

**TOWN OF CHARLOTTE  
SELECTBOARD  
MINUTES OF MEETING  
APRIL 23, 2012**

**Approved on April 30, 2012**

**MEMBERS PRESENT:** Charles Russell, Chairperson; Ed Stone, Winslow Ladue, John Owen, Dennis Delaney (by telecommunication for the first 45 minutes)

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

**OTHERS PRESENT:** Deb Stone, Hugh Lewis Jr., Ellie Russell, Heather Manning, Jim Donovan, Gerald Bouchard, Vince Crockenberg, Carol Casey, Charlotte Citizen; and John Hammer, Charlotte News.

**CALL TO ORDER**

Mr. Russell, Chairperson, called the meeting to order at 7:03 p.m.

**MINUTES**

No action taken initially.

**SELECTBOARD'S MAY MEETING SCHEDULE**

The Selectboard moved its second regular meeting in May from May 28 to May 21 since May 28 is Memorial Day. All members indicated they will be able to attend meetings on May 14 and May 21.

**PURCHASE OF ENGINEERED WOOD FIBER FOR PLAY AREA AT TOWN BEACH**

Mr. Russell summarized the work to be performed by Mr. Lewis, i.e. removal of the pea stone at the play area. Mr. Lewis indicated that it may be desirable to check with Tom Mansfield to see if a permit is needed. Ms. Stone stated that Rainbow Play Systems of VT is willing to drop their price by \$500 to \$3,000. Mr. Ladue asked if this is in writing. Ms. Stone said no, but they are good to work with and they are looking for additional work in town so they will honor their offer.

Mr. Lewis estimated that removal the pea-stone will require four hours of the excavator plus one hour of labor, totaling \$500. This will include spreading the stone except he will leave a pile on the path that will be spread by volunteers.

**Mr. Owen motioned to accept the proposals from Rainbow Play Systems of VT for \$3,000 and Lewis Excavating for \$500.** Mr. Ladue seconded the motion. **The motion passed 5-0.**

**KAREN AND MICHAEL FROST**

Mr. Ladue recused himself from this agenda item based on a potential perception of a conflict of interest.

Mr. Russell reviewed the request. Mr. Delaney asked if the Guidance approved by the Selectboard applies to this situation, since the situation was raised previous to the approval of the Guidance. Mr. Russell said the Guidance does not provide guidance on that question. Ms. Frost said the situation is still unresolved.

**Mr. Owen motioned to refund \$239.90 of the application fee to Michael and Karen Frost. Mr. Delaney seconded the motion. The motion passed 3-1 (Russell).**

Mr. Delaney left the meeting (i.e. disconnected from telecommunication).

#### **REAPPOINTMENT OF DOUG WEBSTER**

**Mr. Ladue motioned to reappoint Doug Webster to the Zoning Board of Adjustment for a three-year term ending in April, 2015. Mr. Owen seconded the motion. The motion passed 4-0.**

#### **LITTLE GARDEN MARKET**

**Mr. Ladue motioned to recess the regular meeting as the Charlotte Selectboard and to convene as the Charlotte Liquor Control Board. Mr. Owen seconded the motion. The motion passed 4-0.**

**Mr. Ladue motioned to grant a renewal of the 2<sup>nd</sup> Class Liquor License and Tobacco License to Little Garden Market, LLC. Mr. Owen seconded the motion. The motion passed 4-0.**

**Mr. Ladue motioned to adjourn as the Charlotte Liquor Control Board and reconvene as the Charlotte Selectboard. Mr. Owen seconded the motion. The motion passed 4-0.**

#### **PROCESS FOR APPROVING WARRANTS**

**Mr. Stone motioned to authorize Mr. Russell, Mr. Owen and Mr. Stone to approve warrants on behalf of the Selectboard. Mr. Owen seconded the motion.**

Mr. Ladue stated that he's not sure if this arrangement complies with statute. **Mr. Stone requested that the motion be tabled.**

#### **GREEN MOUNTAIN POWER PETITION**

**Mr. Ladue motioned to approve the petition. Mr. Owen seconded the motion.**

Mr. Donovan stated the trees at the Grahams have already been butchered, but he wondered if plans have been reviewed the Tree Warden? Mr. Bloch indicated that they had been, and GMP provided a revised plan, which is in the packet, and the revised plan was approved by the Tree Warden. Mr. Donovan said that it appears the stakes in the field have not been revised. **The motion passed 4-0.**

**WAITSFIELD AND CHAMPLAIN VALLEY TELECOM PETITION**

**Mr. Stone motioned to approve the petition.** Mr. Ladue seconded the motion. **The motion passed 4-0.**

**ROSCOE ROAD REPAIR**

**Mr. Ladue motioned to approve paying \$1,600 for engineering assistance for the application to the Army Corps of Engineers.** Mr. Russell asked whether the contractor needs to be named in the motion. Mr. Bloch said yes.

**Mr. Ladue modified the motion: to approve the proposal by VHB with costs not to exceed \$1,200.** Mr. Owen seconded the motion. **The motion passed 4-0.**

**LEADER INCENTIVE PROGRAM**

**Mr. Owen motioned to approve the distribution of the reward as indicated in the handout provided in the packet.** Mr. Ladue seconded the motion and it passed 4-0.

**PARKING AREA FOR MELISSA & TREVOR MACK TRAIL & CO-HOUSING TRAIL**

Mr. Russell indicated that a landowner, Numondo America, has offered to provide land for a parking area for users of the Melissa and Trevor Mack Trail and Co-housing Trail. The land is on the east side of Route 7 with access from Lower Old Town Trail. Mr. Stone said he is concerned about safety, and whether it will be related to the reconstruction of Route 7. Mr. Russell said that it will be included in the design for the reconstruction.

Ms. Manning asked whether the landowners on the north and south side of Lower Old Town Trail have been notified. Mr. Bloch responded that the landowner to the south is the landowner that has offered to provide the parking area. Mr. Russell stated that the landowner on the north has not been notified yet, but in the past he has been very generous with providing trail easements to the town.

Mr. Ladue asked if the landowner providing the parking area wants anything in return. Mr. Bloch stated that Mr. Josh Kowalski, who is the manager of the farm, indicated that the owner would like a sign indicating that the parking area was provided by farm. This agenda item was for discussion only. **No action was taken.**

**BRIDGE MAINTENANCE REPORT**

**Mr. Stone motioned to accept the report.** Mr. Ladue seconded the motion. Mr. Hammer said he is aware that sometimes wood is used for components of bridges and it's stronger than steel. Mr. Lewis said he does not think a wood surface would last for these bridges, given the quantity and speed of traffic, and that they will be running the snow-plows on the bridges since they're not covered. **The motion passed 4-0.**

**SELECTBOARD UPDATES**

Mr. Russell said that the State Auditor's Office was in touch last week and indicated that they are still working on the review of the financial information. Mr. Hammer stated that

he called the office and confirmed that they are working on reviewing information from July 1, 2011 to January 31, 2012.

#### **WEST CHARLOTTE VILLAGE WASTEWATER PLANNING**

Mr. Ladue reviewed the discussion at Town Meeting. He said that a possible next step is to charge the committee with developing a master plan to include addressing rate structure and the boundaries of the service area.

Mr. Russell asked what is involved with going beyond 6,499 gallons per day. Mr. Ladue indicated that an Indirect Discharge Permit would be triggered, which requires more extensive monitoring, particularly to determine phosphorus discharge. He also indicated that a rule-change may be in the works that would increase the gallon per day threshold which triggers an Indirect Discharge Permit to above 6,500.

Mr. Crockenberg stated that, as a member of the committee that worked on this over the past few years, he is okay with going slow, and okay doing the work, but he would like to know that the Selectboard is in favor in concept with allowing public use of the system.

Mr. Stone said that he is in favor of holding off for now on allowing public use. He indicated that the land was purchased to obtain wastewater disposal capacity for municipal use, and there are many unknowns about what the future may bring.

Mr. Russell said that at this point a straw vote would appear to be three in favor and one opposed (Stone).

Mr. Ladue asked that this topic be put on the next agenda at which all Selectboard members will be present.

Ms. (Ellie) Russell asked if the LeBoeuf property is being considered as a potential "consumer" of wastewater disposal capacity? Mr. Ladue said that the draft master plan indicates that the town's capacity should be prioritized for properties that do not have access to other sources of wastewater disposal capacity; and that the LeBoeuf parcel has been engineered and partially constructed for tying into the wastewater system on the Mack property. He further stated that the master plan indicates that to obtain service from the town, a septic "problem" or need can't be solvable on the parcel where the problem or need originates, or on adjacent properties. There was some discussion as to whether the plan should indicate "nearby" versus "adjacent" properties.

Mr. Russell asked if the committee looked at a 2<sup>nd</sup> phase with more capacity?

Mr. Stone asked if there will be some amount available for the Charlotte Children's Center? Mr. Ladue and Mr. Crockenberg said that they had polled property users on Ferry Road, including the Children's Center, and the Children's Center is considered one of the likely users. Mr. Stone said that he would favor allowing that.

Ms. Manning asked how long it will take to do the master plan. Mr. Ladue said about six months. Mr. Russell said that the Selectboard can revisit this on May 14<sup>th</sup>.

#### MINUTES

**Mr. Ladue motioned to approve the minutes of April 2.** Mr. Owen seconded. Mr. Stone indicated that he would abstain since wasn't present on April 2<sup>nd</sup>. There was one correction on line 92. **The motion was approved 3-0-1 (Stone).**

**Mr. Ladue motioned to approve the minutes of April 9.** Mr. Stone seconded. Mr. Owen said he would abstain since he wasn't present. There were no changes. **The motion was approved 3-0-1 (Owen).**

**Mr. Owen motioned to approve the minutes of April 11.** Mr. Stone seconded. Mr. Ladue said that he would abstain since he wasn't present. There were no changes. **The motion was approved 3-0-1 (Ladue).**

#### APPROVAL OF WARRANTS

Mr. Stone motioned to approve the Fire & Rescue warrant for \$10,696.83. Mr. Stone was concerned about a cost from the Shelburne garage. Mr. Stone requested that the motion be tabled.

**Mr. Ladue motioned to approve the warrant for town payroll of 4/23/12 for \$7,925.59 (gross).** Mr. Owen seconded the motion, and it passed 4-0.

#### PUBLIC COMMENTS

Ms. Manning stated that during the Special Town Meeting, she feels it's appropriate to allot people as much time as they need. She asked the Selectboard to tell the Town Moderator to do this. She said the process for bringing this issue to a vote happened very fast, and people need to be able to talk it through.

Mr. Russell said that possibly two microphones can be set up and allow people to form a line at each, so it is clear whether there are people who want to talk.

Mr. Ladue said that the process should be the same as at regular Town Meeting.

Ms. Manning said that she thinks the Moderator will take direction from the Selectboard.

#### CHARLOTTE SOLAR FARM

**Mr. Ladue motioned to go into Executive Session to discuss litigation related to the Charlotte Solar LLC application to the Public Service Board.** Mr. Owen seconded the motion **and it was approved 4-0.** Mr. Russell invited the three members of the Planning Commission who were present (Ellie Russell, Jim Donovan and Gerald Bouchard) and the Selectboard Assistant to join the Executive Session.

At 9:59 PM, **Mr. Ladue motion to come out of Executive Session.** Mr. Stone seconded the motion **and it was approved 4-0.** No action was taken.

**ADJOURNMENT**

**Mr. Ladue motioned to adjourn the meeting.** Mr. Owen seconded the motion and it passed 4-0.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted, Dean Bloch