

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
NOVEMBER 3, 2008**

APPROVED

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

OTHERS: Ellie Russell, Dale Garvey, Jason Garvey, Elizabeth Garvey.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

Added: Work Detail at the Charlotte Park and Wildlife Refuge.

3. REOPEN PUBLIC HEARING FOR DISCONTINUANCE OF BALDWIN ROAD (Class IV portion)

Mr. Russell re-opened a public hearing regarding a draft Discontinuance Order of Baldwin Road.

Ms. Cole noted that the Monkton Selectboard had agreed to discontinue Baldwin Road with a condition that the Charlotte Selectboard discontinued the road as per the Monkton minutes.

Mr. Ladue reviewed a letter from Guy Baldwin offering a parcel to the town that included a right of way on the westerly portion of the property, which is adjacent to the Bouchette and Garvey lots. It was offered to neighbors, but no one wanted it, said Mr. Ladue. (Dale) Garvey stated that he owned the right of way, which was an old sugar road.

Mr. Ladue pointed out that the current Baldwin Road was a town asset that had a public value. Previous decisions by Selectboards that have thrown up a road "traded" a town road for a public right of way. It might be possible to do the same in this situation if the Guy Baldwin right of way was extended along the boundary to Town Highway #38 in Monkton.

(Dale) Garvey said that the Baldwin Road was not a town road, but a road to the Quaker meeting house in the past. Mr. Ladue pointed out that when the land was originally purchased it had a public right of way through the middle of the property. A question was if it possible to preserve a public value (Baldwin Road).

Elizabeth Garvey said that that there was a scenic road (Lewis Creek Road) in the area that people were already using.

There was lengthy discussion regarding Mr. Ladue's proposal to trade Baldwin Road for a public right of way across the Baldwin parcel (Lot A), through the Garvey property and

to the Bouchette property; a suggestion by Ms. Cole to hold a neighborhood meeting to discuss potential alternatives, such as a connection to the A Johnson trails (at this time the neighbors had not made any commitment regarding a meeting); a statement by Dale Garvey that Baldwin Road was never a public road, nor a town easement; acknowledgement that Baldwin Road was on the State Highway Map as a Class IV road, and showed up on the 1869 Beers Atlas; and the topography of the Baldwin lot, which was rocky and steep (Mr. Stone said that it was not possible to put in a trail on that parcel). Mr. Thornton said that if the road was on the Town Highway Map then it is a legal town road.

There was discussion regarding the Baldwin lot and concerns for wildlife corridors and habitat.

Mr. Russell said that there was no additional information from the Monkton Selectboard other than what appeared in the minutes. The Trails Committee and the Planning Commission have not looked into a potential easement trade. There were other alternatives to consider, such as an easement further from any house, or an easement off of Lewis Creek Road. Mr. Ladue said that by maintaining rights of way along Lewis Creek Road and to the Cemetery Road that would create a walking loop. A question was if Monkton would agree to move the Monkton end of Baldwin Road.

MOTION by Mr. Stone, seconded by Ms. Cole, to close the public hearing regarding discontinuance of Baldwin Road (Class IV portion).

VOTE 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Ms. Cole, to discontinue the Class IV section of Town Highway #38, which extends a distance of 0.17 miles, more or less, south from the home of Dale and Lucille Garvey to the Monkton town line. The portion of said road to be discontinued is shown on the Town of Charlotte's official highway map as an impassable or untraveled corridor.

DISCUSSION:

Mr. Ladue noted that if a town has an ownership interest in a right of way, but doesn't use it that doesn't mean that it doesn't have value. We shouldn't give up a town ownership interest in Baldwin Road.

Mr. Stone said that the Town would benefit from throwing up Baldwin Road. The property would be developed with houses and that would generate additional taxes.

Mr. Thornton said that Town assets shouldn't be given away unless we know exactly what we are doing.

Mr. Russell reiterated that Monkton conditioned throwing up the road on the condition that Charlotte discontinued it. Ms. Cole said that Monkton didn't indicate that they had a desire to keep the road.

Ms. Cole reiterated that it would be good to discuss trails in the area.

VOTE: 3 ayes, 2 nays (Mr. Ladue, Mr. Thornton); motion carried.

Mr. Russell, Ms. Cole and Mr. Stone signed an Order of Discontinuance document. Mr. Ladue and Mr. Thornton did not sign the document.

4. APPROVE THOMPSON'S POINT LEASE TO ROY AND LINDA L'ESPERANCE FOR LOT 204, 171 LANE'S LANE

Mr. Russell briefly reviewed a renewal of a lease, which was not a change in ownership.

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve a Thompson's Point lease to Roy and Linda L'Esperance for Lot 204, 171 Lane's Lane.

DISCUSSION:

Mr. Ladue asked if the year round residence leases on Lane's Lane were treated differently than the seasonal leases on Thompson's Point. Was there a different rate charged, asked Mr. Ladue. Mr. Russell replied that any differences in rates were factored into the year round property valuations by the Town. A question was do we know if Lot 204 was a year round residence.

Mr. Ladue and Mr. Stone withdrew the motion to clarify Board questions.

Mr. Stone briefly departed from the meeting.

5. MINUTES: Approval of October 2 and October 6

MOTION by Ms. Cole, seconded by Mr. Ladue, to approve the minutes of 10/02/2008 as written with corrections/additions as follows:

Page 1, Community Members Present: add "Robin Reid"; under Discussion, correct the spelling of the word "petition"; 2nd paragraph, 1st sentence, replace the words "It was" with "Ms. Horsford"; delete the 3rd paragraph; 4th paragraph, 1st sentence, replace the 3rd word "noted" with the word "suggested", end the sentence after the word "changes." And delete "but the community did want to go to a vote" and replace with "Mr. Russell replied that in the past it did go to a town vote."; 5th paragraph, 1st sentence, 8th word, replace "footage" with "setback";

Page 2, 1st sentence, 1st word correct the name "Rich" with "Dick" and insert "not adopting" between the words "for" and "the"; 10th paragraph, correct the name "Dean Bloch"; 11th paragraph, delete the last sentence and replace with "Winslow said that the setback went from 50' to 100' in 1995, rather than 30' to 100' as stated in the Charlotte News."; 12th paragraph, correct the name "Robin Reid", and replace the word "is" with "are";

Page 3, 1st paragraph, to change the sentence to read "It was felt by some at the time of the last vote on the Land Regulations there was not enough time and that is why revisions are being considered."

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

MOTION by Mr. Ladue, seconded by Ms. Cole, to approve the minutes of 10/20/2008 as written.

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

Approval of the 10/06/2007 minutes was tabled until the next meeting of the Board.

Mr. Stone rejoined the meeting.

6. BILL AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

7. WORK DETAIL AT THE CHARLOTTE PARK AND WILDLIFE REFUGE

Ms. Cole reported that a group of UVM students organized by Sue Smith would study the use of herbicides on cut stumps (Buckthorn and Honeysuckle). A Nature Conservancy representative would oversee the test site study. A donation of \$80 was suggested to cover the cost of the Nature Conservancy representative.

Mr. Ladue asked if \$2,300 of farm rental (at the Park) was paid. Mr. Russell asked if the agricultural use of Park land was monitored to make sure that the terms of the lease were being met. The Board could take these concerns up as a future agenda item, suggested Mr. Russell.

Ms. Cole would talk with Robert Mack regarding an issue related to growing corn.

13. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 8:25 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.