

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
FEBRUARY 26, 2007**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jenny Cole, Ed Stone, Frank Thornton, Charles Russell (arrived 7:05 p.m.)

ADMINISTRATOR: Dean Bloch, Selectboard Assistant.

OTHERS: Sylvia Knight, Tom Mansfield, Linda Hamilton, Tom Maffitt, Paul Boisvert, Rachel Gill, Charlotte Citizen.

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 7:01 p.m.

2. ADJUSTMENT TO A GENDA

None.

3. PUBLIC DISCUSSION

Tom Mansfield said that Bruce Bushey reported there were 7,200 volt utility lines that were only 12' off the ground on Bean Road. Mr. Bushey was requesting that the Selectboard address the situation with additional poles or replacement poles at 45' with 7' of the pole in the ground.

MOTION by Mr. Stone, seconded by Mr. Thornton, to grant approval for GMP to do the necessary work replacing utility poles, guys, and wires on Bean Road in the Town right-of-way.

DISCUSSION:

Linda Hamilton, resident, asked for clarification that the request was to only replace a pole for pole in the Town right-of-way. GMP might need to consult with the Tree Warden. In addition the Town might want to insist that any pole to be replaced must have the existing pole removed so that we don't end up with two poles, such as at the Hinesburg/Bean Road intersection. The lines could be buried since the location is in a scenic vista, suggested Ms. Hamilton.

Ms. Russell suggested that the project should be conditioned to have 45' poles and no higher.

AMENDMENT TO THE MOTION by Mr. Stone, seconded by Mr. Thornton, to condition the project to use poles no longer than 45', that the existing poles must be removed when the project was completed, and to consult the Charlotte Tree Warden regarding any trees that need to be removed.

DISCUSISON:

Mr. Russell expressed concern that higher poles might be put in than those requested. Not suggesting that the utility lines be buried, but the cable lines, which are located below the power lines, could be buried.

Ms. Russell said that the Town Planner had asked to have the height the poles and conditions stated on the Site Map.

Ms. Cole suggested that a plan be drafted on how to accomplish undergrounding the lines.

Ms. Hamilton asked if the situation was an emergency.

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

**4. REQUEST FOR ADDITIONAL FUNDING FOR CONSULTANT TO ASSESS WETLAND IMPACTS WITHIN VELCO'S PROPOSED CORRIDOR:
Sylvia Knight**

Sylvia Knight requested Selectboard approval of \$600-800 to hire Marc Lapin, wetlands expert, to review the VELCO CUD application and plans for Thorp Brook. Mark Laflin, has conducted previous studies on the Thorp Brook and could build on what reports he has already written.

Ms. Knight said that currently GMP has shorter poles with a 50' right-of-way running through the proposed VELCO route. VELCO would have a 100' right-of-way with taller steel poles and concrete anchors. In addition VELCO would need to construct a crushed stone access road to get equipment in the area. Cutting and clearing the forest would fragment the wetland area. The Town could craft enforceable conditions for the work CUD for both Phase I and Phase II. The Town Plan includes language regarding the Thorp Brook (pages 44, and 51). Comments regarding the VELCO project were due 03/21/2007 so a study would need to be completed prior to that date.

In response to Board questions, Ms. Knight explained that Mr. Laflin could help the Town specifically describe how to measure undue adverse effects/impacts on non-game natural heritage areas.

Ms. Hamilton said that the amount requested could pay for up to three-four days of his time. He could help to evaluate the assessment for the state wetlands permit of the VELCO submission. Ms. Knight said that the state doesn't normally submit an assessment. The state has sent someone out to look at the line route over the summer. I can raise questions, but the Town needs to pay particular attention to the Thorp Brook area, if the value of the area was lowered and if compensation might be required. Ms. Hamilton clarified that if VELCO can't mitigate a net loss of habitat then the Town might qualify for compensation.

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve an expenditure for an amount not to exceed \$800.00 to hire Mark Laflin to evaluate undue adverse impacts in the Thorp Brook area.

VOTE: 4 ayes, motion carried.

5. THOMPSON'S POINT WASTEWATER ADVISORY COMMITTEE GUIDELINES

Mr. Russell reviewed that the Thompson's Point Wastewater Advisory Committee was seeking approval for proposed Rules and Roles. Ms. Russell handed out copies of the draft Roles and Responsibilities for Board review.

Tom Maffitt, Thompson's Point Wastewater Advisory Committee representative, and Paul Boisvert, Civil Engineering representative, explained what the committee could do without the Selectboard approval. Three members from the Leaseholder's Association are on the committee and Jenny Cole is the Selectboard liaison. Rick Pete's draft included 12 points, of which # 3 and 4 could be changed to read "minor" versus "standard" maintenance. The language "The Selectboard serves as the Sewage Commissions, hereafter known as Commissioners..." should be added. Other additions were: "A majority vote is required", "A quorum of three is required", "there will be four calendar-year meetings" and "Shall be approved by the Commissioners".

Mr. Maffitt noted the Leaseholder position has been voluntary in the past and that is why it is written as shown.

Mr. Russell said that staggered terms for serving on the committee were needed, and the Open Meeting law must be met.

Mr. Maffitt said that sewage usage bills were sent in March so a winter meeting was needed to set the rate.

There was discussion regarding #5, Sinking Fund, which is a requirement of the permit conditions to ensure a sinking fund was in place; there was a question regarding language related to who sets the billing rate (The Commissioners "recommend" versus "set a sewage usage rate); change #8 to read "...meet with the Commissioners in a timely manner on an as needed basis as issues come up"; #11 is proposed as "Commissioners"; and #12, "to review and request by Leaseholders and to set billing adjustments where appropriate."

Mr. Mansfield asked who appoints the committee members. Mr. Maffitt replied that the following could be added: "the committee members are appointed by the Selectboard Chair/Commissioners to three-year staggered terms and would be made up of ..." Leaseholder Association names would be forwarded to the Commissioners for consideration.

Ms. Russell asked the committee to rewrite a clean draft before Selectboard approval.

Mr. Mansfield pointed out that the Town ordinance has expired and the terms of the ordinance demand the commissioners need to readopt it, which needs to be done every five years. A cleaned up ordinance could incorporate dos/don'ts with enforcement at the

same time. Mr. Thornton said if it wasn't readopted then it would roll over with the old ordinance.

Ms. Russell asked if these were guidelines or policies. Mr. Boisvert replied that they started out as guidelines. Regarding the Roles/Responsibilities, the Leaseholder's policies described the leaseholder's responsibilities that includes more detailed language with enforcement and penalties. This could be incorporated into the ordinance. Mr. Russell said if it refers to the ordinance then it shouldn't be a part of the ordinance. Mr. Boisvert said that it expands and fleshes out the responsibilities. It is more than a guideline. We tried to make it more readable. Mr. Mansfield said that staff would combine the proposed policies with the ordinance for review by the Selectboard in two weeks. The Board could keep the policies as a stand-alone document to mail out to the leaseholder's, suggested Mr. Mansfield.

Mr. Bloch pointed out that #6, Wastewater Operator, seems more authoritative versus the other points. Should one of the quorum, # 3, be one of the Selectboard, or since actions come before the Selectboard it is needed, or not.

Language was proposed as: "...could review the Wastewater operators..." versus "oversee"; and "proposed adjustments to contractual of system operator..."

6. PREPARE FOR TOWN MEETING

ARTICLE V

Ms. Russell reported that John Owen has asked the Board to introduce information on the Affordable Housing Fund, Article V. Mr. Owen and Andy Broderick would answer questions from the Floor.

There was discussion on what statement the Board should use to introduce Article V. Mr. Thornton advised the Board to present the Article in a neutral manner and let those that requested it give a history and answer questions.

Ms. Russell would be a spokesperson for the Board.

BUDGET

Mr. Russell would answer any budget questions. Mr. Stone would introduce the budget and process.

FIRE/RESCUE CAPITAL BUDGET

Ms. Russell would speak on behalf of the Fire and Rescue Capital budgets and pumper truck.

VELCO

Ms. Cole would handle questions and explain what the Town has spent on the VELCO project.

VETERANS EXEMPTION

Mr. Stone/Mr. Thornton would answer any questions related to the proposed Veterans Exemption.

VOTING MACHINES

Mr. Stone would bring up the topic under "Other Business" as an advisory vote

LEGAL EXPENSES

Mr. Russell would answer any questions.

7. MINUTES: 02/02/2007, 02/12/2007, 02/19/2007

MOTION by Mr. Russell, seconded by Mr. Stone to approve the Selectboard minutes of 02/02/2007 as written.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Mr. Stone to approve the Selectboard minutes of 02/12/2007 as written, with the following corrections/additions:

Page 2, Agenda item #7, change to read "HAP7-01 and HAP7-02";

Page 4, Agenda Item #10, Motion by Mr. Stone to fine Jonathan Couture \$600 was withdrawn after a lengthy discussion.

Page 6, Agenda item #13, 1st sentence, change "Class VI" to read "Class IV";

Page 7, globally correct the name "Gil".

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Mr. Stone to approve the Selectboard minutes of 02/19/2007 as written, with the following corrections/additions:

Page 1, 7th bullet, add "(on a scale of 1-10, with 10 being very important.)"

Page 3, next to last bullet., add "VTrans was willing to stop at the Flea market", and delete the last bullet.

VOTE: 5 ayes; motion carried.

8. SELECTBOARD UPDATES

Mr. Russell reported that Robert Mack Jr has requested two loads of stone added to the Whiskey Bay access to control erosion issues. No action was taken.

Ms. Russell reported that the Champlain Housing Trust was awarded a grant in the amount of \$750,000 to expand and continue the Champlain Valley Rehab Loan fund for affordable housing loans/repairs. Mr. Thornton suggested that a press release in the local newspapers should be done.

Ms. Russell said that the Byway program was applying for a grant and requested a letter of support from the Town. Ms. Russell read a sample letter provided by Dan Senecal-Albrecht. The grant would provide for support of more tourist amenities.

MOTION by Mr. Russell, seconded by Ms. Cole, to authorize the Charlotte Selectboard Chairperson to sign a letter of support for a Byway Program grant application on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

Ms. Russell read a letter from Kate Gault requesting that the Town share the cost of her health insurance with the Fire/Rescue departments.

Following a brief discussion it was pointed out that a Lister was an elected official, not a Town employee. Staff would contact the VLTC regarding a policy, and add the topic to the next Selectboard agenda.

Mr. Russell reported that he had consulted with the Town Attorney, Joe McLean, regarding a request for placing a sewer line under Ferry Road. It was the opinion of the Town Attorney that the Selectboard could approve the request if the Planning Commission has granted an approval for a PRD.

Staff would draft a letter to the applicant and notify the Planning Commission.

APPLICATION BY RICK PETE FOR AN ACCESSORY STRUCTURE, INFILL, LLC and VELCO LITIGATION (probable Executive Session)

Mr. Bloch reported that the Town Attorney, Joe McLean, would review the Rick Pete application. Staff has researched language. It was recommended that the Selectboard support the ZBA decision.

MOTION by Mr. Russell to enter Executive Session to discuss Infill, LLC and VELCO Litigation matters. There was no second to the motion. Mr. Russell withdrew the motion.

Ms. Cole reported that approval by the Vermont House Transportation Committee must approve the proposal in order for the state to convey (train station) land to VELCO for an easement to the proposed substation. The Town has an opportunity to provide comment to the state on 02/27/2007 via telecommunications at 11:00 a.m.

MOTION by Mr. Russell, seconded by Ms. Cole, to recess the regular meeting and to enter Executive Session to discuss the Infill, LLC appeal and VELCO Litigation matters.

VOTE: 5 ayes; motion carried.

The regular meeting was recessed and the Selectboard entered Executive Session at 9:05 p.m.

MOTION by Mr. Stone, seconded by Mr. Russell, to adjourn Executive Session.

VOTE: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10:00 p.m. No action was taken.

9. BILL AND WARRANTS

The Board signed Bills and Warrants as presented.

10. ADJOURNMENT

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

VOTE: unanimous; motion carried.

The meeting was adjourned at 10:02 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.