

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
FEBRUARY 12, 2007**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Dan Senecal-Albrecht, Dottie Waller, Elaine Pinckney, Robert Mason, Nancy Wood, Dorothy Pellett, David Schermerhorn, Susan Schermerhorn, Sylvia Knight, Larry Hamilton, Ker Walker, D. Walker, Greg Brown, Julie Potter, Dan Luce, Monica Smith, Adam Brown, Patrice Machavern, Trina Bianchi, Tom Bianchi, Tom Scatchard, Gary Pittman, Jonathan Couture, Robert Mack Jr, Peter Mack, Robin Reid, Cedar Cowles, Rachel Gill, Charlotte Citizen; John Hammer, Charlotte News; and others.

SITE VISIT: David and Susan Schermerhorn 1) Church Hill Road (5:45 p.m.), and 2) Hinesburg Road (6:15 p.m.)

1. CALL TO ORDER

Ms. Russell, Chairperson, called the meeting to order at 6:30 p.m.

2. ADJUSTMENTS TO THE AGENDA

None.

3. PUBLIC DISCUSSION

None.

**4. CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION –
Update**

Dan Senecal-Albrecht, Chittenden County Regional Planning Commission representative (CCRPC), narrated a power point presentation of a Lake Champlain Byway Chittenden County Corridor project.

Mr. Senecal-Albrecht reviewed two proposed Trailblazer sign locations, one heading northbound and one southbound on Route 7, and four 24” x 36” panels (Charlotta, Baptist Corners, Quinlan Schoolhouse, and Island in the Sky) to be located in Charlotte. The installation of the four panels is exempt from Zoning oversight. The CCRPC is seeking further grants for the project and would like an official Charlotte employee to assist, such as the Town Planner and a resident.

There was brief discussion regarding the pros and cons of the proposed panel locations that included a site at the Town Library, on the Quinlan School property along the sidewalk (it was noted that the school lawn was wet), in the Town right-of-way at Baptist Corners (no easement was necessary); and at the Mt Philo State Park parking lot.

(NOTE: the Selectboard recessed the meeting at 7:05 p.m. for a Charlotte Central School budget presentation)

5. CHARLOTTE VALLEY UNION BUDGET PRESENTATION

Robert Mason, Elaine Pinckney, Dottie Waller, and others appeared on behalf of the CSSU district. Copies of a proposed CVU budget were handed out for review. A 4.98 percent increase was proposed for a budget of \$19,665,638.

6. CHARLOTTE CENTRAL SCHOOL BUDGET PRESENTATION

A Charlotte Central School budget was presented for the K-8th grade school. It was noted that enrollment was declining.

(The Selectboard reconvened the meeting at 7:50 p.m.)

7. DAVID AND SUSAN SCHERMERHORN – Highway Access Permit application; Church Hill Road

MOTION by Mr. Russell, seconded by Mr. Thornton, to open a hearing on Highway Access Permit 7-01 and Highway Access Permit 7-02.

VOTE: 5 ayes; motion carried.

Ms. Russell noted that a site visit was conducted and asked if there were any Board comments. There were concerns related to sight distances on the Church Hill Road access. The Charlotte Road Commissioner had approved the access.

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve the Church Hill Road Highway Access Permit 7-01, with a condition to cut trees on both sides of the access as per the Charlotte Road Commissioner and the Charlotte Tree Warden.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Ms. Cole, to close the public hearing on HAP 7-01, and to open a discussion on HAP 7-02, Hinesburg Road.

VOTE: 5 ayes; motion carried.

8. DAVID AND SUSAN SCHERMERHORN – Highway Access Permit application; Hinesburg Road

There was discussion regarding the two posted speed limits on Hinesburg Road in front of the Charlotte Central School, and brush and trees to the east that would need to be trimmed back to improve sight distances.

MOTION by Mr. Russell, seconded by Ms. Cole, to close the public hearing on HAP 702.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Mr. Cole, to approve the Hinesburg Road Highway Access Permit 702, with the following condition to cut trees/brush on the

east side of the access as recommended by the Charlotte Road Commissioner and the Charlotte Tree Warden.

VOTE: 5 ayes; motion carried.

9. ROGER AND HENRIETTA FRIDHOLM – Request for crossing Ferry Road with a Force Main

Steve Volk, Civil Engineering representative, appeared on behalf of Roger and Henrietta Fridholm. Mr. Volk explained a proposal to combine two separate, but adjacent, one-acre lots owned by the Fridholm's on Ferry Road into one lot. The lots had separate deeds currently.

Mr. Thornton stated that if the lots were under the same name in common ownership then the lots were considered one lot.

Mr. Volk said that a third lot of 8.2 acres had good soils for septic capacity. The request is for a force main crossing under Ferry Road. Road crossings were done differently via directional drilling that did not require tearing up the road surface. There was no maintenance required. Charlotte has limited septic capacity and this is where the best soils were that could support a wastewater system. The Fridholm's own the three lots.

Mr. Russell asked if the Selectboard was bound by the Zoning Bylaws, and if the proposal met PRD requirements. Mr. Volk replied that the situation is different. The lots were owned by the same person. A house would be clustered with the infrastructure. That would leave the remaining land open.

Ms. Russell asked if the proposal really was a PRD. Mr. Volk replied that there were two different questions: does it meet the PRD requirements, and is it a PRD.

Ms. Russell asked if the larger lot could be subdivided in the future. Mr. Volk pointed out that they were pre-existing lots that the Fridholms' have been paying property taxes on for close to 50 years. The lots are not newly created lots. Best management practices should be applied and a septic should go where the best soils are.

There was further discussion regarding the requirements for a PRD (developing a cluster of units, elimination of excess infrastructure, and maintaining open space); if the proposal could meet the PRD standards (Mr. Volk said that it could); and a request to cross under the road. Ms. Russell said that the Town generally doesn't allow under road crossing unless the proposal met the PRD requirements as per the new Regulations. Mr. Volk noted that there were similar locations all over Charlotte, for example, the Fire Station and Senior Center that had force mains under a road to the Burns property across the road. It made no sense for the PRD stipulation, said Mr. Volk.

Mr. Stone pointed out that the Town granted a similar crossing for the Hinsdale's in East Charlotte.

Mr. Thornton said the Board could grant the request provided there were no other restrictions requested by the Planning Commission. Mr. Volk stated that there is no development proposed at this time.

Ms. Cole asked if there was any location for a house site and septic capacity on the combined lot. Mr. Volk replied that the soils were also looked at by Town staff and it was determined that there were excellent soils on the lot indicated on the Site Map.

Mr. Volk said that the applicant would agree to a condition to keep the back land open.

Mr. Thornton read Zoning Regulations related to development of lots as a single entity. It is not a PRD, stated Mr. Thornton.

10. JONATHAN COUTURE – Fine for Tree Cutting Within Spear Street Right-Of-Way

Larry Hamilton, Charlotte Tree Warden, reviewed copies of correspondence from the last 10 months between the Tree Warden and Jonathan Couture. (Mr. Couture's) land is located west of Spear Street on the Charlotte-Hinesburg Road. Mr. Couture had cut four trees in the Town right-of-way. Mr. Couture was asked to replace the cut trees versus paying a fine. Nothing happened. Mr. Couture was asked to remove the tree stumps, which he did, said Mr. Hamilton. Mr. Hamilton submitted colored photographs of the area.

Mr. Hamilton said he was recommending the planting of three trees from the Horsford Nursery with a reduction in tree size.

MOTION by Mr. Stone, seconded by Mr. Russell, to fine Jonathan Couture \$600 for the removal of trees in the Town right-of-way without the permission of the Town.

DISCUSSION:

Jonathan Couture said that the facts stated by Mr. Hamilton were accurate. Of the three trees cut two were dead. The trees were cut to improve the line of sight for the driveway based on the curb cut. The Tree Warden isn't a Road Commissioner and can't identify road/traffic safety issues. However, an agreement was made to plant the trees.

Mr. Stone asked (Mr. Couture) if he had told the Tree Warden to stay off the property. Mr. Couture replied yes. If I have to pay Horsford to plant the trees I will do so, but not where the proposed locations are staked out. There is a small maple tree where the side of the driveway was opened up.

Mr. Hamilton explained that the site was visited and a location for planting four trees was staked out. Mr. Hinsdale was also contacted and asked if he minded if the trees set back and planted on his property. Mr. Hinsdale said that was fine.

Ms. Russell asked (Mr. Couture) why he didn't plant the trees. Mr. Couture explained that he was happy to plant the trees on the west side of the driveway. The location as staked by the Town is an issue. At issue was the line of sight to the east from the stop sign, but not down the hill. If the trees that were cut were in the Town right-of-way then the trees should be planted there and not on Hinsdale's land. Planting the trees would have to wait until spring.

Mr. Couture said that the Town wants trees planted east of the maple tree, but to the west if would be preferable. Mr. Couture pointed out a maple tree on the color photograph submitted by the Tree Warden.

Mr. Mack said if the trees were sick and dying then how do you replace that. The Elms were dead or dying.

Ms. Russell asked if the parties could agree on a location and reasonable time line to plant the trees. Mr. Hamilton replied that he was agreeable to a mutual location and time. Mr. Russell said that putting the trees east of the maple tree seemed to make more sense (than west of the maple tree).

Ms. Cole asked if there was a potential to plant the trees in some other location than the Couture property. Mr. Hamilton replied that it was a matter that trees were cut without permission and need to be restored. The frost would come out of the ground in late April, or the first of May for that to happen.

Mr. Thornton said the trees should be planted by the first of May. Mr. Russell stated that the trees should be planted in the public right-of-way as per the Charlotte Tree Warden and Charlotte Road Commissioner.
Mr. Stone withdrew his motion.

It was agreed that Mr. Couture would plant three trees of 1" caliper in an area agreed upon by the Charlotte Tree Warden and Charlotte Road Commissioner.

11. APPROVE FUND BASED DRAFT OF THE FINANCIAL STATEMENTS FOR CHARLOTTE FIRE & RESCUE INC

Ms. Russell reported that Nancy Wood, Charlotte Audit Committee member, has reviewed the Charlotte Fire and Rescue Inc financial statements and the statements were fine.

Mr. Russell asked for a method to account for patient billing, noting that a check for \$20,000 was not posted in a timely manner. Ker Walker, Fire and Rescue Inc President, explained that a policy would be put in place to keep that from happening again.

Mr. Stone asked if the (Fire and Rescue) service sent a billing report to the Charlotte Town Clerk. Mr. Walker replied that the bills were sent to an Alburg service and they sent bills out from there. The Fire and Rescue department was working with the billing

service and Town Clerk. A quarterly payment will be made to the Town regardless of where the revenue is. A schedule for the next fiscal year has been created.

Mr. Walker reviewed corrections to the Fire and Rescue Inc audit as follows:

- Globally correct the name to read Charlotte Volunteer Fire and Rescue Services.
- Regarding the section for other matters/suggestions; checks were paid for volunteers that were tracked on a spread sheet. A copy would be provided to the Town Audit Committee for next year.
- An outstanding check from 1998 would be researched.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a draft Charlotte Volunteer Fire and Rescue Services Audit and Management Analysis as presented.

VOTE: 5 ayes; motion carried.

12. APPROVE PROPOSAL BY LINCOLN APPLIED GEOLOGY FOR LANDFILL POST-CLOSURE CERTIFICATION

Ms. Russell explained a proposal Lincoln Applied Geology regarding the Plouffe Lane Landfill. The monitoring would cover the next five-year phase for an amount not to exceed \$5,033. Monitoring a landfill was state mandated. The Town has budgeted \$5,000 for this coming year.

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve a contract with Lincoln Applied Geology for the Plouffe Lane Landfill post-closure certification monitoring for the next five-years for a sum not to exceed \$5,033 per year.

VOTE: 5 ayes; motion carried.

13. APPROVE CERTIFICATE OF HIGHWAY MILEAGE

Mr. Bloch explained that the Town mileage would be noted on the State Highway Map and includes town trails, Class IV and Class III roads. As per state statutes the highway documents must be signed by the Selectboard and submitted to the Town Clerk by 02/10/2007. Three Selectboard members have signed the documents, which were submitted. One change was the new entrance to Higbee Road, and the discontinuance of Spear Gervia, Old Town Trail (in 1951), and the correction to the location of McGuire Pent Road.

MOTION by Mr. Thornton, seconded by Mr. Russell to approve an Agency of Transportation Certificate of Highway Mileage for 2007.

VOTE: 5 ayes; motion carried.

14. BURNS PROPERTY – Next Steps

Mr. Russell reviewed a question of how to move forward with the Burns Property project and what to put before the Town. A Selectboard work session was suggested to review all criteria and to gather all detail for a decision.

Further information was required on the following:

- The Clay Plain Forest (contact Linda Hamilton)

- Cost per unit
- Impacts on neighbors of the Burns Property
- Impacts to the Clay Plain Forest
- Septic and well water information
- Clarification on language; for example; if there was a \$120,000 mortgage on the property (Gill Livingston and Paul Bruhn should be contacted)
- Clarify a “Master Plan” related to a public process
- Clarify the tie in with the “LeBoeuf property” (Gill Livingston)
- Invite Mr. Livingston and Mr. Bruhn to come before the Selectboard
- Identify an “end” point of the process
- Make sure that information appearing in newsprint is correct
- Schedule additional Selectboard meetings as needed
- Tie in/clarify language in a Town Plan update and Zoning Bylaws

Cedar Cowles stated that she didn’t feel that folks have been given a choice regarding the Burns Property project.

Mr. Mack suggested defining “affordable” housing, which was a wide interpretation at this point.

The Selectboard scheduled a meeting for Monday, 02/19/2007 at 7:00 p.m. at the Town Hall.

15. MINUTES OF JANUARY 22 & 29, AND FEBRUARY 2

MOTION by Mr. Russell, seconded by Mr. Stone, to approve the minutes of 01/22/2007 as written, with the following corrections/additions:

Page 1, under Public Discussion, 2nd sentence; change to read: “...\$25,000 this year and a matching grant of up to \$25,000 each year for five years.”

Bottom of Page 1, globally correct the name “Norman Pellett” and add Anna Marie Curlin as the 5th member in the motion.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Russell, seconded by Ms. Cole, to approve the minutes of 01/29/2007 as written with the following corrections:

Page 2, add the word “Capital” to “asset values”, delete the reply by Mary Mead;

Page 3, change to read, “Fire and Rescue”.

VOTE: 5 ayes; motion carried.

16. EXECUTIVE SESSION – Pending Litigation

MOTION by Mr. Russell, seconded by Mr. Thornton, to recess the regular meeting and to enter Executive Session for the purpose of discussing Litigation Matters for the Plouffe Property, Infill On Spear Street appeal, and the Mt Philo/Hinsdale appeal of a Planning Commission decision, and to invite the Selectboard Assistant to attend.

VOTE: 5 ayes; motion carried.

The Selectboard recessed the regular meeting and entered Executive Session at 9:50 p.m.

MOTION by , seconded by , to adjourn Executive Session and to reconvene the regular meeting.

VOTE:

The Executive Session was adjourned and the regular meeting reconvened at p.m.

17. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants.

18. ADJOURNMENT

MOTION by , seconded by , to adjourn the meeting.

VOTE:

The meeting was adjourned at 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.