

**TOWN OF CHARLOTTE
SELECTBOARD
APRIL 11, 2011**

APPROVED

MEMBERS PRESENT: Charles Russell, Dennis Delaney, Winslow Ladue, John Owen, Ed Stone.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Ellie Russell, Nancy Wood, Dr Richard Toino, Josh Flores, Clark Hinsdale, Jenny Cole, Sue Smith, L Suiter, Isreal Phelps, Juliann Phelps, Rick Pete, Erich Finley, Jim Foster, Nancy Sabin, Dorothy Pellett, and others.

Call to Order

Charles Russell, Chair, called the meeting to order at 7:00 p.m.

Adjustments to Agenda:

None.

Public Comments

None.

Minutes: March 28

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the minutes of 03/28/2011 as written with edits.

VOTE: 3 ayes, 2 abstentions (Mr. Owen, Mr. Stone); motion carried.

Amendment of Motor Vehicle and Traffic Regulation Ordinance – to set a speed limit of 30 miles per hour on Hinesburg Road between Church Hill Road and Mount Philo Road, and to set a speed limit of 35 miles per hour on Greenbush Road from 0.4 miles south of the intersection with Ferry Road (approximately at the Old Lantern) extending southerly for 0.4 miles (approximately at the Mack Farm) – action under consideration: approve amendment

MOTION by Mr. Stone, seconded by Mr. Delaney, Amendment of Motor Vehicle and Traffic Regulation Ordinance to set a speed limit of 30 miles per hour on Hinesburg Road between Church Hill Road and Mount Philo Road.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve an amendment to the Motor Vehicle and Traffic Regulation Ordinance to set a speed limit of 35 miles per hour on Greenbush Road from 0.4 miles south of the intersection with Ferry Road (approximately at the Old Lantern) extending southerly for 0.4 miles (approximately at the Mack Farm).

VOTE: 5 ayes; motion carried.

Traffic study for Greenbush Road between Mack Farm and Thompson's Point Road – action under consideration: request an engineering study from CCMPO to potentially reduce speed limit below 45 mph

Mr. Bloch briefly reviewed past traffic studies. A recently completed affordable housing project located on Greenbush Road, and Thompson's Point Road issues might warrant a new traffic study. A question was did the Selectboard want another traffic study done on Greenbush Road, asked Mr. Bloch. Mr. Stone said that he would like a study done with more focus on changes that have enforcement to go with those changes, said Mr. Stone.

Mr. Flores, resident, Charlotte First Constable and Shelburne Police Officer, said that in conjunction with a traffic study and enforcement the Town would need to make sure that the roads were correctly posted with the correct sized signage. There were not many suitable places for a police cruiser to pull off the road for traffic surveillance during the winter and mud seasons. Residents were the main body of users on Greenbush and Thompson's Point Road and that is an issue. The Town may receive continuing complaints regarding overly aggressive police enforcement and that is a concern. If the Town instructs the police to enforce speed, then the residents need to understand that, said Mr. Flores.

Mr. Owen spoke in support of a 35 mph speed limit for the entire length of Greenbush Road up to where it is posted 25 mph in the Village.

Ms. Russell suggested signage to clarify which way Thompson's Point Road and Greenbush Road go.

The Selectboard spoke in support a traffic study for Thompson's Point Road all the way to the end of the road.

Spear Street and Mount Philo Road – action under consideration: agree to participate in the High Risk Rural Roads Program

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a participation in the High Risk Rural Roads Program regarding Spear Street and Mount Philo Road as presented.

DISCUSSION:

Mr. Delaney spoke in support of the proposed program participation. He may have a conflict of interest as he lives in that area. There have been two rear-end accidents in front of his house, stated Mr. Delaney.

VOTE: 5 ayes; motion carried.

Reappointment of Josh Flores as First Constable – action under consideration: reappoint for a two year term

MOTION by Mr. Stone, seconded by Mr. Ladue, to appoint Josh Flores as the Charlotte First constable for a two year term.

DISCUSSION:

First Constable Flores reported that most calls received required State Police response during 2010. Bike races are not two-lane this year, but he had concerns

regarding an F5 turn to the lake with no traffic control, and the railroad tracks presented bike racers with a dangerous crossing. State law prohibits using traffic controllers not schooled in enforcement. He would route racers through the intersection at the Old Brick Store, said First Constable Flores.

Mr. Owen said it made sense to hire someone for traffic control onto F5. First Constable Flores said he would contact the race sponsor regarding traffic control at Greenbush Road/Lake Road.

First Constable Flores said that he wanted to take a more active role in seeking Governor's Safety grants and would look into acquiring a traffic speed cart.

Following further discussion regarding the First Constable's work schedule, the Selectboard asked Flores to provide increased hours at the Charlotte Central School/Carpenter Road area. Mr. Stone suggested that revenue from speeding tickets might offset the added hours.

First Constable Flores asked if the Town was bonded for the right amount of insurance for the increased hours. He used his personal vehicle covered by his own automobile insurance. Would he be covered by the Town insurance, asked First Constable Flores.

Mr. Ladue suggested that Flores use the added hours in spring and fall. Mr. Russell suggested putting that in the model when shifting hours for payment purposes.

First Constable Flores said that if a road is posted at "x" speed for more than 5 years then it is deemed to be that speed limit.

Mr. Hyams asked for more enforcement of speeds on Lake Road during the summer. It is a very dangerous road for pedestrians, said Mr. Hyams.

The Selectboard thanked First Constable Flores for his report.
VOTE: 5 ayes; motion carried.

Nancy Sabin – application for an additional construction grant of \$10,000 from Charlotte Housing Trust Fund for a second apartment at 2346 Greenbush Road – action under consideration: approve grant

MOTION by Mr. Stone, seconded by Mr. Owen, to approve an application by Nancy Sabin for an additional construction grant of \$10,000 from Charlotte Housing Trust Fund for a second apartment at 2346 Greenbush Road as presented.

DISCUSSION:

Ms. Sabin reported that negotiations with Ken Spencer regarding density were still on-going. She would rehab two additional apartments for a total of four in three existing buildings. The Affordable Housing Trust Committee has agreed with the proposed plan. She has reviewed density with the Town Planner and Zoning

Administrator, said Ms. Sabin. Mr. Bloch clarified that the applicant still needed to appear before the Planning Commission regarding a Final Plat review.

Ms. Russell, Affordable Housing Trust Committee representative, explained Ms. Sabin's application for a \$10,000 construction grant, which is the maximum that the Trust allows, said Ms. Russell. Mr. Bloch said that the grant was on a reimbursement basis.

Mr. Stone thanked Ms. Sabin for developing affordable housing units.
VOTE: 5 ayes; motion carried.

Agricultural lease on former Galbreath property, Route 7 and Church Hill Road – action under consideration: approve lease to Nordic Holstein, LLC
MOTION by Mr. Stone, seconded by Mr. Owen, to approve a proposed agricultural lease on former Galbreath property, Route 7 and Church Hill Road to Nordic Holstein, LLC, for a term to be determined.

DISCUSSION:

Mr. Hinsdale suggested a term for 5 years with a potential second 5 year term.

Mr. Ladue expressed concern regarding the lease process. Other Town land leases were put out for bid, pointed out Mr. Ladue. Mr. Hinsdale said that this parcel was an “orphan” and put out by the Park. Currently it is used by a farmer for free.

Ms. Cole explained that the Town owned land parcels other than inside the Park. The Town can lease the parcel to Clark, or put it out to bid. The Park Oversight Committee has had conversations with Clark regarding the use of this parcel.

Mr. Stone spoke in support of Mr. Ladue's concerns. However, it is a small parcel and if some one else leased it where would they put equipment. He didn't think anyone else would use it, said Mr. Stone.

Mr. Hinsdale briefly reviewed a history of the parcel, and said it was kind of included in the Park property. Mr. Russell said that it was to be incorporated with in the Park and the Galbreath property was to be done later.

Mr. Ladue said he understood that other smaller parcels were to be offered to other people. Mr. Hinsdale said he had showed some park land and Berry Farm land to other people for smaller intensive farming. Mr. Ladue stated he didn't know if the Town had sub-letting language in the regulations. Should the Town offer lands to other farmers directly versus a lease to Mr. Hinsdale, asked Mr. Ladue. Mr. Hinsdale suggested that the Town write a lease and if someone did come forward then the Town could offer the parcel to that person, or add sub-leasing language. He didn't have an opinion regarding how the Town should handle it. He was OK if the Town wanted to go through a bid process. He didn't feel that growing corn was the best crop on that parcel due to obstruction of the views. It is bare now and almost getting late to plant a cover crop, said Mr. Hinsdale. Ms. Smith said that

currently the parcel was bare raw land. Invasive plants are coming in. Clark is right; it is getting late for to use, or seed for hay, said Ms. Smith.

Mr. Ladue asked what the value of leased ag land was. Mr. Hinsdale replied \$2,300 improvements cost with \$20 per acre for less intensive use and \$50 per acre for intensive use. A farmer would need a building and water infrastructure. That was not available on the Galbreath parcel, noted Mr. Hinsdale.

Mr. Hinsdale explained that a \$250-300 per acre investment takes a long time to recover. Mr. Ladue asked what the duration of investment was if seeded for hay. Mr. Hinsdale replied 3-5 year lease was needed to justify the investment if it is seeded for hay. The Park leases parcels out for 5 and 5 terms and he would like the same. That gives both parties a chance to see if it works. The parcel has clay soil, and there is loam across the road. If someone wanted to grow vegetables they could do it on the Affectionately Cats land.

Mr. Russell asked if the Town could prorate Clark's investment if they needed to buy out the lease. Mr. Hinsdale replied that he was working with farmers to get them on their own lane. He wouldn't stand in the way.

There was further discussion regarding the Galbreath property in relation to a Park ag lease document. Mr. Hinsdale said that the Farmer Service Agency representative said to get a lease as soon as possible since the parcel was bare soil currently and it needed a cover crop. He would seed a hay cover crop versus a corn crop for the bird program, and a 5/5 year lease said Mr. Hinsdale.

Mr. Stone spoke in support of a 5 year lease. Mr. Owen suggested a 5 year lease with an option for another farmer to come in. Mr. Ladue asked if a small farmer came forward within 2 or 3 years into Clark's term, what would the proration money look like. Mr. Hinsdale explained that \$250-300 per acre establishes the costs. It would be recovered with a mow-able sod cover product versus bare soil, said Mr. Hinsdale. Mr. Russell said it would be simpler to lease it out for 5 years. It is clay soil, pointed out Mr. Russell. Mr. Delaney spoke in support of the proposed lease to Mr. Hinsdale.

Mr. Bloch asked if it might be possible to have a provision for Matt Burke's bee business in conjunction with Hinsdale's lease. Mr. Hinsdale replied yes, but bikers stop on Old Route 7 all the time. The view there is gorgeous and some people are allergic to bee stings. The Town could place a picnic table and mow a small section as a public amenity. There could be further discussions with the Park Oversight Committee, suggested Mr. Hinsdale.

AMENDMENT to the motion by Mr. Stone, seconded by Mr. Owen, to add a lease for a 5 year term.

VOTE on motion as amended: 4 ayes, 1 nay (Mr. Ladue); motion carried.

Request For Proposals (“RFP”) for agricultural use on Thompson’s Point and on the former Burns property – action under consideration: approve distribution of the RFP

Mr. Russell reviewed a Selectboard packet that included maps. Section F is a wet section, said Mr. Russell, and asked if cattle should be grazed in that section, or not.

Mr., Hinsdale asked Mr. Ladue for clarification regarding the Burns property water well and septic system. People have water rights to the well(s). This is an opportunity in terms of soils and water, but there is the potential for liability regarding well setbacks and potential for manure/chemical issues. The draft document is good, said Mr. Hinsdale. Mr. Ladue replied that he didn’t have the information with him tonight.

Mr. Hyams asked if the Burns property was brush-hogged currently. What is the hope for the Burns property and should it be another agricultural resource. Is the 20 acres depicted on the map, asked Mr. Hyams. Mr. Russell reviewed that the Burns property was either hayed or brush-hogged. The Habitat for Humanity affordable housing project is located in the northwest corner of the property. Do they have their own wells, asked Mr. Russell. Mr. Bloch replied no.

Mr. Pete, resident, asked if the list of questions was based on goals. Mr. Russell reviewed that the questionnaire was based on a survey sent out by the Park last year to gauge interest in use, or ideas for public use of property.

Mr. Stone explained that regarding the Burns property, we could leave it as is, or continue to let Robert Mack hay or brush-hog it. Thompson’s Point land needs a lot of rehabbing and money to make it useful for farming.

Mr. Pete said there was an interested group regarding Thompson’s Point land. He wanted to know that the Town goals would be the same as this group. Is the ecology of the land sustainable as open space, asked Mr. Pete. Mr. Stone suggested that the group present their plan to the Selectboard for consideration. Mr. Russell said that the land is close to the lake and has been leased to Tom Kenyon in the past.

Mr. Hyams asked if there is a Town wide goal to work toward regarding ag land, such as organic, or pesticide free. It would be difficult to judge bids if there were no standards.

Mr. Hinsdale said he agreed with Mr. Stone to have a low impact bedding hay crop around the Burns property well and aquifer. Organic is better and chemical use is a problem. He has been working with the Park Oversight Committee to move in that direction. Rick Pete is talking about the next step in the process, stated Mr. Hinsdale.

Ms. Cole asked if fields that are open for possible leases were included on the maps. Mr. Ladue clarified that the maps were preliminary for possible Town lease/brush-hogging. For example; Section E needs a buffer from the wetland. The map is a tool to allow someone to identify a parcel and talk about their interest.

Ms. Cole said that Parcel F is not to be used for pasturage. Most of it is forest. Other units have various issues.

Mr. Russell pointed out that if the parcels aren't hayed, or brush-hogged then they will grow up in brush.

Mr. Pete said there is a question if the Thompson's Point land is already leased by the Country Club. Mr. Ladue asked Mr. Pete if he was referring to Sections A, B and F.

Mr. Pete reiterated that the Town should establish criteria for goals in order for bidders to reach those goals. He would like to work on a proposal with Kenyon and lease holders. The Town should define the land first and have a contract description, suggested Mr. Pete.. Mr. Russell said that Ms. Cole researched the Country Club lease as a 200' X 200' plot of land.

Mr. Bloch reported that two parties had expressed interest in the Thompson's Point lease. An April deadline was not a problem for either, stated Mr. Bloch.

MOTION by Mr. Stone, seconded by Mr. Owen, to approve distribution of a proposed Request For Proposals ("RFP") for agricultural use on Thompson's Point and on the former Burns property.

VOTE: 5 ayes; motion carried.

Selectboard Liaison assignments – action under consideration: designate liaisons

Planning and Zoning – Mr. Russell

Fire and Rescue - Mr. Stone

Road Commissioner - Mr. Stone

Thompson's Point Wastewater - Mr. Stone

Senior Center – **staff to check with the Senior Center if a Selectboard representative was needed**

Library: Mr. Owen

Charlotte Park and Wildlife Oversight Committee – Mr. Delaney

MOTION by Mr. Stone, seconded by Mr. Owen, to appoint Dennis Delaney to the Charlotte Park and Wildlife Refuge Oversight Committee for a two year term.

VOTE: 5 ayes; motion carried.

CCS/CVU – Mr. Delaney

Trails Committee – Mr. Delaney

Conservation Commission – Mr. Ladue

Energy Committee – Mr. Owen and Mr. Ladue

Recreation – Mr. Russell

West Village Wastewater Committee – Mr. Ladue

Police, Shelburne and State – Mr. Owen

Thompson's Point Planning – discussion only

Mr. Russell briefly reviewed a proposed Thompson's Point plan.

Dr. Toniono spoke in support of the dog bag program. Off leash dogs were an issue, stated Dr. Toniono.

Ms. Cole said that a long range discussion on the camps, open lands, recreation and other uses of the areas natural characteristics should be a part of the Thompson's Point planning. Who would be involved, asked Ms. Cole.

Mr. Conard, Thompson's Point Leaseholders Association President, reviewed two points that have been discussed as follows: 1. creation of a working group to triage issues as they come up – walking, parking, etc; and 2. a proactive inventory of resources and engaging in planning long term. It is the Selectboard's prerogative to go either way. Camp leaseholders sense things happen in a vacuum. For example; lot rent increases that happened recently. If a committee is formed that the Town should have a broader mandate and be careful as leaseholders are suspicious, said Mr. Conard. Mr. Bloch clarified he has communicated with Erich Findley regarding the map and e-mailed Mr. Conard regarding Town discussions.

Mr. Conard said that the RFP mentioned public access numbers, which are in dispute, and Indian Path. There are pedestrian and parking issues in the summer. A committee could talk about that.

Mr. Findley said the RFP process that defines and clarifies should be done in writing. Debate of the Country Club leased land has gone on for years. Define lot before going to an RFP that goes out to farmers. A question was – is the field the Club's, or not.

Mr. Ladue said that he understood that the land was maintained by the Town in the past. There has been an on-going conversation regarding the location of lands under lease by the Club. The existing hedgerow was a workable demarcation, said Mr. Ladue. Mr. Russell said that the main point was to clear up misconceptions. The Town has shown an interest in using the land and striking a balance.

Following further discussion the Selectboard asked Mr. Russell, Mr. Conard, Mr. Bloch and Mr. Foster to form an ad hoc committee to research land records regarding the Country Club lease, public access points, and other legal issues. The Selectboard would draft and review language regarding Thompson's Point for inclusion in the Town Plan.

Policy requiring liability insurance for paid work on behalf of the Town – action under consideration: approve policy

Mr. Russell noted that the Town currently asked that contractors sign a waiver when working on Town projects. Staff has drafted a proposed policy for Selectboard review.

Mr. Stone asked how legal the draft policy was.

Mr. Ladue asked what the process was to ensure a volunteer was covered under the Town insurance. Mr. Bloch replied that staff would research the answer.

Mr. Ladue asked where a 20 hours requirement came from. Mr. Bloch replied that the hours would delineate between a professional versus a volunteer worker. It was the VLCT opinion that everyone had insurance, explained Mr. Bloch.

Mr. Delaney suggested that the Town Attorney review the draft policy.

Mr. Ladue asked staff to e-mail an electronic version of the draft policy to him.

Reappointment: David Pill to the Energy Committee for a two-year term ending April, 2013

MOTION by Mr. Owen, seconded by Mr. Delaney, to appoint David Pill to the Energy Committee for a two-year term ending April, 2013.

VOTE: 5 ayes; motion carried.

Little Garden Market LLC – applications for renewal of Tobacco Sales and Second Class Liquor License – actions under consideration (as Liquor Control Board): approve licenses

MOTION by Mr. Ladue, seconded by Mr. Owen, to recess as the Charlotte Selectboard and convene as the Charlotte Liquor Control Board.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a Second Class Liquor License for the Little Garden Market LLC as presented.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Owen, Seconded by Mr. Stone, to approve a Tobacco Sales license for the Little Garden Market LLC as presented.

VOTE: 4 ayes, 1 nay (Mr. Ladue); motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn as the Charlotte Liquor Control Board and reconvene as the Charlotte Selectboard.

VOTE: 5 ayes; motion carried.

Selectboard updates – discussion only

Mr. Ladue reported that Mark Sargent, VTrans, had said the Carpenter Road bridge was in disrepair. Action was warranted in the next year or two. The Dorset Street bridge also requires repairs to the deck, piers and I beams. The pros/cons of a wood deck versus concrete were discussed.

Mr. Ladue suggested adding a discussion regarding policies and inventory/information on the Town bridges to the Selectboard agenda. A policy and information was needed in order to apply for grant funding.

Mr. Ladue said that a question was posed at the 2011 March Town Meeting: was a public vote necessary for the Selectboard to decide to allow additional users on the Town wastewater system. A legal opinion received was 'no'.

Mr. Ladue reported that the Wastewater Committee was in the process of drafting a report. Once the report was ready the committee would meet with the Selectboard one week later.

Approval of Bills and Warrants

The Selectboard signed Bills and Warrants as presented.

Adjournment

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary