

CHARLOTTE BOARD OF SELECTMEN
Minutes for Monday, October 15, 2007
Charlotte Town Hall

APPROVED

Members:

Jennifer Cole
Winslow Ladue
Charles Russell
Ed Stone
Francis Thornton

Selectboard Assistant:

Dean Bloch

Minute Taker:

Amy Rowbottom

Chair Russell called the meeting to order at 7:00 pm.

7:00 pm - Adjustment to Agenda:

Public Discussion:

Gary Pittman stated that he has been keeping track of the town water mapping proposals and he got a letter recently to be selected for a ground water mapping project. He asked Dean if he would go with him. Gary asked for the planning commission's input because he respected their views in regards to mapping the water resources in Charlotte.

Chair Russell stated that was the goal of the town plan.

Question: Mr. Pittman asked if the board had any suggestions for the meeting so he would be prepared when he went. Charlottewas selected to participate in a ground water mapping project. He suggested that they may want to look at just how the ground water is protected by the large farm. He wished to get together with Dean so they could come up with a plan to push Charlotte as a proper candidate. He thought that finding out the contamination areas in Charlotte would help define the useful resources and how to protect them.

Ed Stone asked what Mr. Pittman would ask them, for an example suggesting wells, aquifers or if money was available. Ed stated that the Planning Commission has appropriated money to the project already.

Winslow Ladue stated that he also would be attending the meeting. Chair Russell thanked Mr. Pittman for his attention to this matter.

7:05 pm – Interview with Benjamin Pualwan for Zoning Board to fill the remainder

of the term of Michael Russell

Ed Stone asked if Mr. Pualwan was going to be flexible and could make all the meetings. Mr. Pualwan confirmed that he would be available.

Mr. Stone asked Mr. Pualwan if he had experience with zoning regulations. Mr. Pualwan said that he was not an expert but he has looked at them and he understands the gist of the general issues, regulations and public policy. He stated that to him, they all are a variation of each other.

Chair Russell stated that he didn't ask for a resume but that he wanted Mr. Pualwan to explain his previous work experience.

Mr. Pualwan stated that he had a graduate degree in public policy analysis. He also worked as a budget analyst for President George Bush and Bill Clinton and for the Department of Justice which evolved into working with Homeland Security. He added that in each of the positions he was an analyst, both qualitative and quantitative.

Mr. Ladue asked why he wanted the job.

Mr. Pualwan replied that he loved the town of Charlotte and the direction it has gone in and wants to participate in it and he thought his expertise could really contribute to the commission.

Mr. Stone motioned that the Selectboard appoint Ben Pualwan to fill Mike Russell's term on the Zoning Board. Mr. Ladue seconded the motion.

All in favor, no one opposed.
Motion PASSED.

7:15 pm - Discussion with Mike Munson regarding planning issues in West Charlotte Village:

Dean said he asked Mike Munson to come in to facilitate the open discussion regarding planning issues related to West Charlotte village.

Mike Munson stated that he hoped that the discussion would be open and that he would be able to help the board and the public put together some thoughts over the next few months on the future of Charlotte village. He has been involved in planning in Chittenden County for thirty years, and has participated in some work in Charlotte. Mike added that he felt as though he has an unbiased mind as far as what the town of Charlotte should do. He said the Select Board mentioned that it would be useful to talk in general terms of what Charlotte may become.

Mike went on to say that he has two trains of thought that he hopes with the help of the public, they could bring together. He said that Charlotte was clearly limited as far as septic capacity. The other side of the problem is that West Charlotte is an established village, it has character and they must make sure they don't lose that in this process. So, Mike said, it seems that the planning process that might be useful is to bring those two

ideas together to get a sense of the likely demand, and at the end they would be left with a better sense of what the waste-water constraint is.

Mike went on to say that they should begin by not looking specifically at individual properties. He expressed his first thought would be step back and in simple terms, to start looking through some of the resources already available.

Mike stated that most existing buildings in the village have individual septic systems. Knowing soil in Charlotte is heavy clay, Mike said his thought would be to have some of those systems in the future hook up to a community system. As more information is collected, the more the board will know where the good soil is, and that is the starting point to figure out what resources are available. The next level Mike said he would examine would be to look at the village and ask what can happen with existing frameworks. On the septic level, he added, there would need to be more detailed information available about the village. So, potentially work from the top down. First work with existing buildings and uses, then potentially new uses such as restaurants, small scale commercial buildings, all being connected to the same system.

Mike continued by saying that at this point it becomes important to think not just what the uses are and what they look like, but to look at the three dimensional picture. Mike said it would be important to consider how the buildings would fit into the village. Many of the buildings have a unique look to them and special characteristics. He said that potentially they could use that as a way to build new buildings without being intrusive. Often, new buildings will potentially increase traffic and other unintended consequences. Traffic is an issue of concern regarding the function of the village. New businesses will also add to peak hour traffic. He went on to say that there needs to be a balance between what kind of uses will generate big demands on the septic system versus capacity of existing septic systems.

Mike added that he was thinking that the town could go through that kind of analysis through public discussion, by starting with waste water capacity, make estimates, and at the end talk about different kinds of uses and demands and ultimately a balance between the two. Dean brought up the point regarding the town's reasonable expectations concerning things like commercial businesses, like wanting a grocery store, and really making the right choice about whether or not it is reasonable.

Mike agreed by stating that he looked through old documents and saw potential small business opportunities but they must be realistic. For instance a Supermarket would not produce enough of a demand. However, the bookstore was an example of a store that marketed itself and people came to Charlotte just to go to that store. Certain retail that can market themselves successfully could work.

Mike opened the floor for Public Comment:

Question - What is the need here? Is there a need for waste water infrastructure?

Chair Russell stated that at the previous meeting, they had opened up discussion regarding the increasing density in the west village and septic needs.

Question - We have reports and the village plan that told us what options were on west village plan and we know there is a need for waste water infrastructure. What is the next step? How much will it Cost? How will it to connect to people? Aren't we looking at waste water planning? Haven't we already talked about some of this?

Mike replied that we are looking more at the infrastructure, and what the west village might become. It's impossible to study infrastructure without considering the potential uses.

Public comment: I think we need to hit the pavement. I think that this approach delays the process a year when it doesn't need to be delayed.

Public comment: The concept all has to be economically driven. Looking at most houses, I don't think you need to worry about adding capacity. I think you have to realistically ask what are the uses of the houses in the village and how many apartments you will make. I think the expectation that those houses will be converted into small family units is a bad misconception. Very few houses have the potential to split up into smaller units, so we won't need to add capacity.

Mike agreed that those issues were definitely something the town needs to address, back to the point regarding realistic expectations.

Public question: From our perspective, would adding to existing developments take priority over adding new developments? Should we allow this? Do we actually say we will give these places enough septic and what will you do with it?

Mike answered that it's a public process. He said that he could not tell the public one has priority over the other but can help in analyzing the choices. The decision is ultimately up to the public. He added that the public can work with a variety of tools, techniques for voting, and establishing weights of activities along those lines.

Spin Richardson asked that in talking about septic capacity, are we talking about individuals rather than a plant that would pump sewage to that area? Mike replied that they were discussing some sort of treatment capacity. Maybe there would be pump stations and a large community system.

Spin Richardson asked if the treatment plant would be on the Burns property. Mike said that as they get further into the process they will be able to talk about property but cannot do it yet and must first consider where the suitable soils are in the west village.

Public comment: If we do have community owned land and various businesses interested in septic, this is a real asset. One reason we are so concerned is if we have given it up to affordable housing when we might need it for a school. We are short sighted in our

thought process. Mike said that information needs to be collected and that he didn't know what the answers were.

Public question: Assuming that these failed systems don't have enough room on their lots to build mound systems? Chair Russell replied that the property owner would have right to do best fit.

Question: How many gallons do you need for a four bedroom house?

Dean stated that he thought 600 gallons. Mike thought it would require 325 gallons.

Winslow stated that a judgment must be made on what level of need there is for existing facilities. A certain amount must be set aside for existing problems and of the remaining to be distributed among existing homes and future projects but it all begins on the Burns property. They must use that land without jeopardizing the septic capacity.

Question: What about water? Is there an adequate water supply?

Winslow replied that there have been references to the water supply but nothing was clear and that the board had considered talking to a state geologist.

Public comment: We put the best system we could on our land. What about Joe, the next house down, we don't know where his septic goes. It's probably a fifty year old system that needs to be looked at. It could be affecting the public water system for the Senior Center, but it should be well away from the public water. We should be thinking in the future, fifteen-twenty years from now.

Winslow agreed that that was an interesting point. An evaluation, based on soil maps and demand would determine where there are higher expectations of where future systems might be. Ed said that because we will talk about where those places may be, residence will also consider whether they will want to attach, or fix their existing septic system, and how much money that may cost and that it would also be an alternative choice.

Public comment: If you look at the capacity, there are houses that may have systems that are really old but they have the soils that are suitable. We pump our tank every two years. I know some that haven't been pumped in fifty years. Those systems need to be fixed because they haven't been maintained.

Jenny replied that the board could go through the steps in order to do an inventory of existing systems, replacement of failed systems and potential for growth. Mike agreed that it's important to go by a parcel by parcel basis. In medical sense, it's a non invasive approach by talking with people who know the community. Dean can say how many bedrooms; folks can tell you where the septic is located. Mike said he had learned years ago that people built houses here were smart, and built houses in the right areas. It's a matter of thinking through individual properties. Jenny answered that the board should also set boundaries of the area it wants to research.

Mike said that the limit would probably be as far west as the railroad tracks, coming up on Ferry Road to Rt. 17, as far as existing developments and definitely the new town center. Chair Russell said that it seemed like there is an issue regarding geographical constraints. The town has an obligation for public health. Mike confirmed that that was why the town needs options. Chair Russell mentioned a system that is self contained. It would be expensive but it would be an option. Mike suggested that the board could enforce a mandatory hook up policy meaning if a community system was developed, residences must hook up if they were able to.

Dean Bloch it said it was important to talk about next steps.

Public comment: Charlotte is not the only village with this problem. Is there assistance from the state?

Mike replied that he was hearing the state government talk the talk but not walk the walk. No one had to put a significant amount of money aside, so he wouldn't suggest counting on state assistance. Winslow said that he knew of two loan programs to solve the largest public and environmental threats. He didn't know if Charlotte's situation would rate high or low. Ed Stone said that he worried about the State coming in and telling residence how to solve the problem. Then everyone would have to take the burden and that would be unfair.

Jenny wished to discuss affordable housing. Mike said that the board needs to keep that option open and that affordable housing should be a part of the discussion. The capacity left would show how many units of affordable housing Charlotte could have. Ed Stone brought up the 1990 plan and how successful that plan was and this year the board is talking about the same things. The board must do it right this time around. We are talking about the same things. We best do it right this time and put it to bed now.

Public comment: It might be helpful if the board had a specific plan.

Chair Russell suggested they continue the discussion at the next meeting with a more detailed plan. Dean said they were shooting for another meeting in December. Chair Russell confirmed that the next meeting would be December 10th. Mike said that by the next meeting, he would be able to put together a step by step process and a timeline for the public.

Chair Russell began the discussion on the Ferry Road walking path:

Chair Russell began by discussing the sidewalk ranging from the parking lot of the fire station to the brick store and the option of it being made of asphalt and a little swale for drainage and plowing. Thus, an additional five foot section would be added to the asphalt.

Public response - Would there be a curb too? Chair Russell said that that was another

thought. The public asked about a sidewalk. Chair Russell said the alternative would be to make it a curb.

Public response - Let's make it look nice. The last time we did it, the asphalt got torn up pretty good. People thought it was extensions of the road.

Patty Horsford commented that she walks to the senior center and she walks on the left side of the road and didn't think the town needed a sidewalk. Ed Stone replied that if you asked the mothers you would have a different answer. He made the point that you can't just wait for a crash or accident to act on the issue.

Public response - The downfall of the curb would be, when Ferry Rd gets repaved then you lose the curb. Where do you find a happy medium? Does it offset the cost of paving? Does one cost more than the other?

Ed Stone said the project would be very expensive, \$170,000-\$180,000 total. It's a lot cheaper with the paving as far as the road maintenance. Dean replied that if it meets federal specs, and is successful in the application process, it could be accomplished in probably three years down the road. Ed continued that if the town wants the sidewalk then the town shouldn't wait for government assistance but do it themselves.

Public response - Why are we just talking about one side? I would think the South side would be perfect. Chair Russell replied that they would need to tear up both the sewer line and drain line. Ed pointed out they could do one side or both.

Karen Frost said when we didn't have the curb, people would just line up. Plus, the water just runs down there and creates huge gullies. What is going to stop people from parking there? Ed replied the curbs would. We won't take those away. Both sides of the road seem like a good idea.

Public response - Concrete will last longer than asphalt. They said to go for the funding. The competition might be tough but it's a small portion. It's a growing need now that needs to be recognized. But they must do it right, so it will last a long time rather than just throwing something together. If you are talking also south side, the south side has more space, more room, so it does make more sense.

Chair Russell summarized that the town should build a five foot sidewalk with a swale that conforms to federal standards.

Chair Russell moved that the Selectboard will refine the plan. Ed Stone seconded the motion.

All in favor, none opposed.

Motion PASSED.

Discussion on the monument began:

Alexandra Leamann stated that for the last few years she had been working on the plantings at the monument, and with Ed and how to repair the broken crumbly corners. Because of the fact that the monument comes out too far in the road, it's always going to be damaged. So she has been considering how would you improve the situation of the monument and the aesthetics of it, rather than just repair it. Her suggestion was to make it round, to keep the same amount of space around it, to make the base a circle about 18 inches high. The thinking surrounding this plan is, the more it stands out, the easier it will be for people to see. If they put it back it will just have the same problem. She had talked with Junior about moving it to the North and to the East so that it won't be in the road or stealing parking from the old brick store.

Chair Russell asked about the stop sign. Stephen C. Brooks addressed the board. He mentioned the signs are in the monument and they want to take it out of the monument permanently. He said they needed to maximize the efficiency of the space. He showed a drawing. Alexandra said that they had asked Stephen to do a technical drawing for them. Stephen said he had moved the monument nine feet to the north from where it is now.

Chair Russell asked what it would take to move the monument and Stephen said it would cost about \$20,000.

Ed said they should fundraise for the whole project so it wouldn't cost the residents of Charlotte any money. Alexandra replied that she would volunteer to raise the money and has already received donations.

Stephen explained that the concept of the new curb structure begins by bringing it up to the ground. Granite is very expensive and because of the size of the monument, it would have to have a pretty big concrete footing. The most efficient shape is a circle. If you scale one the strong, five foot distance to the corners then the safety dimension is maintained.

Stephen said that he would like the Selectboard's blessing to do the job.

Chair Russell said he had a few reservations and concerns about the stop sign and traffic issues.

Deliberation with Junior...

Chair Russell made it known that the project must not begin until the money is there. Alexandra said that she didn't think it was right for the town to pay and that she would collect the donations.

Chair Russell said the board approves of the project when appropriate funding is collected. Ed said he liked the idea of the monument being a little higher. If it was low, it would get run over. Junior said the store parking lot will make the project difficult. The stop sign could go between the monument and the flag.

Ed made a motion that the board approve the design submitted by Alexandra and Stephen to move the monument nine feet north.

Frank Thornton is concerned that the board didn't have enough information. He asked if there would be enough room for cars to turn around. Chair Russell replied that there would be 25 feet in the parking lot to turn around.

Jenny Cole seconded the motion.
All in favor, none opposed.
Motion PASSED.

9:23 pm - Clark Hinsdale III—License Agreement for power line under East Thompson's Point Road:

Winslow began by saying that when he drove by the property, he was curious why the town should not use the right of way on the north side of the road.

Clark said they were at the meeting to propose to the board of putting utility lines on his property on the south side of the road and come back across to hook into the Big Oak subdivision. He said it makes no sense but it is what it is. Green Mt. Power would not let him run his utility lines within the road right-of-way underground.

Chair Russell made a motion to grant their request. Ed said the board would approve the license agreement for the utility crossing to the big oak subdivision.

Jenny seconded the motion.
All in favor, none opposed.
Motion PASSED.

Clark asked for three select board members to sign it. Winslow asked if there was a plan to transfer the license agreement to the homeowners association once the property is built out. Clark said it would be just like the license for the force main. The homeowners would also have responsibility for the utilities. A neighbor had already granted the utility agreement, however, he didn't sign it so it is not binding. So basically Clark said they would be flushing more money down the toilet. He said it was a matter of public policy and its lunacy, but it's what they have come to. It is the only way for them to get power.

Chair Russell asked if there were any other questions. There were none.

Junior had a problem with the issues of the road. He said that someone should oversee the project to make sure it's done correctly.

9:28 pm - Plouffe Lane improvements:

Ed began by stating the idea to upgrade the road. Dean indicated that it is related to the application for conditional use for the trails. Ed said that the board needed to think about

this issue more.

Gregg Beldock stated the traffic report was preliminary. He gave some history of Plouffe Lane:

The parking lot was built without approval. Prior to that, the issue of gate was discussed. Prior to that we donated development rights and built our home. The Town requested that our fences be moved back so people could walk on the side of road. No houses and no driveways could be visible from Plouffe Lane so we moved fences back and yet few people utilized that. He is not against the trails, he is just against people driving down Plouff Lane rather than walking. The traffic report's sight distances are not correct. He thinks what is important is to maintain low speeds on the Lane to maintain the ability for people to walk on the road. Sight distances and speeds are the problem.

Chair Russell said he did not know how to proceed because they were in litigation right now. Gregg mentioned that he paid for the traffic report. Chair Russell asked what the time schedule was. Dean replied that the trails are being used without having a permit and a permit is needed.

Ed made a motion to go into an executive session to discuss the litigation.

Winslow seconded the motion.

All in favor none opposed.

Motion PASSED.

10:10 pm – Ed motioned to come out of the executive session. Jenny seconded.

All in favor, none opposed

Motion PASSED.

10:10 – Discussion began by Ed making the motion to appoint Josh Flore as the 1st Constable.

Chair Russell asked if he would have the same duties. Ed said there is a set of rules and regulations that the state says what his job will be and that it's not limited. Ed said that he will also have police powers, expanded duties, according to the state of Vermont.

Frank asked what the duties of the Constable are. Winslow said there are two tiers. Chair Russell confirmed that it's one way or the other if he is certified. Ed maintained that they follow the state statutes and they either hire Josh or not hire Josh.

Chair Russell said that the board could make the decision that night or wait.

Ed made a motion to appoint Josh Flore as the 1st Constable.

Jenny asked if they could talk about what the Constable can do.

Chair Russell said there was no second to the motion so they must table it and move on.

Ed said that the town can decide how much power he would have and that's how they should go about it.

Winslow asked if they had any documentation of the level of police services needed by citizens. Chair Russell replied that the town is covered by the state police and to some extent Shelburne. Winslow asked then what is the need? Chair Russell said the Constable would have the ability to arrest people.

Public question - Will he carry a gun?

Ed replied sure why not.

Public comment - Please read the section about authorization.

Chair Russell- read the statute and admitted perhaps they did not do enough research to know the powers of the position. Ed replied that he did. He said that the board could wait but he urged the board to get beefed up on the issues before the meeting and that they never do their homework and that he did.

Chair Russell said that it all comes down to pay. Jenny thought that to expect someone to serve as a police officer in town would need more direction, training and other agencies. Ed said that the candidate is already trained and that it's just like firemen at the fire station. Chair Russell asked if he would be obligated to do something about a crime that was happening in the town. Ed said yes and that he would have all the powers he needed to do that and there was no downside to this situation.

Public comment - He needs a pay arrangement and list of duties. Ed said that Josh knows what his duties would be. Chair Russell said he would be obligated to take an oath. Ed said that is all the board has to go by. Winslow said that he knew it will be a cost for the town and didn't understand why they should hire someone to provide the town with services that are already provided to them by the state police. Ed replied that there are a lot of times that the state police do not show up and in that case, Josh will be there. .

Chair Russell suggested the board decide his hours, pay and his uniform. Ed suggested they pay him \$15 an hour/five days a week including the use of a time sheet. Chair Russell said they would confirm that at the next meeting.

Ed suggested they finish it tonight because Cowboy won't be around much longer. Ed mentioned they could hire his son to shut the gates and close up the library at night. Ellie Russell said that during the day it wasn't much of an issue, but at night the library would like him there.

Chair Russell said they could limit his hours and his pay and suggested paying him \$50 a week. Ed insisted that the town needs someone around with some heat and it would be a deal to have him.

Winslow made a motion to offer him \$15 an hr/three hours per week.

Ed said that when one tragedy happens, 50 bucks isn't much. Ellie said if something did happen, the state would be there. Francis replied that the board is expecting more from Josh than he could do. Chair Russell asked what the board was afraid of. Ed replied nothing. Junior suggested that if he is willing to take it, let him take it.

Chair Russell seconded the motion.

Jenny responded that she was not sure the board had worked out all of the details. Chair Russell replied that the Selectboard is not allowed to control the constable and that it's an independent position. It's a number to call if anyone in the town needs immediate help. The town pays more for a dog catcher.

Chair Russell made a motion to offer Josh Flore \$50/ week to be 1st Constable. Ed seconded the motion.

The vote was 3-2. Jenny and Frank opposed.

Motion PASSED.

11:01 pm - Ed made the motion to make Andrew Thurber an alternate representative to CCRPC.

Francis seconded the motion.

None opposed

Motion PASSED.

Chair Russell motioned to approve Thompson's Point lease for Lot 147 to Jane Lawliss, Trustee . Ed added to authorize Charles Russell to sign the lease. Winslow seconded the motion

All in favor, none opposed.

Motion PASSED.

11:05 pm - Approval of municipal building and property valuations for insurance renewal:

Ed made a motion to approve the valuations depending on Charles Russell's review of the insurance coverage.

Winslow seconded the motion.

All agreed, none opposed.

Motion PASSED.

11:07 pm - Review draft of town financial audit:

Chair Russell said that the board would not have time to do it tonight. Also, Mary had concerns about it. Dean replied that they could schedule an additional meeting to discuss it. Everyone agreed on 22nd at 4pm to discuss the audit.

Ed asked who wrote the handwritten concerns. Mary? Dean replied yes. Ed asked if they would talk to the auditors. Dean asked who would do the MD&A report. Winslow asked if they could use last year's. Dean replied that it could be used as a framework, but that additional issues should be added. Ed volunteered to write it up with Dean's help.

11:10 pm - Approve Resolution for Rails-to-Trails Conservancy 2010:

Winslow motioned to approve the Resolution.

Ed seconded the motion.

All in favor, None opposed. Francis abstained.

Motion PASSED.

11:13 pm – Minutes—Board decided to review the minutes at the next meeting.

Chair Russell raised the issue of stuff to be done at the beach and if the total would be more than expected. Winslow said he advised them to get a bid and he believed it was under budget. Chair Russell asked if it was out of the budget. Ed said they had approved it at the last town meeting. Chair Russell said they were trying to increase the budget and it got turned down. He continued that if they never came to the board and it was not authorized properly, then it must be authorized by the board first. Ed asked if anyone had approved it.

Ed said they overspent. Winslow replied that he had heard they had a hard time getting a contractor on site. Ed responded that it was so far \$400 over budget. Winslow said the Town Clerk mentioned that there was ample funding for the project.

Ed mentioned he also wanted to ask Justin about the fence broken down there. Winslow reported that there is a list of work to be proposed, including repairs of damage sites, things that must be taken care of. Chair Russell said that this issue was not a priority. Junior didn't think there was even a problem because it seemed like the reserve fund and the general fund would take care of the deficit.

Ed made the motion to approve \$5822 to repair the beach out of the recreation reserve fund with the remainder paid to the repair and improve fund.

Jenny seconded the motion

All in favor, none opposed.

Motion PASSED.

11:25 pm - Chair Russell called the meeting to adjourn.

All in favor, none opposed.

Motion PASSED.

Meeting adjourned at 11:25 pm.