

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
OCTOBER 10, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Ed Stone, Charles Russell, Francis Thornton.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Carrie Spear, Liam Murphy, Jim Dickerson, Peter Trono, David Mack, Robbie Stanley, Chris Mack, Tom Duginski, Jack Kerr, Clarence Hutchinson, Carol. Kim Mann, Steve Denton, Norman Morrill, Ben Richmond, Richard Stowe, Robie Reid, David Carroll, Bill Symmes, Carolyn Symmes, Pat McGlaflin, Amadee Denton, Rebecca Fortin, Kevin Wood, Loren Wood, Robert Mack Jr, Clark Hinsdale III, David Miskell, Walter Judge, Frances Foster, Will Foster, Chris Fortin, Peter Coleman, Tricia Coleman, David Nichols, Diane Nichols, Meg Berlin, Spin Richardson, Eric Bown, Paul Yantz, Chris Daun, Russ Ayer, John Carpenter, Don Carpenter, Kristopher Larson, Sarah Kerr, Dave Carpenter, Marc Aube, Mike Richmond, John Salman, Ray Curtis, Hugh (Jr) Lewis, John Hammer, Charlotte News, and others.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:00 p.m.

2. ADJUSTMENT TO AGENDA

Added:

- Request for a drilled well on Thompson's Point
- Reimbursement for a slashed tire, Ferry Road

3. PUBLIC DISCUSSION

David Miskell, resident, stated that the Charlotte Zoning Board of Adjustment did not grant a permit for Steve's Citgo. The Selectboard can react after an appeal to the Environmental Board. Mr. Miskell expressed his concerns to the Selectboard

Clark Hinsdale III spoke in support of a more business friendly environment in Charlotte where services can be provided to the townspeople. Currently zoning regulations do not support businesses and if you can't conduct business in a commercial zone where can you, asked Mr. Hinsdale. Charlotte has lost landscaping and excavating businesses all ready. Having them here in Town is important to us. Mr. Hinsdale expressed concern on behalf of Steve Denton and others who are finding it hard to function. We need to have clear rules and regulations in plain English that everyone can understand versus the "gotch-ya" mentality. I would like to see real commercial zones in Town.

Liam Murphy, attorney representing Steve Denton, reviewed that commercial zones in Charlotte are represented by one percent of the Town districts. Commercial regulations limit and don't encourage commercial businesses. It is better to have a mixed-use

business that employee Town residents versus a Maplefields owned by an out of town business. If the Town limited business uses on commercial properties then that would limit Charlotte to a bedroom-based community. The Zoning Ordinances have been turned down over the years because they are hard to understand. Zoning enforcement is based not on what you do, but whom you know. That makes it seem like it is personal in nature. The Zoning Regulations need updating to permit more diverse uses. The Town residents are strongly in favor of Steve Denton and his business. Mr. Denton will file a notice of appeal. He wants to work with the Town, but will work either through the Environmental Court, or present a 5 percent of voters petition to solve the issue.

Richard Stowe, resident, spoke in support of what Clark Hinsdale III said. In the past number of years the State of Vermont has made it clear that the state is anti-business. That seems to filter down to the Town where we are preventing Mr. Denton from conducting business in a commercial zone. Mr. Denton starts work at 6:00 am and returns home at 7:00 pm providing neighborhood and Town services. He is a neighbor and his children are in the Town school. The Town needs to be more pro-business.

Robert Mack Jr, resident, asked if the Zoning Regulations that were voted down would have helped in this situation. Ms. Russell replied yes, the changes would have permitted multi-use businesses. They might not have helped Mr. Denton, but the proposed changes would have helped other businesses. Mr. Russell explained that if a use is not listed in the Zoning Regulations then it is prohibited. The new Zoning Regulations would have allowed for some common sense.

Mr. Mack asked for an informal poll of the Selectboard who were in support of Mr. Denton's application. Ms. Russell stated that (she) was not sure the Board has heard all of the facts to be able to speak to it. Ms. Cole said that we should be supportive of business in Town. At issue are the rules in place. If changes are needed then the group in this room could review the Zoning Bylaws, proposed changes and make suggestions. Mr. Thornton said that the Zoning Regulations were undergoing a review now. You need to be careful, or you could end up with something you don't want, said Mr. Thornton. Mr. Stone said that one solution to the problem is for Mr. Denton to ignore the ZBA ruling. The ZA would send a letter to Mr. Denton and at that point the ZA would come before the Board. The Board could fine Mr. Denton \$1.00 or \$5.00 and let it go until the regulations are changed to allow Mr. Denton to continue his business. If the Town doesn't like the new regulations then you should read them and understand them versus just voting them down. Everyone needs to understand the impacts on the Town and do their homework. I am against the regulations and would like better regulations that are easier on everyone.

Spin Richardson, resident, said he attended the ZBA meeting. A question is what are the issues - the description of what he does, or is it mixed uses. Ms. Russell clarified that the ZBA did not approve the mixed use. Attorney Murphy said the Zoning Regulations permit mixed use as a Conditional Use. The Zoning Regulations do not list landscaping and excavating. If a use if not listed then it is a prohibited use. Attorney Murphy said that Mr. Denton would file a notice of appeal and discuss the issue with the Town.

Carrie Spear, resident, handed in a petition in support of Steve Denton to the Selectboard for review.

5. RESCUE SERVICES – Discussion

Ray Curtis, Charlotte Fire and Rescue President, said that presently the Rescue Squad was reviewing an ambulance design.

John Salman, Fire and Rescue member, said the squad was looking at finalizing specifications for a new ambulance, and reviewed estimates from PL Custom and Portant. Portant presented a \$149,000 estimate and PL Custom was less. There have been changes and the current estimate is \$138,814 pending a finalized engineering design and other potential modifications. There is a six-month delivery once an order is placed.

There was discussion regarding a potential delivery date in April 2006; a budget of \$140,000 (Ms. Russell said that as long as the budget number was not exceeded there should not be an issue with the order); a plan to sell the current ambulance after the squad was satisfied with the performance of the new ambulance; problems with the current ambulance (Mr. Curtis reported that the vehicle would not start today and it is burning oil); a suggestion to retain the current ambulance for training purposes (Mr. Curtis pointed out that there would be no place to keep a second ambulance); and a review of the features of the new ambulance (LED light package, more user friendly mechanics, larger more powerful engine); and Rescue Squad staffing.

Mr. Curtis reviewed staffing issues related to licensing. During summer the squad lost St. Michael's and UVM students and have fewer volunteers. The squad ran ads in the newspaper and we are finding that volunteers are from outside Charlotte. There are two full-time and some per-diem staffers. There is a need for a third full-time person. We respect Josie and the job that she does. This last month we found there was an issue with weekend volunteer staffing. We are trying to keep the same crews working together.

Mr. Stone asked if it would be better to have a full-time paid department, or a First Response Squad. Mr. Curtis replied that a full-time paid department is the wrong way to go for Rescue. We would need \$50,000 for one more full-time staff person. That person could help run the weekend service. Ms. Russell asked for a working budget number for three full-time staff.

Ms. Cole suggested a discussion with Shelburne, Hinesburg and Vergennes regarding area coverage, and if there is any interest in sharing personnel. By sharing ideas there might be solutions discovered regarding staffing. Mr. Walker explained that Charlotte Rescue is secondary coverage for 3/5ths of Hinesburg and back up for Shelburne. The district is considering a change to the boundaries that would increase our call numbers. There is inter-agency cooperation to provide coverage for the area communities.

Ms. Cole asked for an update regarding response to a summer training course. Mr. Curtis reviewed that there are college students taking the classes. There are several crew chiefs

in training. Mr. Walker said that the ads have brought a couple of people in for training. There are on-going EMT classes currently.

Ms. Russell reviewed options that included exploring a First Response Squad. Mr. Curtis said that if the Town took that route then they would need to do it before ordering a new ambulance.

Mr. Curtis said that several of the fire fighters were filling in as ambulance drivers. Mr. Curtis would draft a budget update related to staff for Selectboard review.

Mr. Mack asked for a status of the Rescue Trust. Mr. Curtis explained that it has been difficult to get information from the trustee. An attorney has been hired to explore replacing the trustee.

Ms. Russell asked for an update regarding an administrative job description. Mr. Arthaud reviewed a part-time position for an Administrative/Clerk of the Works, which was proposed as a 20-hour four-day position. EMT duty is not a part of the job description.

There was further discussion regarding potential local emergency planning funding through the CCRPC (Mr. Flore would attend the CCRPC meetings).

6. GREENBUSH ROAD – Discussion of potential improvements near Thompson’s Point Road intersection

Mr. Stone reported that a Road Safety Audit review has been completed. Recommendations in the report included traffic calming methods, installation of speed limit signs and warning signage, repainting the double line 300’ south of the rail road crossing to the intersection of Ferry Road, cutting back brush on a curve, and reconfiguring the intersection as a four, or three-way intersection. The survey discovered that most speeds were in the 45-48 mph range in the 50 mph zone.

Ms. Cole asked if the new entrance from the housing development was taken into consideration, and expressed concern that traffic would increase on the road.

Mr. Lewis said that the Highway Department did not recommend posting a “reduced speed ahead” sign. Regarding the brush; it was an issue with the landowner who did not want the brush cut back because it would expose their house more. The brush that is in the Town right-of-way could be cut back without imposing on their house. It is mostly sumac. Mr. Russell stated that safety is paramount regarding brush cutting. Mr. Russell asked for clarification of the Tree Warden’s authority, and he would discuss the tree and brush issue with Mr. Hamilton.

Mr. Lewis said that he would contact the AOT regarding line painting on Greenbush Road, which the state has jurisdiction over. He would also contact Paul Goodrich regarding who paints the white shoulder lines. The Town had jurisdiction over Class III roads.

Mr. Mack suggested fixing the culverts on Green Bush Road.

Ms. Russell reviewed that the Board was supportive of painting the double center lines, cutting the brush back, checking the status of culverts, but not supportive of posting signage. It might be prudent to conduct a site visit of the road conditions.

Mr. Lewis reported that a landowner had built a stonewall in the Town right-of-way and on top of a culvert, which could become an issue.

Ms. Russell reviewed a request by a visitor for reimbursement for a slashed tire from running over the remains of a signpost near the Brick Store. The incident happened on 10/03/05. Mr. Lewis recommended that the Board deny the request.

MOTION by Mr. Thornton, seconded by Mr. Russell, to deny a request for reimbursement for a slashed tire that happened by the Brick Store on 10/03/05.

DISCUSSION:

Mr. Thornton stated that the Town was not liable.

Mr. Lewis said that a sign had been broken off and a portion of the post remained. The post was off the travel portion of the roadway. The Highway Department was not aware of the broken sign. He was paged (when the tire incident happened) and he went right down and fixed it. The sign was replaced.

Ms. Cole commented, from one point of view, there was a hazard there that caused damage even though the Town wasn't aware of it.

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

7. TOWN ROAD RECONSTRUCTION SCHEDULE – Discussion

Mr. Stone reported that there is five years left on the contract with Robert Titus for the Town to remove shale from the Titus pit. A question to ask can the Town remove the shale in that time period. Ms. Russell said that Mr. Titus suggested that the Town renew the contract another three years. Mr. Lewis said a question is how long would it take to remove the shale and what is the budget for the removal.

Ms. Russell said it is understood that the Town might need to consider a higher budget and plan out reconstruction projects to use up the shale. Mr. Lewis pointed out that the longer road projects were put off the higher the cost. It is estimated that 10,000 yards of shale remained. It costs \$50,000 to blast the shale to break it up and an estimate of \$150,000 for two years to remove it. Then it would cost \$4 per yard to bring in a crusher. It might be cheaper to get 5" stone from the Shelburne quarry. Currently there is blasted rock at the pit and we would need to get that out of there.

Ms. Russell reiterated how much to budget for road projects and remove the shale, and if the Town should escalate the project schedule. The Board would revisit the issue during budget discussions.

8. REQUEST FOR A DRILLED WELL AT THOMPSON'S POINT

MOTION by Mr. Thornton, seconded by Ms. Cole, to approve a request by Jeffrey Bodin for a drilled well on Lot 210, Thompson's Point, as presented.

VOTE: 5 ayes; motion carried.

Ms. Russell signed the document.

9. SELECTBOARD UPDATE/CHAIR'S REPORT

Ms. Cole reported that information regarding a grant program to hire Youth Conservation Corps for projects was received. The notice would be posted.

Mr. Stone asked for an update regarding Park and Ride grant funding.

Mr. Stone reported that the Verizon poles have not been removed from Mt. Philo Road. An article would be placed in the Charlotte News.

10. APPROVAL OF MINUTES

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve the Charlotte Selectboard minutes of 09/26/05 as written with the following additions/corrections:

Globally correct the spelling of the names: Gregg Beldock, Charles Eller, Nancy Sabin, Tim Eustace, Robert Hyams, and Gecewicz.

Page 2, #6 correct the spelling of "Prindle Road";

Page 5, change the word "trial" to "trail";

Page 6, #8, last sentence, change to read "...the Town and Planning Commission reviewed a draft...";

Page 9 #7, change the word "Higee" to "Higbee";

Page 10, #12, Motion, change "reflective sign" to read "reflectors", #13, change the word "telephone" to "transmission", and in the Friendly

Amendment to the Motion, 2nd bullet, delete "Closing the area for" and replace with "Allowing", 3rd bullet, add to the end "to determine access.";

Page 11, #15, under Mutt Strut, change "...the road" to read "...Church Hill Road."

VOTE: 5 ayes; motion carried.

11. UPDATE OF PENDING LITIGATION

MOTION by Mr. Russell, seconded by Mr. Thornton to enter Executive Session for the purpose of discussing Legal Matters that included VELCO, Mathieu Motors, and Carol B. Hinsdale.

VOTE: 5 ayes; motion carried.

The meeting was convened and the Board entered Executive Session at 9:20 p.m.

MOTION by , seconded by , to adjourn Executive Session and reconvene the regular meeting. **VOTE:** .

12. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

11. ADJOURNMENT

The Chairperson adjourned the meeting at p.m.

Respectfully submitted, Kathlyn 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.