

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
FEBRUARY 13, 2012**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Gerald Bouchard, Ellie Russell, Gary Franklin, Hugh Lewis, Jr, Edd Merritt, Marty Illick, Robert Mack, Alan Matson, Lorna Jamerson, Bob Jamerson, Elizabeth Bassett, David Newton, Jeff Finkelstein, Heather Manning, Beth Merritt, Meg Walker, Peter Walker, Carrie Spear, Tricia Sulva, Kathy Blume, Ruah Swenerfelt, Nancy Severance, Carol Casey, Charlotte Citizen; Nancy Wood, Charlotte News; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 7:01 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

Ms. Wood explained that the towns of Charlotte, Hinesburg, Ferrisburgh and Monkton were planning 250th celebrations. The Charlotte News would print a series of articles for the 250th Charlotte town celebration. The Charlotte Town Party date was close to the signing date of the Town Charter. Would the Selectboard earmark funding for celebratory activities, asked Ms. Wood.

Mr. Owen volunteered as a Selectboard liaison for planning a Town 250th celebration.

Ms. Wood suggested new Town entrance signs as a project.

MINUTES: January 17

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the Selectboard minutes of 01/17/2012 as written, with edits.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the Selectboard minutes of 01/23/2012 as written, with edits.

VOTE: 5 ayes; motion carried.

GARY FRANKLIN – ROUTE 7 SAFETY CONCERNS - discussion only

Mr. Franklin, Wild Wood West resident, explained issues related to Route 7 highway speed, truck and commuter traffic and accidents that occurred when local cars attempted to make turns onto, or off of, Route 7 from side roads/driveways. Adding slip lanes along

Route 7 for cars entering onto Route 7 from side roads would help. Wider shoulders would be a problem because drivers passed on the right around cars that slowed for a left turn off of Route 7, said Mr. Franklin.

Mr. Franklin asked if the Selectboard had to ask VTrans for a traffic study in order to lower speeds from Ferry Road south to State Park Road. Mr. Ladue asked if Mr. Franklin was seeking immediate action, or action during the proposed Route 7 reconstruction project. Mr. Franklin replied now. Mr. Stone pointed out that 2014 was the starting date for the reconstruction project.

The Selectboard spoke in favor of discussing a Route 7 speed reduction with North Ferrisburgh and VTrans.

DAVID NEWTON ON BEHALF OF ROY AND LINDA L'ESPERANCE, 171 LANE'S LANE – action under consideration: authorize application for shoreline improvement and allow town land (Thompson's Point) to be used for staging area
Mr. Newton, mason and contractor, appeared on behalf of the applicants, and submitted a rough sketch of the site, and photographs. Mr. Newton reviewed a proposal to place large boulders and riprap to repair an existing wall along the shoreline. There was no room on the site to store materials. A staging area on Town owned land would be used for storing material. A temporary culvert would be placed in a ditch. The staging area would be cleaned up after the project was completed, said Mr. Newton.

Mr. Bloch asked if the wall would require ZBA review, or was a repair of an existing wall. Mr. Ladue replied it was a repair to an existing wall. Mr. Russell said that Tom Mansfield, Zoning Administrator, looked at the site.

Mr. Ladue asked if an existing big tree would stay. Mr. Newton replied that the tree would stay.

MOTION by Mr. Owen, seconded by Mr. Stone, to authorize and application by Roy and Linda L'Esperance, 171 Lane's Lane, for a shoreline improvement and allow the applicant's to use Town land on Thompson's Point to be used for a staging area as described by David Newton.

VOTE: 5 ayes; motion carried.

Mr. Delaney asked to be notified when the project was completed.

MOTION by Mr. Ladue, seconded by Mr. Owen, to allow the applicant's, Roy and Linda L'Esperance, 171 Lane's Lane, to use Town land on Thompson's Point to be used for a staging area for the month of February, 2012.

VOTE: 5 ayes; motion carried.

HEARING ON PROPOSED MODIFICATIONS TO A DESIGNATED SCENIC ROAD, ROSCOE ROAD, DUE TO EROSION FROM LEWIS CREEK – discussion only

Mr. Russell explained a Scenic Road designation process and that modifications to Roscoe Road would require a public hearing prior to proposed work. Trees next to the creek will be removed and replaced with guard rails for safety reasons, said Mr. Russell.

Mr. Lewis, Charlotte Road Commissioner, explained safety issues that included the roadway slope, and trees along the creek that were either leaning over the water or falling into the river. The trees and stumps would be removed. Rocks 2-4' in diameter would be placed on the bank with smaller rocks above that. The bank would be steep and guard rails would be placed where the trees were for safety. Two sections of existing jersey barriers would be removed, said Mr. Lewis.

Ms. Illick asked if trees could be replanted along the bank. Mr. Lewis replied that there was not much room on the bank, but trees could be planted behind the guard rails to protect the trees from snow plows.

Mr. Russell noted that an Army Corps of Engineers permit was needed before work could begin. The permit process took 30 days, said Mr. Russell.

Ms. Russell asked if the road would retain its scenic designation after the work was done. Mr. Russell briefly reviewed the process that put Roscoe Road on the scenic road designation list. Ms. Illick said that there was no reason that Roscoe Road would lose the designation.

Mr. Finkelstein asked if the guard rails could be wood, or somehow blended in with the surroundings. Mr. Lewis said that the work could be put off since there has been no snow. There shouldn't be much spring runoff. Roads would be open May 15th. The estimated cost was \$47,700, which included the guard rails. If wooden planks were used then steel would be needed behind the wood, which would be an added cost, said Mr. Lewis.

Mr. Jamerson pointed out that there were a limited number of trees in that section, which were about to uproot the bank and fall into the river.

Mr. Lewis reviewed that Charlotte used less salt on the roads than most towns. He has received calls from residents asking him to use more salt. He didn't know if a public hearing was needed, or if he could use his own discretion, said Mr. Lewis. Mr. Russell suggested using a trial run in a part of the town where more salt might be needed. See if that improved the roads, or not, said Mr. Russell.

Ms. Illick asked what salt/sand mix the Road Commissioner used currently. Mr. Lewis explained that 3 yards of salt was mixed with 6 tandem loads of sand, which was a light mix. He could add 3 yards of salt to 2 tandem loads of sand. There was not a set policy, but he used as little salt as possible per a vote at Town Meeting. Currently, a narrow path of sand/salt was spread on the road crown and cars spread it out as they travel over the roadway. A lower ratio of mix was spread on dirt roads so the dirt road surface didn't thaw out, said Mr. Lewis.

Ms. Wood asked if more salt was used does that mean using less sand. Would that mean less sand ending up in the ditches, asked Ms. Wood. Mr. Lewis replied yes.

Mr. Stone spoke in support of holding a hearing to gather public input.

Mr. Ladue said he would research the sand to salt ratio for clarity.

Ms. Illick suggested having a discussion at the March Town Meeting.

**LEWIS CREEK ASSOCIATION – PUBLIC SURVEY REGARDING WATER QUALITY ISSUES – action under consideration: appoint a Selectboard liaison
MOTION by Mr. Owen, seconded by Mr. Delaney, to appoint Winslow Ladue as the Lewis Creek Association Selectboard liaison.**

VOTE: 5 ayes; motion carried.

CHARLOTTE SOLAR, LLC – action under consideration: becoming an intervener in the Section 248 proceeding

Mr. Russell reviewed a Town request to the Charlotte Solar, LLC applicants to move the proposed array and to screen it. The applicant did propose to move the array back. Copies of the proposed plan were available, said Mr. Russell.

Mr. Owen asked for clarification that the applicant was asked to move the array westerly and back. Mr. Russell replied yes. The property was in two different parcels. The applicant said that the solar panels couldn't be moved back as far as requested, and the screening was proposed for along the road versus along the array. If trees were planted in the field then the field couldn't be returned to an agricultural use later on.

Correspondence from neighbors to the proposed project has been received, said Mr. Russell.

Ms. Wood asked if the Selectboard would seek intervener status using the Selectboard letter, or the Planning Commission letter. What was the Town position, asked Ms. Wood. Mr. Russell replied that the Selectboard comments were a response to the applicant's application.

Mr. Delaney suggested using the intervener status as a learning position as items came up during the Section 248 process. Is there a problem with both Town bodies having status, asked Mr. Delaney.

Mr. Stone said the question was did the Selectboard want to be an intervener, or not. The Town Attorney could represent the Selectboard as the situation evolves, suggested Mr. Stone.

Mr. Russell said the Selectboard held the same position as the Planning Commission, except for the array location. The applicant has asked for 'the world', but the location was not zoned for that purpose. The application is exempt from local bylaws, pointed out

Mr. Russell. Ms. Russell, Planning Commission member, explained that the Planning Commission felt that the project would be better located in a commercial zone.

Mr. Russell explained that the Public Service Board (PSB) would look for clearly stated standards in the Town Plan and zoning. Ms. Bassett, resident, asked if a commercial use was envisioned when the Town Plan was written.

Mr. Delaney said that if we say 'the Town', then think of elected officials. The Selectboard members are elected and the Planning Commission members are appointed. It is logical for the Selectboard to be an intervener, said Mr. Delaney.

Ms. Spear asked what the status of an intervener was. Could we have the array pushed back, or not have the project at all, asked Ms. Spear. Mr. Russell replied that the first step was to seek intervener status. Later during the process we could try to influence it in some way, suggested Mr. Russell. Mr. Delaney reiterated that state statutes guided the process. As an intervener we could use the process to bring forth our thoughts, said Mr. Delaney.

Mr. Walker said that impacts by the project to Sheehan Green have not been modified.

Mr. Finkelstein suggested presenting what Charlotte wanted to Charlotte Solar versus paying for lawyers. Mr. Delaney said that the applicants have able lawyers and that would tilt the field in one direction if we didn't have intervener status. It is a major project and we need to know what was coming in the future, which we would pick up as the project went through the process, said Mr. Delaney. Mr. Stone pointed out that intervener status was needed first.

Mr. Bloch said that the PSB website had an explanation of language for those interested in learning more.

MOTION by Mr. Delaney, seconded by Mr. Ladue, to seek intervener status in the Section 248 process regarding the proposed Charlotte Solar, LLC project.

VOTE: 5 ayes; motion carried.

Mr. Bloch said that a pre-hearing conference would be held first then a schedule would be set up after.

Ms. Bassett stated that she sent a letter to the Selectboard regarding impacts and costs to her property. The project was in her viewshed, said Ms. Bassett.

HIGH RISK RURAL ROAD PROGRAM – action under consideration: approve proposed design for signage, pavement markings and guard rails as presented by VTrans, and approve maintenance agreements

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve proposed High Risk Rural Road program design for signage, pavement markings and guard rails on Mt

Philo Road and a portion of Spear Street as presented by VTrans, and to approve maintenance agreements.

DISCUSSION:

Mr. Delaney said that he attended a site visit. VTrans had studied traffic on Mt Philo Road with a written report resulting, dated 01/12/2012. The design starts to address issues on Mt Philo Road and a part of Spear Street, which doesn't cost the Town, said Mr. Delaney.

Mr. Stone expressed concern regarding the size of the new signage. What would happen if the Town didn't participate, asked Mr. Stone. Mr. Lewis explained that the new larger signs were mandatory. As street signs were replaced the newer bigger signs had to be ordered as per the federal mandate, said Mr. Lewis.

Ms. Wood commented that when she approached a road in the dark the larger signs reflected back and blinded her. It was not so much the size as it was the reflective material. She found it personally distracting and blinding, stated Ms. Wood.

Mr. Lewis reviewed that the program would pay for two new traffic lights, signage and guard rails, which were needed. No matter where you go you will run into the new signs in other towns, pointed out Mr. Lewis.

VOTE: 5 ayes; motion carried.

FINANCIAL AUDITS FOR FY2012 FOR TOWN AND CVFRS - action under consideration: hire Batchelder Associates to perform Town and CVFRS audits for \$9,710 and \$3,150 respectively

MOTION by Mr. Ladue, seconded by Mr. Owen, to hire Batchelder Associates to perform Town and CVFRS audits for \$9,710 and \$3,150 respectively.

VOTE: 5 ayes; motion carried.

PROPOSED IMPROVEMENTS TO WATER SYSTEM FOR THE TOWN HALL AND LIBRARY – action under consideration: authorize application to become Public Transient Non-Community Water System

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize an application to become a Public Transient Non-Community Water System.

VOTE: 5 ayes; motion carried.

TRANSITION CHARLOTTE – POTENTIAL JOINT PROJECTS WITH THE TOWN – discussion only

Ms. Blume and Ms. Swenerfelt, Transition Charlotte members, explained a Transition Towns concept based on using community building and re-localization initiatives. "Transition in Action" was a 'road' map document developed through community conversations, said Ms. Blume.

Ms. Swenerfelt explained using the Transition in Charlotte concept as a collaboration. For example; a collaboration between Transition Charlotte members with the Energy Committee resulted in energy audits for household efficiencies; a "green building" tour

scheduled for March 17th, development of an on-line Farm Stand Coop CSA, a community survey done to share skills with needs, etc. The Transition Charlotte group would like to collaborate with the Selectboard on projects, said Ms. Swenerfelt. Mr. Russell suggested that the group could follow up having a CSWD mobile drop off unit come to Charlotte, or work with parents who drive children to school instead of using school buses. Ms. Swenerfelt said that working with parents would be a great educational project.

PHONE SYSTEM FOR TOWN HALL – action under consideration: approve purchase

Mr. Russell reviewed four quotes for a new phone system for the Town Hall. The less expensive quotes were cable based phone systems, said Mr. Russell.

Mr. Owen asked if the Selectboard had discussed a new phone system before, and if other alternatives were considered. Mr. Bloch explained a new phone system was included in the Town Clerk's budget. Mr. Russell pointed out that the current system was 20 years old and couldn't be repaired.

Mr. Ladue asked if staff had considered land lines and cell phones. During Hurricane Irene Smartphones were an asset, explained Mr. Ladue. Mr. Bloch replied no. Mr. Russell suggested that staff research it and get a quote.

Further discussion regarding a new phone system was deferred to the next Selectboard meeting.

RIGHTS-OF-WAY OF TOWN HIGHWAYS ADJACENT TO QUINLAN BRIDGE – PROJECT UPDATE – action under consideration: confirm rights-of-way as depicted by VTrans for Project Number BHO 1145(34)

MOTION by Mr. Ladue, seconded by Mr. Owen, to confirm rights-of-way of Town highways adjacent to the Quinlan Bridge as depicted by VTrans for project number BHO 1145(34).

VOTE: 5 ayes; motion carried.

SPEAR'S CORNER STORE, INC – APPLICATION FOR RENEWAL OF 2ND CLASS LIQUOR LICENSE AND TOBACCO LICENSE and TENNEY ENTERPRISES – APPLICATION FOR RENEWAL OF 2ND CLASS LIQUOR LICENSE AND TOBACCO LICENSE

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

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Delaney, to approve an application by Spear's Corner Store, Inc. for a renewal of a 2nd Class Liquor License and Tobacco License; and to approve an application by Tenney Enterprises for a renewal of a 2nd Class Liquor License and Tobacco License as presented.

VOTE: 5 ayes; 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.

The Selectboard members signed the liquor and tobacco license documents.

STAFF EVALUATIONS – action under consideration: approve new form and schedule reviews

Mr. Russell briefly reviewed a new form for staff evaluations, and scheduling staff reviews. Mr. Owen, Mr. Stone, and Mr. Ladue spoke in favor of the new form.

Selectboard members were in favor of continuing to schedule Selectboard meetings for the second and fourth Mondays of each month. The March regular Selectboard meetings were March 12, 2012 and March 26, 2012.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:07 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary