

**TOWN OF CHARLOTTE  
SELECTBOARD  
December 5, 2005**

*APPROVED 12/19/2005*

**MEMBERS PERSENT:** Ellie Russell, Chairperson; Jenny Cole, Ed Stone, Charles Russell, Frank Thornton.

**ADMINISTRATION:** Dean Block, Selectboard Assistant.

**OTHERS PRESENT:** David Miskell, Kay Gault, Alice Lawrence, Beth Merritt, Nan Mason, Wally Gates, Frances Foster, Marty Illick.

**1. CALL TO ORDER**

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

**2. CHANGES TO THE AGENDA**

None.

**3. APPROVAL OF MINUTES**

None.

**4. PUBLIC DISCUSSION**

David Miskell, resident, said he had discussed the Selectboard letter regarding delay of enforcement action against Steve Denton with Ms. Russell and Liam Murphy (Mr. Denton's lawyer). Attorney Murphy reviewed the Town letter and felt that the Selectboard had approved the letter in concept. Ms. Russell had said (to Mr. Miskell) that no further approval by the Selectboard was necessary, and that the Town authorized the Town's legal counsel to write a letter that represented the Town's position formally.

Mr. Miskell understood from Ms. Russell that the letter would be sent to Mr. Denton as the Selectboard's position. Mr. Miskell asked if this was the position of the Selectboard.

Ms. Russell reviewed that the Town counsel re-wrote the letter in legal language, and that Attorney Murphy shared the letter with his client. Mr. Miskell said it was his assumption the Board would write, sign, and send the letter to Mr. Denton. Ms. Russell stated the letter was written by Joe McLean, Town Attorney, and then sent to Attorney Murphy.

In response to a question by Mr. Miskell, Ms. Russell clarified that the Board already voted on the letter.

Mr. Miskell said he had read an article regarding the Denton issue in the Charlotte News "Sound Bites" column that according to the Town Planner the request "...was a request that could impact all Charlotte commercial and industrial districts. The Board would determine if it should be put to a Town vote." Mr. Miskell asked if that was a miss-quote. Mr. Bloch said he did not recall the quote. Mr. Russell said he thought it was a quote out of context regarding a discussion of the petition.

Mr. Miskell said that a petition on behalf of Mr. Denton was going through the Planning Commission process and would come before the Board. Mr. Miskell assumed the Board would want a hearing and then would have a Town vote. Mr. Stone asked Mr. Miskell if he wanted a vote on whether to enforce a contractor's yard, or whether to have a contractor's yard. Is that what you want us to do, asked Mr. Stone. Mr. Miskell replied that when we were at a Planning Commission meeting Mr. Russell said that the regulations weren't going to a town vote. Mr. Stone stated that since last week that has changed. Mr. Miskell said the point is when we submitted the petition we explained we would submit testimony to the Planning Commission and Board on including written language (for proposed Interim Zoning). Both the language and petition needs to be included.

## **5. BUDGET DISCUSSION**

### **LISTER'S REPORT**

Kay Gault reported that the Lister's budget has not changed much, except for salaries, which were at \$9,800 year to date. A \$1,200 line item for mailing would not be needed next year.

### **LIBRARY**

Nan Mason, Alice Lawrence, Beth Merritt appeared on behalf of the Library. Ms. Mason reported that the Library continues to grow in business and circulation of materials. Hours of operation have increased from 34 hours to 37 hours. The proposed FY06/07 budget doesn't include a cost of living increase for personnel. The proposed increase is moderate compared to last year's budget.

There was discussion regarding funding sources for the Maintenance Fund (funded through the tax rate); a suggestion to combine the Library Custodial Service line item with the Senior Center, Town Hall, and possibly Fire Department as one contract (Mr. Stone said that has been discussed in the past and the service provider indicated that she could not do all the departments); the energy rate is an agreed rate and was not anticipated to increase; and salary changes based on added hours. Ms. Mason said that no new personnel were added, but they were trying to match salary levels for non-salary personnel.

### **SENIOR CENTER**

Wally Gates reported on the following Senior Center budget items:

- An anticipated overrun for energy.
- There have been more activities/programs, which were budgeted for \$12,000.

Ms. Russell asked how custodial and maintenance expenses were itemized. Mr. Gates explained that they were one line item in the past and we asked to separate them. Painting bids for the Senior Center were reviewed and the costs for one coat of paint versus two coats were received.

Ms. Russell asked how trash was handled. Mr. Gates said that the Fire Department and Senior Center share the cost. The Fire Department pays for 2/3s of the cost and the Senior Center provides other services in return. The entities share services, which is mutually beneficial.

### **ROAD COMMISSIONER'S REPORT**

Junior Lewis, Charlotte Road Commissioner, explained proposed changes for upgrading gravel roads. There was a \$110,000 line item in the budget for gravel the first year, \$25,000 for this year for a total of \$135,000 earmarked for road upgrades.

There was discussion regarding the Titus shale pit project and if the Town could remove the remaining shale within five years; if \$200,000 would be sufficient to complete the shale removal (Mr. Lewis said he was seeking \$180,000 in the budget); if it would be cheaper to haul gravel from the Shelburne pit for road work, and keep the shale for use on the gravel roads nearest the Titus shale pit to reduce costs; and a schedule of roads to be worked on next. Mr. Lewis said that a list of roads to be worked on included Carpenter Road, Prindle Road, Lime Kiln Road, Roscoe Road, Lewis Creek, Bean Road, Garen Road, Half-mile Road, Bingham Brook, Monkton Road, Orchard Road, Holmes Road, Wings Point, Converse Bay, Cedar Beach, Lane's Lane, North Shore, Town Line Road, Higbee Road, and Lake Extension.

Mr. Lewis noted that the cost of winter sand has increased \$2.00 per yard.

The Selectboard asked Mr. Lewis to draft a five-year capital plan for gravel road upgrade/restoration and a cost estimate. Mr. Lewis said that trucking material and expenses would be included in the gravel road upgrade line item. Mr. Stone asked for a copy.

#### TRAILS COMMITTEE REPORT

Ms. Russell noted that a Trails Committee report had already been submitted.

Mr. Stone said he had talked to Gary Franklin, Trails Committee Chair, regarding a proposed cost of \$12,000 for Plan A (Plouffe Lane parking lot improvements). A change was discussed to downgrade the plan to a gravel parking lot for a cost of \$5,000 versus \$12,000, and see how that worked. The VLCT has been contacted regarding charges for using Vermont roads in state statute. Beldock has a road maintenance agreement with the people who live on Plouffe Lane that is a "null and void" agreement. The Town has no maintenance contract with Beldock. Mr. Stone said that he is checking to see if Plouffe Lane is a Town owned road.

#### 7. WOOL/NAJARIAN APPEAL DECISION

Ms. Russell briefly reviewed an appeal of the Najarian septic system decision. Staff checked with Joe McLean, Town Attorney, regarding the potential to add conditions to a Board decision. Attorney McLean said that the Board could affirm, or reverse a decision. Mr. Russell asked if the board could condition, or enforce compliance to a yearly contract maintenance agreement.

There was discussion regarding issues pointed out by Mr. Wool that included a proposed location of a septic transfer station near his bedroom window, lack of adequate screening, and an increase from a four-bedroom capacity system to a five-bedroom capacity system (as pointed out by the ZA Mr. Najarian cannot add on to his house without an application and building permit); and a concern that a septic permit that was issued with a 4-5 bedroom capacity could trigger a future application for a five bedroom home (Mr. Stone expressed concern that a property with a larger-than necessary septic system would allow for expansion of a structure. An application would then meet Town requirements and be approved under the regulations.).

Mr. Thornton pointed out that the septic permit states “three-five bedroom”. Mr. Stone replied that the Board could condition a septic permit to a “maximum of a four bedroom”. Mr. Najarian’s engineer said he could design the system for a four-bedroom system.

There was further discussion regarding the State of Vermont “best fix” definition, definition of a bedroom (was it limited to square footage, or number of occupant’s); a question if the septic system was limited to a four-bedroom system would resolve the issue; and tracking/enforcement of the proposed septic system maintenance agreement.

Mr. Russell suggested having the Town Attorney draft language to limit the Najarian septic permit to a four-bedroom capacity, and require an annual maintenance contract.

#### **8. ADELPHIA CABLE SERVICES**

Ms. Russell would invite Adelphia to a future Selectboard meeting to discuss cable and program services for Charlotte municipal building(s).

#### **9. BURNS PROPERTY**

Mr. Bloch reviewed a Preservation Trust grant for \$5,000 that was awarded to Charlotte.

Mr. Stone requested that the primary Town contact person on the Burns contract change to Ms. Russell as Selectboard Chairperson versus Dana Farley. Mr. Russell suggested that the Town Planner as the primary contact. Mr. Bloch could answer any questions or concerns.

Mr. Stone expressed concern regarding rumors that a final Burns property “deal” has been struck and a project was set to go. An article in the Charlotte News that clarified that the Town was still exploring options and that a \$5,000 grant was received from the Preservation Trust would help dispel the rumors.

Mr. Miskell asked what the Town’s decision-making process was, and if the Town would vote for an affordable housing project, or not to have one. Mr. Stone said the Burns Committee would hold public meetings on potential project models and options. It could be one to three years before a Town vote.

**MOTION by Ms. Cole, seconded by Mr. Stone, to approve the Burns Contract with Vermont Design Institute, to be paid from a VHCB grant of \$5,000.**

**VOTE: 5 ayes; motion carried.**

#### **9. CHARLOTTE CONSERVATION FUND**

Frances Foster and Marty Illick appeared on behalf of the Charlotte Conservation Committee.

Ms. Foster briefly reviewed a prior Selectboard meeting discussion regarding proposed Conservation Committee recommendations. Upon further consideration, the committee has decided to return with the same proposal as last week. The committee is seeking a 10-year term for a Conservation Fund request with minor language changes. The committee members have concerns that pressures for development conflicted with Town Plan language to preserve agricultural land. The committee goal is to preserve 1,000 acres over a ten-year period.

Ten years of building a conservation fund would permit several advantages, such as longer-term payments to landowners, and allow for a predictable amount of money for negotiating with landowners. Ms. Foster reviewed past conservation projects and preserved farmland (eight conserved farm are still active), public access trails, and potential projects in the works.

Mr. Stone expressed concern that ten years equaled \$1.4 million in “today’s” dollars. It would be better to legitimize the request with a Town-wide vote versus floor article so that every one could participate. Mr. Russell said that the committee could hold public meetings and get the word out.

There was brief discussion regarding adding an agricultural, Trails Committee and Planning Commission representatives to the Conservation Committee.

#### **10. PLANNING COMMISSION RULES AND PROCEDURE – ETHICS POLICY**

Mr. Bloch reviewed state statutes require a Planning Commission Rules and Procedure policy. The Planning Commission has reviewed a draft and asked for Selectboard comments.

There was discussion regarding the following sections of the draft:

- Concern for language regarding Section 3d, Deliberative Session. The open meeting law needs a definition of when a Deliberative Session is held.
- Section 5c, participation by telecommunication. There was a suggestion to eliminate.
- Section 7, Site Visit, rephrase to indicate participation is limited to discussions.
- Section 9, Decisions. There was concern that when a Board reviewed meeting minutes the minutes were not verbatim, and that judging testimony and character of witnesses was difficult. (Mr. Bloch said that the Planning Commission listened to tapes). Change to read: “...read minutes and listen to tapes....”
- Section 9b, according to Roberts Rules a chairperson doesn’t make a motion and only votes to break a tie vote.
- Section 9d, all members were expected to vote on a motion unless they recused themselves. A Board member can’t abstain if they didn’t want to vote. (NOTE: as per the Secretary of State an abstention is a “no” vote).
- Section 9g, Boards can “vote” by signing a document.
- General comments: a member who has recused him/her-self should “remove him/her-self from the proceedings” and should leave the meeting room. If the member is the applicant they should provide a representative to present the application.

#### **11. OTHER BUSINESS**

Mr. Stone reported that the Christmas party was a success.

Ms. Russell noted that a pre-budget meeting regarding a County Budget is scheduled at the County Courthouse, 12/20/05 at 11:00 a.m.

#### **12. BILLS AND WARRANTS**

The Selectboard signed bills and warrants.

#### **13. ADJOURNMENT**

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

**VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 9:12 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.*