

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
JUNE 22, 2015**

**APPROVED**

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Fritz Tegatz, Matthew Krasnow, Carrie Spear, Jacob Spell.

**ADMINISTRATION:** Britney Tenney.

**OTHERS:** Susan Smith, Dean Leary, Janet Morrison, Peter Trono, Robin Reid, Jeannine McCrumb, Stephen Brooks, Hugh Lewis Jr, Marty Illick, Roy Shift, Jenny Cole, David Marshall, Robert Mack, David Mack, Bill Fraser-Harris, Abby Foulks, Steve Znamierowski, Kevin Bassett, Peter Demick, Matt Keller, Charlotte Citizen; John Hammer, Charlotte News, and others.

**5:30 PM SITE VISIT: East Thompson's Point Road drainage issues.**

**ITEMS TAKEN UP:**

- 7:05 PM East Thompson's Point Road drainage issues. Discussion only
- 7:45 PM Kelly Brush Ride on September 12, 2015. Action under consideration: approve organizational plan
- 7:55PM Green Mountain Bicycle Club—time trials on July 9 and August 13, 2015. Action under consideration: approve organizational plan
- 8:05 PM Purchasing Policy. Actions under consideration: (1) approve policy; (2) designate the Road Commissioner as Purchasing Agent for all purchases pertaining to the Highway Budget, i.e. within general ledger account 100-500.
- 8:20 PM Clean-up of dumping sites. Actions under consideration: (1) approve use of the CSWD Community Clean-up Fund to pay contractor, hauler and disposal fees for the clean-up of dump sites at Charlotte Central School and adjacent to Lime Kiln Road (Manchester property); (2) select contractor to undertake clean-up of the Lime Kiln Road site
- 8:30 PM Lime Kiln Road illegal dumping site. Action under consideration: approve use of the CSWD Community Clean-up Fund to take steps to discourage or prevent future illegal dumping
- 8:35 PM Select contractor for deck replacement and associated repairs to Bridge 30 (Carpenter Road). Action under consideration: approve contractor and bid
- 8:40 PM Ferry Road stormwater control. Action under consideration: approve contractors
- 8:55 PM Comfort Hill—renewal of Animal Housing Contract for FY16 for \$600. Action under consideration: approve
- 9:00 PM Thompson's Point lease for Lots 176 & 177 at 760 North Shore Road. Actions under consideration: Terminate lease to Steven Stetson; Approve new lease to Gary F. and Jane Alsofrom, Co-Trustees of the Gary F. Alsofrom Trust.

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 7:03 p.m.

#### **ADJUSTMENTS TO AGENDA**

None.

#### **PUBLIC COMMENT**

Ms. Reid said that she was no longer reporting for the Charlotte Citizen. Her news blog, [blogspot.ruraltoday](http://blogspot.ruraltoday), would feature Town news with photographs.

#### **EAST THOMPSON'S POINT ROAD DRAINAGE ISSUES. Discussion only**

Ms. McCrumb, Charlotte Zoning Administrator, reported that she had met with Ms Illick (Lewis Creek Association), Roy Shift (consultant), David Mack, and Robert Mack for a site visit at the former LeBerge farm at 4:30 p.m. this date. The site, lay of the land, water flows, and current best farm management practices were viewed. An oral history of the property was given. At 5:30 p.m. the Selectboard met at the property for a site visit. Attending were Selectboard members, Hugh Lewis Jr (Charlotte Road Commissioner), Robin Reid, Susan Smith (Deputy Tree Warden), and adjoining landowners. The attendees discussed observations of the various interested parties that included water hydrology, ditches, and the state of the Town planted shade trees, said Ms. McCrumb.

Mr. Morrison reported that the 25 trees planted along the roadway were damaged by the farming practices. The Town road ditch was carrying more water than it was designed for. Water runoff from the LeBerge farm, north to south, emptied into the Town ditch and there was field erosion. Water runoff from the field impacted Thorp Brook. Concerns were the stricter standards written into H-35, Clean Water Regulations, which would be effective by 2017, said Mr. Morrison.

Ms. McCrumb clarified that H-35 was signed into law currently. By 2017 the state would write complete the rules and assistance available. Agricultural best practices were a part of H-35, said Ms. McCrumb.

Ms. Reid pointed out that the field would be seeded in hay for 6 years. It was not clear when the field use would change for tillage, said Ms. Reid.

Mr. Morrison said that the field would not be disturbed except for haying, and appeared to be stable for now. State statute says that a property owner has no right to introduce water into a public right-of-way without the permission of the governing body, said Mr. Morrison. Mr. Tegatz pointed out that the Town had no ordinance in place to enforce compliance as allowed in Title 19.

Ms. Illick explained that a Head of the Storm educational program was for private and public sites. She was interested in working with the Mack's. The program includes grant money that could be used to help defray the costs of an investigation of a demonstration site, site visits, design work funding, or for technical expertise. Ten projects could be done, and we are looking for high visibility projects. A start date for program has not been decided, said Ms. Illick.

Mr. Trono suggested that water flows from the abutting neighboring properties were also contributing to the amount of water entering the Town ditch. Do the neighbors have any responsibility to help reduce the in-flows, asked Mr. Trono.

There was lengthy discussion regarding changes to the 100 plus acre LeBerge farm over the years using historic and current ortho-photographs to chart differences; topographic features that contributed to the water surface problems, such as water flowing from the west side of Greenbush Road, shale ridges, springs and water flow where the LeBerge barn was; and issues created when the Mack's combined several fields into one large field and eliminated green buffers and filled in a green swale that had been a brook, or stream.

Mr. Morrison said that the LeBerge's swale had a purpose to catch and contain water flows off the fields. Are the new owners allowed to create one big field and change the drainage plan, asked Mr. Morrison.

Mr. Krasnow said that at the site visit it wasn't clear that the north-south ditch was the path of least resistance for water runoff. The Mack's changed farming methods to follow a north-south orientation of planting to increase production of crops, and that appeared to ease runoff into Thorp Brook, suggested Mr. Krasnow.

Mr. Leary, an adjoining neighbor, said that Mack's farm practices were not improving the situation. He didn't believe that the erosion issues have improved, stated Mr. Leary.

Mr. Krasnow said that a 2013 Google maps photograph shows a ravine. We have the ability to quantify the differences of how the land looked in 2008 photographs and 2013, said Mr. Krasnow.

Mr. Leary said that prior and current agricultural practices were in dispute. A private property owner was damaging Town trees and diverting water into a Town ditch. This was not acceptable. The Town shouldn't need to pay for any studies. The fields should be put back the way they were, said Mr. Leary.

Mr. (Robert) Mack pointed to a ditch/swale using a 2008 ortho-photograph Water went into that ditch, which went into Thorp Brook and there was erosion. He did pull back dirt lips along the top of the field so that water sheeted onto the field at multiple points. The Le Berge cows were a part of the erosion problem, said Mr. Mack. Mr. Leary stated that it was a farm road to a field, not erosion in a ditch.

Mr. Lewis said that the north-south ditch the Mack's put in doesn't take water from the field. Water comes from above and dumps into the Town ditch. David Mack moved dirt from the ditch and piled it up against the trees. That keeps water in the field. Looking north there is a 20' strip that slopes north versus to the road ditch. Robert asked for trees to be planted there. The field should have been sloped first, and then the trees planted.

The Town paid to plant the trees there. The ditch could be stone lined past the farm access where the ground is flatter, suggested Mr. Lewis.

In response to a comment that growing hay made the field stable, Ms. Illick said that the field was not stable due to erosion in the east area.

Mr. (Robert) Mack said that the erosion problem needed to be fixed and the side of the ditch should be seeded. Ms. McCrumb stated that the problems will continue there. The north-south ditch doesn't make the erosion problem any less. We need to understand how water flows across the property, said Ms. McCrumb.

Ms. Smith asked if it was better to wait to move the trees. A letter was received from Linda Hamilton noting that the trees were not causing the problems. A solution was to keep a green buffer and put in a swale on the other side. The Mack's should take the dirt off the roots of the trees to save them, said Ms. Smith.

Mr. (David) Mack said move the westerly trees out to the south side of the road and slope the ditch. He could bring in dirt to build up the area around the field entrance, plant a green cover at the ditch bank, and put in rock. The ditch should be trenched one foot deeper, said Mr. Mack.

Mr. Shift said that he observed water flow on the fields at the site visit. There were alternatives that could be considered; for example, where water originated from, or how tractor movement across the field influenced water flows. A forensic study of the farm history should be done. The trees could be incorporated in a plan to adjust water flow and reduce erosion, said Mr. Shift.

Mr. Tegatz said he had a concern regarding using Town funds to solve an agricultural problem.

Mr. Morrison said that the trees seemed fine for now. The hay crop would absorb water over the next 5-6 years, reiterated Mr. Morrison.

*TASKS FOR MOVING FORWARD ON THIS ISSUE::*

- Mr. Shift to provide an estimated time schedule to create a farm history, and identify potential funding sources and/or grants available for the history study.
- The Tree Warden to present a report on the state of the trees.
- Consider a Town ordinance to provide enforcement of the H-35 rules and regulations.
- Ms. Illick, Mr. Shift, and Ms. McCrumb to assist the Mack's in preparing a professional assessment regarding the LeBerge farm as a potential Head of the Storm program site.
- A proposal to be presented to the Selectboard for discussion of the issue in a month as an action item.
- Identify the party(s) responsible for paying for the situation.

- Staff to add a continued discussion of the East Thompson's Point Road drainage issues to the next Selectboard agenda.

**KELLY BRUSH RIDE ON SEPTEMBER 12, 2015. Action under consideration: approve organizational plan**

Elizabeth Langfeldt, Kelly Brush Ride representative, reviewed a request to hold a family fund raising bicycle ride on September 12, 2015. Rider safety was the first priority, stated Ms. Langfeldt.

Mr. Fraser-Harris, Recreation Commission representative, reported that the ride had no incidents for many years. A half-marathon event from Shelburne and using Greenbush Road would occur the same day, noted Mr. Fraser-Harris. Ms. Langfeldt said that the two events would not coincide. The marathon should be finished before 10:30 a.m. The ride security has been coordinated with Shelburne Police Chief Warden, said Ms. Langfeldt.

**MOTION by Mr. Spell, seconded by Mr. Krasnow, to approve an organizational plan regarding a Kelly Brush Ride for Saturday, September 12, 2015, as presented. VOTE: 5 ayes; motion carried.**

**GREEN MOUNTAIN BICYCLE CLUB—TIME TRIALS ON JULY 9 AND AUGUST 13, 2015. Action under consideration: approve organizational plan**  
**MOTION by Mr. Spell, seconded by Ms. Spear, to approve an organizational plan request by Green Mountain Bicycle Club to hold Time Trials on July 9 and August 13, 2015, as presented.**

**DISCUSSION:**

Kevin Bessett, Green Mountain Bicycle Club President, reviewed a request to hold time trials going north on Greenbush Road from Thompson's Point Road and back. Start time was at 6:30 p.m. and ending at 8:30 p.m. Warm up was on Thompson's Point Road. Robert Mack's field would be used for car parking, explained Mr. Bessett. Mr. Znamierowski said that one rider at a time would go at one minute intervals.

**VOTE: 5 ayes; motion carried.**

**PURCHASING POLICY. Actions under consideration: (1) approve policy; (2) designate the Road Commissioner as Purchasing Agent for all purchases pertaining to the Highway Budget, i.e. within general ledger account 100-500.**

**MOTION by Mr. Spell, seconded by Ms. Spear, to approve the draft Purchasing Policy, as updated 06/15/2015, with a correction on line 233 – change to read "...all lease purchase agreements..."**

**DISCUSSION:**

Mr. Trono noted that the Town Attorney was on the Vendor's List and should be removed. Mr. Morrison said that the Vendor's List would be reviewed at the next Selectboard meeting.

Mr. Mack asked who was in charge of managing all the Town organizations. There were too many 'purchasing agents', which should be managed by 2-3 people, said

**Mr. Mack. Mr. Morrison replied that responsibilities were spelled out in the “Purchasing Agents” section.**

**Ms. Cole said that the policy was not intended to change how the Town organizations worked. Training of the committee heads would be helpful, said Ms. Cole.**

**Ms. Reid suggested that instead of asking volunteers to attend training sessions it would be better to have a Selectboard member, or the Town Clerk, attend committee meetings. Mr. Tegatz pointed out that each committee had a Selectboard liaison assigned.**

**Mr. Trono noted that the Town uses a boiler plate RFP form. He would bring in an example of a descriptive template to consider, said Mr. Trono. Ms. Spell asked Mr. Trono if the Town Auditors would consider drafting a usable RFP form. Mr. Morrison suggested that the Town Auditors review Section 4 of the Purchasing Policy as an outline.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Spell, seconded by Mr. Krasnow, to designate the Charlotte Road Commissioner as Purchasing Agent for all purchases pertaining to the Highway Budget within the General Ledger account #100-500.**

**VOTE: 5 ayes; motion carried.**

**CLEAN-UP OF DUMPING SITES. Actions under consideration: (1) approve use of the CSWD Community Clean-up Fund to pay contractor, hauler and disposal fees for the clean-up of dump sites at Charlotte Central School and adjacent to Lime Kiln Road (Manchester property); (2) select contractor to undertake clean-up of the Lime Kiln Road site**

Ms. Foulks, Charlotte’s CSWD representative, reported that two dump sites have been identified. The CSWD deems that the sites were appropriate for the CSWD Community Clean-up Fund. A Got-Junk bid to clean up the school site was \$2,500. The Charlotte Central School has asked the Town to cost-share a rental fee for a trash container, which has not been formalized in writing. The CSWD fund was a reimbursement payout, said Ms. Foulks.

Mr. Morrison reviewed that one-half of the trash container rental fee was \$750, which would come out of the \$3,000 CSWD fund.

Ms. Foulks said that she contacted Lewis Excavating, Chris Mack and Dale Knowles for bids on cleaning up a second dump site off Lime Kiln Road. Chris Mack was not interested. The bid process should go through the Selectboard, said Ms. Foulks.

Mr. Lewis said he did not send in a bid. There were two dump locations on Lime Kiln Road and it would cost an estimated \$500 to clean up the sites.

Ms. Reid asked if other dump sites could be considered for the remaining \$1,250 clean-up funding. Ms. Foulks replied yes.

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve the use of \$750 from the CSWD Community Clean-up Fund to pay a cost-share for container fees from the lowest bid hauler to clean up the dump sites at the Charlotte Central School, and to use up to \$500 to clean up the Lime Kiln Road dump site.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve clean up of the Lime Kiln Road dump site on the Manchester property, and to use up to \$500 from the CSWD Community Clean-up Fund to hire Lewis Excavating to complete the project.**

**VOTE: 5 ayes; motion carried.**

**LIME KILN ROAD ILLEGAL DUMPING SITE. Action under consideration: approve use of the CSWD Community Clean-up Fund to take steps to discourage or prevent future illegal dumping**

Ms. Foulks pointed out that Charlotte did not have an ordinance to levy fines for illegal dumping in Town. As per state statute a minimum \$200 fine could be assessed. CSWD recommended posting signs and asking the Vermont State Police to gather and access any evidence so that a responsible person could be located and fined, said Ms. Foulks. Mr. Krasnow said that he would contact VSP Trooper Daley.

Mr. Hammer suggested purchasing game cameras with CSWD funds. Mr. Krasnow said that the speed cart would have a high definition game camera. A sign could be posted that the sites were under surveillance to discourage dumping. Charlotte was a small town and it might be possible to apply peer pressure to stop the dumping, suggested Mr. Krasnow.

**MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to purchase two signs using the CSWD Community Clean-up funds that state: Warning – No Dumping. Violators will be fined \$500 maximum.”, and to be installed by the Charlotte Road Commissioner for a cost up to \$350.**

**VOTE: 5 ayes; motion carried.**

**SELECT CONTRACTOR FOR DECK REPLACEMENT AND ASSOCIATED REPAIRS TO BRIDGE 30 (CARPENTER ROAD). Action under consideration: approve contractor and bid**

Mr. Tegatz reported that three bids to replace and repair Bridge 30 were received. The lowest bid was higher than the budgeted amount.

No action was taken. The Selectboard would re-consider the project at the next Selectboard meeting.

**FERRY ROAD STORMWATER CONTROL. Action under consideration: approve contractors**

Mr. Tegatz summarized proposed solutions to control stormwater runoff on Ferry Road in the West Village. State law says that transportation projects should consider Complete Streets solutions. There was a question if the program would apply to the Ferry Road project, said Mr. Tegatz.

Mr. Spell noted that Shirley Bruce's letter detailed water problem with her properties. A concern was if the solution would cure those problems, said Mr. Spell.

Mr. Tegatz said that he had met with Ms. Bruce and the engineer she had hired last week. The proposal to control surface runoff would not address her issues. Controlling water flow with pavement and curbing was a standard approach for handling surface runoff. It was the best and least expensive fix. Lewis Excavating did not bid on the Ferry Road project – would Mr. Lewis like to bid, asked Mr. Tegatz.

Mr. Lewis replied that the proposed solutions would not cure the water problems that Ms. Bruce has.

**MOTION by Mr. Tegatz, to approve a proposed Ferry Road stormwater control project budget line item of \$31,420, not including the cost of moving trees as identified.**

**The motion died for lack of a second.**

Straw poll:

Mr. Krasnow said that a village planning vision needs a bigger discussion. The proposed 20 percent increase in paved surface would look like a sidewalk, which the town was not in favor of, said Mr. Krasnow.

Mr. Spell said that he had concerns that the proposed project was a piece meal solution of larger problems. Paved surfaces over percolated soils can cause issues. People were talking about aesthetic appeals as well. There may be other ideas that would mitigate the drainage issues that should be explored further. Charlotte has well known landscape architects living here and could offer their expertise, said Mr. Spell.

Mr. Tegatz stated that water ran off Charlotte's roads. The rules were changing regarding paved roads coming up. A study of Ferry Road was done by DuBois and King and paid for. A long term study of the situation would cost much more money, said Mr. Tegatz.

Mr. Morrison said that an option was adding the road drainage issue to the Town Charter meeting for further discussion.

There was discussion regarding a drainage ditch that had existed along the south side of Ferry Road that handled water runoff in the past, but that had been filled in; concerns if the Town was obligated to restore what had previously existed; parking issues related to the Old Brick Store employees; and concerns that action was necessary to address water runoff and drainage, parking cars, and walkers in the street. Ms. Cole suggested looking for off street parking opportunities.

Mr. Marshall said that the Town would need a parking ordinance to manage it, or leave as is. There has been a lot of discussion and effort put into solutions in the West Village. A step was to figure out how to bring people and businesses into the village, and put in infrastructure that would support businesses. Or do nothing. The idea of creating a vision and utilizing a landscaping architect that lived in Town was attractive, said Mr. Marshall.

Mr. Krasnow pointed out that a Village Designation would allow the Town to apply for grant funding.

Mr. Spell suggested having a professional look at the Town Plan, and to enter the Town Plan into a CAD-type program.

Mr. Tegatz asked how an additional study and spending more money would be different from what was learned through the DuBois and King study.

**COMFORT HILL—RENEWAL OF ANIMAL HOUSING CONTRACT FOR FY16 FOR \$600.**

**Action under consideration: approve**

**MOTION by Mr. Spell, seconded by Mr. Krasnow, to renew the FY2016 Animal Housing contract with Comfort Hill for \$600, as presented.**

**VOTE: 5 ayes; motion carried.**

**THOMPSON’S POINT LEASE FOR LOTS 176 & 177 AT 760 NORTH SHORE ROAD. Actions under consideration: Terminate lease to Steven Stetson; Approve new lease to Gary F. and Jane Alsofrom, Co-Trustees of the Gary F. Alsofrom Trust.**

**MOTION by Mr. Krasnow, seconded by Mr. Spell, to terminate the Steven Stetson Thompson’s Point lease for Lots 176 and 177, 760 North Shore Road, and approve a new lease to Gary F. and Jane Alsofrom, Co-Trustees of the Gary F. Alsofrom Trust, as presented.**

**VOTE: 5 ayes; motion carried.**

**MINUTES: May 26, June 2, June 8, June 15**

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Selectboard minutes of May 26, 2015, as written.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Selectboard minutes of June 2, 2015, as written.**

**VOTE: 3 ayes, 2 abstentions (Mr. Tegatz, Mr. Spell) ; motion carried.**

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Selectboard minutes of June 8, 2015, as written, with edits:**

- **Page 3, line 134 – replace the word “improved” with “existing”; line 136 – insert the word “trim” between “and” and “one”;**

- Page 5, line 203 – change the date to read “June 22”.
- VOTE: 5 ayes; motion carried.**

**MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve the Selectboard minutes of June 15, 2015, as written.**

**VOTE: 5 ayes; motion carried.**

#### **SELECTBOARD UPDATES**

Ms. Spear reported on a Recreation Commission meeting, a Library Trustees meeting, and progress of the Disc Golf project.

Mr. Krasnow reported that the game cameras were received. One camera would be installed at the Town Beach, and the second camera would be mounted on the speed cart. A chain for the speed cart was investigated, said Mr. Krasnow. Mr. Tegatz suggested a braided stainless steel cable.

Mr. Tegatz reported on progress with the Library roof project.

Mr. Spell asked staff to add discussion of a Town Clerk letter regarding the Wage Policy.

#### **APPROVE WARRANTS TO PAY BILLS**

The Selectboard signed warrants to pay bills.

#### **ADJOURNMENT**

**MOTION by Mr. Tegatz, seconded by Mr. Spell, to adjourn the meeting.**

**VOTE: 5 ayes; motion carried.**

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

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.