

**TOWN OF CHARLOTTE  
SELECTBOARD  
MINUTES OF MEETING  
FEBRUARY 27, 2012**

*APPROVED*

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

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

**OTHERS PRESENT:** Ellie Russell, Hugh Lewis Jr, Mike Cook, Larry Hamilton, Craig Heindel, Gerald Bouchard, Carlie Krolich, Stephen Brooks, Jennifer Ward, Carol Casey, Charlotte Citizen; and others.

(NOTE: the agenda was heard out of order. The agenda appears as published in the minutes for continuity.)

**CALL TO ORDER**

Mr. Russell, Chairperson, called the meeting to order at 7:00 p.m.

**ADJUSTMENTS TO AGENDA**

Defer: Jim Donovan and Marty Illick – update on regional planning issues. Advance Town Meeting preparation to 7:10 p.m.

**PUBLIC COMMENTS**

None.

**MINUTES: January 17**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the 02/13/2012 Selectboard minutes as written, with edits.**

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

**TOWN MEETING PREPARATION – discussion only**

Mr. Ladue reported that a West Village Waste Water Committee public hearing presentation is schedule for Wednesday, 02/29/2012. The committee would present an audio/visual review at the Town Meeting.

Mr. Owen reported that the Friendship Lodge representatives will be prepared to do a presentation at Town Meeting.

Mr. Owen would report on traffic enforcement. There was support for a budget of \$25,000. Also, citizen's vigilance helped to prevent crime.

Ms. Russell said she would be prepared to talk about affordable housing if needed.

Mr. Russell reviewed budget line items that included volunteer recognition, Repair/Maintenance, and Fire and Rescue. The Charlotte Road Commissioner was asked to explain the Roscoe Road repairs if needed, said Mr. Russell.

Mr. Ladue would talk about a proposed Capital Reserve fund and proposed projects list that would include two bridge projects, for example.

**ROAD SALTING – action under discussion: authorize Road Commissioner to experiment with quantity of salt spread on paved town highways**

Mr. Ladue explained state uses of salt at a 5 percent mix to sand, historical use of 4-5 percent mix in Charlotte, 10-40 percent in the California mountains, and road side salt may cause issues with water wells for drinking water. The statistics used came from the 2008 Charlotte Selectboard report, said Mr. Ladue.

Mr. Hamilton said that Shelburne has a lot of issues with salt on road side trees. That did not appear to be an issue in Charlotte, said Mr. Hamilton.

Mr. Owen asked Mr. Lewis how much salt he would lay down. Mr. Lewis replied that the question was how much discretion he would have. It was a safety issue. He would increase the salt to sand ratio to less than double of what it was now, said Mr. Lewis. Mr. Ladue said if the salt was doubled it would still be lower than 16 percent. Mr. Lewis said he has never used a 16 percent salt mix. He used less salt- sand mix at a 1:28 ratio. Lately the winters haven't been that cold. Ice forms in car wheel tracks when it is cold, said Mr. Lewis. Mr. Hamilton said the current policy was reasonable. He was not sure what salt run off levels were in the ditches or streams. Mr. Lewis said that Marty Illick did say Charlotte was lowest in sodium use in Chittenden County.

Mr. Hamilton asked if Mr. Lewis was receiving complaints. Mr. Lewis replied yes. Charlotte doesn't have a bare road policy. A clear policy was needed, even if it was 'at discretion of the Road Commissioner', said Mr. Lewis. Mr. Russell suggested putting more salt in the mix during certain storms on blacktop roads only. Mr. Lewis said he could put 2 more buckets of salt into the mix. It would go from 5 percent to 7-7.5 percent. He was trying to get a definition of "discretion", said Mr. Lewis.

Mr. Lewis asked if there could be a salt use discussion at the March Town Meeting so that more people could be involved in a decision.

Mr. Russell, Mr. Stone, Mr. Ladue, and Mr. Owen said that as a Selectboard they were in favor of the Road Commissioner trying up to a 7.5 percent mix. The 'experiment' was to be at the Road Commissioner's discretion, said Mr. Stone.

Mr. Russell asked if a motion was needed. Mr. Lewis replied no.

**LUND FAMILY CENTER – action under consideration: approve request to use town roads and the Senior Center for the Mother's Day Bike Ride on May 13<sup>th</sup>**

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a request to use Town roads and the Senior Center for the Mother's Day Bike Ride on May 13, 2012.**

**DISCUSSION:**

Ms. Krolich explained that she had met with the Shelburne Police Chief, Jim Warden, last year regarding citizen complaints of events on the Charlotte roads. The Recreation Committee has added route maps with insurance forms to the application process. The Mother's Day ride had up to 500 participants. This was the event's fourth year and using they would use the same route. Problems were that people complained about any bike ride. The committee was trying to work with complainants and event organizers, said Ms. Krolich.

Ms. Krolich explained the difference between using police at intersections versus volunteers. It was not lawful for a volunteer to engage cars at intersections. Also, during a ride event the bikers followed the rules of the road versus a race where traffic may be stopped at intersections, said Ms. Krolich.

In response to a question from Mr. Russell regarding clear communications, Ms. Krolich reiterated that bike riders must follow the rules of the road and volunteers can't step into the roadway. She would ask the ride organizer to add where police officers would monitor roadways on the map, said Ms. Krolich.

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

**KELLY BRUSH FOUNDATION – action under consideration: approve request to use Town roads for the Kelly Brush Century Ride on September 8th**

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

**DISCUSSION:**

Ms. Krolich explained that the Kelly Brush Foundation ride was a Charlotte family event. The group has not submitted an application yet. She has a letter from Betsy Carrara. They were working with the Recreation Committee. The Vermont Cares organization has shifted their June 6<sup>th</sup> event route, which would use Charlotte roads for a few miles. Events will be posted on the Town calendar so there would be no over lapping of events, said Ms. Krolich.

The motion was tabled.

**MOWING AND BRUSH-HOGGING BID SPECIFICATIONS – action under consideration: approve for distribution to contractors**

Mr. Bloch said that there were two requests. The mowing and brush-hogging bids were the same as last year, with the exception of #4. Mr. Russell and Ms. Stone determined that #4 was not necessary, said Mr. Bloch.

Mr. Owen asked if the Flea Market would be mowed. Mr. Ladue suggested having it hayed as part of the Burns property lease.

There was discussion regarding mowing at the Berry Farm and baseball field. Mr. Russell said for staff to get a bid for the mowing of the one-half acre. The Town spent \$10,000

for mowing the Berry Farm and fertilizing the ball field in the past. There had been discussions with Clark Hinsdale III and Little League organizers regarding a co-housing trail head. He met with the Little League group Friday and they were OK with a gate and four parking spots outside of the gate for trail users, reported Mr. Russell.

Mr. Stone said that \$15,000 was spent to refurbish, lay sod and maintain the Lake field, which was money well spent for the Town kids. Mr. Bloch said that private money was used at the Berry Farm field. The bid was for mowing the Berry Farm field, not fertilizing it, said Mr. Bloch.

Mr. Stone suggested contacting Old Fox in Brandon, Vermont for fertilizing recommendations and pricing.

Mr. Russell suggested that the bid contract could read: two applications of fertilizer, and then the Little League would take it over there after. The contract specifications would spell out what was needed regarding type of fertilizer, said Mr. Russell.

Mr. Stone spoke in support of hiring a local person with local equipment.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to delegate Mr. Russell and Mr. Bloch to finalize a mowing and brush-hogging bid package and distribute it to contractors.**

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

**STEPHEN BROOKS – Town purchase of J&A salvage yard property – discussion only**

Mr. Brooks handed out copies of a tax map and photographs of the J&A salvage yard property for Board review, and explained that there were two parcels of land. The parcel on the north side of the Hinesburg Road included an existing house, metal shed, junk yard, and a rough driveway to open meadows and woods on the upper land. The parcel on the south side of the road was mowed agricultural land. An engineering study would be needed to determine environmental impacts on the property. The Chittenden Solid Waste District (CSWD) would be interested in a lease for an on-site drop off center for the towns of Shelburne, Charlotte and Hinesburg. The existing house could be renovated. There might be soils for septic for affordable housing on the north parcel. The south parcel could be a municipal facility for the East Charlotte Village and the CSWD could have a soil science facility there, suggested Mr. Brooks.

Mr. Russell asked for clarification regarding liability of possible contaminated soils. Mr. Brooks replied that who ever was in the chain of title would be liable.

Mr. Heindel, engineer, said that his firm has done studies on salvage yards and repair shops. It was not uncommon to find contaminated soil and/or ground water. A preliminary study could be done for \$5-8,000. Further exploration could be done later. Down grade gradients were looked at for water wells. The existence of floor drains, dry wells, or leach fields were all windows of warning. Storage tanks would be sampled and

vegetation examined for possible problems at during a preliminary study. It was a stepped approach, explained Mr. Heindel.

Mr. Owen asked if the Town could sign a document that the Town was not liable for contamination. Mr. Heindel replied that a 'bright line' was to have a hold harmless clause, which could be done at the property transfer time. Then the contamination would be the previous owner's liability, said Mr. Heindel.

Ms. Russell asked if the property still had junk on it. Mr. Heindel replied no.

Mr. Brooks said that there were two separate deeds for either side of the road. The sellers needed a buyer. It might be possible to include conditions from the sellers considering the state of the real estate market now, pointed out Mr. Brooks.

Mr. Russell asked if there might be grant money to assist in the property cleanup. Mr. Heindel said that there had been brown field grant money available at one time.

Mr. Owen said that the Town shouldn't spend any money until there was a plan for the property. Mr. Russell asked if CSWD had any interest in acquiring the property, or would the district pay for the testing. Mr. Brooks said that the CSWD Board would say 'why pay for testing if they were only leasing.' This is an opportunity for the Town, said Mr. Brooks.

Mr. Bloch reviewed benefits for the purposed of clarification: having a drop off center location, lease payments flowing into the Town, and potential for affordable housing. Mr. Brooks pointed out that all CSWD leases were for \$1 per year. A purchase contract could include a clause that '...subject to Shelburne, Charlotte and Hinesburg paying an amount of money'. A contract with no price could have it "...subject to testing" in order to move forward, suggested Mr. Brooks.

Mr. Russell pointed out that a drop off center property had to be municipally owned. Mr. Brooks suggested that the Town could own a portion of land and sell of the rest for development.

Mr. Stone stated he was not in favor of purchasing the J&A property.

Mr. Ladue said he was not ready to make a decision.

Mr. Owen asked if the land was valuable for other reasons. It made no sense to spend money to see if it was a dirty site, said Mr. Owen.

#### **SELECTBOARD UPDATES**

Mr. Owen handed out copies of a draft Straw Policy for Refunding of Fees for Planning and Zoning Issues for Selectboard review. Mr. Russell suggested discussing a refund of fees proposal after March Town Meeting.

Mr. Russell reported that Mary Mead was posting Fire and Rescue department billing for the last two weeks. Starting next week the Selectboard would receive warrants for signatures for Fire and Rescue payrolls, said Mr. Russell.

Mr. Ladue asked if there was supervisory oversight regarding hours of work for the Fire and Rescue departments. Mr. Russell replied that he would look into supervisory oversight related to the paid EMT hours.

Mr. Owen pointed out that there should be a policy for conference travel time.

**EXECUTIVE SESSION - appeal by Carl Moulton of a Planning Commission decision PC-11-13, Docket No. 176-12-11 Vtec**

(NOTE: the Selectboard entered Executive Session in two sessions. Both Executive Sessions appear here for continuity.)

**MOTION by Mr. Ladue, seconded by Mr. Owen, to recess the regular meeting and enter Executive Session for the purpose of discussing an appeal by Carl Moulton of a Planning Commission decision PC-11-13, Docket No. 176-12-11 Vtec, and to invite the Selectboard Clerk to attend.**

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

The regular meeting was recessed and the Selectboard entered Executive Session at 7:20 p.m.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn Executive Session and reconvene the regular meeting.**

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

Executive Session was adjourned and the regular meeting reconvened at 7:35 p.m. No action was taken.

**MOTION by Mr. Owen, seconded by Mr. Ladue, to recess the regular meeting and enter Executive Session for the purpose of continuing a discussion of an appeal by Carl Moulton of a Planning Commission decision PC-11-13, Docket No. 176-12-11 Vtec, and to invite the Selectboard Clerk to attend.**

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

The regular meeting was recessed and the Selectboard re-entered Executive Session at 9:05 p.m.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn Executive Session and reconvene the regular meeting.**

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

Executive Session was adjourned and the regular meeting reconvened at 9:30 p.m.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to proceed with litigation related to an appeal by Carl Moulton of a Planning Commission decision PC-11-13, Docket No. 176-12-11 Vtec, rather than use mediation.**

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

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

The meeting was adjourned at 9:35 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary