

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
SEPTEMBER 22, 2008**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Jenny Cole, Winslow Ladue, Ed Stone, Frank Thornton.

ADMINISTRATION: Dean Bloch.

OTHERS: Gloria Warden, Moe Harvey, Ray Murphy, John Freidin, Garvey, Liam Murphy, John Freidin, Justin Borak, Steve Mack, Greg Duggan, Charlotte Citizen; and others.

(NOTE: the agenda order was not in the published order.)

1. CALL TO ORDER

Mr. Russell called the Selectboard meeting to order at 6:30 p.m.

2. APPROVAL OF AGENDA

No additions.

3. PUBLIC DISCUSSION

None.

4. MINUTES: July 28, August 11, August 13, August 25, September 8
MOTION by , seconded by, to approve the minutes of 07/28/2008, 08/11/2008,
08/13/2008, 08/25/2008 and 09/08/2008 as amended.

VOTE: 5 ayes; motion carried.

**5. GLORIA WARDEN – Request to Select Group B (rather than Group A) for
Municipal Employees Retirement Plan**

Gloria Warden reported that she had met with the Selectboard members regarding the Municipal Employees Retirement Plan, with Group A. Town employees have requested that the Board consider replacing Group A with Group B. There was a line item in the Town budget for the retirement account. Employee contributions were \$10,475. Selecting Group B would result in \$3,000 more for eligible employees.

**MOTION by Ms. Cole, seconded by Mr. Ladue, to accept a Municipal Employees
Retirement Plan, Group B, as presented.**

VOTE: 5 ayes; motion carried.

Ms. Warden noted that approval must be at the State Treasurer's office by the end of the month.

**6. MOE HARVEY – Request for Partial Fee Waiver for Subdivision
Amendment**

Moe Harvey, resident, reviewed a request to the Board for a lower fee for a boundary adjustment application.

MOTION by Ms. Cole, seconded by Mr. Ladue, to reduce the fee for Moe Harvey for a partial fee waiver for a subdivision to \$400.

VOTE: 5 ayes; motion carried.

Mr. Russell noted that the Planning Commission has requested that fees be reduced in general.

7. RAY MURPHY – Request to Officially Name Driveway Serving Two Parcels

Ray Murphy, resident, explained a request to name his driveway located off Route 7 Rabbit Hill Road. He was told that if his neighbor and Chris Davis, Charlotte Fire Chief, approved the name then he could submit the request. Letters of approval were submitted to the Town Planner. There was a serious safety issue. Drivers on Route 7 could not see that there is a driveway and as people came down the hill anyone turning left into the driveway was at risk. Posting a reflective road sign is an attempt to solve the safety issues.

Mr. Murphy submitted photographs and letters of support from Charlotte Fire and Rescue departments and the AOT for Board review. A state permit for the sign was granted as per instructions from the Charlotte Road Commissioner.

Mr. Russell said that in July the Board was not aware that the Town Clerk was also the E-911 Coordinator. Ms. Mead reviewed road naming standards that were based on the state regulations. The Town wouldn't want a town full of named driveways (that serviced less than three homes). If the Board approved this request then they would have to approve future requests. Mr. Murphy could put in a wood post with reflective numbers for his driveway, suggested Ms. Mead.

Ms. Mead said that if the Town didn't comply with the state E911 regulations then the Town would be fined.

Ms. Cole read the rules for naming a road that serviced three or more homes. There were a few named roads with two houses, such as Lost Forest Road.

There was further discussion regarding safety concerns for drivers that turn off Route 7, a suggestion that the applicant post a sign with landscaping that would bring attention to the driveway location; and a question if an official road sign was necessary. Ms. Cole pointed out that Mr. Murphy's driveway was only 150' long before it split to the two homes.

MOTION by Mr. Stone, seconded by Ms. Cole, to approve an official name of a driveway serving two parcels as 3047 Rabbit Hill Road and 3049 Rabbit Hill Road on Ethan Allen Highway as requested by Ray Murphy.

DISCUSSION:

Ms. Cole said she could understand that slowing down and turning left off Route 7 is a hazard due to the speed of cars. Just placing number signs may not be as visible as a named sign. Mr. Thornton stated that is true for just about every house on Route 7. Many are identified with just a number on the street. A street sign won't make it any safer, said Mr. Thornton. Mr. Ladue said he felt that a sign would make it safer. A sign is an identifier. That portion of Route 7 is one of the faster traveled portions due to the hill. We could make an exception to approve a road name in this case. A driver would have to cross 2.5 lanes to make a left turn into (the Murphy) driveway.

Mr. Stone called the question.

VOTE to Call the Question: 4 ayes, 1 nay (Mr. Thornton); motion carried

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

8. JOHN FREIDIN – Preliminary Review of Open space Agreement for Two Lot Subdivision

Liam Murphy, attorney, and John Freidin, applicant, appeared before the Board.

Attorney Murphy reviewed that Mr. Freidin was seeking approval for a simple two-lot subdivision. A memo from Linda Hamilton requested a more detailed open space plan. An open space agreement was written based on a Vermont Land Trust form. Fifty percent of the parcel would be included in the Open Space Agreement. The Town Planner suggested that the applicant come before the Selectboard.

Mr. Russell read a memo from Linda Hamilton and Trafton Crandall, dated 09/22/2008, into the record. It was not clear if the memo was from the Conservation Commission, or was just from Ms. Hamilton and Mr. Crandall.

Attorney Murphy explained that Stuart Morrow researched Town Line Road and there was a question of where the road ended.

Mr. Bloch clarified that this was not a hearing, just a preliminary review by the Board.

There was further discussion regarding the location of Town Line Road (Mr. Thornton pointed out that it started at Mt Philo Road, not at Route 7); a Board question related to Section 5, page 4, of the Open Space Agreement, if the boundary went to the middle of a creek (Attorney Murphy noted that the agreement was identical to the Knox Open Space Agreement, which was on the lake, to be consistent. The language was not changed.); and a Board suggestion that the applicant should work with the Conservation Commission to craft language that was more applicable to the parcel.

Attorney Murphy expressed concern that waiting for Conservation Commission comments might come too close to the Planning Commission hearing time wise to be useful.

The Selectboard suggested the following:

- Update the Open Space Agreement language to reflect the 2008 Capon and Harmon report related to Wildlife Networked Habitat,
- Taylor language of the proposed agreement with the assistance of the Conservation Commission,
- Clarify the creek boundary,
- Clarify where Town Line Road ends, and
- Clarify “improved bodies of open water” language.

9. BALDWIN ROAD – Deliberations for Discontinuance of the Class IV Portion

Mr. Russell, Selectboard Chair, called a Deliberative Session. The Board entered Deliberative Session.

Following discussions, the Board determined that if Monkton threw up Baldwin Road, then Charlotte would consider discontinuing the road as well.

MOTION by Ms. Cole, seconded by Mr. Ladue, to reopen a public hearing on consideration to discontinue Baldwin Road, a Class IV road, and to schedule a Special Selectboard meeting and Public Hearing date for 11/03/2008.

VOTE: 3 ayes, 2 nays (Mr. Stone, Mr. Russell); motion carried.

10. LAND MAINTENANCE CONTRACT – Update and Approval of Revision to Contract

Mr. Russell reviewed a Land Maintenance Contract awarded to Fix it Rich. The Town was billed for extra work (weed whacking) that was not resolved formally. A question was what to do about maintenance at the beach.

Ms. Cole explained that she met with Rich at the beach in June regarding extra weed whacking. That put him over his bid amount. The extra work cost \$7,053.

Justin Borak expressed concern and noted that in the past weed whacking was part of the job. The contractor missed the first three mowings at the Town Hall.

Steve Mack asked for clarification of the contract amount. Mr. Russell replied \$28,811.

Mr. Ladue asked for clarification of what was said to the contractor in the spring.

Following further discussion, Mr. Thornton said that the contract should be amended in writing if there were any changes. There should be a policy that contract amendments come before the full Selectboard.

MOTION by Mr. Stone, seconded by Mr. Thornton, to terminate the Land Maintenance Contract with Fix It Rich effective 09/22/2008.

DISCUSSION:

Mr. Thornton asked if the Board could terminate the contract. Mr. Russell clarified that the Town had a contract with Fix It Rich, but the Board never signed it. There

was a question of if Fix It Rich has a contract. Mr. Thornton said then it is a verbal agreement if there is no written signed contract. Mr. Ladue asked if there was no contract then would (Mr. Thornton) change his mind. Mr. Thornton relied no. If there was no contract then we can terminate him.

Mr. Stone called the question.

VOTE to Call the Question: 5 ayes; motion carried.

VOTE on the Motion: 3 ayes, 2 nays (Ms. Cole, Mr. Ladue); motion carried.

(NOTE: Mr. Russell departed at 8:20 p.m.)

11. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

12. WORK PLAN

Work Plan discussion was deferred until the next meeting of the Board.

13. EXECUTIVE SESSION and ADJOURNMENT

MOTION by Mr. Thornton, seconded by Mr. Ladue, to adjourn the meeting and enter Executive Session for the purpose of discussing Litigation Matters, and to invite the Selectboard Clerk to attend.

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

The meeting was adjourned at 8:23 p.m. and the Board entered Executive Session.

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.