

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
AUGUST 22, 2005**

APPROVED

MEMBERS PRESENT: Eleanor Russell, Chairperson; Jennifer Cole, Francis Thornton, Ed Stone, Charles Russell.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Steve DiCarolis, Mike Russell, Peter Swift, Carrie Spear, Hugh Lewis Jr, John Hammer, Charlotte News; and others.

1. CALL TO ORDER

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

2. ADJUSTMENT TO AGENDA

Agenda item # 5, Interview Michael Russell for vacancy on the Zoning Board of Adjustment, was moved to item #6.

3. PUBLIC DISCUSSION

Mr. Hammer suggested that the Town clarify where minutes of meetings could be located on the Town website. Ms. Cole explained that minutes of meetings were posted on the new Town website.

4. APPROVAL OF MINUTES

MOTION by Mr. Russell, seconded by Mr. Thornton, to approve the Selectboard minutes of 07/25/05 as written, with corrections.

Page 1, Motion, add the neighbors name of "Freese";

Page 4, b) change "VELCO" to read "GMP"; g) Dean Bloch would contact Verizon regarding poles.

Last page, Adjournment, add: "The Chair adjourned the meeting at 9:30 p.m."

VOTE: 5 ayes; motion carried.

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

Page 1, add the name Holland to the list of "Others Present";

Page 2, 6th paragraph, add: "three yellow stripes would be painted...";

Page 4, Agenda Item #11, 2nd bullet, change to read: "Frank Thornton received a notice..."; 3rd bullet, change the meeting date to "09/14/05"; 4th bullet add the words "on state owned lands" between "(taxes)" and "was";
Page 5, 1st paragraph, 2nd sentence change the word "wasn't" to "is not", delete the word "two"; last sentence of paragraph add the word "financial" between the words "written" and "plan/job"; last sentence bottom of page add: "The Chair adjourned the meeting at 9:30 p.m."

VOTE: 4 ayes, 1 abstention (Mr. Russell); motion carried.

5. LAKE CHAMPLAIN CO-HOUSING PROJECT – Utility Crossing

Steve DiCarolis, Neagley and Chase Construction representative, explained a proposed underground utility road crossing project for electrical and telephone lines. A highway access permit was issued, but did not include a utility crossing. There was no discussion in the minutes of the meeting regarding a utility crossing. Blue prints of the proposed project are available for review. Mr. DiCarolis explained that a trench 3-4' wide would accommodate 4 conduits.

Mr. Lewis said that the road was just paved last year and would not be re-paved again for 6 years. Getting the roadbed compacted back down is an issue. Digging a trench would leave a bump in the road for the next 6 years. Options were to bore under the road, or go overhead. The Town policy allows a charge of \$1,000 for digging up a paved road and \$500 for a dirt road. This project would require Buxton's permission. Costs for boring is expense at \$10 per diameter inch per foot, or \$80 per foot for an 8" sleeve. Mr. Lewis urged the Board to consider an increase to the \$1,000 per road-cut fee to discourage developers in the future from digging up black top. Currently, the \$1,000 fee was cheaper than \$8,000 cost to bore.

Mr. DiCarolis said a detailed map of the road crossing is available in one-half size or full size drawings.

Mr. Stone commented that (he) didn't think a bump in the road is a serious problem. Any discussion regarding a rise in the fee should include the Planning Commission. The developer would add the fee into the cost of a house.

Mr. Hammer suggested that once the roadbed is cut, the trench should be paved temporarily with asphalt. A layer of concrete could be poured underneath 6 months later. Then it could have another layer of asphalt.

Ms. Cole asked if it was the Town's responsibility to re-pave the cut area, or the developer's. Mr. Lewis replied the developer repaves the road. A concern is the road could be patched to the road level, but then it settles and a bump results, reiterated Mr. Lewis.

Mr. DiCarolis explained the process of trenching existing pavement, which is skinned back 1 foot further on each side of the cut. The utility crossing would be done within the next two-three weeks and paving finished next year. Layer of cement could be poured in lieu of plant mix (asphalt). Some communities require that a bond be paid. Mr. DiCarolis asked the Board to waive \$1,000 fee if the concrete is used and extra pavement as needed to shim the roadbed.

MOTION by Mr. Russell, seconded by Ms. Cole, to approve a proposed Lake Champlain utility trench road crossing with conditions as follows:

- 1. The developer shall use extra concrete to prevent settling of the roadbed.**

2. The \$1,000 fee would be waived.
3. The developer shall add extra asphalt to the roadbed next year to the Charlotte Highway Department Supervisor's satisfaction.

FRIENDLY AMENDMENT by Ms. Cole, to accept payment of the \$1,000 pavement cutting fee, which would be returned when the roadbed is successfully patched after one freeze/thaw cycle, and the developer would return for any repairs to the road after two years.

DISCUSSION:

Mr. Stone said that if the Town was requiring the developer to put down concrete, then the Town should waive the fee.

Ms. Cole withdrew the Friendly Amendment.

VOTE on the original motion: 4 ayes, 1 nay (Mr. Thornton); motion carried.

Mr. DiCarolis submitted a copy of detail utility crossing drawing for Town files.

6. INTERVIEW MICHAEL RUSSELL FOR VACANCY ON THE ZONING BOARD OF ADJUSTMENT.

Mr. (Charles) Russell recused himself.

The Selectboard interviewed Michael Russell for a vacancy on the Zoning Board of Adjustment.

MOTION by Mr. Thornton, seconded by Mr. Stone, to appoint Michael Russell to the Charlotte Zoning Board of Adjustment to fill vacancy term of three years.

VOTE: 4 ayes, 1 abstention, (Charles Russell); motion carried.

Mr. (Charles) Russell rejoined the Board.

7. REVIEW PROPOSAL FROM ALL CYCLE WASTE FOR WASTE AND RECYCLE SERVICES

Ms. Russell reviewed a proposal submitted by All Cycle Waste for waste and recycling services.

It was the consensus of the Selectboard to accept the proposal from All Cycle Waste for waste and recycle services as presented.

8. HIGBEE ROAD – APPROVAL TO WARN SITE VISIT AND HEARING TO RELOCATE ROAD

Mr. Bloch handed out copies of a proposed relocation of Higbee Road, and noted that a relocation would require a public hearing for a combination of discontinuance and layout of new public highway. A title search would be done of adjacent landowners for a proper notice. The court, or the Selectboard could lay out the road. If it is the Selectboard, then the Board must identify a date and time for the public hearing.

The Selectboard scheduled a public hearing for October 24, 2005. Mr. Lewis said that the work would be done next year. Mr. Bloch stated that the process of laying the road out is

by eminent domain. Easements were not required. State permits would take one month. The Selectboard should establish a date for a site visit.

Mr. Thornton said the Board should consider a question - does the Town really want to discontinue the road. When a road is discontinued the land reverts back to the landowners. How would the homeowners access their homes. There are two houses between the current intersection and the proposed intersection. Mr. Stone stated the discontinued portion would become a private driveway. Mr. Thorp and Mary Spooner came in and were happy to see this happen, said Mr. Russell.

Mr. Thornton asked if the homeowners understood the impacts. The Town cannot land lock properties. Mr. Bloch showed the location of the properties in question on a Site Map and noted that Mr. Lebouffe and George Brill had land behind Ms. Spooner's.

Mr. Bloch would contact the landowners regarding potential consequences of discontinuing the road. The Town Attorney, Tim Eustis, would review the proposal regarding mechanisms of providing access to landowners prior to the next meeting.

Mr. Stone suggested inviting the landowners to the next meeting for a discussion.

9. SELECTBOARD UPDATES/CHAIR'S REPORT

Ms. Cole handed out a design for a 11" X 14" plaque to honor Alan Bean for Board review. An original estimate of \$675 was for a larger plaque. The plaque would be placed on a stone on the East Charlotte green across from the Spear store. The Town Highway Department would assist in moving the stone.

Ms. Spear explained that written permission to place the stone at a site at the bottom of the hill near a sitting rock would be forwarded to the Town.

MOTION by Ms. Cole, seconded by Mr. Thornton, to approve funding up to \$525 for a plaque to honor Alan Bean, for a total of \$825.

DISCUSSION:

Ms. Cole said that the Shelburne/Charlotte Rotary would donate the remaining \$300 of the \$825.

VOTE: 5 ayes; motion carried.

There was a suggestion to add Mr. Bean's birth date to the plaque.

Mr. Thornton reported that the new museum roof project has been completed. The Historical Society raised the funds for the project.

Mr. Stone said that a special committee met with CCMPO and VTrans representatives to discuss mechanisms to slow traffic near the railroad track that included a three-way stop on Green Bush Road where it meets Thompson's Point Road. Also discussed were impacts of future development along Greenbush Road and a community co-housing

project on the road infrastructure. VTrans would return with suggestions. Mr. Lewis spoke in support of a three-way stop.

Ms. Russell reported on an update to the Burns Property Report. A final plan, design and time table was needed. Mr. Livingston was satisfied with accomplishments, but the Leboufe property needed to tie into the plan. Mr. Livingston would pursue discussion with Mr. Leboufe. Ms. Farley had suggested having the Vermont Design Institute draw up the housing plan portion using affordable housing grant money. Ms. Farley would contact the committee regarding a final report and recommendations to be reported to the Selectboard.

Mr. Bloch said that the deadline to apply for a Municipal Planning Grant regarding the Capital Budget and allocation of septic on Town land (rights) is 08/30/05. Ms. Russell said that the Board needed to finish the Land Use Regulations changes first.

Mr. Stone asked what the Selectboard was really committing to. Ms. Russell read the pertinent sections of the consultant's report. Mr. Stone asked who would pay for the project and suggested returning the \$120,000. Mr. Thornton said he interpreted the wording that the Town must implement the plan. It appeared that a commitment from the Town in a new MOU was sought. Mr. Thornton spoke in support of returning the money. What was said and what is in the written form are two different things, stated Mr. Thornton.

MOTION by Mr. Stone, seconded by Mr. Thornton, to return \$120,000 to the Vermont Land Trust.

DISCUSSION:

Ms. Russell said that the Town voted at the Town Meeting to approve the project. Mr. Russell clarified that the Town voted to spend Town money toward the purchase of the Burns property.

Mr. Thornton stated it is a never-ending situation.

Ms. Cole suggested asking Steve Stitzel to review and clarify what was meant in the MOU.

Ms. Russell said the Selectboard was discussing the process currently. The Board has to agree what should be done. Mr. Stone said that the Town was not in control. In paragraph III it says the Town would "implement the plan" in the report. Mr. Thornton said that the paragraph says that whatever the plan is the Town will have to implement it.

Ms. Spear asked if a 10-year projection to leave the Burns Farm open versus development was done. Leaving the land open should be a part of the planning process. Ms. Spear said she wanted to know the cost of development and the cost on Town services.

Mr. Stone suggested having Steve Stitzel read the report and clarify what is actually says, as well as if the Town could return the \$120,000. Mr. Stone and Mr. Thornton withdrew the motion.

THOMPSON'S POINT – WASTEWATER AREA

Ms. Cole reported that she spoke with Tom Kenyon and he felt that he was asked to improve the mound septic damage beyond what the damage actually was. A conservation mix grass seed was recommended. Posts were priced at \$8.00 each. Mr. Kenyon says he doesn't have the equipment for setting the posts in. Ms. Cole reviewed that new posts would be placed 70' from existing posts at the monitoring wells, which would place the new posts into the cropland.

Mr. Russell asked if the engineers were agreeable to having soybeans planted within the 20' buffer.

Ms. Cole suggested inviting Tom Kenyon to a Selectboard meeting regarding what areas needed to be marked, the amount of land that is included in an agricultural lease, and what the restrictions are.

Ms. Cole reported that chips were spread on the Park trails and the side trail to the south has been cleared out. Mr. Bloch said that the Vermont Land Trust has reviewed the work.

Mr. Bloch reported that the Vermont Planners Association has nominated Al Moraska as Assistant Planner.

Ms. Cole reported that a decision was needed regarding the Thorp Barn restoration project. The estimate included removal of the attached shed on the west side. The committee was meeting next week.

10. BILLS AND WARRANTS

The Selectboard members signed bills and warrants as presented.

The Selectboard signed a Highway Access permit.

11. ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:05 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.