

**TOWN OF CHARLOTTE
SELECTBOARD MEETINGS
MAY 22, 2006**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Deb Mayfield, Steve Mayfield, Nancy Bloch, Carrie Spear, Mike Spear, Sam Spear, Rodney Trudeau, Carrie Spear, Andrew Thurber, Catherine Snead, Don Welch, Rick Pete, John Hammer, Charlotte News, and others.

1. CALL TO ORDER

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

2. ADJUSTMENTS TO THE AGENDA

Additions to the Selectboard Updates.

3. PUBLIC DISCUSSION

None.

4. APPROVE MINUTES OF 05/08/2006

MOTION by Ms. Cole, seconded by Mr. Russell, to approve the minutes of 05/08/2006 as written, with the following additions/corrections:

Page 1, agenda item #3, correct the spelling of John "Hiser"

Page 2, agenda item #7, 1st paragraph, last sentence, change dates to read: "...May 10, 2006, May 18, 2006 and a public discussion on May 11, 2006."

Page 4, 1st MOTION under DISCUSSION, add that the answer to Mr. Bloch's question regarding copier costs was "No";

Page 5, 2nd paragraph, delete the last sentence'

Page 7, Executive Session, delete "...and to invite...to attend."

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

5. INTERVIEW DEBORAH MAYFIELD

Ms. Russell reviewed open Town positions included the Recreation Commission, CSWD alternate, CCMPO alternate, Cemetery Commission, and constable.

The Selectboard interviewed Deborah Mayfield, who expressed interest in serving on the Recreation Commission.

6. INTERVIEW STEVE MAYFIELD

The Selectboard interviewed Steve Mayfield, who expressed interest in serving on the Park and Wildlife Refuge Committee.

7. INTERVIEW RODNEY TRUDEAU

The Selectboard interviewed Rodney Trudeau, who expressed interest in serving as the second Town Constable.

8. INTERVIEW NANCY BLOCH FOR DESIGN REVIEW COMMITTEE

The Selectboard interviewed Nancy Bloch, who expressed interest in serving on the Design Review Committee for a one-year term.

9. KATHY GUTTING AND DAVID FASSLER – REQUEST FOR HIGHWAY ACCESS PERMIT

MOTION by Mr. Russell, seconded by Mr. Stone, to open a Public Hearing for a request by Kathy Gutting and David Fassler for a highway access permit.

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

Don Welch, architect, reviewed a request for a highway access permit for an existing 22-acre parcel. The proposal was to subdivide the parcel into three lots: one 12-acre and two 5-acre lots. The application was received Sketch Plan review and is a minor subdivision. The driveway needs to be modified to enlarge an existing road that is 11' wide to 14.5' for most of the driveway. The first 20' needs to be 18' wide. The construction of the driveway would meet town specifications.

Mr. Welch showed the existing right-of-way that serves an existing lot on a Site Map.

There was discussion regarding a neighbor's suggestion for a culvert(s) (Mr. Bloch said that no culverts were required); a suggestion to improve the north line-of-sight distance by cutting back brush and a big tree north of Gary Pittman's driveway (Mr. Pittman said that the Hickory tree was a good tree, but he did not care if the Basswood was cut. If it was a safety issue then he wouldn't object to cutting the Hickory tree.); a Selectboard suggestion that a common driveway could be shared by Mr. Pittman and the proposed subdivision (Katherine Snead, 4049 Mount Philo Road, said that she shares a driveway/road with Kathy Gutting and the right-of-way was on her land. There is a telephone pole with guy wires between the two driveways, so a common driveway was not possible.); and a suggestion that the access road should be leveled back to a culvert for safety in exiting the driveway and to control potential water runoff into Mr. Pittman's property.

Mr. Bloch said that an alternate solution was keep the driveway to the house and change the right-of-way to the Gutting's to gain more privacy. Ms. Snead said she was not interested in creating a new road where there is none.

Ms. Russell summarized the following items:

- Look at sight distance without the Hickory tree
- Raising the level of the driveway
- Speak to the Charlotte Road Commissioner regarding a culvert or culverts.

Mr. Stone suggested paving the road entrance for one car length for better traction. Ms. Snead replied she would prefer not to pave the driveway. A part of the agreement is road maintenance.

MOTION by Mr. Russell, seconded by Mr. Stone, to continue a public hearing to June 12, 2006, 8:00 p.m., regarding a request for a Highway Access Permit by Kathy Gutting and David Fassler.

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

10. SAMUEL AND PRISCILLA SPEAR – REQUEST FOR HIGHWAY ACCESS PERMIT

Ms. Russell asked if the request was for an agricultural or residential road cut. The Selectboard could approve an agricultural access. If a residential access was wanted at some future point then the applicant would have to come back.

Michael Spear and Samuel Spear explained a request for an agricultural access. Mr. Bloch handed out copies of written comments by the Charlotte Road Commissioner regarding sight distances for Board review.

Samuel Spear explained they have contacted the Vermont Land Trust.

Mr. Stone explained that only one access was permitted so the second access point had to be eliminated. Mr. Spear explained that the second access had been used to put cattle into a pasture. The access had no culverts or anything. The family allowed the Town to put culverts in to drain water from one side of the road to the other. The ditch is full of water right now.

MOTION by Mr. Stone, seconded by Mr. Russell, to grant an agricultural access as presented.

DISCUSSION:

Andrew Thurber, neighbor, said he owned land south of Lot 3 and expressed concern of where a future residential access would be. Mr. Stone replied it could be where they choose. The Selectboard reviewed a request for safety.

Mr. Thurber asked if an agricultural cut was necessary and would it give access to land that you might not need access to. Would an access off Ferry Road be better. Will trees be cut, asked Mr. Thurber. Samuel Spear replied that a sister was interested in buying father's lot. Maria (Wicker) would like to eliminate the right-of-way across her lot. In order to access the woods – if we go off Ferry Road we would have to build a road across Lot 2 in a low land pasture. Michael Spear said it is simpler to have access off Lake Road versus Ferry Road. We want to have access to cut wood. Carrie Spear said that they have cut up to 13 cord of wood each year for many years.

Samuel Spear showed the existing road, Lake Road, Ferry road, two houses and the proposed agricultural cut on Lake Road on a Site Map. Lot 3 has no access at all currently, said Mr. Spear.

Ms. Russell asked how the Spear's got to the back land now. Michael Spear explained they go out through plowed land, but there was no official way. We don't want people driving across the two lots and the conserved land. We are trying to conserve land where the two houses are - the big meadow , five-acres, and the Lake Road/Ferry Road land.

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

11. RICK PETE – THOMPSON'S POINT WASTEWATER LEASE

Rick Pete, Thompson's Point Waste Water Committee representative, explained inequities outlined in the existing Thompson's Point Wastewater Disposal System Ordinance, dated 2001. As a leaseholder it is a privilege to have a wastewater system, and as member of committee there are issues to discuss and resolve:

- A definition of a commissioner.
- Clarification of the Advisory Committee as the "Commission".
- What is allowed per Article V, Use (506). The dates are April 1st to November 1st.
- Section 507, flush toilets of 1.5 gallons. Time was needed to change over to 1.5-gallon toilets. An issue is that 1.6-gallon flush toilet were available. Asking to consider suggested changes to the ordinance.
- Article VIII, damage, there is no clarification regarding cost of repair of damage.
- Article IX needs a contract for meter reading. A suggestion was defining the number of readings per year.

Ms. Russell said that the Advisory Committee is the Commission. The state permit dates were to October 31st and the new leases will say October 31st. Mr. Pete suggested changing the ordinance to fit the lease language. Mr. Russell clarified that the Selectboard was changing the leases to fit the State of Vermont language.

Ms. Russell said that people who use system after it was shut down should be charged for the costs. Mr. Pete said he would advise lease holders that a fine of \$100 per day would be assessed for November 1st to November 15th use of the system. The lease goes to November 15th and that is a problem. Leaseholders have a legal right to stay, but not to use the wastewater system. The ordinance says after October 31st there should be no discharge. Mr. Russell read Article VIII of the ordinance. A charge can be assessed.

Mr. Pete said that he would bring the suggested changes to the leaseholders this summer.

Ms. Russell asked Mr. Pete to bring back recommendations to the Selectboard.

12. RICK PETE – THOMPSON'S POINT LEASE OF LAND BY ASSOCIATION

Mr. Pete explained request to obtain jurisdiction of a hedgerow on the clubhouse lot on Thompson's Point.

Ms. Cole noted that the lease language was specific. Mr. Pete replied that as the lease was changed over the years things got dropped out. The tennis courts were increased, for example. The current lease is up at the end of the year. Mr. Russell said then the lease could be changed to include up to the hedgerow and parking lot.

There was discussion regarding winter parking and lake access for people who ice fish; the Town could plow the North Shore Road access and then the Road Commissioner would have whatever access he would need to turn trucks around in the winter (Mr. Pete said that people should stay in roadway and park along road and not cross into the field); creating a small parking area at the end of the road with some kind of barrier to keep off the field; and access to the lake and Whiskey Bay.

Mr. Stone pointed out that if there is a parking lot at night there would be no lights. Mr. Pete expressed concern regarding liability issues for public access if town leased the lot to the association. The intent was to have a grassy lawn/field for a playground for kids.

Mr. Pete said he would contact Dick Green of the Sportsman Alliance for input.

MOTION by Mr. Russell, seconded by Mr. Stone, to expand/modify the Thompson's Point County Club lease to include a meadow up to a hedgerow and to caretaker's house.

DISCUSSION:

Ms. Cole said she would like to support the request, but without talking to other people about access to public land and lake she had reservations. She has examined a history of the lease. The clubhouse lease, ca 1932, was determined as confined to the area of the clubhouse and not north of the road. The current lease says the lot defined around the clubhouse.

Mr. Russell said that an argument for years has been who would take care of the land and clean it up, but keep it as public maintained. Mr. Pete stated that no one would stop people from parking and walking across the lawn. If the Selectboard specifically states... Mr. Bloch said that if is a Town property there is no problem if it is leased it to you. Mr. Bloch would check with the Town Attorney regarding liability issues. The lease is up December 2006, then it comes out to bid.

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

Mr. Russell and Mr. Bloch would conduct a site visit of the Thompson's Point County Club Tuesday 05/23/2006.

13. THOMPSON'S POINT AG-LEASE

There was discussion regarding the lease of the Thompson's Point agricultural land northwest of the wastewater system mounds off Thompson's Point Road, and a second meadow closer to the Lane's Lane (the so-called former Pony Club area).

Ms. Cole said that concerns were expressed regarding drainage issues at the Pony Club area and who was responsible for the drainage work. The area was to be a buffer for the wastewater disposal system. At the last Selectboard meeting there was a comment that the lease should go out to bid. It was suggested that the bid should include manure management, but if the land were leased for manure spreading that would not work out for the organic farmer.

Mr. Russell reviewed a brief history of an Aurora Farm lease and Pony Club lease of the Town land.

Mr. Stone asked how much would it cost to brush hog the area.

Ms. Russell said that Tom Kenyon was promised a five-year lease. Mr. Bloch said there has been talk about breaking through the hedgerow.

Following further discussion the Selectboard decided to leave the Pony Club area for another meeting; ask Tom Kenyon to present a plan; and who would pay for tiling drainage, any removal of trees, or changes should be approved by the Selectboard.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve an existing lease of the Town Poor Farm land to Aurora Farms for a five-year term for \$1.00 per year starting 01/01/2007.

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

Mr. Russell said he would talk with Tom Kenyon and report back to the Board.

14. WAITSFIELD TELECOM PETITION FOR USE OF SPEAR STREET RIGHT-OF-WAY

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a public use along the Town Spear Street right-of-way by Waitsfield Telecom to bury a telephone cable to 338 James Farm Road.

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

15. TOUR DE CURE – ALLOW USE OF TOWN BEACH ON JUNE 11, 2006 FOR A REST STOP

Ms. Russell explained a request for the use of the Town Beach as a rest stop for the Tour de Cure Bike event on June 11, 2006.

MOTION by Mr. Russell, seconded by Mr. Stone, to allow the Tour de Cure organization to use the Charlotte Beach for a rest stop on June 11, 2006.

DISCUSSION:

Ms. Cole suggested that the bike routes should be posted so that Town residents would know what roads the participants would use. Would there be traffic control, asked Ms. Cole.

Mr. Russell asked if liability insurance would be in place. Ms. Russell would check with Robin Reid.

Mr. Stone asked if anyone from the Tour de Cure organization would come in to talk about the event. Ms. Russell replied no.

Ms. Cole suggested that the Charlotte Fire and Rescue departments should know what was taking place as well.

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

16. MOBILE HOME LEASE ON THE BURNS PARCEL

Ms. Russell noted that the mobile home on the Burns parcel was rented at \$600 per month. The rent was overdue.

Mr. Stone suggested reducing the rent amount by half to make it more affordable.

Ms. Cole commented that the Town doesn't maintain the property much. We weren't being asked to reduce the rent, but are only renewing the lease.

MOTION by Mr. Russell, seconded by Mr. Stone, to approve a mobile home lease on the Burns property for \$500 per month for a term of one-year.

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

17. APPOINTMENTS

MOTION by Mr. Russell, seconded by Ms. Cole, to appoint Jeff McDonald to the Chittenden County Metropolitan Planning Organization for a two-year term.

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

MOTION by Mr. Stone, seconded by Mr. Russell, to appoint Tom Moffatt and Peter Doremus to the Thompson's Point Wastewater Committee as presented.

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

Steve Mayfield was suggested as an alternate to the CCMPO.

18. SELECTBOARD UPDATE/CHAIR'S REPORT

Ms Russell reported on the following:

- Kate Teeter donated \$1,000 to the Charlotte Tree Fund. A thank you note was sent.
- A letter to VTrans regarding Route 7 was signed by the Selectboard
- An insurance inspection report regarding the Town's covered bridges was received. Roscoe Bridge has structural damage from an accident; the Monkton Road Bridge should have a height limit sign posted (no truck route).
- The Town Party was scheduled for Saturday, July 8th from 11:00 a.m. to 2:00 p.m. A Selectboard table would be reserved.
- It was decided that Adelpia communication access was not necessary.

- Copies of a CCMPO Annual Work Plan were available in hard copy and on the website.

Mr. Stone noted that the AOT has earmarked bridge money for Charlotte. He would talk to the Charlotte Road Commissioner. Mr. Stone said he would fill out an insurance claim form.

Ms. Cole read a written document regarding suggested signage for Whiskey Bay public access at the beach. An estimated cost for an 18' x 14' sign was \$55 plus shipping for a total of \$70. A post would be needed.

MOTION by Mr. Stone, seconded by Mr. Russell, to approve erecting a sign on Whiskey Bay for a cost not to exceed \$75.00.

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

Mr. Bloch reported that East Thompson's Point Road would be done at the end of summer, and Ferry Road would be next. Mr. Stone noted that a utility pole that was in the middle of Green Bush Road intersection was dangerous and should be moved.

Ms. Russell said that the hearing regarding Spear Gervia Road was set for the 06/12/2006 Selectboard meeting. The Selectboard would meet at the Town Hall at 5:30 p.m. and then do a site visit.

Mr. Russell suggested meeting once a month over the summer.

19. BILLS AND WARRANTS

The Selectboard signed Bills and Warrants as presented.

17. ADJOURNMENT

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

VOTE: unanimous; motion carried.

The meeting was adjourned at 9:45 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.