outstanding violations include:

- Old Farrell Property on Whaley Road – notice of violation issued in 1989 for clear cutting within 100 feet of shoreline. A mitigation plan was developed but never implemented and a fine levied that was never paid (according to Tom Mansfield).
- Minor property on Greenbush Road (this was a garage built too close to the road) – trees were supposed to be planted, but it hasn't happened. The town has talked to the property owner a few times, but nothing has happened.
- Aube-Hinsdale violation is still outstanding. The environmental court decided for the town and Carol Aube-Hinsdale is supposed to pay the legal fees that the town incurred.
- Keno property on Prindle Road. Notice of violation issued in October 2004 for a non-compliant 3-unit apartment that was not appealed. Another violation was issued in October 1998, which was not appealed. Both notices of violations are still in effect.
- Matthew Motors is in environmental court.
- The tower in East Charlotte. It hasn't been used in 6 months, so it needs to be torn down.

Do we want to take these to the next step and figure out how to get them off the list so we can state that we are fully enforcing the bylaws? Charlie feels in some cases we can talk to the landlord to clean up the violation, otherwise we need to go to the next level. Frank said if we don't enforce the rules and regulations, it is silly to have them. Jennie asked about the actions that need to be taken. Should the board be drafting a letter to state the town will be following up on the issues and give them the opportunity to come into compliance.

Ellie asked the board to move ahead with these (they're all a little bit different).

Motion made by Francis Thornton, seconded Charlie Russell:

“To have Tom talk to counsel and recommend to have these actions enforced.”

Vote: all in favor.

Selectboard Update

- **Charlotte Park paths.** Jennie said the Trails Committee talked about the Varney Farm. Issues around the trust fund still need to be resolved. The access road will be south of the existing driveway. The existing driveway will be cut off and the uses for that road will be equestrian parking, agricultural use, emergency access, handicap access and access for separate events. It will share the curb cut that is being moved to the south. Dana will bring a sketch next time for the building of the driveway. There will be an easement connecting the driveway with the park trails. There was discussion about upgrading the gravel trails. Davis Charrington will work on a plan for upgrading a section of trail at the northern part of the park. There was discussion on how to get rid of weeds. Mostly, the trails need gravel but there is no money in the budget for gravel. Also, woodchips are needed for the lower trails to finish the work that was started last year. Larry Hamilton looked at the driveway on Greenbush Road; there are some trees that need to come down (they're diseased). He suggested planting some trees on Arbor Day and make an event of it. That will be underway May 7th or 8th.

- **Village walkways.** Charles said they want to figure out the possibility of putting paths along the side of Ferry Road near the Brick Store, and going north and south on Greenbush Road. Charlie said one area is wet; Junior said they are planning on doing something in that area since it gets icy this time of year. This will be reviewed after Junior has had time to look at this issue.

Carrie Spear said she would like sidewalks along Jackson Hill Road. Ellie said they would take it under advisement.

- **Class IV roads.** Charlie said the Commerce Committee took comments on this, they are planning on having a joint hearing with the Transportation Committee. If a class IV road has been on the state aid map anytime since 1931 then that road will be kept. Baldwin Road is on the map, but Junior takes care of it.
- **Speed limit studies.** Dean said they contacted the MPO to see if they would do the work. They sent an attachment telling the town how to do a traffic study. Dean said they would need to know what sections of Spear

Street and Mt. Philo Road would need the speed study. Ellie said to go ahead with Greenbush Road and see how that goes.

- **Higbee Road.** Dean said they sent out a request for an estimate for 3 different landscape architects. One estimate has come back at around \$5000, one is expected soon, and one is not able to do an estimate at this time. Ed said if a proposal comes in with an outline of Higbee Road, we can hand it to Junior and he will be comfortable grading the road at that point. We don't need to involve engineers at that point. Dave Miskell asked what the \$5000 would be spent on. Dean said there is a wetland delineation. A new section needs to be created.
- **Town Hall wiring.** Dean said it has been recommended that the town hall wiring be upgraded; an electrician gave an estimate of \$2500. It is recommended that it be done, but there aren't any problems right now. Ellie asked for a proposal for the next meeting.
- **Flea Market.** Dean said the person who is operating it is ready to go, so there will be another year for the flea market.

Motion made by Charlie Russell, seconded by Jennie Cole:

“To authorize Ellie Russell to sign the lease for the flea market.”

Vote: all in favor.

- **Swimming Pool.** Ed said Jim Dickerson and his partners have offered the swimming pool to the town. The town would take over the pool and make sure it is operational. The Red Cross can come into town and offer swimming instruction. There could also be a swimming club representing Charlotte. The Recreation Committee would probably need to take it over and come up with recommendations. It is a 30x60 foot pool; it could be in working order shortly. Ellie said there are issues that need to be reviewed – lifeguards, management, etc. It should be referred to the Rec Commission. Frank said there must be a tremendous amount of liability issues involved.
- **Thorp Barn Committee.** Jennie said the first meeting would be in May. Bob Chutter looked at the barn and had some thoughts. He felt an engineer should go and look at the structure to see how things look right now. Ed said the Charlotte Players have indicated that they are interested in this property a number of times in the past. Marty asked if there was any fundraising since town meeting. Jennie said not yet, but there is a committee that has been formed to help with items such as fundraising.

Titus Farm – application to approve funding from the Charlotte Conservation Fund and send a letter of support to the Vermont Land Trust

Al Karnatz said the Conservation Commission put together a fine application. Robert and Jeff Titus are at this meeting, too. Marty Illick said it is a 57-acre easement with the Titus family. The soils are good; it's at Spear Street and Guinea Road. It has a tremendous amount of road frontage. This is a family farm that will remain in the family. There is development across the street. Charlotte Land Trust sees this as an anchor type farm.

Jennie asked if the trail easement connects with existing or planned trails. Marty said they do not currently exist. Jennie asked about the future of the shale extraction area. Al said the lease runs until 2010. Junior said there's a possibility that it will be exhausted before then. Robert Mack suggested getting an extension on the shale extraction contract now. It was decided that that was a separate issue and doesn't need to be decided now. Jennie wondered if that piece would be incorporated into the conserved land. Al said there would not be any structures allowed on that piece of property.

Motion made by Charlie Russell, seconded by Jennie Cole:

“To approve \$49,500 from the Conservation Fund towards the Titus Farm Conservation.”

Vote: 4 in favor, 1 opposed (Frank).

Frank feels the conservation money is being spent willy-nilly and there is no organized pattern. He doesn't feel this will be good for the town in the long run. The state of Massachusetts no longer allows for land to be kept in perpetuity, as we are doing here. Marty said the Charlotte Conservation Commission and the Charlotte Land Trust have been spending quite a lot of time trying to put together a connected landscape. It is important to note that there are huge initiatives being worked on at this time. Frank said no one has presented a plan that shows what the goal is.

Charlie said the town would have executory interest in this. If the Land Trust fails then the town will take over the property.

Motion made by Charlie Russell, seconded by Jennie Cole:

“To allow Ellie to sign the letter of support to the Vermont Land Trust.”

Vote: 4 in favor, 1 opposed (Frank).

Town Hazard Mitigation Plan – review and approve

Dan Senecal-Albrecht and Marty Illick came to discuss the town hazard mitigation plan. Dan said the changes incorporated all of Marty's edits. The text on the new mitigations is a significant rework of the last draft. The original plan had 18 actions that Marty reworded and clustered.

Dan said it is good to have the plan, but if you don't sit down once a year with your fire chief, school principal, and janitor with the key, etc., and walk through a

real emergency situation, then you will all be confused when something really does happen. There needs to be public awareness of the value of hazard mitigation and disaster preparedness. Dan felt the list needs to be prioritized - you actually need to rank them. Marty would like to have the prioritization scheme similar to the way other towns implement them. Dan said the advantage to the town in doing this plan is the ability to apply for grants with hazards identified. It's a way of being proactive. You can spend money now to potentially save money down the road.

Dan said there are no liabilities involved with adopting the plan. You do not have to incorporate the hazard mitigation plan into the zoning bylaws or municipal budget. Marty said there are liabilities now that could be reduced by adopting the plan. There may be potential flooding that could be avoided if certain landscaping was done, for example.

Dan said you could adopt the resolution tonight; then before it gets filed with FEMA in May, you can look at the order of priorities. The plan can be amended at any time. Frank asked where the money comes from to do all these things. Dan said state and federal grants are made available. Frank wanted to know what it would cost the town. Dan said some of the grants might have a match agreement.

Ed asked if there's a recommended amount that should be put into the capital budget every year in order to have that money available? Ellie said Charlotte does not have a capital budget at this time. Dan said you do in the sense that you bond for equipment purchase. Marty said an expert from the state might be able to come and do some work and find the "hot spots" that are putting risks upon the town.

It has been agreed that items needed to be prioritized. The select board will give Dan their comments; he will come up with a revised plan that includes language concerning prioritization.

Clark Hinsdale Jr. suggested a glossary of terms. Also, federal regulations are forcing the landowner to jump through hoops. Big Brother is forcing mandates that we can't even begin to know about.

Bills and warrants

Signed as appropriate.

Adjournment

Next selectboard meeting: Monday, April 11th at 7:00 PM.

Motion made by Charlie Russell, seconded by Ed Stone:

"To adjourn the selectboard meeting".

Vote: all in favor. Meeting adjourned at 9:35 PM.

Minutes respectfully submitted by Jocelyn Bolick.