

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
JULY 25, 2011**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Patrice Machavern, Ellie Russell, David Marshall, Tom Zweber, Jenny Cole, Mary Mead, Hugh Lewis Jr, Spin Richardson, Gerald Bouchard, Kate Lampton, Dana Farley, Vince Crockenberg, Stephen Brooks, Dick Weed, Ann Owen, Joan Braun, Nancy Wood, Dorothy Pellett, Sheri Duff, Charlotte Citizen; and others.

6:30 p.m. SITE VISIT: 950 Spear Street – for Highway Access Permit application by Thomas and Gwendolyn Zweber

CALL TO ORDER

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

ADJUSTMENTS TO AGENDA

Add: Thompson's Point and Deer Point lease discussion.

PUBLIC HEARING

None

MINUTES

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the minutes of 07/11/2011, as written, with edits.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a change to the approved minutes of 06/27/2011, as amended.

VOTE: 5 ayes; motion carried.

THOMAS AND GWENDOLYN ZWEBER – request for a Highway Access Permit for proposed lot (currently 950 Spear Street) for a driveway for residential use – action under consideration: approve access

Mr. Bloch reviewed that the Charlotte Road Commissioner has reported sight distances of 500' for the proposed driveway location. A culvert is not necessary, but some brush cutting would be required, said Mr. Bloch.

MOTION by Mr. Delaney, seconded by Mr. Stone, to approve a request for a Highway Access Permit for a proposed lot, currently 950 Spear Street, for a driveway for residential use.

VOTE: 5 ayes; motion carried.

LIAM MURPHY – request to waive subdivision fee for conservation lot – action under consideration: waive \$500 per-lot fee for Lot 8 of the proposed subdivision, which is proposed by the applicant to be conserved

MOTION by Mr. Delaney, seconded by Mr. Owen, to approve a request by Liam Murphy, applicant, to waive \$500 per-lot fee for Lot 8 of the proposed subdivision, which is proposed by the applicant to be conserved.

DISCUSSION:

Mr. Murphy reviewed that a Preliminary Plat application was due tomorrow. The original proposed subdivision was for a 9 lot subdivision with 10 dwellings. Due to neighbor concerns the subdivision has been reduced to 6 dwellings, and a core parcel would be conserved as a separate Lot 8, which would be conveyed to the Macek family. The Macek family would combine Lot 8 with two lots of Macek land to be conserved, and enter into a separate agreement with the Charlotte Land Trust, as proposed by the Charlotte Land Trust. The revised plan and conservation lot has been reviewed by the Planning Commission, said Mr. Murphy.

Mr. Owen asked if the Town has a precedence to waive fees for conservation land. Mr. Bloch explained that the Selectboard has waived fees for affordable housing projects in the past. Mr. Stone clarified that the Selectboard would set a precedent for waiving fees for conservation land tonight. Mr. Bloch replied yes.

Mr. Russell suggested the Board consider the matter at a later meeting. Mr. Murphy replied that he would need to pay the application fees tonight. He had a Charlotte Land Trust letter that outlined the Macek conveyance proposal. There would be no development on Lot 8. The Charlotte Land Trust would own the development rights, said Mr. Murphy.

Mr. Russell noted that this brings up what the purpose of fees were, and to revisit the rationale behind fees. Do fees get waived for conserved lots in other towns, asked Mr. Russell.

Mr. Murphy said that the Macek's own property to his north and south. The Charlotte Land Trust asked the Macek's to own the whole conserved land, which is about 80 acres total. Mr. Murphy's house would have had a 35 acre lot versus a revised 5 acre lot. He has agreed to give the land as per the Charlotte Land Trust proposal, said Mr. Murphy.

Ms. Lampton explained that Mr. Murphy was correct that it was the Charlotte Land Trust that said the proposal would be more flexible as one 30 acre separate lot versus three separate lots.

Mr. Marshall, Civil Engineering, Associates and Mr. Murphy's consultant, said that other towns use a charge per residential unit to cover staff service costs. Charlotte is a fee per lot cost. A question is - what is an appropriate way to go. The Charlotte

Land Trust management is looking at a fee simple transaction in this case, explained Mr. Marshall. Mr. Russell pointed out that there is some staff time related to review of documents, such as wildlife habitat and maps. A \$100 fee charge versus waiving the \$500 fee may make more sense, suggested Mr. Russell. Mr. Stone said he didn't want to set a precedent. Mr. Owen spoke in favor of waiving the fee, but it didn't take staff time into account.

Mr. Murphy stated that he was giving the land to the Land Trust. It was not a sale. If the Town was charging a fee for staff time, then fine, but if he had to give the land plus pay to give it, that is another thing, said Mr. Murphy.

Mr. Delaney said he was sympathetic to Mr. Murphy's situation, and suggested the Board look at the fee schedule and consider changes, but do it after this case. He supported charging a fee for this request, said Mr. Delaney.

Ms. Cole asked if the conveyance portion would sell the land to the Land Trust. Mr. Murphy replied that the conveyance to the Land Trust is without cost to the Land Trust, or the Macek's.

VOTE: 1 aye (Mr. Owen), 4 nays (Mr. Russell, Mr. Stone, Mr. Ladue, Mr. Delaney); motion failed.

SET TAX RATE – action under consideration: approve municipal tax rate for FY11-12

MOTION by Mr. Stone, seconded by Mr. Ladue, to set a total municipal tax rate at \$0.1663 as presented.

DISCUSSION:

Ms. Machavern, resident, asked for clarification of a \$9 million delta in the Grand List. Why would listed values increase so much in a down economy. Is that a typical increase, asked Ms. Machavern. Mr. Russell calculated that it was a 0.64 percent increase. It could be an increase in permit applications and new construction, suggested Mr. Russell. Ms. Mead said it was more a Listers' question. Mr. Russell said he had talked with Kay, and she said the Grand List went up. He didn't ask why it went up, said Mr. Russell.

Mr. Richardson asked why the non-residential rate was higher from last year. Ms. Mead replied that as the common level of assessment (CLA) decreases, the residential tax rate increases. Charlotte's CLA is under 100 percent currently, so the rates are higher, said Ms. Mead.

VOTE: 5 ayes; motion carried.

WEST CHARLOTTE VILLAGE WASTEWATER STUDY COMMITTEE – presentation – discussion only

Mr. Ladue, Mr. Marshall, Ms. Farley and Mr. Crockenberg, West Charlotte Village Wastewater Study Committee members, reviewed Town Plan goals related to West Village water and sewer needs, and West Charlotte Village Wastewater Study recommendations (page 6).

Mr. Marshall said that the Town needed to create a wastewater ordinance, which would provide a framework on how a system would operate.

Mr. Russell asked for clarification regarding connection costs estimates (page 20) that were less than originally surveyed (page 9). Mr. Ladue replied that the first survey assumed a larger service area. Subsequently a smaller service area was identified, said Mr. Ladue.

There was discussion regarding the existing wastewater collection system, current uses and projected future uses; an estimated \$20,000 hookup fee (Mr. Marshall reviewed two options: the Town could bond to extend the village system and users pay a fee, or residents who want to hookup would pay to extend the system on an IOU program); a Town set-aside capacity that could be shared for Village/commercial uses; a suggestion to create a sewer district and costs shared by users, such as at Thompson's Point; how the committee determined a projection for failed systems (page 8); and a question if the Charlotte Land Trust or Vermont Land Trust have to approve any changes to the Burns property uses.

Ms. Coleman, resident, expressed concerns regarding projected Greenbush Road septic system failures, and a past Town vote that the Burns property septic was for municipal use only, not residential. Would the matter come back to the whole Town for reconsideration. She did not agree with the Town Attorney's opinion regarding proposed uses. Also, the Town does not have 50 percent of septic capacity at the Old Lantern. It is only 25 percent. What will the Selectboard do when the Churchill Road septic systems fail. The proposal for use by the West Village only seems elitist. What will the Town do for people on the east side of Route 7, stated Ms. Coleman. Mr. Russell said that the Town Plan calls for development concentration in the villages. The Town Attorney says the system could be extended, but it brings up a question – should the matter be brought up for a Town vote, said Mr. Russell. Mr. Ladue replied that a 2011 Town Meeting survey showed support for sharing the septic resource. Ms. Farley explained that part of the agreement is for the Town to pursue uses for the Burns property in an open planning process. There is nothing in the report that prevents going to a Town vote, and no committee member would think it a bad idea, said Ms. Farley.

Mr. Crockenberg said that the committee took their charge from the 2009 Town Meeting language, and they were given a very clear area to look at. Churchill Road was not included. The idea was to present a report to the Selectboard and Town. It is not a final report, said Mr. Crockenberg.

Ms. Machavern said that the school was one mile up the road and there were septic issues there. Could the school tap into the extended wastewater system, asked Ms. Machavern. Mr. Marshall said the committee looked at the school's wastewater reports, but it was not included in the study. The school needs would overwhelm the capacity. It is a goal for the West Village and how to reach goals, said Mr. Marshall.

Mr. Weed expressed concern related to 89 parcels as identified in the Munson report, and that the character of Greenbush Road was very different from the commercial areas designated in the Munson report. Mr. Marshall clarified that the core village area was eligible to tie into the septic from the Old Brick Store to Route 7.

Mr. Stone briefly reviewed concerns and issues encountered when the Town built the library. The Town was fortunate to have septic capacity. The library will get bigger. A question is – what will that next library look like in Charlotte. We should save what we have for a bigger library, said Mr. Stone. Mr. Crockenberg said the committee considered existing municipal buildings, not future bigger buildings.

There was further discussion regarding current septic capacity on the Burns property; reaching benchmarks and next levels of planning, which would require new environmental studies; current state rules related to repair of failed septic systems (it is a best available fix solution); potential future users, such as senior housing and looking at Town and private resources in support of those projects; and future steps.

An expanded final wastewater report could include the school septic issues; other areas, such as Churchill Road; include negative comments for additional discussion; and re-visit the Burns property MOU, which is unfinished business.

Ms. Russell said she would e-mail her concerns to the committee.

SIDEWALKS ON FERRY ROAD – presentation by ad-hoc committee – discussion only

Ms. Braun, Ms. Cole, and Ms. Owen, Ad-hoc Committee members, reviewed a brief committee history, concerns for pedestrian safety in the West Village, and sidewalk survey responses.

Ms. Cole reviewed e-mail responses received in support of sidewalks, and a letter from the Charlotte Children's Center, dated 07/25/2011.

Mr. Stone asked if the Town wanted bring the matter for a Town Meeting vote to spend \$25-30,000 for a sidewalk engineering study, or put a project out for bid. Ms. Braun said that if the Town would appoint a legal committee, then that group could apply for grants and funding. Ms. Owen suggested that local business people and local residents could be included on a committee. Ms. Cole said that there were 6 people that expressed interest in taking the sidewalk idea to the next step. A presentation could be done at the 2012 Town Meeting, suggested Ms. Cole. Ms. Owen spoke in favor of doing the project locally to get what we want quickly. If we go for funding there are a lot of requirements and it takes a long time, pointed out Ms. Owen.

Mr. Ladue and Mr. Crockenberg said that sidewalks, parking, storm water runoff, and bicyclists should be considered. Ms. Coleman expressed concern that there was not enough space in the Town right of way for bike lanes, sidewalks, cars, etc. Mr. Richardson reported that storm water runoff washed into Shirley Bruce's driveway.

Curbing would keep that from occurring. His concerns were snow removal and liability to property owners, said Mr. Richardson. Mr. Bloch pointed out that an engineering study was needed to address water issues and utilities.

Ms. Cole suggested putting a brief article for committee volunteers in the newspaper and on the Front Porch Forum.

Following further discussion, Mr. Marshall volunteered his professional time to assist a committee. Questions are - what could be put into the space, what it would look like and how to fund it, said Mr. Marshall.

Mr. Delaney said that there is non-public and private funding in addition to public funding to consider.

Ms. Machavern suggested that the Selectboard charge the current committee to continue working and with volunteers, or others, to be determined at a later date.

CONFLICT OF INTEREST POLICY – discussion only

Mr. Delaney reviewed a draft Conflict of Interest Policy and attachments, and suggested that the Selectboard put the draft policy on the next Selectboard meeting agenda for approval consideration. Board members could e-mail comments to him, said Mr. Delaney.

WAITSFIELD AND CHAMPLAIN VALLEY TELECOM – request to install two pedestals in Spear Street right-of-way in order to abandon existing cable that is buried above the concrete culvert near 6136 Spear Street, to allow replacement of the culvert – action under consideration: approve request

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request to install two pedestals in Spear Street right-of-way in order to abandon an existing cable that is buried above the concrete culvert near 6136 Spear Street, and to allow replacement of the culvert.

DISCUSSION:

Mr. Lewis, Charlotte Road Commissioner, explained that there would be four pedestals, not two. There were two cables, one for Comcast and one for telephones. He thought that Comcast was planning to go into the same trench. Time to complete the project was a concern since it could rain in September, said Mr. Lewis.

AMENDMENT by Mr. Stone and seconded by Mr. Owen, to change “two” pedestals to “four” pedestals.

VOTE: 5 ayes; motion carried.

CLEAN-UP OF DRYER ON NORTH SHORE ROAD – action under consideration: authorize hiring of contractor to be reimbursed by CSWD clean-up fund

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize hiring of a contractor to clean-up dryer on North Shore Road to be reimbursed by CSWD clean-up funds.

VOTE: 5 ayes; motion carried.

Mr. Russell explained that Mr. Brooks would hire a contractor to clean up North Shore Road, and seek CSWD reimbursement funds. The Selectboard would consider clean up of tires on the Knowles Farm at the next Board meeting, said Mr. Russell.

REQUEST BY THE ZONING ADMINISTRATOR TO ENFORCE TWO NOTICES OF VIOLATION FOR PROKOP (STORAGE TRAILERS) AND BEDARD (APARTMENT WITHOUT PERMITS) - action under consideration: approve bringing action in Chittenden County Superior Court
MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by the Charlotte Zoning Administrator to enforce two Notices of Violation for Prokop (storage trailers) and Bedard (apartment without permits) and to bring action in Chittenden County Superior Court.

VOTE: 5 ayes; motion carried.

SELECTBOARD MEETING SCHEDULE FOR SUMMER AND FALL – action under consideration: change dates of meetings scheduled on August 22, and in October and November

August 22, 2011 date change would be discussed at the next Selectboard meeting (August 8, 2011). Meeting dates for October 3 and 24th were approved. Meeting dates for November 14 and 21 were approved.

SELECTBOARD UPDATES

Thompson's Point Agricultural Lease – discussion

Mr. Ladue reported that he had telephoned Mr. Kenyon regarding the Thompson's Point Agricultural lease. Mr. Kenyon has not returned his call.

Deer Point Lease – discussion

Mr. Ladue said that a draft amendment to the Deer Point lease has been reviewed by the Town Attorney. Should the draft lease be forwarded, asked Mr. Ladue.

The Selectboard was in favor of forwarding the draft lease.

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 9:40 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary