

**TOWN OF CHARLOTTE  
SELECTBOARD  
APRIL 2, 2012**

**Approved April 23, 2012**

**MEMBERS PRESENT:** Charles Russell, Chair; John Owen, Winslow Ladue, Dennis Delaney (via telecommunication). Absent: Ed Stone

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

**OTHERS:** Peter Trono, Robert Mack, Joe Keenan, Teena Flood, Virginia Keyser, Lindsay Large, Chris Davis, Michael Jordan, Mary mead, Moe Harvey, Joe Blanchette, Bud Shriner, Carrie Spear, Ray Curtis Kay Gault, Hugh Lewis Jr, Dick St George, Kathy O'Brien, Spin Richardson, Marion Paris, Ann Owen, Tom Nola, Sue Moraska, Bill Fraser-Harris, Meg Modley, David Stewart, Chris Mack, Ian Pomerville, Patrice Machavern, Jenny Cole, Michael Redmond, Stephen Brooks, Ellie Russell, John Hammer, Charlotte News; Carol Casey, Charlotte Citizen; and others.

**5:00 p.m. Site Visit: 1971 Spear Street for Highway Access Permit application by Kathleen O'Brien**

**CALL TO ORDER**

Mr. Russell, Chair, called the meeting to order at 6:00 p.m.

**CVFRS BILLING ISSUES – discussion only**

Mr. Russell briefly reviewed Town Clerk billing reconciliation issues regarding the Charlotte Fire and Rescue.

Ms. Mead, Charlotte Town Clerk, explained accounting and payroll issues as follows:

- Should ambulance revenue related to subscription money come to the Town.
- There should be a process for faster turn around for paying current bills, such as Green Mountain Power.
- Discrepancies in reconciling expenses, invoices and bank statements with Town records.
- Invoices related to patient billing for the years 2009-2010.
- An 8 percent charge related to a patient service billing procedure used by Newport Ambulance– whether it was a charge on the front end versus the back end.
- Discrepancies on amounts shown as end of year figures by the Fire and Rescue for \$485,000 that did not match Town records of \$517,000, and an amount of \$136,000 starting cash on 07/01/2012.

Mr. Davis explained that invoices for ordered items were often received before delivery of the items. Bills to the Town were not presented until the items were accounted for and that created a time lag. Also, invoices received were placed in a folder for review by volunteers and the folders might not be reviewed for several days, or a week. An effort would be made to review the folders in a timelier manner, said Mr. Davis.

Following further discussion Mr. Curtis said that the Fire & Rescue financial records have been audited every year. No discrepancies have been found. A forensic audit of the Fire and Rescue financials could be done for the past several years versus for five years, suggested Mr. Curtis.

#### **ADJUSTMENTS TO AGENDA**

Add:

- Petition for use of a public right of way by Champlain Valley-Waitsfield Telecom

#### **PUBLIC COMMENTS**

Mr. Brooks asked what Dick Hoskins said to the Charlotte Road Commissioner regarding the railroad track crossing on Ferry Road. Mr. Russell replied that the Road Commissioner and he would work together to find a solution to the bumpy track crossing.

Mr. Brooks asked if the Town had plans to cut a view corridor at the Route 7 Overlook. Mr. Russell said that the Selectboard would conduct a site visit at a future time. Ms. Cole has contacted the landowner at the southwest corner property to discuss a view easement, reported Mr. Russell.

Mr. Brooks asked if the steam shovel at the Plouffe Lane land fill would be removed. Mr. Russell said that a discussion would be set for a future Selectboard meeting.

Mr. Blanchette read a written statement regarding the current Town Meeting voting process. There were 1,000 people voting at the ballot booth versus 200-300 from the 2012 Town Meeting floor. It was a financial hardship for people to lose a day of work, or pay for childcare in order to attend Town Meeting. The Town should change to an Australian ballot for town budget items so that residents could participate, said Mr. Blanchette.

Mr. Ladue said that it would be a big decision and fundamental change on how the Town conducted its business. He would like to see analytical data on Town Meeting voting processes related to meeting dates, time, and number of voters versus what other towns do, said Mr. Ladue.

Mr. Owen said his concern was how few people vote and how people were informed. Regarding the sidewalk issue there were a number of pre-Town Meeting hearings and the issue was reported in the newspapers. Town Meeting could be held at night. If the Town wants to go to Australian ballot, then he was for it, said Mr. Owen.

Mr. Russell said that he agreed with Mr. Ladue and Mr. Owen. It was important to let the Town decide, stated Mr. Russell.

Mr. Delaney said he read Mr. Blanchette's letter in the Charlotte News. He was expecting that the Selectboard would receive a petition to change to an Australian ballot, but was concerned that this was another nail in the Town Meeting coffin. He was in favor of

giving everyone every chance to vote. Town Meeting was not a state or business holiday, noted Mr. Delaney.

The Selectboard members thanked Mr. Blanchette for his discussion.

**MINUTES: February 27, March 1, March 6 (Town Meeting), March 12, and March 26**

(NOTE: Approval of the minutes was deferred until later in the meeting.)

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the Selectboard minutes of 02/27/2012 as written, with edits.**

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

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the Selectboard minutes of 03/01/2012 as written, with edits.**

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

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the March Town Meeting minutes of 03/06/2012 as written.**

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

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the Selectboard minutes of 03/12/2012 as written, with edits.**

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

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the Selectboard minutes of 03/26/2012 as written, with edits.**

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

**KATHLEEN O'BRIEN: application for a Highway Access Permit (HAP-12-02) to create a new residential access on Spear Street at the location of an existing agricultural access**

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve an application for a Highway Access Permit (HAP-12-02) by Kathleen O'Brien, to create a new residential access on Spear Street at the location of an existing agricultural access.**

**DISCUSSION:**

**Mr. Ladue said he viewed the proposed access at the earlier site visit and was in receipt of the Charlotte Road Commissioner's comments regarding a culvert under Spear Street and sight distances. The Road Commissioner expressed concerns regarding the proposed location, said Mr. Ladue. Mr. Lewis said that the Fire Department had a recommendation for a 30' culvert for all curb cuts. The existing agricultural access was 26' wide. Ms. Moraska, neighbor, has concerns for a big maple tree at the site, reported Mr. Lewis.**

**There was discussion regarding an existing plastic culvert under Spear Street near the proposed curb cut location and room needed for the 30' wide access to**

accommodate emergency vehicles. Ms. O'Brien said that if the driveway had to be shared then that would mean losing the apple orchard. She could have the property surveyed for proper distance measurement at the existing agricultural cut, said Ms. O'Brien. Ms. Moraska said that she has a completed survey and would provide a copy to Ms. O'Brien.

Ms. O'Brien reiterated that an agricultural access was needed to get to the back field. She was trying to hug one side of the property so that the apple orchard was not disturbed, explained Ms. O'Brien.

Mr. Owen asked Mr. Lewis how difficult it would be to replace the plastic culvert at the joint. Mr. Lewis said that once a culvert was installed then it would be the Town's responsibility to fix it if it was crushed by heavy equipment. Ms. O'Brien suggested pouring a cement pad to strengthen the culvert. Mr. Lewis said that would not work as the ground would heave.

Mr. Owen asked if it would be expensive to re-do the culvert. Mr. Lewis explained that the Town just repaved the road. If the pavement was cut to replace the culvert then there would be a bump in the road, said Mr. Lewis. Mr. Russell asked if a directional bore could be done versus digging up the pavement. Mr. Lewis replied that it could be bored. The ditch got deeper as it went south. A directional bore would be more expensive, said Mr. Lewis.

Ms. O'Brien asked if she would be responsible for the expense of moving the culvert. Mr. Lewis said that an estimate could be obtained from ECI. If the culvert was moved it would need to stay at least 15' away from the maple tree, said Mr. Lewis.

Ms. O'Brien suggested that she could move the driveway north of the existing culvert. However, some of the apple trees on that side would need to be cut down, said Ms. O'Brien. Mr. Lewis said that the further north the more sight distances improved.

Mr. Lewis pointed to where he would like a driveway cut on the site plan. It could be moved 5' from the existing culvert and would need a new culvert at the road cut. He would stake the center of a 30' cut, said Mr. Lewis.

AMENDMENT to the motion by Mr. Owen, seconded by Mr. Ladue, to move the proposed curb cut 5' north of the existing culvert.

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

**THOMPSONS POINT WASTEWATER BUDGET – action under consideration (as Board of Sewage Commissioners): approve budget**

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the proposed Thompsons Point Wastewater Budget for the 2012 season for a total of \$112,005.**

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

**CONTRACT FOR WASTEWATER SYSTEM OPERATOR – action under consideration (as Board of Sewage Commissioners): approve one-year contract with Steven Williams**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a one-year Wastewater System Operator contract with Steven Williams as presented.**

**DISCUSSION:**

**Mr. Lewis reported that an electrical line was buried 5-6’ below ground level and fiberglass boxes with cement boxes were installed. The boxes were 3-4’ above ground and should be flush with ground level, said Mr. Lewis. Mr. Russell said that Mr. Stone would bring the issue to the committee.**

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

**KELLY BRUSH FOUNDATION – action under consideration: approve request to use town roads for Kelly Brush Century Ride on September 8<sup>th</sup>**

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a request to use Town roads for the Kelly Brush Century Ride on September 8, 2012.**

**DISCUSSION:**

**Ms. Paris asked if the Foundation was charged to use the roads. Mr. Bloch replied that the Town charged for-profit organizations, but did not charge non-profit organizations.**

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

**PETITION TO RECONSIDER ARTICLE 5 APPROVED ON MARCH 6, 2012 – action under consideration: warn a special meeting to re-vote the article within 60 days of the submission of the petition on 3/30/2012, allowing for a 30 day notice of the meeting**

Mr. Russell reviewed a petition that was received to reconsider a 2012 Town Meeting floor vote to approve Article 5, sidewalks. Mr. Bloch said that Joe McLean explained a process that the Selectboard would need to act within 15 days of receiving a petition and 60 days to hold a Special Meeting. He had contacted the school administration regarding use the room, said Mr. Bloch.

Mr. Nola, resident, asked the Board to schedule a meeting when a majority of concerned residents could attend, such as an evening meeting.

Ms. Paris asked how the Board would advertise a meeting date. Mr. Russell replied that a formal notice would be posted in newspapers and articles would appear as well. Ms. Paris suggested putting out road signs and a telephone campaign to notify residents. She was concerned that a Monday night came right after a weekend when most people might be out of town. The Selectboard should hold a special meeting in the middle of the week when the bulk of people are here, suggested Ms. Paris.

Mr. Richardson, resident, said that a second petition regarding Australian ballots has been started. The way the petition was written there would be a vote on it. Public discussion was needed first, said Mr. Richardson. Mr. Russell said that if petition was presented that the Town would need to act within 15 days. Mr. Bloch pointed out a vote on the petition

wouldn't be by Australian ballot, but would be a floor vote. Ms. Machavern clarified that a petition seeking to change to an Australian ballot would be submitted.

Ms. Russell said that the Sidewalk Committee has some date suggestions: Monday, May 14th, or Tuesday, May 15th. New issues have come up since the March vote that need to be discussed, said Ms. Russell.

Mr. Delaney asked if there would be potentially two articles to consider at a Special Meeting. Mr. Russell replied yes. There would be a reconsideration of the sidewalk vote and changing the voting process to Australian ballot, said Mr. Russell.

Mr. Russell said that Jerry Schwartz, moderator, would determine if there would be a Sidewalk Committee presentation, or not. The Selectboard would warn a Special Meeting, said Mr. Russell. Mr. Richardson said that he was out of town for the 2012 March Town Meeting. He would like to hear a discussion of the pro/cons of sidewalks and reasons for a re-vote, said Mr. Richardson.

Mr. Russell said that the Selectboard would meet on Monday, April 9, 2012, to discuss a Special Meeting to reconsider Article 5.

No action was taken on the Article 5 re-vote issue.

**RECREATION COMMISSION – action under consideration: reduce size of Commission from nine members to seven members. Also discussion of funding & organizational issues**

Mr. Fraser-Harris, Recreation Commission member, explained that the commission has decided that a nine member commission was better than a smaller number. New members brought fresh ideas and a 4 member quorum was workable. On other matters, the swing sets would be replaced. The Recreation Reserve fund had \$4,000. Were there other ways to fund a capital improvement, asked Mr. Fraser-Harris.

Mr. Ladue suggested researching state grants. Mr. Russell suggested rolling that type of project into a capital plan. Mr. Ladue said that he would invite committee participants to help facilitate a capital plan.

**POLICY REGARDING WAIVING AND REFUNDING PLANNING & ZONING FEES – action under consideration: approve policy**

There was discussion regarding proposed changes to a draft Waiving and Refunding Planning and Zoning Fees policy that addressed the 4<sup>th</sup> bulleted item as written by Mr. Delaney.

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a draft policy regarding Waiving and Refunding Planning and Zoning Fees as amended.  
VOTE: 4 ayes, 1 absent (Mr. Stone); motion carried.**

**REAPPOINTMENTS – action under consideration: approve for terms indicated**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to reappoint Anne Bijur to the Energy Committee for a two-year term ending in April, 2014, and to reappoint Dick St. George as Animal Control Officer for a one-year term ending in April, 2013.**

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

**PBM ACQUISITION INC., DBA POINT BAY MARINA – application for renewal of 2<sup>nd</sup> Class Liquor License and Roland’s Place, Inc – application for renewal of 1<sup>st</sup> Class Liquor License**

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

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

**MOTION by Mr. Ladue, seconded by Mr. Owen, to grant a renewal of a 2<sup>nd</sup> Class Liquor License to PBM Acquisition, Inc., dba Point Bay Marina, and to grant a renewal of a 1<sup>st</sup> Class Liquor License to Roland’s Place, Inc, as presented.**

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

#### **SELECTBOARD’S MAY MEETING SCHEDULE**

No action was taken. The Selectboard May meeting schedule would be conducted via e-mail.

#### **SELECTBOARD UPDATES – discussion only**

Mr. Russell reviewed a request by Champlain Valley-Waitsfield Telecom to place poles within the Town right-of-way by the Quinlan Bridge. Mr. Lewis said that he had reviewed the proposal.

Mr. Lewis asked if the Animal Control Officer only handled dogs and cats. He had received a call about loose chickens and dead beavers. Was it his job as Road Commissioner to deal with these issues, or the Animal Control Officer’s, asked Mr. Lewis. Mr. Russell said that he would clarify the issue.

Mr. Owen handed out a proposed 250<sup>th</sup> Town Anniversary events schedule for Board review.

Mr. Ladue said that a “no parking beyond this point” sign for Deere Point was given to the Road Commissioner for posting.

Mr. Lewis suggested that Mr. Harvey should be invited back to discuss travel issues on Route 7. An ‘unsafe to pass’ sign was needed on Route 7 near Higbee Road, said Mr. Lewis.

Mr. Owen said that he understood that the Frost's would like to return to discuss a refund related to their Zoning Administrator appeal case.

**APPROVAL OF BILLS AND WARRANTS**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the warrant #44285, dated March 31, 2012, for the amount of \$4,411.45.**

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

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the warrants #44236-44284, dated March 31, 2012, for the amount of \$20,774.61.**

**DISCUSSION:**

**Mr. Ladue asked for clarification for an Animal Control expense. Mr. Russell explained that a dog kept for 10 days was also seen by a veterinarian.**

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

**ADJOURNMENT**

**MOTION by Mr. Owen, seconded by Mr. Ladue, to adjourn the meeting.**

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

The meeting was adjourned at 8:42 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary