

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
NOVEMBER 13, 2006**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jenny Cole, Charles Russell, Ed Stone, Frank Thornton (arrived at 7:10 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Chris Ellis, Raven Davis, Robert Chutter, Michael Russell. Ben Kyle, Jamie Cohen, Magic Deeley, Allen Simon, Woody Keppel, Mary Cheney, Dick St George, Andrea Grayson, Alex Cox, Lance Jennings, Dorrice Hammer, Mischul Brownstone, Marty Illick, Terry Hotaling, Ker B Walker, and others.

1. CALL TO ORDER

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

2. ADJUSTMENTS TO THE AGENDA

None.

3. PUBLIC DISCUSSION

None.

4. APPROVE MINUTES OF 10/23/2006

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of 10/23/2006 as written, with the following corrections/additions:

Page 3, end sentence at "...Town Plan."

Page 6, D) VELCO report, change to read: "...no further to the west then exists in certain areas." E) Work session dates, "dates to be scheduled if needed."

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

5. TOWN BUILDING SECURITY

Ms. Russell reviewed a need for changes in security at the Town buildings as a result of a recent incident at the Town library. The Library has implemented security changes and staff was exploring safety measures at other Town buildings as well.

Robert Chutter, Senior Center representative, noted that there were two nonfunctioning lights at the Library this evening. Mr. Chutter reviewed security proposals and procedures at the Senior Center.

Mr. Stone suggested periodic police patrols, enforcement, or as a visible presence. The Shelburne Police Department has been helpful and diligent. The State Police response time was 45 minutes. The County Sheriff worked primarily for the courts. The State Police usually asked the Shelburne or Vergennes departments to response to issues in Charlotte. Mr. Stone suggested asking the Shelburne Police Department to patrol the area

one or twice a week until security cameras were installed. Mr. Stone would bring in an estimate of cost for the Shelburne Police.

6. LEWIS CREEK ASSOCIATES – REQUEST TO AMEND CONDITION #1 OF HIGHWAY ACCESS PERMIT (HAP-05-11) REQUIRING CONSTRUCTION OF NEW DRIVEWAY BY 12/31/2006, TO ALLOW NEW DRIVEWAY BE CONSTRUCTED WHEN LOT 2 IS DEVELOPED

Ms. Russell reviewed a request to amend a condition for a Highway Access Permit that required construction of a new driveway by 12/31/2006.

Mr. Stone suggested that if nothing was progressing with development of Lot 2, then the permit could be extended for another year.

Mr. Thornton said the access was only moving 50’-60’ up the street.

MOTION by Mr. Russell, seconded by Mr. Thornton, to grant Lewis Creek Associates an extension to condition #1 of Highway Access Permit, HAP-05-06, to construct a new driveway by 12/31/2007.

VOTE: 5 ayes; motion carried.

7. DISCUSSION OF ADDING MEANDER STREET TO STATE HIGHWAY MAP

Ms. Russell reviewed that there were many existing Class IV Town roads and highways that landowners were not aware crossed their land. The state has established February 2009 as the time frame to preserve/acknowledge these roads on the State Highway Map.

Ms. Russell stressed that the Selectboard was addressing a need/desire to add the roads to the State Map to retain a town asset, but was not deciding a use (of the roads).

Ms. Illick reviewed three points for the Board to consider regarding how a Town road should be prioritized on the list of roads. All the trails should be considered, not just Meander Street. Ms. Illick asked what the Board discovered at the Meander Street site visit.

Ms. Russell said that the Board members at the site visit found it “unobservable” in that they couldn’t find it. They didn’t walk any of it.

Michael Russell reviewed a Trails Committee mandate to identify Town assets; including utilization of a Town-wide trail network. (Michael) Russell noted that a different committee researched and put together data on old Town roads ten years ago, which was the basis for a Trails Vision Map that considered easements in addition to Class IV roads.

(Michael) Russell explained a process for balancing the needs of the Town and property owners that everyone could benefit from. The road list was just one subset of Town assets. Selectboard, Frank Thornton, identified potential roads through the Town records, and compiled a book of trails and Class IV roads. The Trails Committee searched out

these roads and used two objective criteria to judge their potential use: condition of the road, and connectivity value. (Michael) Russell pointed out existing trails and Class IV roads on a Trail's Vision Map (orange identified Class IV roads, purple were potential useful connections). Committee members walked the trails to try to identify the location of the roads, where they went and how useful they were, the condition, and also if it was likely that a landowner would grant an easement. Brooke Scatchard and Bill April reported that Meander Street was used year round as a hiking and cross country skiing trail. That part of Charlotte is underserved by recreational opportunities, said (Michael) Russell.

Ms. Illick summarized criteria used by the Trail's Committee for evaluating trails/roads;

- Present condition, and
- Connectivity value.

Ms. Illick expressed concern that the Town has not surveyed the road, which should be done before the Town took steps to add the road to the state map, and the cost of a survey.

(Charles) Russell explained that the Trails Committee identified three Class IV roads that the Town should keep. The Selectboard reviewed the list. Out of twenty roads the list was narrowed to a short list.

Mary Chenney, resident, noted that Meander Street ends, or starts, on her property, and expressed several concerns. There were no ski trails except up Lewis Creek Road. No one from the Trail's Committee contacted me. The land was not posted, but there was a concern that people would make a trail where none existed. A question was did April/Scatchard find the old road, and if so, would the Town have it surveyed.

Jamie Cohen, Roscoe Road resident, said that the other end of Meander Street was no trail, but a wetland and meadow. It was difficult to understand the land marks on the deed survey to identify where it goes. At a meeting with Dean Bloch, Town Planner, he showed another map with an alternate route, said Ms. Cohen. Mr. Bloch explained two routes that were noted on the Town map. One was received from the RPC and it was not clear what source was used. Staff was not comfortable that either route was correct. For clarification a survey could be required.

Mr. Thornton explained the research conducted by looking through Town records from a historic perspective, then plotting the roads on paper. Mr. Thornton said that he found old road, but didn't find the west side entrance. The "green" line on the map was his line. At that time, there was evidence of a trace of the road going in by the river up from Toad Road. Ms. Cohen suggested that the driveway that was constructed in 1985 might be a part of the old roadway.

Todd Baker, resident and logger, asked what the Town vision was, and the process of interaction between landowners and the Town. There were logging roads on a plateau in there from logging activity.

Ms. Russell reiterated that the Town interest tonight was to listen to the public regarding whether Meander Street should be placed on the state map. A survey was needed to find where the road goes. In terms of use, a discontinuance was a well documented public process defined in state statutes.

Mr. Thornton pointed out Meander Street was a legal Town road. It already exists and was accepted by the Town in the late 1800s.

Mr. Baker said the area was a working landscape and he was harvesting trees. What was the impact to the landowner if a road/trail system was developed on the property, asked Mr. Baker. (Charles) Russell replied that if a trail was there, it is envisioned as a low impact. Maintenance would be by raking. It is a remote undeveloped trail and no changes were considered to the current condition.

Emily Ferris, A Johnson property owner and resident, said there was an easement on the property already. There was an old logging road to the river that people walked on. It would take considerable brush whacking to make trail to the river. Ms. Ferris expressed concern that just anybody would have access to the property, or that ATV, or mountain bikers would use a trail. It is a sensitive wildlife corridor, said Ms. Ferris. Ms. Russell stated no one was talking about opening up a trail.

Raven Davis, 385 Toad Road, expressed concerns as a member of the Charlotte Conservation Commission. The commission was not notified of a site visit taking place. The Town process included other Town organizations being noticed early on. The Conservation Commission would have interest in exploring the potential wildlife areas. This was a sensitive area in the Town. The commission would want time to do studies and make recommendations.

Mischul Brownstone, Toad Road resident, expressed concern that the Town was taking a formal step to name a road for some uncertain trail on the A Johnson land. It is a natural area and (we) don't mind people walking there, but (we) don't want it marked as a trail on a map, or as a destination. Mr. Thornton reiterated that the road existed and is a legal Town road.

Woody Keppel, resident, expressed concern that humans needed more recreational areas. Why put a recreational trail in a natural wildlife area. People could recreate on a dirt road. How do we know it is a road, asked Mr. Keppel. Mr. Thornton explained the road is in the Town records.

Ms. Illick said she didn't agree that it was a Class IV road, or what the Town was calling Meander Street. ACT 178 was talking about "unidentified corridors", said Ms. Illick. Ms. Russell stated it was a Class IV road.

Ms. Ferris asked if the words: links, rods, chains, identified east, west, north, south, are from specific point of reference. Mr. Thornton replied yes; from the Town records. Ms.

Ferris said that from the records ca. 1792 there was something there, but until we paid a surveyor to identify the location, we wouldn't know the impacts on our homes.

Ms. Russell asked the Selectboard if the discussion should continue, survey the road to add to the map, or throw up the road. The Board could continue the discussion to a future date, pending on getting a grant for a survey.

Ms Davis said that the Conservation Commission works with a wildlife biologist, and, for the record, it was recommended that any trails should stay away from the edge of streams.

Ms. Cheney asked for notification as a landowner.

Mr. Stone suggested that the Board was premature on calling a public hearing. Adding ancient roads to the state map doesn't have to be done until February 2009. The Board needs clarification on what direction to go. It was a personal opinion that ancient roads should all go away. The Trails Committee did good work, but other landowners feel that the Town should throw up the roads. The Trails Committee could deal with trails/easements as needed.

MOTION by Mr. Russell, seconded by Mr. Stone, to continue a public hearing regarding Meander Street to March 12, 2007, at 7:30 p.m.

DISCUSSION:

Ms. Russell reminded the Board that there were more roads to review.

Mr. Bloch pointed out that if the Town received a grant then either Meander Street would be surveyed, or another road could be surveyed.

Ms. Russell said the Board should take a long term view for the best interests of a Town asset. When a road was gone, it was gone forever. Think cautiously.

VOTE: 3 ayes, 2 nay (Ms. Russell, Mr. Thornton); motion carried.

8. AMENDMENTS OF MOTOR VEHICLE AND TRAFFIC REGULATION ORDINANCE TO REDUCE SPEED LIMITS ON GREENBUSH ROAD AND MOUNT PHILO ROAD

Ms. Russell said Tim Eustaus Town Attorney, drafted the proposed amended language to the Motor Vehicle and Traffic Regulation Ordinance. A telephoned Valerie Graham 11/12/2006 to object to a reduced speed on Greenbush Road, reported Ms. Russell.

Mr. Bloch pointed out that the CCMPO has conducted speed counts over the last three years. The conclusion was that 85 percent of motorists drive at 50-55 mph.

Mr. Thornton stated the limit should be left at 50 mph. A traffic study was done at the other end (of the road) already.

There was discussion regarding reducing the speed to 35-mph at the railroad bridge; average speeds of 50-55 mph; CCMPO recommendations; road impacts that included the number of driveways and businesses on the road. (Ms. Russell noted that safety for children was the main driving force for a 45 mph); the number of new houses on Greenbush Road (Mr. Stone said were 16 new houses); and guidelines that would vary speed on long stretch of roads (set the speed at 85 percentile and lower at dangerous spots). Mr. Stone said that at a previous meeting there was a discussion. He was told to order signs, so the signs were ordered. Now there was paperwork from state to prepare.

Nigel (?), Greenbush Road resident, said that speeding on the road was no problem. The police sat at the Bostwick Road end, which kept speeds down. A question was would there be enforcement of the posted speed limits. Where is the evidence that people say is an issue.

Chris Ellis, Greenbush Road resident, said that state statutes say that setting speed limits shouldn't be based on pressure by people. If the Town set Greenbush Road at 10-5 mph below current speed people would continue to drive at 50. State statutes don't provide for tolerance. Mt Philo Road hasn't been below 55 mph for 85 percentile in 8 years. Mr. Ellis said he drove the Greenbush Road every day and it was not a dangerous road. He couldn't speak to Mt Philo.

Mr. Thornton expressed concern that if the Town lowered the speed limits without a traffic study, then a police presence wouldn't make a difference since they couldn't ticket people. Mr. Thornton cited a California court case related to a federal racketeering law.

Mr. Ellis noted that there is a process in state statutes that towns should follow to change speed limits. Mr. Ellis read state statute requirements related to speed studies. His point of view was he didn't care for over regulation, but the Town should do it properly. Mr. Russell asked if was leeway to set the speed limit at 45 versus 50 mph. Mr. Bloch said that on page 4-5, traffic studies, there was consideration for sharp curves, etc, and not just based on an 85 percentile.

Ms. Russell summarized

- A CCMPO study data indicated that most motorists travel 50 mph.
- Articles have been posted in the newspapers.
- A draft to Town Ordinance has been drawn up.

Mr. Ellis handed a letter of objection to changing speed limit written by Judith Tuttle, dated 11/13/2006, to the Board.

Action of the draft amendment to the Motor Vehicle and Traffic Regulations Ordinance was tabled until a traffic study was conducted.

9. CHARLOTTE FIRE AND RESCUE – Preliminary discussion of budget (primarily capital budget)

Dick St George, Charlotte Fire/Rescue representative, appeared before the Board. Copies of a Fire/Rescue Capital Budget were handed out that included an updated proposed Capital Project schedule. A Fire/Rescue Capital Reserve fund proposed expenditures/revenue would be 2.5 cents on the Grand List for a 1.6 percent increase on the Grand List.

- An ambulance purchased was projected out to years 2013-2014 but at this time the department wouldn't have the funds. Replacing the white ambulance went out 7-7.5 years. The department was trying to stick to a five-year budget, but it gets pushed out to 7 years.
- Pumper trucks were on a ten-year cycle versus 20 year. Estimates were indexed on a fire apparatus inflation rate.
- East Charlotte substation was projected out ten-years predicted on potential growth in East Charlotte.

Ms. Russell said the fund needed to be built up. Ms. Cole suggested thinking regionally and planning with neighboring towns (Shelburne and Hinesburg) on sharing equipment.

10. UVM BICYCLE RACE

Alex Cox and Lance Jennings, UVM Cycling Club representatives, explained a request to hold a road race at the end of April. The ten-mile course would be the same as last year (start on Mt Philo Road, ending at the top of Mt Philo). A police escort has been arranged to lead and follow the cyclists.

Ms. Russell asked if the Club would post signs in advance, and take out ads in the newspapers. Mr. Cox said the club would send out flyers to the neighbors as well.

There was discussion regarding road safety concerns between motorists and cyclists and following rules of the road.

It was the consensus of the Board to go forward with the Road Race.

11. DISCUSSION OF OVERSIGHT OF THOMPSSON'S POINT WASTEWATER SYSTEM

Ms. Russell reviewed a Thompson's Point Wastewater System contract renewal, which was updated every five years. The contract renewal was due in April and the ordinance needs reviewing. There was a question related to an inventory of camp usage and who the system commissioners were. Ms. Russell suggested setting a special meeting with the Wastewater Board. The Selectboard is legally the Sewer Commissioners and should meet separately with Rick Pete.

Ms. Cole said the former Advisory Committee had done some work regarding the history of the contract. Roles need to be clarified.

Rick Pete, Wastewater Commissioner, asked for an agenda. The Board should read the ordinance on creation of the Advisory Board and what their role is. Advisory Board sets the billing rate.

Mr. Stone volunteered to contact Avery Hall and Jim Foster to invite them to a Selectboard meeting.

Mr. Peter said a draft RFP for a new contract was drawn up. The current contract is up in April.

Proposed agenda for Monday 11/20/2006 at 7:00 p.m.

- Identify responsibilities
- Review ordinance and what the process is
- Discussion of renewal of contract
- Contract RFP
- Camp use inventory

Mr. Pete said that there was a document that camp owners were to sign, but he didn't know where it was. He had discussed the issue with Marty Williams, and since the Rules and Regulations couldn't be located, he had Paul Boisvert, Civil Engineering, prepare a new document. The system was ten years old and required monitoring. Then had to be opened and shut down every year. As the system matures and needs repairs someone has to be responsible. There is a meter in every house to read so the camp owner could be charged fee. There was conflicting lease, state permit, town permit language, etc.

Ms. Cole, Selectboard liaison to the Advisory Board, handed a copy of the draft RFP contract to the Selectboard for review.

12. TRANSFER OF CONSERVATION EASEMENT ON FORMER GALBREATH PROPERTY HELD BY CHAMPLAIN VALLEY GREENBELT ALLIANCE TO THE VERMONT LAND TRUST

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a transfer of a Conservation easement on the former Galbreath property held by the Champlain Valley Greenbelt Alliance to the Vermont Land Trust, and to authorize the Charlotte Selectboard Chairperson to write a letter to the Vermont Land Trust on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

13. CLARK HINSDALE III – Preliminary review of proposed Open Space Agreement and license Agreement for septic force main under East Thompson's Point Road

Mr. Bloch explained that a request by Clark Hinsdale III for a septic force main under East Thompson's Point Road was being heard at the Planning Commission on Thursday evening. The application would come back before the Selectboard. Mr. Hinsdale III had asked to be put on the Selectboard agenda, but staff had not received anything in writing

at this point in time. The Open Space agreement was fine, and the PRD plan would cluster the proposed homes.

The Selectboard said that there were no issues with a septic force main under the road, or with the Open Space agreement.

14. APPOINTMENTS

MOTION by Mr. Russell, seconded by Mr. Stone, to appoint Wooksang Roh to the Recreation Department to fill a position previously filled by Gregg Beldock.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Thornton, seconded by Mr. Stone, to reappoint Thomas Mansfield as Zoning Administrator and Deputy Health Officer.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Russell, to appoint Marty Illick to the Task Force of CCRPC to define thresholds of development with “sustainable regional impact.”

VOTE: 5 ayes; motion carried.

15. ACT 60 REVOLT

Ms. Russell reviewed a communication received from (unspecified) Vermont communities regarding an ACT 60 revolt.

It was the consensus of the Selectboard to not response to the communication.

16. SELECTBOARD UPDATE/CHAIR’S REPORT:

- **WASHING MACHINE REQUEST** – Dr. Stetson. Ms. Russell said that staff would draft a letter to Dr. and Mrs. Stetson regarding a request to install a clothes washing machine at the Stetson’s Thompson’s Point camp and would enclose a copy of a summary report.
- **FERRY ROAD PEDESTRAIN PATHS**. Ms. Russell reported that a 1:00 p.m. Thursday meeting was set with Ferry Road neighbors and engineer to review a preliminary plan for a non-curbed path. Neighbors were contacted by telephone. It was suggested that staff should also contact the Charlotte Children’s Center and Senior Center.
- **BURNS PROPERTY**. Ms. Russell reported that an advisory vote would be held if the Selectboard approved it. The Champlain Housing Trust would apply for Sketch Plan Review, and the Selectboard would meet with the Trust. Final details were needed regarding a draft Needs Assessment, septic engineering study for housing allocation, and costs to build the system. A question was what the units would sell for. Ms. Russell noted that details included what unit costs, where they would be located, the number of units and other data. Following further discussion the Selectboard determined that the applicant and the Planning Commission would determine number of units, location, etc at the Sketch Plan Review. It was the consensus of the Selectboard to have staff move forward with

a Sketch Plan application and have the Charlotte Chairperson sign the application on behalf of the Town. Staff would contact the Burlington Community Land Trust and Habitat for Humanity regarding proposals.

- WATER SYSTEM METERS serving the mobile home, Old Lantern and Farmhouse. Staff met with and reported that the Old Lantern property owner agreed to install a water meter to measure water usage, as well as at the Farmhouse. Usage data was needed prior to setting a fee for water usage.
- CHRISTMAS PARTY. Date was set for Saturday, 12/16/2006 at 5:00 p.m. at the Senior Center.
- BLUE CROSS/BLUE SHIELD. Mr. Bloch reported that Blue Cross/Blue Shield insurance was increasing 12 percent.
- LEGAL AND WARNED NOTICES. Staff would gather cost estimates and options for posting legal and warned notices in local newspapers.

17. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants.

18. ADJOURNMENT

MOTION by Mr. Russell, seconded by Mr. Thornton, to adjourn the meeting.

VOTE: unanimous; motion carried.

The meeting was adjourned at 10:15 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.