

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
JUNE 27, 2011**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Hans Ohanian, Junior Lewis, Nancy Wood, Ellie Russell, Stephen Pintauro, Sallie Pintauro, Tom Smith, Nancy Smith, Mary Mead, Moe Harvey, Nancy Severance, Raina Donahue, Matthew Donahue, Sheri Duff, Charlotte Citizen; and others.

CALL TO ORDER

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

ADJUSTMENTS TO AGENDA

Add:

- Contract with a consultant for updating the Town Plan
- Selectboard Agenda notification e-mail list – discussion only

Agenda notification e-mail list – discussion only

Mr. Delaney reported that Nancy Wood will write an article alerting interested parties to send in their e-mail addresses to create a Charlotte Selectboard agenda notification e-mail list. An improved notification method makes the Selectboard meeting process more transparent, said Mr. Delaney.

Town Plan Consultant contract

Mr. Bloch handed out copies of a draft Letter of Agreement to hire a consultant to assist the Planning Commission with a Town Plan update. Sharon Murray was contacted. The Town Attorney has reviewed the agreement, said Mr. Bloch.

Mr. Stone asked if the Selectboard would receive a copy of the consultant's report. The Board may have questions, said Mr. Stone. Mr. Bloch replied yes, and explained that funding for the consultant would come from either the Selectboard's, or the PC budget, if there was money left at the end of the year.

Mr. Russell suggested scheduling a joint Selectboard and PC meeting to save time and funds.

(NOTE: discussion regarding hiring a Town Plan consultant was continued following the Trail on Knowles Farm agenda item, but appears here for continuity.)

Mr. Russell suggested placing a warning to hire a Town Plan Consultant at a special meeting next week, or the Board could take up the issue now. Mr. Stone noted that the contractor needed to know by July 1st.

Mr. Ladue said that we just heard from Ms. Mead that we were over budget.

MOTION by Mr. Stone, seconded by Mr. Delaney, to contract with Sharon Murray for Town Plan consulting for \$3,000 for the purpose of discussion.

DISCUSSION:

Mr. Russell clarified that the \$3,000 would come from this year's budget.

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

PUBLIC HEARING

None

MINUTES

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve the minutes of 06/13/2011, as written, with edits.

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

Stephen & Sallie Pintauro – request for a Highway Access Permit at 6110 Mount Philo Road for a driveway for residential use – action under consideration: approve access

MOTION by Mr. Stone, seconded by Mr. Delaney, to grant a request by Stephen and Sallie Pintauro for a Highway Access Permit at 6110 Mount Philo Road for a driveway for residential use, for the purpose of discussion.

DISCUSSION:

Mr. Lewis said that 400' of sight distance was needed. Mr. Russell noted that the current 250' of sight distance was short of the 400'.

Mr. Ladue said the road makes reaching the 400' requirement a challenge. The road goes up, over a brow, and then down again, explained Mr. Ladue.

Mr. Russell asked the applicants if there was a reason they didn't use an existing agricultural cut. Mr. Pintauro replied that the further down the road you go you don't gain anything.

Mr. Delaney asked if it was possible to hire an engineer to find the best driveway sight distances given the safety factor. Mr. Pintauro said he was willing to cut back brush to increase the sight distances. Mr. Lewis would be asked to look at the driveway location as an engineer, said Mr. Pintauro.

Mr. Ladue said that there is a significant berm there. Mr. Pintauro said that the berm could be cut down some.

Mr. Lewis explained that raising the driveway would increase visibility, as would moving it further uphill. Mr. Kauflin's flower bed around the mailbox was an obstruction, said Mr. Lewis.

There was further discussion regarding the drop in elevation in the roadway, a tree in the Town right-of-way located near the proposed driveway that could be cut down, a Selectboard member request for more information from the Charlotte Road Commissioner (Mr. Lewis said he had visited the proposed driveway location and told the applicants that it was not a good spot for a driveway due to the speed of the road), and a suggestion by Mr. Russell for the applicants to engage an engineer to measure sight distances further north.

Mr. Stone and Mr. Delaney tabled the motion for further consideration of the application at the July 11, 2011 Selectboard meeting.

Raina & Matthew Donahue – request for a Highway Access Permit at 1921 Greenbush Road to move an existing access serving as a driveway for residential use – action under consideration: approve access

MOTION by Mr. Stone, seconded by Mr. Delaney, to grant a request for a Highway Access Permit at 1921 Greenbush Road to move an existing access serving as a driveway for residential use by Raina and Matthew Donahue.

DISCUSSION:

Mr. Stone noted that sight distances were 500' both ways. Mr. Ladue said he had met with neighbors at the site visit and they liked the location.

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

Reconsider request to re-name private road "Windever Lane" – action under consideration: revoke approval of 6/13/2011

Ms. Smith said that the name of Windever Lane has not been withdrawn if there was a chance the request would be re-approved. They have not come up with a new name, explained Ms. Smith.

Mr. Stone explained that the Town's E-911 Coordinator and the Charlotte Road Commissioner had not been consulted regarding the proposed name at the 06/13/2011 Selectboard meeting. He was sorry for the inconvenience, said Mr. Stone.

Mr. Russell reported that the proposed road name was reviewed by the Shelburne Police Chief. The Chief explained a problem related to road names and the police dispatch service. Names must be heard clearly over phone lines by the emergency services, said Mr. Russell.

Ms. Smith said that Champion Drive was a second name choice. The previous Charlotte E-911 Coordinator thought that was OK, said Ms. Smith.

Mr. Russell explained that the Town needed to go through a process to appoint an E-911 Coordinator before approving a road name. The Selectboard would consider a vote on the proposed name at the 07/11 2011 meeting.

MOTION by Mr. Stone, seconded by Mr. Delaney, to revoke the name “Windever Lane” for a private road and to re-consider a private road name request by Nancy and Tom Smith at the 07/11/2011 Charlotte Selectboard meeting.

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

Review of year-to-date budget – discussion only

Ms. Mead, Charlotte Town Clerk/Treasurer, reviewed the Selectboard year-to-date budget. Grant re-imbursement funds were received today. The Town may need to borrow up to \$300,000 by early July. After the Listers finalize a Grand List the Selectboard will need to set a tax rate in order for the Town to borrow funds, noted Ms. Mead.

There was discussion regarding over expenditures by the Charlotte Museum, Traffic Enforcement (Ms. Mead explained that there was a disconnect between what was contracted for related to hours and what was invoiced and paid for by the Town Treasurer), and communicating to Shelburne Police Charlotte expectations regarding traffic enforcement related to speeding drivers and what message the Shelburne Police were receiving from the Town of Charlotte.

Letter of Interest to host a windmill (100 kW, 121 foot tall) on Pease Mountain – action under consideration: approve submitting Letter of Interest to Green Mountain Power

Mr. Ladue reviewed that the Energy Committee has asked permission to submit a Letter of Interest to Green Mountain Power (GMP) to install a 100 kW windmill in Charlotte. There is an existing WIZN tower on Pease Mountain, which is on Town owned land and close to the school for an educational value.

Mr. Ohanian, who is an Energy Committee member, but representing himself as a resident and not speaking on behalf of the Energy Committee, explained that the Town could expect a ten percent capacity factor from the windmill, which would translate into \$1,200 per year for Charlotte. The windmill is not “free”. There are other Vermont towns that have better wind resources than Charlotte. He has measured 9.2 – 12 mph winds at a 100’ height in Charlotte. The numbers produced by the Horsford windmill were seven percent of capacity factor. He did not know what Mr. Prout’s windmill produced. It is worth investigating and collecting information, however, a wind resource map shows that Charlotte is a Category 1. Charlotte doesn’t have the wind and the Town should concentrate on other projects, said Mr. Ohanian.

Ms. Severance pointed out that David Blittersdorf has collected wind data all over Charlotte.

Mr. Harvey asked how many kW David Pill’s windmill generated. Mr. Ohanian replied he gets 6,000 kW per year.

Mr. Bloch clarified that it was not clear how many windmills GMP would install around Vermont. Should a Letter of Interest include wind speeds, asked Mr. Bloch. Mr. Ohanian replied no. GMP is seeking one-third of the capital costs, which would be federal money, other public funding sources, and tax credits. GMP was not doing the program to produce electricity. Does the Selectboard want the Energy Committee to write an essay, asked Mr. Ohanian. Mr. Ladue said a better question is does the Town have a parcel of land to offer for the project. The Town land on Pease Mountain is already leased out, said Mr. Ladue.

Police Contract with the Town of Shelburne – action under consideration: approve contract

MOTION by Mr. Ladue, seconded by Mr. Delaney, to approve a police contract with the Town of Shelburne as presented.

DISCUSSION:

Mr. Bloch reviewed changes to the proposed police contract as follows:

- **Under Scope of Service, 1st paragraph “...will not exceed 30 hours.”**
- **Under Reports – monthly reports will include the number of violations.**
- **Insurance was added.**

Mr. Russell suggested re-writing the last sentence under Scope of Service for clarity.

Mr. Stone said that the Town has \$40,000 budgeted for 20-30 hours of traffic enforcement. The Town should change that to \$20,000 and purchase a portable traffic speed carts for \$15,000. A cart could be placed at Greenbush Road, Spear Street, etc. Shelburne does have a speed cart that they share. We could get a bigger bang for our buck by purchasing a cart. Shelburne has the impression from Charlotte that we are trying to slow people down, but not hand out tickets, said Mr. Stone.

Mr. Russell said that was discussed at the March Town Meeting and it was voted to keep the \$40,000 in the budget. Charlottes’ were fine with ticketing people, said Mr. Russell. Mr. Stone said that if we want to fine people, then we should send a letter explaining our general goals along with the contract. Mr. Ladue pointed out that Mr. Owen is the Charlotte Selectboard liaison with the Shelburne Police. Mr. Russell said that a letter with Charlotte’s expectations, including ticketing speeders, could be included with the contract. It should be made clear to Mr. Owen as well, said Mr. Russell.

Mr. Stone spoke in support of a letter with expectations. Budget numbers didn’t need to be included, said Mr. Stone.

There was further discussion regarding traffic enforcement efforts and if handing out speeding tickets slowed drivers down, or not.

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

Co-housing Trail

- Approve contracting with Brian Valimont of New England Archaeology Co., LLC for archaeological Phase 1 study for \$4,775 (to be reimbursed by the Vermont Recreation Trails Program grant).
- Approve contracting with Erin Haney and Jim Donovan to undertake wetland and ACT 250 permitting for \$720 and \$2,510, respectively, (to be considered a partial match for VRTP grant in 2011 and 2012).
- Waive liability insurance requirement for Erin Haney.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve contracting with Brian Valimont of New England Archaeology Co., LLC for archaeological Phase 1 study for \$4,775 (to be reimbursed by the Vermont Recreation Trails Program grant).

DISCUSSION:

Mr. Bloch explained that the lowest bidder of \$3,600 has accepted a job in New Hampshire. He would only be available three days per week. The references of the next lowest bidder were checked, said Mr. Bloch.

Mr. Stone asked if the Town received a letter from the AOT that if Charlotte did all this work that the AOT will put in the tunnel under Route 7. Mr. Bloch replied that the AOT said in order to have the underpass in the Route 7 plan we need to do this work. It is not in a letter, clarified Mr. Bloch. Mr. Stone expressed concern that the state might put off the Route 7 project again in 2014 due to state budget restraints. Mr. Russell asked staff to verify that the Route 7 project would proceed.

In response to a question by Mr. Ladue, Mr. Bloch explained that the lowest bidder said he could work on his days off. The next lowest bidder said he could finish the work by the end of July. Both are working out of state, said Mr. Bloch.

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

MOTION by Mr. Stone, seconded by Mr. Delaney, to approve contracting with Erin Haney and Jim Donovan to undertake wetland and ACT 250 permitting for \$720 and \$2,510, respectively, (to be considered a partial match for VRTP grant in 2011 and 2012, and to waive liability insurance requirement for Erin Haney.

DISCUSSION:

Mr. Bloch reviewed potential issues that included a perceived conflict of interest regarding Jim Donovan, who is a Planning Commission member (the Planning Commission was no longer involved with the application); if a technical person should be hired to conduct wetland and ACT 250 permitting (yes, these were complicated applications); and a question regarding the amount of time to do the applications (the contract language says it is a “not to exceed” number of hours).

Mr. Ladue said that the number of hours to study one acre seems high. He was a fan of a procurement procedure, said Mr. Ladue.

Mr. Delaney suggested establishing a contract benchmark dollar level that would require going out to bid, but under that dollar level did not require going out to bid for future contracts. Mr. Russell explained that in the past a \$5,000 level was set as an amount that would trigger going out to bid.

Mr. Russell said that regarding a conflict of interest, Mr. Donovan would recuse himself if the project came before the Planning Commission. Mr. Delaney said the concern is appearance, and suggested contacting the Town Attorney regarding a Town policy related to conflict of interest. Ms. Russell, Planning Commission member, said that members are given a statement regarding conflicts of interest at the time of appointment to the commission.

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

Trail on Knowles farm – approve contractor to move fence (for a cost between \$1,900 and \$3,000)

MOTION by Mr. Ladue, seconded by Mr. Delaney, to approve a contractor to move a fence to the north edge of the easement for a cost of \$1,900 on the Knowles farm for the purpose of utilizing a Town right-of-way along Ferry Road, for the purpose of discussion.

DISCUSSION:

Mr. Russell noted that the Town has an easement all the way to Lake Road.

Mr. Stone asked if the existing ditch would be enlarged. Mr. Russell said the first step is to move the existing fence. Mr. Ladue asked if it should be moved to the north side of the ditch. Mr. Lewis explained that it was cheaper to put a path on the north side of the ditch. It is a big ditch and would be a lot of work to put material there, said Mr. Lewis.

Mr. Lewis asked if the Selectboard wanted to maintain the path in winter. It would be harder to do if it was on the north side of the ditch, said Mr. Lewis.

Mr. Stone said that there was \$1,000 from the Trails Committee budget. There was also \$5,000 budgeted as a match fund for grants. The Trails Committee should work on fundraising, said Mr. Stone.

Mr. Ladue asked if the Selectboard received feedback from the Trails Committee. Mr. Delaney replied that he had attended the last Trails Committee meeting. There has not been a meeting for the last few months, said Mr. Delaney.

Mr. Russell said he had talked with the Trails Committee regarding the project. The Board could condition approval upon Trails Committee funding, or the motion could be withdrawn.

There was further discussion regarding funding sources for the project. Mr. Stone suggested taking \$1,000 out of next year's budget.

Mr. Delaney moved the question.

VOTE on moving the question: 4 ayes, 1 absent (Mr. Owen); motion to move the question carried.

VOTE on the motion: 4 ayes, 1 absent (Mr. Owen); motion carried.

Selectboard Updates: public access at Deer Point; other – discussion only

- **Deer Point lease** – Mr. Russell suggested authorizing Mr. Ladue to complete lease negotiations and sign the document on behalf of the Town. The Town Attorney has reviewed the draft lease, said Mr. Russell. Mr. Bloch noted that both leases have been renewed, and handed out copies of a draft Lease Amendment to Lots 138 and 139, revision dated 06/24/2011, for Board review. Mr. Russell said that signs indicating “no public parking beyond this point” were needed. The lessees will handle public parking at the public dock, said Mr. Russell. Mr. Lewis said that it would take a few weeks to get the signs. Mr. Ladue said that people could park along the sides of the Town road. Mr. Lewis reported that Erick Findley had placed large rocks that have blocked off Whiskey Bay. He can’t turn around there with the Town plow now. He would talk with Mr. Findley, said Mr. Lewis.
- **Dog Bites** – Mr. Russell reported that a dog has been impounded following a dog bite incident. The Town ordinance and state law says that impounded dogs must be kept outside of the place where the incident happened. Many calls were placed to kennels and veterinary offices to find a place to contain the impounded dog without success. Ed Stone was able to take the dog for the impoundment period, said Mr. Russell. Mr. Stone asked the local newspapers to write an article about a place to kennel dogs.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

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

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

The meeting was adjourned at 9:50 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary