

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
AUGUST 25, 2008**

APPROVED

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

ADMINISTRATION: Dean Bloch.

OTHERS: John Hammer, Evan Metropoulos, Ellie Russell, Jane Kiley, Deedle Kiley, Joe Aube, Hugh Lewis Jr., Wesley Patnaude, John Patnaude, Anne Bijur, Mary Mead, More Harvey, Trafton Crandall, Marty Illick, Walter Gates, Robert Chutter, Bill Powers, and others.

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

6:30 p.m. Site Visit: 725 Greenbush Road (VELCO access) for Patnaude Highway Access Permit

1. CALL TO ORDER

Mr. Russell called the Selectboard meeting to order at 7:02 p.m.

2. APPROVAL OF AGENDA

None

3. PUBLIC DISCUSSION

John Hammer, Chittenden Solid Waste District representative, explained that the CSWD Community Clean-Up Fund granted each member town \$1,000 per year toward tipping fees for local clean up projects. Charlotte's Clean-Up representative sent the CSWD a bill for \$2,600 for a project on the Knowles and Burns trailer property. The CSWD was willing to pay \$1,400, but Charlotte will need to pay the remaining \$1,400 of the bill.

Ms. Cole read a printout from the CSWD website. It sounded like the Clean-Up Fund would pay for projects, said Ms. Cole. Mr. Bloch suggested that in future there should be Selectboard oversight regarding use of the fund allocation.

Mr. Hammer said that he would resign his CSWD appointment due to health reasons.

4. MINUTES: JULY 28, AUGUST 11, AUGUST 13

Action on approval of minutes was deferred to the end of the meeting.

5. JOHN PATNAUDE AND WESLEY PATNAUDE – Application for a Highway Access Permit (HAP-08-03) at 725 Greenbush Road to Change an Existing Agricultural Access to a Residential Access.

Mr. Russell read an application for a Highway Access Permit by John Patnaude and Wesley Patnaude at 725 Greenbush Road, and opened a public hearing. A site map was submitted for Board review.

Mr. Bloch reported that sight distances were 500' in each direction and there was an existing 12" culvert.

John Patnaude explained a request to change an existing agriculture access to a single family residential access for an existing lot on the east side of the railroad tracks.

There was discussion regarding the request, which was an existing farm road through a barn yard on the west side of the railroad tracks to a parcel on the east side of the railroad tracks; there were two lots for tax purposes, and when one was sold then a road would be needed to the land-locked parcel on the east side of the tracks; and a Board suggestion that the applicants discuss access with the Vermont Railway prior to the Town. Mr. Russell noted that a Charlotte Selectboard had denied a second curb cut in the past.

Following further discussion the Selectboard Chairperson suggested that approval could be conditioned that if the railroad denied access to the east lot then it could not be done, and the access road must be for that lot only.

MOTION by Mr. Stone, seconded by Mr. Ladue, to close the hearing regarding a request for a Highway Access Permit-08-03 at 725 Greenbush Road.

VOTE: 5 ayes; motion carried.

6. INTERVIEW ANNE BIJUR FOR APPOINTMENT TO THE CONSERVATION COMMISSION (to complete Sylvia Knight's term ending in March, 2010)

The Selectboard interviewed Anne Bijur for an appointment to the Conservation Commission, and reviewed the candidate's qualifications.

The Board thanked Ms. Bijur for coming.

(NOTE: a Selectboard motion to appoint Ms. Bijur occurred later in the meeting following agenda item #18. Mr. Thornton briefly left the meeting at 9:47 p.m. to 9:49 p.m.)

MOTION by Mr. Ladue, seconded by Ms. Cole, to appoint Anne Bijur to the Conservation Commission to compete Sylvia Knight's term ending March 2010.

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

7. EXPANSION OF SALT SHED (Junior Lewis) – Update

Junior Lewis, Charlotte Road Commissioner, reported that a bid of \$12,000 was received regarding a proposal to move a wall in the town salt shed. The town staff could do the job for \$6,000 and that would double the salt storage space. The spare truck and loader could be parked inside. Gary Tetrault would be hired to do the electrical work, said Mr. Lewis.

The Selectboard members were in favor of the town highway department moving the wall as presented.

8. EXTENSION OF LEASE ON THE SHALE PIT (Junior Lewis)- Update

Junior Lewis explained a proposal to extend an existing lease on the shale pit past 2010. A question was how much Bob Titus wanted on top of what we already have paid.

The Board asked Mr. Lewis to return at a future meeting with further information on possible extension of the lease, and what it would cost.

9. EROSION IN DRIVEWAY OF THE CHARLOTTE FLEA MARKET (Junior Lewis) – Get Estimate, Possibly Approve Expense From the Selectboard Miscellaneous Fund

Mr. Lewis reported on erosion to the Flea Market driveway and the cost for gravel at \$230-240 per load. Mr. Stone suggested using gravel from the Burns property.

The Selectboard spoke in favor of fixing the Flea Market road.

10. SENIOR CENTER – Approve \$6,000 Increase for Exterior Painting from Selectboard Miscellaneous Fund

Mr. Russell asked Mr. Chutter and Mr. Gates if the Senior Center had a new quote for painting the Senior Center. Funds from the Repair and Maintenance fund could be used to pay for repair of the center's windows. Mr. Chutter replied that no new quotes were requested. Damage caused by a falling tree has been repaired and leftover materials were used for some of the window repairs. The Senior Center was seeking \$6-6,500 for maintenance to the building.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve \$6,000 for exterior painting to the Senior Center from the Selectboard Miscellaneous Fund and the Town of Charlotte Repair and Improvement Fund.

VOTE: 5 ayes; motion carried.

11. SENIOR CENTER – Approve Increase of the Board of Directors from Seven to Nine Members

Mr. Chutter reviewed that the current Senior Center Board of Directors was a seven member board. The Board was seeking to expand the members to nine. The Selectboard member should be more active if they wish to continue as a voting member. The Senior Center Board would approve a bylaw change, said Mr. Chutter.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve an increase in the Senior Center Board of Directors from seven to nine members.

VOTE: 5 ayes; motion carried.

The Selectboard deferred consideration of the Selectboard representative's role to the Senior Center Board to a future meeting.

12. SET TAX RATE

Mary Mead, Charlotte Town Clerk, reviewed an estimated Grand List of \$8.1 million and a surplus of \$70,000 revenue. VELCO funds of \$60,000 were placed in the Charlotte Highway Department budget. The state has reported a 108.9% CLA for Charlotte. A residential tax rate of \$1.4398 and non-residential tax rate of \$1.4352 were calculated.

MOTION by Mr. Stone, seconded by Mr. Ladue, to set the Charlotte Town Municipal School Tax Rate for FY2008-2009 Homestead at \$1.4398, and a total non-residential tax rate of \$1.4352.

VOTE: 5 ayes; motion carried.

13. INITIATE TAX SALE OF 3795 ETHAN ALLEN HIGHWAY – Authorize Delinquent Tax Collector to Obtain Assistance from Town Attorney for Preparation and Conduct of Sale (32 V.S.A. 5258)

Marlene Mansfield, Delinquent Tax Collector, reported that the property taxes have not been paid on a five-acre property for four years. It is for sale currently. The property doesn't have proper Zoning or Planning Commission approval. The tax sale may not happen.

MOTION by Mr. Stone, seconded by Ms. Cole, to authorize the Delinquent Tax Collector to initiate and obtain assistance from the Town Attorney for preparation and conduct a Tax Sale of 3795 Ethan Allen Highway.

DISCUSSION:

Mr. Ladue asked if there was more than one parcel to sell. Ms. Mansfield replied no. Mr. Bloch reported that Ms. Williams said they would subdivide the parcel on the east side of Route 7 to sell, but they haven't applied for final subdivision review at this time.

VOTE: 5 ayes; motion carried.

14. FOREST LEGACY PROGRAM – Approve Letter to Vermont Forest Parks and Recreation Regarding Forest Legacy Program's Assessment of Need (requested by Marty Illick)

Marty Illick reviewed a draft of a Forest Legacy Program's Assessment of Need letter and report, which was previously discussed at a 07/28/2008 Selectboard meeting. A deadline to approve the letter to the Vermont Forest Parks and Recreation was 09/22/2008.

Ms. Cole asked if the boundary created was a change from a previous plan. Ms. Illick replied that the program had a ten-year cycle and came up for review by a working group. The result of the update was the report. Funding would ensure forest land preservation via grants to individual property owners. Currently Charlotte is outside of the program forest boundaries for funding. The Board should put the plan on its 09/08/2008 agenda.

Mr. Russell asked if Charlotte was included in the program, would the Burleigh property be eligible for funding. Ms. Illick replied yes.

Ms. Cole would e-mail copies of the report to the Board for review.

15. RETAINING WALL AT 448 NORTH SHORE ROAD, THOMPSON'S POINT – Approve Reconstruction

Bill Powers, agent, explained that the client did not want to lose parking spaces by moving the existing retaining wall from the trees. Mr. Stone pointed out that as the timbers in the retaining wall rotted out over time the parking spaces increased, or were added on.

There was discussion regarding the number of parking spaces allowed per camp versus the four spaces used at 448 North Shore Road; a concern by Mr. Powers that if the retaining wall was moved back 4' from existing trees the camp owner would end up with 3.5 parking spaces versus 4; a Board question of what the difference would be between the Board suggested configuration and what exists now (Mr. Powers said that the trees have supported the existing wall for 30 years and were healthy); a Board concern that allowing this camp 4 parking spaces would set a precedence for future requests by other camp owners. Mr. Thornton pointed out that parking was available at the Thompson's Point Club House and everything was within walking distance in a few minutes. Camp owners didn't need extra parking spaces.

Following a brief discussion a Board member suggested a compromise to move the retaining wall 2' from the western-most tree (#7) and tree #2 for a set back of 6' versus 2' for 4 parking spaces. Mr. Powers would present the compromise plan to the camp owners.

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve an amended design as described for 448 North Shore Road as follows:

To move the retaining wall 2' from the western-most tree (#7) and tree #2 for a set back of 6' versus 2' for 4 parking spaces.

DISCUSSION:

Mr. Thornton asked if the original design was approved by the Planning Commission and if it was verified. Mr. Thornton pointed out that the Town owns Thompson's Point.

AMENDMENT by Mr. Ladue, seconded by Mr. Stone, pending documentation of approval of the original construction.

DISCUSSION:

Ms. Cole reported that she had talked with Rob Hall, President of the Thompson's Point Tennis Club regarding temporary fill storage. He didn't have a problem with it, but asked that trucks go around to the Caretaker's side for access.

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

16. CALEB KILEY – Deliberations on Highway Access Permit

The Selectboard reviewed a working draft regarding Highway Access Permit-08-03, a proposed decision, and proposed changes that included:

- Access location change to 67'.
- Limit the number of trees cut at 6.
- "Planting 20 white cedars to shield the Aube house from the new driveway..."

- An earthen berm that will be 8” above the level of the new driveway and 30” above ground grade.
- The length of the berm to go from Dorset Street and run 50’ to the east of the driveway.
- A written landscape plan to be approved by the Selectboard.
- Correct a typo: delete “Ferry Road” and replace with “Dorset Street”.
- Language change: “...earthen berm construction on the south side of the new driveway with a landscape plan to be approved by the Selectboard.”

Mr. Thornton cautioned the Board not to set a precedence for future landowners regarding Highway Access Permit approvals. The Board has authority only to approve, or not, the curb cuts, not set conditions on private property. Neighbors should compromise among themselves.

MOTION by Ms. Cole, seconded by Mr. Stone, to approve Highway Access Permit-08-02, with conditions outlined in a draft decision, and delete #4 and replace with “earthen berm, landscape plan, and tree plantings to be submitted to the Selectboard for approval.”

DISCUSSION:

Junior Lewis pointed out that the Town Attorney had clarified that the Selectboard authority only extended to approval of a curb cut in a previous application. Mr. Thornton stated that the Board shouldn’t be involved in placing conditions. It is private property, reiterated Mr. Thornton. Mr. Ladue explained that the Aube’s were rightly concern about water flow onto their property. Mr. Lewis said that water has always flowed in that direction.

Mr. Stone called the question.

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

VOTE on the Highway Access Permit motion: 4 ayes, 1 nay (Mr. Thornton); motion carried.

Mr. Kiley said that he would submit a landscape plan for Board review by 09/08/2008.

17. DESIGNATE SELECTBOARD MEMBER(S) TO CONDUCT TOWN EMPLOYEE PERFORMANCE REVIEWS

Mr. Bloch reported that the Senior Center has scheduled employee performance reviews for 09/02/2008.

The Selectboard would conduct Town employee performance reviews in Executive Session during business hours. The Selectboard Clerk would schedule the interviews.

18 ARCHEOLOGICAL STUDIES BY UVM AT CHARLOTTE PARK AND WILDLIFE REFUGE

Ms. Cole asked if there was any objection for the UVM students to conduct archeological studies at the Charlotte Park and Wildlife Refuge in the fall. The activity would not interfere with farming operations. Access to the park was requested from Route 7.

The Selectboard asked that a UVM representative appear at a Board meeting to present more information on the project.

19. WORKPLAN – Discuss High Priority Items for Future Selectboard Agendas

High priority items were ranked as follows:

1. Set review of Ancient Roads at the first October meeting
2. Schedule a Public Hearing for paving the entrance of the covered bridges in October. A notice of warning language to be determined at the 09/08/2008 Selectboard meeting.
3. Create an Energy Task Force.
4. Discuss use of the Burns property and waste water capacity/allocation on the Burns property.
5. Schedule Budget Discussion for the 2nd November meeting and the December 2, 2008 meeting.

20. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

(NOTE: Mr. Russell departed at 9:59 p.m.)

12. ADJOURNMENT

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

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

The meeting was adjourned at 10:00 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.