

**TOWN OF CHARLOTTE
SELECTBOARD
AUGUST 23, 2010**

APPROVED

MEMBERS PRESENT: Charles Russell, Ed Stone, Jenny Cole, Winslow Ladue.
Absent: John Owen

ADMINISTRATION PRESENT: Dean Bloch.

OTHERS: Ellie Russell, Nancy Wood, Stephen Brooks, Dan Freilich, David Marshall, Jim Donovan, Gerald Bouchard, Clark Hinsdale III, Beth Mahon Tenney, Larilee Souter, Israel Phelps, Juliann Phelps, Dana Farley, Jennie Auster, Carrie Spear, Robert Mack.

(NOTE: the agenda was heard out of order, but appears as published for continuity.)

Call to Order

Charles Russell, Chair, called the meeting to order at 6:00 p.m.

Adjustments to Agenda:

Add: Pease Mountain Lease – discussion.

Public Comment:

Stephen Brooks asked if the Selectboard had discussed a decision to allow a construction company to use the Charlotte Park and Wildlife Refuge – Thorpe Barn entrance as a staging area. There was an exposure risk. There may be a prohibition for such use, said Brooks. Charles replied that parking vehicles there was safer than the Barnes's driveway. Only the Thorpe Farm entrance would be used. The matter was cleared with the Park Oversight Committee and Selectboard members.

Dan Freilich, US Senate candidate, gave a brief presentation regarding his candidacy.

Formation of West Charlotte Village Septic Committee – action under consideration: appoint committee members

MOTION by Ed, Seconded by Jenny, to appoint David Marshall, Dana Farley, Vince Crockenberg and Jennie Auster to the West Charlotte Village Waste Water Committee.

DISCUSSION:

Winslow said that a meeting time will need to be agreed upon.

VOTE: 4 ayes, 1 absent (John); motion carried.

Winslow departed the meeting briefly to meet with the newly appointed committee members.

Minutes of August 9

MOTION by Jenny, seconded by Ed, to approve the minutes of August 9, 2010, as written with edits.

VOTE: 3 ayes, 2 absent (John, Winslow); motion carried.

Winslow rejoined the Board members at 7:08 p.m.

Approve Letter of Agreement for use of Marshall and Swift Cost Tables until June 30, 2011 for \$231.85 – action under consideration: approve agreement

MOTION by Ed, seconded by Jenny, to approve a Letter of Agreement for the use of Marshall and Swift Cost Tables until June 30, 2011 for \$231.85 as presented.

VOTE: 4 ayes, 1 absent (John); motion carried.

Tax Anticipation Note for \$300,000 from People's United Bank – action under consideration: approve note

MOTION by Ed, seconded by Winslow, to approve a Tax Anticipation Note for \$300,000 from People's United Bank as presented.

VOTE: 4 ayes, 1 absent (John); motion carried.

The Selectboard members signed the Tax Anticipation Note documents.

Thompson's Point Lot 156 at 310 North Shore Road – action under consideration: approve renewing lease to Harold W. Blake Trust

MOTION by Winslow, seconded by Ed, to approve a lease for Thompson's Point Lot 156 at 310 North Shore Road to the Harold W. Blake Trust as presented.

VOTE: 4 ayes, 1 absent (John); motion carried.

Charles signed the lease documents on behalf of the Town of Charlotte.

Public Hearing for Amendment to Land Use Regulations for Flood Hazard Area Provisions – action under consideration: close hearing and vote to put an article on the Australian ballot for Town-wide vote on November 2

Dean reviewed that the proposed amendment was required by FEMA so that land owners would have an option to obtain flood insurance. Lewis Creek and certain lake shore areas were identified as flood plains. Neither the LaPlatt River nor fluvial areas were added at this time.

MOTION by Ed, seconded by Jenny, to close the Public Hearing regarding an Amendment to the Land Use Regulations for Flood Hazard Area provisions and to put an article on the Australian ballot for Town-wide vote on November 2, 2010 as presented.

VOTE: 4 ayes, 1 absent (John); motion carried.

Public Hearing for Amendment to Land Use Regulations for Farm Café provision – action under consideration: close hearing and vote to put an article on Australian ballot for Town-wide vote November 2

Dean reviewed a Planning Commission process regarding restaurants and café uses, which were not allowed uses outside the Village Center district, and a proposed farm café use as auxiliary to farming operations. The Selectboard received e-mailed comments from Matt Burke, dated 07/27/2010 and 08/03/2010, and Clark Hinsdale III, said Dean.

Clark asked that his emailed comments appear in the record regarding proposed agricultural income standards, which at \$1,000 farm income was too low. A \$10,000 level for a farm operation income was more reasonable and 5 acres in the rural district versus the proposed 10 acre minimum.

Juliann Phelps, resident, submitted a copy of Charlotte data based on acreage from the USDA Statistic Service for Board review.

There was lengthy discussion regarding definitions of a farm café as auxiliary, subordinate, subsidiary, or 'in conjunction with' in relation to agricultural product sales and what that meant; how a proposed financial test would work (Dean clarified that an applicant could provide the farm books, or income tax records; the intent was to demonstrate levels of activity); concerns that as proposed the \$1,000/10 acre threshold might open the Route 7 corridor open to potential new commercial business that were not farms (Ed proposed \$20,000 agricultural income/20 acre minimum for Route 7 and either \$1,000/5 acres, or \$10,000/10 acres town-wide); and what eligible farms could make an application for a farm café.

MOTION by Winslow, seconded by Ed, to warn a Public Hearing for September 13, 2010, at 7:30 p.m. to amend Land Use Regulations regarding a proposed Farm Café amendment to include a standard requiring a gross income of \$10,000 for farms and a 10 acre minimum Town-wide; a gross income of \$20,000 for farms and a 20 acre minimum along the Route 7 corridor; and farm income can not be less than one-third of café income on an annual basis.

VOTE: 4 ayes, 1 absent (John); motion carried.

MOTION by Winslow, seconded by Ed, to close the Public Hearing for an Amendment to Land Use Regulations for Farm Café provisions.

VOTE: 4 ayes, 1 absent (John); motion carried.

Opening of Bids for Repairs to Town Hall – action under consideration: selection of contractor

Charles opened and reviewed three sealed bids regarding repairs to the Town Hall. Ed asked if the bids included the circular window and a roof overhang as discussed during the walk through with contractors.

There was discussion regarding soffits on the north and south sides of the building, which were omitted from the original plans; effects of mold on the north and south sides; removal of mulch and plants from around the building foundation and put that work in to the Scope of Work (Jim Donovan pointed out the Town Hall plantings were invasive species and should be removed); installing insulation and drainage improvements; and a potential to use an hourly rate basis (for example; \$38.00 per hour) for the work.

Following discussion the Selectboard decided to table discussion and revisit the issue at the next meeting of the Board. The Board would draft a Scope of Work for consideration.

Brush-hogging of Town lands – action under consideration: authorize brush-hogging by Macks in lieu of lease payment

Charles suggested that the Board authorize work done last year.

Jenny handed out maps with defined areas that need to be done, a break down of work and an estimate of a total of 26 hours for \$3,900 +/- . Tom Kenyon would be contacted regarding the Aurora Farm fields.

MOTION by Ed, seconded by Jenny, to authorize Jenny Cole and Winslow Ladue to contact Robert Mack to brush-hog Town lands, check on the Old Lantern property and Tom Kenyon regarding the Aurora Farm fields A and D.

VOTE: 4 ayes, 1 absent (John); motion carried.

Agriculture Lease for Charlotte Park and Wildlife Refuge Update – discussion only

Jenny reported that a draft letter regarding an agriculture lease on the Charlotte Park and Wildlife was sent to Board members for comment.

Clark Hinsdale, III:

- a) **Request to name private road (at 173 State Park Road) Windever Drive – action under consideration: approve name**
- b) **Request refund of \$1,500 application fee (\$500 per lot) for subdivision that proposed transferring development rights for three lots from the Palmer parcel on East Thompson’s Point Road to the State Park Road property – action under consideration: approve refund**
- c) **Discuss procedure for amending Open Space Agreement at Stockbridge for boundary adjustment and location building envelope for barn – discussion only**

a) Request to name private road (at 173 State Park Road) Windever Drive – action under consideration: approve name

Clark explained that Windever Drive was a historical name for a farm that had been located on the property. Dean reported that the Fire Chief had no issues with the name. The Selectboard questioned if the Windever name might cause confusion with other roads with ‘wind’ as part of the road name. No action was taken.

b) Request refund of \$1,500 application fee (\$500 per lot) for subdivision that proposed transferring development rights for three lots from the Palmer parcel on East Thompson’s Point Road to the State Park Road property – action under consideration: approve refund

There was discussion regarding a Selectboard suggestion to offer a \$750 letter of credit (versus a \$1,500 refund) in conjunction with changing the application fee schedule that an applicant would pay one-half the fees at preliminary review and one-half at final review. The Selectboard tabled further discussion to collect more information.

c) Discuss procedure for amending Open Space Agreement at Stockbridge for boundary adjustment and location building envelope for barn – discussion only

Clark explained that he sold land designated as Open Space at Stockbridge so that a neighbor's septic would be located on that neighbor's own land. A second piece was a proposed farm building envelope on land (Clark) was retaining, Clark said. Ed said the Town would work with (Clark).

Contract for energy efficiency work on Town Hall building – action under consideration: approve contract

No action was taken.

Approval of Bills and Warrants

The Selectboard signed Bills and Warrants as presented.

Adjournment

MOTION by Ed, seconded by Winslow, to adjourn the meeting.

VOTE: 4 ayes, 1 absent (John); motion carried.

The meeting was adjourned at 10:34 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary