

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
AUGUST 15, 2011**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Winslow Ladue, Dennis Delaney, John Owen, Ed Stone (arrived at 7:13 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Moe Harvey, Mary Mead, Hugh Lewis Jr, Stephen Brooks, Linda Beitz, Brad Curler, Robert Titus, Kari Larocque, John Hagios, Sheri Duff, Charlotte Citizen; and others.

(NOTE: the agenda was heard out of order, but appears as warned for continuity.)

6:00 p.m. SITE VISIT: Robert and Bernice Titus, Spear Street west of Guinea Road, for a Highway Access Permit

6:20 p.m. SITE VISIT: Linda Beitz et al; Lake Road north of Windswept Lane, for a Highway Access Permit

6:45 p.m. SITE VISIT: John and Christy Hagios, 1981 Greenbush Road for a fence within the road right-of-way

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 7:07 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

Mr. Lewis, Charlotte Road Commissioner, explained that a pile of trash in a Lewis Creek Road ravine on Steve Mann's property needs to be removed. Mr. Mann had said he would remove it.

MINUTES

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the minutes of 07/25/2011, as written, with edits.

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

POLICY CREATING PENALTIES FOR LATE FILED HOMESTEAD DECLARATION – action under consideration: approve policy

Ms. Mead, Town Treasurer, reviewed a written report regarding penalties for late filed Homestead Declarations. Currently there are no late filings for Charlotte. It is recommended that the Town not assess a penalty unless a taxpayer doesn't remit

property taxes in a reasonable time. The Board should revisit the policy when the non-residential tax rate is significantly higher than the residential tax rate, suggested Ms. Mead.

MOTION by Mr. Stone, seconded by Mr. Owen, to set a Policy Creating Penalties for Late Filed Homestead Declarations for the FY11-12 tax year, to waive penalties and to inform person/persons involved with the tax billing of that policy.

DISCUSSION:

Mr. Ladue asked if this was the right time in the tax year to have this conversation if the policy is set annually. Is there a wiser time of the year to do this, asked Mr. Ladue. Ms. Mead said that the best time would be right after Town Meeting.

VOTE: 5 ayes; motion carried.

ROBERT AND BERNICE TITUS, LANDOWNERS, BRAD CURLER AND KARI LAROCQUE, APPLICANTS: APPLICATION FOR A HIGHWAY ACCESS PERMIT (HAP-11-07) FOR AN ACCESS ON SPEAR STREET TO SERVE A RESIDENTIAL BUILDING LOT – action under consideration: approve application

MOTION by Mr. Owen, seconded by Mr. Stone, to approve an application by Brad Curler and Kari Larocque, applicants, and Robert and Bernice Titus, landowners, for a Highway Access Permit, HAP-11-07, for an access on Spear Street to serve a residential building lot.

DISCUSSION:

Mr. Stone asked if there was not an agricultural cut already near the proposed access. Mr. Lewis replied that the proposed access is the existing agricultural cut. There is an existing 15” x 20’ culvert at the cut. Site distances were fine each way. The existing culvert will need to be replaced with a 15” x 30’ culvert, and brush on the west needs to be cut back, said Mr. Lewis.

AMENDMENT to the motion by Mr. Owen, seconded by Mr. Stone, that a 15” x 30’ culvert needs to be installed and brush to the west trimmed back.

VOTE: 5 ayes; motion carried.

LINDA BEITZ (APPLICANT) AND HARVEY ALLEN, STEPHEN ALLEN, DONNA HARRINGTON AND BRENDA WHALLEY (PROPERTY OWNERS): APPLICATION FOR A HIGHWAY ACCESS PERMIT (HAP-11-08) FOR AN ACCESS ON LAKE ROAD TO SERVE TWO RESIDENTIAL BUILDING LOTS – action under consideration: approve application

Mr. Russell recused himself; he is a neighboring landowner. Mr. Russell departed the meeting.

Ms. Beitz, applicant, appeared before the Board.

Mr. Stone, Acting Chair, read a letter from Harvey Allen authorizing an access.

Mr. Ladue asked if this was a road access that was approved for agricultural purposes previously. Mr. Lewis replied yes. He had met with Brenda Whalley about moving the

access to the south. Currently the access goes through the agricultural fields. He had also met with Larry Hamilton, Charlotte Tree Warden, regarding brush and trees that would need to be cut, said Mr. Lewis. Ms. Beitz explained that Brenda said that the cut should be moved toward a clump of trees to preserve farm land.

MOTION by Mr. Delaney, seconded by Mr. Stone, to approve a request by Linda Beitz, applicant, and Harvey Allen, Stephen Allen, Donna Harrington and Brenda Whalley, property owners, for a Highway Access Permit, HAP-11-08, for an access on Lake Road to serve two residential building lots.

DISCUSSION:

Mr. Bloch noted that a 15" x 30' culvert would need to be installed.

AMENDMENT to the motion by Mr. Delaney, seconded by Mr. Stone, and to install a 15" x 30' culvert, and to trim brush.

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

Mr. Russell rejoined the Board.

JOHN AND CHRISTY HAGIOS: REQUEST TO BUILD A FENCE WITHIN THE GREENBUSH ROAD RIGHT-OF-WAY – action under consideration: allow construction of fence within right-of-way

John Hagios, owner, appeared before the Board.

Mr. Russell reviewed that Mr. Stone, Mr. Owen, and he had conducted a site visit. Mr. Lewis said that he had viewed the proposed fence site during the site visit.

Mr. Hagios said that the proposed fence would be 8' from the road edge. His front yard was minima and there were safety concerns that his children might go into a busy roadway, explained Mr. Hagios.

Mr. Russell explained that in the past people have placed fences in a Town right-of-way. For example, the Martin's put in a stockade fence without Town permission that blocked the sight distance views coming out of Horsford Nursery. The Town made the Martin's move the fence back, said Mr. Russell.

There was lengthy discussion regarding issues created when things are put into the Town rights-of-way, especially during winter snow plowing; and liabilities to the Town and Lewis Excavating for damage done to items put in the Town rights-of-way.

Mr. Lewis stated he didn't like fences that close to the road. If the snow plow hit a fence, or snow piled onto a fence, a fence would break. He was all for safety for children. Mr. Hagios has about a zero front yard. To be in compliance with Town ordinances, Mr. Hagios would need to move the proposed fence back another 6-8', said Mr. Lewis. Mr. Hagios said he would be willing to add a clause to the application approval that he would not hold the Town or Lewis Excavating liable for damage. Mr. Lewis asked what happens if Mr. Hagios sold his property, and the new owner claimed damage to a fence that in the fall was fine, but broke from snow piled against it.

There was further discussion regarding safety issues; types of fences, such as picket versus split rail; and a Board member suggestion to put in a fence that could be removed during the winter season.

MOTION by Mr. Stone, seconded by Mr. Owen, to grant approval for a request by John and Christy Hagios, to build a split rail fence, 2' to 4' high, within the Greenbush Road right-of-way.

DISCUSSION:

Mr. Hagios said that a standard fence height was from 3.5' to 4' high. The fence was to keep his children from running into the roadway. It would not be a stockade fence like the Martin's. His family just moved in 2 weeks ago, explained Mr. Hagios.

Mr. Lewis reiterated that he was for not putting anything into the Town right-of-way. It was not necessarily that the plow would hit a fence, but snow would end up pushed against it as the snow bank builds up. Snow doesn't drift there normally. Likely snow piles will break the fence as the fence gets weaker over time. Mr. Hagios knew when he bought the place how close it was to the roadway. Where do we put the snow if there are obstacles in the right-of-way. There is a stone wall put in without Town permission down the road. A rural property owner put in a fence in a Town right-of-way and makes Lewis Excavation fix it when it gets broken. The original homeowner (of the Hagios property) had a pull over for parking cars on the front lawn and that gave us more room for snow plowing. If Mr. Hagios moved the fence back another 2' that would help. It is a short section and we could go out around it some, said Mr. Lewis.

Mr. Brooks asked how long would the proposed fence be. Mr. Lewis replied about 100'. Mr. Brooks suggested that Mr. Hagios sink pipe into the ground for the post ends to fit into and pipe rails to the posts so the fence could be lifted out and removed easily in the fall.

At a suggestion by Mr. Russell, Mr. Stone stated he didn't want to amend the motion to say that a fence would be 20', or 25' from the road center line. Mr. Hagios asked if he could put a fence at 20' from the road center line. Mr. Stone said that he didn't want to relax Town regulations. Mr. Bloch suggested a small hedge row in place of a fence.

Mr. Russell called the question.

VOTE: 1 aye (Mr. Owen), 4 nays; motion failed.

Mr. Russell asked if the Board was interested in making another motion. Mr. Delaney suggested that if Mr. Hagios wished to pursue a fence then he should work with the Road Commissioner. A fence could go closer to the road center line than 25' with Mr. Lewis' recommendation, said Mr. Delaney.

Mr. Brooks said there was an inequity problem. This homeowner, who sought Town permission, can't build a fence, but others can without the permission. Mr. Russell said that the Selectboard could have a committee to go out and review what was in the Town right-of-way and have those things moved.

CLEAN UP TRASH ON THOMPSON'S POINT (PILE ON MILKMAN'S RUN AND FENCING) AND AT RAVINE ON LEWIS CREEK ROAD USING FUNDS FROM THE CHITTENDEN SOLID WASTE DISTRICT CLEAN-UP FUND – action under consideration: authorize Stephen Brooks, Charlotte's CSWD representative, to hire contractor and submit reimbursement request to CSWD

Mr. Russell reviewed that Chittenden Solid Waste District funds were available to towns for clean up of trash on town lands.

Mr. Stone asked if there was CSWD funding for clean up of the Lewis Creek Road ravine. Mr. Ladue said that there was debris at Thompson's Point and old fencing on the north side of the Thompson's Point Road. Mr. Brooks said that the Town could use CSWD funds for that, pointed out Mr. Ladue.

There was discussion regarding use of CSWD funds to clean up trash on private land versus Town land; a \$1,000 amount of CSWD funds available to each member town for clean up, and a question of how much was available to Charlotte; and removal of fencing that will take time to remove. Mr. Lewis said that Mr. Brooks thinks there will be money for fence removal.

Mr. Stone suggested that Mr. Brooks should investigate how much CSWD funds were there, seek an estimate for fence removal, and then proceeding with the project.

The Board tabled action on clean up of trash until a priority list of projects was created, estimates sought, and find out how much CSWD funding was available.

Suggested clean up projects:

- Fencing along North Shore Road
- Thompson's Point fencing and trash
- Lewis Creek Road ravine (to be done by Steve Mann)

Mr. Russell clarified that Town staff would hire a contractor and Mr. Brooks would secure CSWD funding.

(NOTE: Mr. Brooks arrived at the meeting)

Mr. Ladue asked Mr. Brooks if there was CSWD funding available to support three projects. Mr. Brooks suggested that the three projects be viewed as a Town project broken into three parts. The debris on Lane's Lane could be pushed out into the field and burned. Removing wire is an unskilled task that could be done for a low price. The projects could be done for \$1-1,200 and have Mr. Lewis do it, said Mr. Brooks.

SELECTBOARD UPDATES

Mr. Delaney said he could have the Conflict of Interest Policy sent out to the Town committees and commissioners by e-mail and postal service as an FYI.

Mr. Ladue asked Mr. Lewis to have a sign made and installed for the Town at Thompson's Point to read: "No public parking beyond this point".

Mr. Russell asked for a Board member volunteer to attend the annual Vermont League of Cities and Towns meeting on 10/-6/2011.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 8:11 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary