

**Town of Charlotte
Board of Selectmen
Minutes**

**Monday, March 14, 2005
7:00 PM, Charlotte Town Hall**

MEMBERS PRESENT: (Outgoing) Chair Charles Russell
Jennifer Steele Cole
(Incoming) Chair Eleanor Russell
Ed Stone
Francis Thornton

OTHERS: Jocelyn Bolick (clerk)
Bob Chutter
Pete Demick
Debbie Drewniak
John Hammer
Jim Laberge
Kip Mesiroy
Dave Miskell
Dorothy Pellett
Marilyn Roland
Carrie Spear

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

The items on the agenda were as follows:

Adjustment to Agenda / Election of Chair and Vice Chair / Approve Minutes for February 28 and March 1 / Public Discussion / Speed Limit on Greenbush Road, Deborah Drewniak / Thorp Barn – Discussion regarding next steps / Approve policy for Review of Septic Test Pits / Land Use Regulations – Discussion of next steps / Selectboard assignments / Selectboard Work Plan and priorities / Selectboard Updates / Bills and Warrants / Adjournment

Adjustment to Agenda

Need to add appointments for commissions, and the hearing on Wednesday for Class 4 road legislation.

Election of Chair and Vice Chair

Motion made by Ed Stone, seconded by Frank Thornton:

“To nominate Ellie Russell as chair of the Selectboard, Jennie Cole as Vice-Chair of the Selectboard.”

Vote: 3 in favor, 2 abstentions (Ellie, Jennie).

Approve Minutes for February 28 and March 1

Motion made by Charles Russell, seconded by Jennie Cole:

“To approve the selectboard meeting minutes with corrections for February 28th, 2005”.

Vote: all in favor.

Throughout document, change “test bits” to “test pits”.

On page 3 under Shelburne Athletic Club, change “When they had a problem at the intersection with Ferry Road with bicyclists, they would stop cars for an hour.” to “For triathlons there had been problems at the intersection with Ferry Road with bicyclists; they would stop cars.”.

On page 3 change “Jim Dirkenon” to “Jim Dickerson”.

On page 4 under Higbee Road, change “The court had ordered it ...” to “The court had ordered Higbee Road ...”.

On page 5 under septic analysis, change “Spencer available two days ...” to “Spencer available two days per week ...”.

On page 5, remove line that starts “Clark said the people who spent the hours ...”.

On page 6 under Byways Program, remove line that starts “Jennie said maybe some of these signs cover specific ...”.

On page 7 under Byways Program, change “pull-off signs passed” to “pull-off signs approved by the state”.

On page 8, under Bills and Warrants, change motion to read “... to sign the agreements relating to the Marietta Palmer estate”.

Charles Russell, seconded by Jennie Cole:

“To approve the town meeting minutes with corrections for March 1st, 2005”.

Vote: all in favor.

On page 7, the vote for Article 7 passed; it did not fail.

On page 2, correct the spelling of “Jimason”.

On page 2, change sentence to read “Walter Judge asked why the differences occurred in the legal expense category versus the audit.”.

Throughout document, change “Bob Carter” to “Bob Stone”.

On page 14, change “we can express our well” to “we can express our will”.

Public Discussion

None.

Speed Limit on Greenbush Road, Deborah Drewniak

Debbie Drewniak feels she is taking her life in her hands when she goes down to her mailbox. Everyone she has spoken with on Greenbush Road has the same concerns. This has been brought up in the past, but she would like to have it addressed again. The last counts from the Metropolitan Policy and Planning Organization (MPO) have gone from 640 cars per day in 1983 to 1200 cars per day in 1999-2003. It is a concern for the people who live on the road. If the speed limit is posted, people in violation will be breaking the law. Debbie said a few people would even like to see speed bumps on the road.

Ed said the only problem with speed bumps is that we're saying that it's a danger. If something happens, the town is held responsible, according to the attorneys. We could post the speed limit. The next step would be enforcement; does the town want to take on that step? Spear Street, Dorset Street, Mt. Philo Road all have speeding vehicles. Ed would like to see someone in town patrolling the roads, but that would cost \$50,000 per year on a part-time basis.

To post the speed limit, we would have to get the authorities in Chittenden County to come over here and do a study. It's a process that will take about a year. We need to ask for a traffic study. Jim Laberge would like to have the traffic study done in July – there's lots of traffic during the summer because of the lake traffic. Frank asked if a stop sign on Thompson's Point Road would be of value. Jim said when the stop sign was at the railroad tracks it slowed them down. Now they hit the tracks at 50 MPH.

Ed said it comes down to whether the voters want to spend the money. Marilyn Roland feels that if people don't follow the speed limit, that's not a valid reason to not have a speed limit. The board agrees to do a traffic study and readdress this issue after that data comes back. Jennie stated there are other areas in town that would need a study also. Marilyn asked about getting the issue for paying for patrolling on the next town meeting agenda.

Thorp Barn – Discussion regarding next steps

Ed said his conversation with the voters was to take the match off and use the \$9200 to fix the roof. Ed asked Kip Mesiroy for an estimate. Jennie said there are a few issues: first, the short term maintenance of the barn to protect it from falling apart, which would be covered by the vote by the town meeting. Also, a committee could be set up to help with the short-term maintenance decisions and the long term planning. There is interest for the committee. Charles said he invited Pete Demick to this meeting because he put together a description of what needs to be done.

Ellie said there are 2 things: how to proceed with the short-term roof repair, and a longer-term plan for the overall repair. Kip said he called a few roofing contractors – no one is using tin roofs anymore – they only last 8 to 10 years. The quotes for metal roofs ranged from \$22,000-\$24,000 for painted aluminum. This does not include replacing any rotten timbers found. Each side is approximately 25 x 80 so there is approximately 4000 square feet of roof. Kip said buying the material and doing it with a couple of guys from the fire department and renting equipment would cost approximately \$15,000. Jennie asked if there is maintenance work that can be done now while a committee can be formed and decisions made such as what type of roof should go on the building. Pete Demick said they did all this work concerning what needs to be done; that was approved in June 2004. Pete feels the roof should be replaced within the next 5 or 6 years.

Ed feels a committee to look at the Thorp Barn is a reasonable approach. He would like to make sure the committee comes back with a recommendation on short and long term goals for the barn within a reasonable timeframe. Ellie said there are 4 people that indicated interest in being on the committee. Charlie asked if this would be a subcommittee of the Park Committee. Frank suggested getting the members appointed now to get the ball rolling.

Motion made by Charles Russell, seconded by Frank Thornton:

“To appoint Bob Chutter, Jan Schwartz, Sylvia Sprigg, Margaret Woodruff and Jennie Cole to a subcommittee of the Park and Wildlife Oversight committee for the purpose of the Thorp Barn restoration.”

Vote: all in favor.

Jennie suggested finding someone who was on the past committee who might be interested in being on the committee again. Nancy Walsh's name was mentioned.

Approve policy for Review of Septic Test Pits

Ellie handed out a sheet that added the phrase 'as part of an application for septic permit or subdivision permit' to the policy and procedure change sewage ordinance.

Motion made by Charles Russell, seconded by Ed Stone:

“To approve the policy and procedure change sewage ordinance relative to the test pits.”

Vote: all in favor.

Dave Miskell asked who was the septic system coordinator, town sewage officer (Tom Mansfield), septic system consultant (Spencer or his designee), etc. Minor editorial changes and spelling errors will be fixed in the ordinance.

Land Use Regulations – Discussion of next steps

Ellie said the general consensus is to get more public input through meetings and perhaps with a survey or questionnaire. Frank said the way to proceed is to let the PC call hearings. Ellie said the PC feels it is in the hands of the Selectboard. Charlie suggested that the Selectboard hold the hearings, with the help of the PC. The areas of concern are Affordable Housing, the enforceability issue, wind turbines, home occupation, etc. Frank said if we are going to hold hearings, they should be completely separate from normal Selectboard hearings.

Ed said we could amend regulations to comply with the town plan. There are a number of issues that we need to address within a 5-year period. Ed feels less is better. He feels combining everything in one big book is too far-fetched. Frank said the length of the document makes it too difficult to read. Charlie said the only documents combined were the subdivision regulations and the zoning by-laws. Ed said there is already some discussion about putting the voted down regulations in the Zoning office – there would be tons of discussion on what it does say and what it doesn't say. It took a long time to get the old regulations done. If you amend the regulations to comply with the town plan and address Affordable Housing, we wouldn't need to go through a long process. Ellie said we could hear what the public has to say, too, and try to get an understanding of what the objections were. Charlie said if we reject what has been worked on for the last 2 years, then it should go back to the PC.

Jennie said it seems like a situation where there's a good document that has been produced that needs to be made acceptable to people – some areas may need shortening or simplifying. The vote was close enough that it didn't show a lot of dissatisfaction. She likes the idea of a survey – just another way to get information. Dave Miskell asked what percentage of the people who voted for or against the regulations actually read them. The board felt the percentage was low. That suggested to Dave that the message didn't get through. Dave said there were quite a few voters that didn't even vote one way or the other. Charlie felt that Affordable Housing might have been the difference. If it's voted on separately next time, then we'll know it. Ellie feels we need more information to see if we need to start from the beginning or if we can make some changes to the existing regulations. Dave Miskell said there were public hearings but there wasn't a lot of participation from the public.

Ellie felt the consensus is to have the public hearings. Frank said the problem with the questionnaire assumes the person responding has read the regulations. Jennie said the first thing is to get some solid understanding of the areas of the by-laws where there are concerns. There are a bunch of areas to ask questions on. Charlie said the same people who come to the hearings would be the ones answering the survey. Charlie suggested taking the proposed land use regulations, making changes that we know need to be made, and then presenting it to the public.

Ellie would like to focus the board's attention on why the people voted no. It may not be Affordable Housing at all. Jim Labege said there was a lot of stuff like posts needed to be on the inside of the fence that bothered people. Jim heard a lot of people complaining about little things that really didn't make a lot of sense. Charlie said they encountered that in a hearing and the board tried to get rid of silly things like that. Frank suggested trying to simplify the document. Jennie said maybe one of the things that is needed is to allow the document more time and more discussion, but there was a real feeling that the vote was coming too fast. Jim said when someone starts telling him where to put a post, how to put it in, etc., there is way too much government involved. Dave stated to simplify it, you need to go back to the PC and explain to them why you are simplifying them.

Ellie felt the starting point is to have a couple of public hearings and see what we hear. Ed suggested sending it back to the PC with some recommendations. They are the ones that need to start that process. Jennie said one of the issues is that the public felt that they did not have enough input. Charlie said if there are people making the argument that you

have to read the whole document in order to vote yes, then forget it. It won't happen. Frank said there are too many things in the document that can be simplified.

Ellie said we don't know why the voters turn it down; we need to know that before we try to simplify it. We need to make the effort to try. Charlie felt we needed to separate out Affordable Housing, fix the issues like the fence posts and others like that. Jennie felt that would help simplify it.

Ed said the Selectboard would always be 3 to 2 on this issue. He felt we should put everything on a piece of paper and send it to the PC. Ed feels we should do the survey. When we get that information, we should go to the next step. Ellie asked if we should also schedule a public hearing. Ed said after the survey. Frank said the survey would be more productive. Jennie felt doing both is fine, but the important thing is to get moving on it now.

The board felt that a survey should be done. Carrie Spear asked how many changes were driven by state changes. No one could give a hard and fast answer. Dave Miskell asked about putting the survey up on the website so that people can send it in through the website; that can't be done at the moment, but it will be done with the new website. Ellie asked the board members to come up with questions for the questionnaire for next Monday.

Selectboard assignments

The following selectboard assignments have been made for the year:

- Charles: PC, Zoning
- Ellie: Library
- Ed: Roads, Fire and Rescue, Conservation
- Frank: Senior Center and Trails Committee
- Jennie: Park Committee, Affordable Housing, Thompson's Point, Thorp Farm Committee

Ellie said Dean Bloch got the final report for the Burns Committee; it will be on the agenda at the next meeting.

A Selectboard member can't go to the Rec Committee meetings since they are occurring at the same time as the Selectboard meetings. Ellie will see if the Rec Committee will change their meeting times. Charlie suggested having Dean go to the MPO TAC meetings.

Motion made by Charles Russell, seconded by Ed Stone:

"To appoint Harvey Sharrow, Andy Mansfield and Charlie Russell as fence viewers."

Vote: all in favor.

Motion made by Charles Russell, seconded by Frank Thornton:

"To appoint Larry Hamilton as tree warden."

Vote: all in favor.

Motion made by Charles Russell, seconded by Ed Stone:

"To appoint Jonathan Fisher and Wade Weathers to the Zoning Board of Adjustment for terms ending in 2008."

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

Motion made by Charles Russell, seconded by Jennie Cole:

"To appoint John Hammer as Chittenden County Solid Waste delegate."

Vote: all in favor.

Motion made by Charles Russell, seconded by Ed Stone:

"To appoint Kurt Fisher as Fire Warden."

Vote: all in favor.

Motion made by Charles Russell, seconded by Ed Stone:

"To appoint Hugh Lewis, Sr., as the constable for a two year term."

Vote: all in favor.

The board needs to advertise for a health officer, auditor and town agent.

Selectboard Work Plan and priorities

Charlie said the Rec Committee was going to focus on Rec Path Phase 2. Ellie said she ran into Dan Senecal-Albrecht; he wants to come back next meeting to discuss the Hazard Mitigation Plan. VELCO is underway; there's been a lot of time spent on land use regulations; Ed will undertake Higbee Road.

The state is proposing that all Class 4 roads will go away unless they are on the state map. Class 4 roads have to be on the state map as of July 1, 2006. However, you can amend the map to add a lawfully established highway or re-establish a highway. Charlie will go to Montpelier for a meeting concerning this issue.

Ellie said the salt shed issue keeps coming up; it should be on the priority list. Jennie talked about a new web hosting service.

Motion made by Charles Russell, seconded by Ed Stone:

"To spend no more than \$1500 on the GovOffice website for one year."

Vote: all in favor.

Ed said 6 people have mentioned the signs; he feels they need to be addressed. Jennie tried taking off the graffiti, but couldn't. Charlie and Jennie will look into it.

Ellie feels that Land Use Regs, Burns, VELCO, Higbee Road, Class 4 Roads, Salt Shed, Hazard Mitigation, septic policy for inspection on completion are high priorities. Other board members should get back to her concerning issues they feel should or should not be on the list of high priorities.

Jennie asked about the sidewalk issue in the village. Ellie said it comes up under village planning. Jennie feels it may be a safety issue in the village. There is a lot of pedestrian traffic. Charlie suggested a gravel path. Lets have Junior work on this. Ellie will find the old plans. Jennie suggested looking at tying the path into buildings that already exist.

Selectboard Updates

Charlie said he talked to Tom about enforcement. There are a few things that are outstanding and he will get a list. The logical thing is to get people to comply. Tom feels that fewer than 10% of the people don't comply when they get notified of a violation. Ellie said the Selectboard has the responsibility to enforce the laws. Ed said he's for enforcement, but there will be hard ones. Charlie said the cost doesn't have to be significant – if someone takes you to court, you recover your attorney fees if you are correct.

Ellie said she got an email from Susan Walker about the treatment on Mt. Philo Road. Ed told her sand was put down, and because of the speed of the cars on the road, the sand was blown to the sides of the road. Her original complaint was that there was very little sand sprinkled on the center of the road.

Ellie said there are 2 meetings coming up. VLCT has one on April 2nd in Dover; there is another one on Municipal Lands Management on April 6th in Fairlee. Ellie might go to the Dover meeting; Ed is thinking about going to both, but he will let the board know. Jennie was thinking about the Dover meeting also.

Bills and warrants

Motion made by Charles Russell, seconded by Frank Thornton:

“To approve the grant application agreements between the state of Vermont and Charlotte for the town highway class 2 highway program for Spear Street (\$16,200 town contribution) and for Prindle Road (\$500 town contribution).”

Vote: all in favor.

Motion made by Charles Russell, seconded by Frank Thornton:

“To approve the annual financial plan for town highways for the fiscal year 2005 under 19BSA Section 306J.”

Vote: all in favor.

Signed as appropriate.

Adjournment

Next selectboard meeting: Monday, March 28th at 7:00 PM.

Motion made by Frank Thornton, seconded by Charlie Russell:

“To adjourn the selectboard meeting”.

Vote: all in favor. Meeting adjourned at 9:25 PM.

Minutes respectfully submitted by Jocelyn Bolick.