

**TOWN OF CHARLOTTE
SELECTBOARD
NOVEMBER 8, 2010**

APPROVED

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

ADMINISTRATION PRESENT: Dean Bloch.

OTHERS: Ellie Russell, Stephen Brooks, Clark Hinsdale III, Tim Volk, Mary Volk, Michael LaClair, Frances Foster, Allen Karnatz, Deb Smith, Mike Spear, Jeff McDonald, Nancy Wood, Eric Finley, Gordon Brown, Martha Perkins, John Patnaude, Kate Lampton, David Miskell, John Limanek, Kay Gault, Stephanie Coate, Charlotte Citizen; and others.

Call to Order

Charles Russell, Chair, called the meeting to order at 6:01 p.m.

Review of Planning and Zoning Office Operations

MOTION by Mr. Owen, seconded by Mr. Ladue, to recess the regular meeting and enter Executive Session for the purpose of discussing Personnel Matters, and to invite Jeff McDonald, Charlotte Planning Commission Chair, Ellie Russell, Charlotte Planning Commission member, and Dean Bloch, Town Planner, to attend.
VOTE: 4 ayes, 1 absent (Mr. Stone); motion carried.

The Selectboard recessed the meeting and entered Executive Session at 6:10 p.m.

MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn Executive Session and reconvene the regular meeting.

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

The Selectboard adjourned Executive Session and reconvened the regular meeting at 7:01 p.m. No action was taken by the Selectboard.

Adjustments to Agenda:

None.

Public Comments

Nancy Wood, resident, submitted written documents/letters, and asked the Selectboard to plan, or strategize, how to end vehicular and residential break-ins that have occurred over several years. Mr. Russell explained that the Town was working with the Shelburne Police Department and State Police on the issues.

Minutes of October 25, 2010

Approval of the October 25, 2010 minutes was deferred.

John and Sue Anne Patnaude Subdivision – action under consideration: approve Conservation and Open Space Agreement, and Roadway Agreement and Waiver
John Patnaude, owner, appeared before the Selectboard.

Mr. Bloch handed out copies a Conservation and Open Space Agreement, a Roadway Agreement and Waiver, and e-mail correspondence from Steve Stitzel, dated 11.08/2010 for review.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a Roadway Agreement and Waiver regarding the John and Sue Anne Patnaude subdivision.

DISCUSSION:

In response to a Board question, Mr. Bloch said that the agreement was the Town's standard boiler-plate agreement.

AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Owen, that the approval would be contingent upon review by the Charlotte Selectboard Chair that the agreement is filled out with the terms of the Zoning permit.

VOTE on the amended motion: 4 ayes, 1 absent (Mr. Stone); motion carried.

Mr. Bloch said that the proposed Conservation Easement and Open Space Agreement were needed because the transfer of the 5 acres to Lot 13 is a new situation. That is why a standard boiler plate agreement could not be used.

Mr. Patnaude said he would like his lawyer to review the agreement language.

Ms. Cole expressed concern regarding wording on page 3 related to “rights to construct permanent recreational facilities” and “no operation of motorized vehicles” on the properties. Motorized vehicles would be needed to do maintenance on the properties from time to time, said Ms. Cole.

There was further discussion regarding the meaning of “no motorized vehicles” a suggestion to table approval of the proposed open space agreement, and applicant concerns for timely approval of a zoning permit. Mr. Bloch said that a Zoning permit could be issued to the applicant prior to approval of the agreements.

The Selectboard tabled action on the Conservation Easement and Open Space Agreement to the 11/22/2010 meeting.

Samuel and Priscilla Spear subdivision – action under consideration: approve Open Space Agreement

Mike Spear, owner representative, appeared before the Selectboard.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the Open Space Agreement for the Samuel and Priscilla Spear subdivision.

DISCUSSION:

Mr. Bloch said the agreement was written with standard boiler plate language, except for changes as noted.

Mr. Ladue read page 3, item E, related to filling, excavating, ..., which pertained to Lot 3. Is that allowed on Lot 4 as well, asked Mr. Ladue. Mr. Spear said that his parents worked out the language with Mr. Bloch. They did not intend to do anything with Lot 4, except to cut firewood, etc. Item E says the exemption was building roads on Lot 3. It doesn't say Lot 4 was exempt from filling, excavating, etc., said Mr. Spear.

Ms. Cole noted that land maintenance should be added to allow use of motorized vehicles. Mr. Russell pointed out that the agreement says "no recreational motorized vehicles." Mr. Spear said that his parents would allow neighbors to continue to use snowmobiles on the open part of Lot 3 to get to the VAST trails.

AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Owen, to add the following language on page 4, item F, "...recreational vehicles will not be allowed, except for land maintenance..."; and item H(2), related to temporary easement to build a mound system on Lot 1 with the easement on Lot 3; strike the last sentence and replace with "...construction easement shall be for the mound construction and maintenance only." Strike out the word "temporary".

Following a brief discussion, Mr. Hinsdale asked that the Selectboard schedule a work session on boiler plate language to bring the Town agreements up to date to reflect modern uses related to septic, trail easements, access, etc.

VOTE on the amended motion: 4 ayes, 1 absent (Mr. Stone); motion carried.

Conservation Fund request by Nordic Holstein, LLC, Vermont Land Trust and Charlotte Land Trust for former Bean Farm, Hinesburg Road – action under consideration: approve disbursement of \$125,000 from Conservation Fund

Kate Lampton, Charlotte Land Trust representative, and Allen Karnatz, Vermont Land Trust representative, briefly explained a request for \$125,000 from the Conservation Fund, which was a last funding step to preserve conserved land on the former Bean farm. The Vermont Land Trust would hold all easements on the conserved land.

Mr. Ladue asked for a copy of the appraisal document on the conserved parcels. Mr. Karnatz explained summary pages of 'before conservation without restrictions land values' and 'after conservation with restrictions land values' for a total purchase of \$450,000. A trail easement was discussed after the appraisal and is not valued in the appraisal document. Another project coming to fruition is the Nichols farm located to the south, which is undergoing appraisal now, said Mr. Karnatz. Mr. Karnatz handed a copy of the full appraisal document to Mr. Ladue.

There was lengthy discussion regarding trail easement connections that mirrored the Town trails map to the east, potential trail easements to the south, tie-ins to the McCargo's on the north and Sheehan Green (there was no official trail easement), a reserved farm access for the Hinsdale's farming operation through Sheehan Green, three possible ways to route a trail to the village, and special treatment areas related to

commercial versus non-commercial activities. Mr. Karnatz said that if a land owner charged fees to use trail easements for commercial gain then that would violate the terms of the agreements. Cutting of “other” trails outside of public access trails would require the land owner to talk to the Land Trust. Mr. Russell stated that the Town was very interested in holding the trail easement. Mr. Karnatz replied that it would cost less to convey the easement to the Town after the closing.

At a Selectboard member suggestion to table approval to disburse conservation funds, Mr. Hinsdale pointed out that a pre-approval letter could be drawn up that parties are agreeable to convey a trail easement to the Town when the Town is ready to receive it.

Mr. Limanek, Trails Committee, said he had met with Ms. Lampton regarding potential of a south easement through the Bean farm to the Nichols farm as a start of a north-south easement.

Ms. Krolich, Recreation Committee, said the Recreation Committee voted unanimously in support of the project even though an actual easement isn't specifically identified.

MOTION by Ms. Cole, seconded by Mr. Owen, to approve disbursement of \$125,000 from the Conservation Fund in support of a request by Nordic Holstein, LLC, the Vermont Land Trust, and the Charlotte Land Trust for the former Bean farm, Hinesburg Road, conditioned upon an acceptable Letter of Agreement that assures that the trail easement will be granted to the Town of Charlotte by the landowner, or Vermont Land Trust, within 60 days of closing.

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

**Letter to Vermont Housing and Conservation Board in support of application request by Nordic Holstein, LLC, VLT & CLT – action under consideration:
approve sending a letter of support**

MOTION by Mr. Ladue, seconded by Ms. Cole, to appoint the Charlotte Selectboard Chair to send a letter of support for the application request by Nordic Holstein, the Vermont Land Trust and the Charlotte Land Trust to the Vermont Housing and Conservation Board.

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

Budget Review – discussion only

- **Planning and Zoning** – Mr. McDonald, Planning Commission Chair, reviewed a proposed Planning and Zoning budget. There was brief discussion regarding a review of septic fee schedules, and to contact Jeff Fehrs as a potential consultant. The Selectboard thanked Mr. McDonald for his report.
- **Trails** – Mr. Limanek, Trails Committee Chair, reviewed a proposed Trails narrative, dated 11/08/2010. Mr. Russell suggested removing the Plouffe Lane trail signage line item. The Selectboard thanked Mr. Limanek for his report.
- **Listers** – Ms. Gault, Lister representative, submitted a proposed Lister budget for review. Ms. Gault would contact the state Property Evaluation and Review agency regarding use of the Reappraisal fund for appropriate assessor salary and

- Lister line items. The Selectboard asked the Lister's to show income and expense items related to the appraiser. The Selectboard thanked Ms. Gault for her report.
- **Affordable House Trust Fund** – Ms. Russell briefly reviewed a proposed budget. Mr. Ladue asked for a report/summary that included affordable housing trust funding sources and mechanisms, actions reflecting Town Zoning changes that resulted in affordable housing projects, Town land donations, etc. Ms. Russell spoke in favor of a separate Affordable Housing Committee with one member of the Trust Fund sitting on the committee. The Selectboard thanked Ms. Russell for her report.

Update Pease Mountain Lease – action under consideration: approve communication to UVM regarding status of the lease

The Selectboard deferred action regarding the Pease Mountain Lease for discussion in Executive Session.

Pease Mountain Trail – action under consideration: approve License Agreement with the Charlotte School District; approve Trail Stewardship Plan; approve Memorandum of Agreement for Interpretative Panel

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a proposed License Agreement with the Charlotte School District; approve Trail Stewardship Plan; approve Memorandum of Agreement for Interpretative Panel; and to delegate the Charlotte Selectboard Chair to sign the agreements on behalf of the Town of Charlotte.

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

Thompson's Point Lots 137 and 140 at 301 Deer Point Road – action under consideration: terminate existing lease and approve new 20 year lease to Nancy Bates, Barbara Gallaher, Susan Dzyacky, Bruce Biddle and Phyllis Biddle, Trustees of the Barbara F. Biddle Family Irrevocable Trust dated December 22, 1994

MOTION by Mr. Owen, seconded by Mr. Ladue, to terminate existing lease and approve new 20 year lease to Nancy Bates, Barbara Gallaher, Susan Dzyacky, Bruce Biddle and Phyllis Biddle, Trustees of the Barbara F. Biddle Family Irrevocable Trust dated December 22, 1994.

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

Thompson's Point Lots 138 and 139 at 301 Deer Point Road - action under consideration: terminate existing lease and approve new 20 year lease to Nancy Bates, Barbara Gallaher, Susan Dzyacky, Bruce Biddle and Phyllis Biddle, Trustees of the Barbara F. Biddle Family Irrevocable Trust dated December 22, 1994

The Selectboard took no action.

Volunteer's annual holiday party – action under consideration: approve planning for party

Ms. Cole reviewed expenditures from the 2009 party. Ms. Cole would review options with a preference for hiring local vendors and report back to the Selectboard at the next Board meeting.

Frost and Gaujac appeals of PUD and Site Plan Approval for an Inn (at the Old Lantern) – action under consideration: designate delegate to mediation
MOTION by Mr. Ladue, seconded by Mr. Owen, to appoint Charles Russell and Jenny Cole as the Town of Charlotte’s delegates to represent the Town at the Frost and Gaujac appeals of PUD and Site Plan Approval for an Inn at the Old Lantern mediation scheduled for 12/15/2010.

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

Town Audit – action under consideration: approve draft audit
MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a draft Town Audit, pending corrections to page 24, Note 6, Long Term Debt, for FY2013-2014, add \$75,000 back in.

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

Selectboard Updates – work on Town Hall; wastewater pump station; water system; Selectboard meeting schedule in December; other – discussion only
Mr. Russell reviewed work done on the Town Hall; an estimate from P&P Septic, dated 10/21/2010, regarding a waste water pump station project; and rescheduling a Selectboard meeting from December 27, 2010 to December 20, 2010.

MOTION by Ms. Cole, seconded by Mr. Ladue, to schedule Performance Evaluations of staff by the entire Selectboard at the 12/20/2010 meeting.

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

Approval of Bills and Warrants

The Selectboard signed Bills and Warrants as presented.

Executive Session and Adjournment

MOTION by Mr. Ladue, seconded by Mr. Owen, to recess the regular meeting and enter Executive Session for the purpose of discussing a Pease Mountain Lease with UVM.

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

The meeting was recessed and the Board entered Executive Session at 10:05 p.m.

MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn Executive Session and reconvene the regular meeting.

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

Executive Session was adjourned and the Board reconvened the regular meeting at 10:12 p.m.

The Selectboard discussed the Flea Market and whether to continue to lease this area for this purpose.

**MOTION by Mr. Ladue, seconded by Ms. Cole, to adjourn the meeting.
VOTE: 4 ayes, 1 absent (Mr. Stone); motion carried.**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary