

**CHARLOTTE SELECTBOARD
MINUTES OF MEETING
TOWN HALL
JUNE 8, 2015**

APPROVED

Draft minutes are subject to correction by the Charlotte Selectboard. Changes, if any, will be recorded in the minutes of the next meeting of the Board.

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

ADMINISTRATION: Dean Bloch, Town Administrator.

OTHERS: Chris Gagnieux, Annie Geratowski, Mel Huff, Chad McLean, David Marshall, Christina Booher, Elizabeth Humstone, Susan Smith, Hugh Lewis Jr, Martha Perkins, Peter Trono, Jenny Cole, Marty Illick, Bill Fraser-Harris, Mary Mead, Janet Morrison, Ellie Russell, Moe Harvey, Linda Hamilton, Larry Hamilton, Michael Russell, Clark Hinsdale III, Michael LeClair, Vince Crockenberg, David Mack, Jessie Bradley, Robert Mack, Stephany Hasse, Peter Demick, Dean Leary, Hilary Mack, Genevieve Trono, Derek Trono, Roel Boumans, Catherine Sikkes, John Hammer, Charlotte News; Robin Reid, Charlotte Citizen, and others.

ITEMS TAKEN UP:

- 6:01 PM Linda Radimer—appointment to the Conservation Commission. Action under consideration: appoint for term ending April 30, 2019
- 6:05 PM Annie Geratowski—appointment to the Conservation Commission. Action under consideration: appoint for term ending April 30, 2017
- 6:10 PM Elizabeth Humstone, 600 North Shore Road, Thompson's Point — applications for Shoreland Permit (VTDEC), Conditional Use (Charlotte ZBA) and Design Review (Charlotte Design Review Committee) for a 355 sq. ft. increase of the footprint (700 sq. ft. increase to interior space) of an existing camp and cutting of two mature trees. Action under consideration: authorize applications as property owner
- 6:20 PM Interview Stephany Hasse for vacancy on Trails Committee (reappointment). Action under consideration: appoint for term ending April 30, 2017
- 6:30 PM Ferry Road storm-water control plan. Discussion only
- 7:15 PM Agricultural lease at the Charlotte Park & Wildlife Refuge. Actions under consideration: renew or rebid the lease
- 7:55 PM Ag lease for the Charlotte Park & Wildlife Refuge—request for late cutting of field #18 (12 acres) and reduction of lease payment by \$360 for Bobolink habitat. Action under consideration: approve
- 8:10 PM Legislative Charter for voting the municipal budget.
1) Discuss legal review; 2) Action under consideration: warn first public hearing on July 13, 2015

- 8:20 PM Peter Trono—request to rename private road from Mandi’s Way to Fat Cow Farm Circle. Action under consideration: approve
- 8:30 PM Police Service Contract with Vermont State Police. Action under consideration: approve
- 8:40 PM Recreation Coordinator. Action under consideration: approve offer of employment
- 8:55 PM Tree Warden complaint regarding injury to shade trees planted on East Thompson’s Point Road. Discussion only
- 9:05 PM Appointment of Town Forest Fire Warden. Action under consideration: appoint Richard St. George for term ending June 30, 2020
- 9:10 PM Appointment of town representative to the Transportation Advisory Committee of the Chittenden County Regional Planning Commission. Action under consideration: appoint Dean Bloch for a term ending June 30, 2017
- 9:15 PM David Raymond—request to keep access for HAP-15-04 at current location; 18”x 30’ culvert to be installed. Action under consideration: approve

CALL TO ORDER

Mr. Morrison, Chair, called the meeting to order at 6:00 p.m.

ADJUSTMENTS TO AGENDA

Add: 500 kW solar project application off Ferry Road – discussion only.

LINDA RADIMER—APPOINTMENT TO THE CONSERVATION COMMISSION. Action under consideration: appoint for term ending April 30, 2019

MOTION by Mr. Tegatz, seconded by Mr. Spell, to appoint Linda Radimer to the Conservation Commission for a term ending April 30, 2019.

VOTE: 5 ayes; motion carried.

ANNIE GERATOWSKI—APPOINTMENT TO THE CONSERVATION COMMISSION. Action under consideration: appoint for term ending April 30, 2017

MOTION by Mr. Spell, seconded by Ms. Spear, to appoint Annie Geratowski to the Conservation Commission for a term ending April 30, 2017.

VOTE: 5 ayes; motion carried.

ELIZABETH HUMSTONE, 600 NORTH SHORE ROAD, THOMPSON’S POINT — APPLICATIONS FOR SHORELAND PERMIT (VTDEC), CONDITIONAL USE (CHARLOTTE ZBA) AND DESIGN REVIEW (CHARLOTTE DESIGN REVIEW COMMITTEE) FOR A 355 SQ. FT. INCREASE OF THE FOOTPRINT (700 SQ. FT. INCREASE TO INTERIOR SPACE) OF AN EXISTING CAMP AND CUTTING OF TWO MATURE TREES. Action under consideration: authorize applications as property owner

Mr. Morrison reviewed a request by Elizabeth Humstone for modifications to an existing camp on Town owned property located at 600 North Shore Road, Thompson’s Point, and to cut two trees.

Chris Gagnieux, representative, explained a proposal to increase the square footage of the existing camp by 700 square feet, removal of a portion of the existing roof and lowering the roof that was non-conforming. A side yard setback was currently non-conforming. Not encroaching further to the lake shore, said Mr. Gagnieux.

Mr. Morrison asked for clarification regarding elevations. Mr. Gagnieux replied that the only changes were for the proposed addition. There were two trees, a 14" cedar and a larger pine located along the existing driveway, that would need to come down, said Mr. Gagnieux. Ms. Humstone, camp owner, said she had met with her neighbors. One neighbor was screened from her camp via a bluff and the other side by vegetation, said Ms. Humstone.

Mr. Bloch noted that the Town was the Thompson's Point property owner. The Town boards would review the application as per Town standards and regulations. The Selectboard approved the project procedurally by authorizing the permitting process, said Mr. Bloch.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to authorize the applications as the property owner for a request by Elizabeth Humstone, 600 North Shore Road, Thompson's Point — applications for Shoreland Permit (VTDEC), Conditional Use (Charlotte ZBA) and Design Review (Charlotte Design Review Committee) for a 355 sq. ft. increase of the footprint (700 sq. ft. increase to interior space) of an existing camp, and cutting of two mature trees as presented.

VOTE: 5 ayes; motion carried.

INTERVIEW STEPHANY HASSE FOR VACANCY ON TRAILS COMMITTEE (REAPPOINTMENT). Action under consideration: appoint for term ending April 30, 2017

The Selectboard interviewed Stephany Hasse, a candidate to the Trails Committee.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to reappoint Stephany Hasse to the Trails Committee for a term ending April 30, 2017.

VOTE: 5 ayes; motion carried.

FERRY ROAD STORM-WATER CONTROL PLAN. Discussion only

Mr. Tegatz reviewed a proposal for bids to pave a 12' wide parking strip with a poured concrete curb on the south side of Ferry Road from the post office going west toward the Ferry Road/Greenbush Road intersection. S.D. Ireland submitted a bid and he was waiting to receive bids from contractors, said Mr. Tegatz.

In response to questions, Mr. Tegatz explained that surface water ran off to the south side of Ferry Road onto properties. The proposed curbing would stop the water and funnel it to existing drainage systems. The added pavement would supply a few parking spaces and pedestrians could walk more safely between the parked cars and curbing. There were three cherry trees and trim one large shag bark hickory to move out of the Town right-of-way. All the work would be within the Town right-of-way, said Mr. Tegatz.

Shirley Bruce, property owner of 251 and 213 Ferry Road, explained water runoff onto her properties and impacts to her sump pumps, foundation and septic system at 213 Ferry Road. There were ditches and culverts in front of her property in the past that worked beautifully. The ditches were filled in at some point. People parked in front of her properties, including in her driveways, stated Ms. Bruce. Mr. Marshall suggested that once the area was paved then road striping of people's driveways would delineate where not to park.

Ms. Booher asked where the funding would come from. Mr. Morrison replied that there was a surplus from last year and there was road paving money in the budget.

Mr. (Robert) Mack asked if the Town voters would have input on the project at Town Meeting, or at a duly warned public meeting. Mr. Tegatz noted that the Town has been exploring options for the last two years. The Town continued to request prices for the project, said Mr. Tegatz.

Mr. Krasnow asked if ditching would work better than paving and curbs. Mr. Lewis replied that it could. A down side was that parking spaces would be lost, pointed out Mr. Lewis.

Mr. Marshall suggested that the Town investigate funding through a Complete Streets program. Complete Streets state statute language required a Selectboard to explore impacts on pedestrians, bikers, and traffic improvement impacts, said Mr. Marshall.

Ms. Reid asked if Ferry Road was a state road, and if so was state aid money available. Mr. Marshall replied that Ferry Road was a Town road. The F-5 designation was for directional purpose to the ferries only, said Mr. Marshall.

Mr. Morrison summarized next steps as follows:

- Research Complete Streets program information;
- Identify funding sources;
- Compile bids for paving and curbing;
- Seek state commerce grant opportunities.

Mr. Morrison asked staff to add the Ferry Road storm water control plan to a future Selectboard agenda for further discussion.

PUBLIC COMMENTS

Mr. (Robert) Mack, resident, asked what the Town policy was regarding trees that were over-hanging public travel ways. Mr. Bloch replied that there was no Town policy regarding trimming of tree limbs over-hanging road ways, which was under the preview of the Charlotte Tree Warden.

Mr. Spell said that there were state statutes regarding how high tree limbs should be trimmed and "x" feet from a road edge.

Mr. Morrison asked staff to research when and how tree limbs should be trimmed back, contact the Charlotte Road Commissioner for input, and to report back to the Selectboard.

Mr. Lewis, Charlotte Road Commissioner, said that the road crew has permission from the Tree Warden to cut limbs up to 14' high. However, you can't just go and cut someone's tree without talking to the property owner first. On Ferry Road Larry Hamilton said to cut back a tree and home owner said no. It depends on the situation if the Tree Warden should investigate a situation, or not, said Mr. Lewis.

Ms. Booher, asked who was responsible to pay for broken equipment when a tree limb was hit, such as vehicle mirrors. Mr. Tegatz pointed out that it was a driver's responsibility to avoid hitting a stationary object.

Mr. Marshall, Civil Engineering, Inc, offered to assist the Town regarding a waste water study review, and efforts for applying for VTrans grants related to traffic and pedestrian/bike paths, said Mr. Marshall. Mr. Bloch noted that the Trails Committee was interested in grant opportunities.

Mr. Morrison said that a discussion on waste water was on the June 22 Selectboard agenda.

MINUTES: May 11, 12, 18, 19, 21, 26

MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Selectboard minutes of May 11, 2015, as written.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve the Selectboard minutes of May 12, 2015, as written.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve the Selectboard minutes of May 18, 2015, as written, with the following edit:

- Page 3, line 110 – delete the word “phone”; line 137 – replace “Larry Hamilton” with “Bob Hyams”.

VOTE: 5 ayes; motion carried.

MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve the Selectboard minutes of May 19, 2015, as written.

VOTE: 5 ayes; motion carried.

MOTION by Ms. Spear, seconded by Mr. Spell, to approve the Selectboard minutes of May 21, 2015, as written.

VOTE: 5 ayes; motion carried.

AGRICULTURAL LEASE AT THE CHARLOTTE PARK & WILDLIFE REFUGE. Actions under consideration: renew or rebid the lease

Mr. Bloch reported on a verbal discussion with the Town Attorney regarding questions related to a renewal provision of a 5 year period of an existing 10 year lease of the Charlotte Park and Wildlife Refuge field units. The lease could be renewed for a second 5 year period, or go out to bid after the first 5 years were up if necessary. There was no requirement to do either. The renewal provision allowed the Park Oversight Committee to address concerns if the lessee's performance was lacking. The Selectboard could elect to renew the lease with the current lessee, who has invested time and money to improving the park, and was working with the Park Oversight Committee, said Mr. Bloch.

Mr. Morrison asked if the Park Oversight Committee had a recommendation. Jenny Cole, Park Oversight Committee member, said that the committee supported a 5 year renewal with the current lessee. There has been a high level of collaboration and improvements. The park units were looking great. The committee was asked to provide a list of specifications of the units, which was e-mailed to Mr. Tegatz. There has been a great relationship with the farmer and on-going planning over the next 5 years, stated Ms. Cole.

Ms. Cole handed out copies of written draft Agricultural Use Specifications outline, dated June 8, 2015, for Selectboard review.

Ms. Cole briefly reviewed that the draft was written in response to questions posed by Mr. Tegatz regarding sections of an exiting park Management Plan. Mr. Tegatz said his questions were related to concerns of the best uses of the park.

Mr. Krasnow said that he attended the Park Oversight Committee meeting when the committee was drafting the use specifications. There was one central theme: the lessee was asked to do more than what was listed in the lease agreement. There has been verbal management going on between the committee and lessee versus what was in the lease. For example, the use of organic herbicides, and delayed mowing of fields to encourage Bobolink habitat. There has been a reduced agricultural use value as a result. The first emphasis was on the public park use, and secondarily as an agricultural use. The handout should be adopted as an amendment to a new lease when the existing lease has expired to reflect the restructuring currently agreed to with the current lessee, clarified Mr. Krasnow.

Clark Hinsdale III, Nordic Farms, LLC representative, explained how his farming philosophy has changed over the years. He understood the need to include working collaboratively with the Park Committee via compromises for a multi-functioning facility. He has been working with the Conservation Commission, land trusts, Larry Hamilton, Jenny Cole, Susan Smith, etc, and thanked those people for re-educating him and for their efforts on improving the park experience for the Town of Charlotte. He now understood the vision that Steve Rockefeller had for the park property, said Mr. Hinsdale.

Mr. (Robert) Mack stated that the park land should be put out to bid every 5 years to allow new people to farm. He agreed with a federal program to delay cutting hay for bird habitat at a \$135 per acre subsidy, said Mr. Mack. Mr. Hamilton pointed out that the park was Town owned land and was not eligible for a late cutting subsidy.

Ms. Bradley, Park Oversight Committee member, said that the committee has asked the current lessee to do things and he has voluntarily done it. It is a cooperative relationship, stated Ms. Bradley.

Mr. Morrison said that the intent of the park was to conserve the land versus making money for the Town. The current lessee has a solid 5 year record of working with the Park Oversight Committee, has improved the park land, and was paying the lease on time. The current agreement was working. The Town owned land elsewhere as options for other farmers to bid on, said Mr. Morrison.

Mr. Krasnow pointed out that the Burns property was an opportunity for new, or interested farmers, excluding the septic fields and wetlands, which were no-tilling zones.

Mr. Hinsdale pointed out his efforts to conserve land and help young farmers. He has sold land to the Mack's, David Quickel, and Adams for a berry farm, for example.

Mr. Tegatz suggested adopting the handout document as a part of the lease. For example, there were short term and long term goals identified in the draft. Primary the draft identified Town goals in writing. The handout fits into the lease description, said Mr. Tegatz.

Mr. Hinsdale said that the draft was partly as responding to new opportunities that come up, which can't be foreseen. For example, peripheral plantings, or mowing Wild Parsnip grew along Route 7 where it can't be reached with farm equipment, said Mr. Hinsdale.

Mr. Hinsdale said that Ms. Cole inventoried the park units and made recommendations to the Selectboard every year. He was not adverse to updating the lease, said Mr. Hinsdale. Mr. Hamilton stated that the committee was not asking to revise the lease, just to renew it. Ms. Cole said the lease allows for flexibility. The committee would look at revising the park Management Plan in the future, said Ms. Cole.

MOTION by Mr. Krasnow, seconded by Ms. Spear, to renew an agricultural lease at the Charlotte Park and Wildlife Refuge for a second 5 year period to the current lessee.

DISCUSSION:

Mr. Tegatz asked if the renewal was with no changes to the lease. Mr. Morrison replied yes. Mr. Krasnow clarified that the next time the units came up for bid there should be more specificity in the lease. The Selectboard was renewing an existing lease, not a new one, said Mr. Krasnow.

Mr. Spell said he had received a lot of phone calls regarding the possible re-opening of the lease. He would like a discussion related to young farmers and opportunities and/or options to lease Town land, said Mr. Spell.

Mr. Tegatz said that the lease was not specific enough. He was concerned that there was insufficient documentation, said Mr. Tegatz. Mr. Morrison pointed out that there was a 5 year history of cooperation between the committee and lessee.

Mr. Spell said that he had read a memo that a prior lessee had charges of non payment of leased land and that was a concern.

Ben Meir, farmer, said that as a young farmer it was hard to start a farm. He would like an opportunity to bid on the lease.

Ms. Cole said that the expectation of the lease terms were that the option was to renew a second 5 year term of a 10 year lease. The lease would go out to bid in the future, said Ms. Cole.

Mr. (Robert) Mack said that Clark Hinsdale doesn't farm anymore and had sub-leased the park units to Mike LeClair, which was prohibited. Mr. Hinsdale clarified that the lease was with Nordic Farms, LLC, not Clark Hinsdale or Mike LeClair. Mike has 5 sons that have come back to farm. There's a transitional plan in place for the Nordic Farm, explained Mr. Hinsdale.

VOTE: 2 ayes, 3 nays (Mr. Tegatz, Ms. Spear, Mr. Spell); motion failed.

Mr. Tegatz suggested asking the Town Attorney for clarification of the lease language. Mr. Krasnow replied that the Park Oversight Committee would update the park Management Plan, which was not a lease. There was no pressure to do a new lease since the lessee and the Park Committee were working collaboratively. There was a clear intent that the lease was for 10 years with a 5 year 'rip cord' option if things were not working. The Town Attorney interpretation was more open, said Mr. Krasnow.

Mr. Spell asked if there were minutes related to this discussion from an earlier Selectboard.

Mr. Tegatz said a proposed motion to renew the lease should include the adoption of a specific Management Plan - to follow appropriate consistent policy practices and points, for example, bird habitat.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to accept a renewal of a lease of the Charlotte Park and Wildlife Refuge with an amendment, Exhibit A, regarding current Practice Expectations, to be revised by the Park Oversight Committee and the current lessee.

DISCUSSION:

Mr. Hamilton asked if the Selectboard didn't trust the Park Oversight Committee. Mr. Tegatz said that those were short term goals. The Park Committee has given a

draft agricultural use plan and Clark can see if he agrees with it. Mr. Hamilton pointed out that the draft included all the things the lessee was currently doing.

Mr. Hinsdale said that there have been improvements and collaboration over the last 5 years of the lease. The second 5 year lease could start on that footprint of things agreed to by updating Exhibit A. It would provide the Selectboard with a single document. We can't undo something done in the first 5 year lease. In the second 5 years the acreage and management could be different, said Mr. Hinsdale. Mr. Tegatz said that was well stated.

Ms. Cole said that the short term goals and steps done have been documented. The committee could present a progress report to the Selectboard, suggested Ms. Cole. Mr. Morrison agreed that a progress report would be accepted and something that the Selectboard could sign-off on.

Mr. (Robert) Mack noted that the Selectboard had just voted not to renew the lease. Mr. Krasnow clarified that the Selectboard voted to reject that particular motion. Mr. Morrison said that the Selectboard has changed position to modify the lease and Mr. Mack's objection was not relevant. The Selectboard would sign a modified lease at a future time and date.

VOTE: 5 ayes; motion carried.

**AG LEASE FOR THE CHARLOTTE PARK & WILDLIFE REFUGE—
REQUEST FOR LATE CUTTING OF FIELD #18 (12 ACRES) AND
REDUCTION OF LEASE PAYMENT BY \$360 FOR BOBOLINK HABITAT.**

Action under consideration: approve

LEGISLATIVE CHARTER FOR VOTING THE MUNICIPAL BUDGET.

1) Discuss legal review; 2) Action under consideration: warn first public hearing on July 13, 2015

Ms. Bradley explained that the Park units identified as Field #18 included 12 acres on either side of an existing trail.

Mr. Hinsdale stated that funding has been applied for and a vote should be deferred until it was known if the funding would be received, or not. In either case the lessee would follow the bird field protocol.

Mr. Morrison stated that the funding was less of a concern. If the money was awarded then the Town would reimburse the lessee, said Mr. Morrison.

In response to a question, Ms. Cole said that the Park Committee would maintain a mowed access to Unit A.

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to approve a request for a late cutting of Field #18 (12 acres) and a reduction of lease payment by \$360 for Bobolink habitat for the agricultural lease at the Charlotte Park and Wildlife Refuge.

DISCUSSION:

Mr. Tegatz asked what would happen if other funds were not available. Mr. Morrison replied that if grant funds were not available, then the Town would reduce the lease. If a grant was received then the lessee would keep it, said Mr. Morrison.

FRIENDLY AMENDMENT by Mr. Tegatz, that, should other funds for the \$360 not be available, then the Town would reduce the payment.

VOTE: 5 ayes; motion carried as amended.

LEGISLATIVE CHARTER FOR VOTING THE MUNICIPAL BUDGET.

1) Discuss legal review; 2) Action under consideration: warn first public hearing on July 13, 2015

Mr. Morrison reported that a proposed Legislative Charter has had legal review, and asked for feedback from the Legislative Charter Committee.

Mr. Crockenberg, Legislative Charter Committee member, said that the committee supported the proposed legislative Charter with the minor changes as written.

Mr. Bloch clarified that if the Vermont Legislature approved the charter, then it would be enacted at the next Town Meeting.

There was discussion regarding next steps that included warning a Selectboard first public hearing at the Town Hall on Monday, September 14, 2015 at 7:00 p.m., and a second warned public hearing elsewhere for Monday, October 12, 2015. Mr. Bloch noted that a 15 day warning was possible for second hearing.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to warn a Selectboard first public hearing for Monday, September 14, 2015 at 7:00 p.m. at the Town Hall.

VOTE: 5 ayes; motion carried.

PETER TRONO—REQUEST TO RENAME PRIVATE ROAD FROM MANDI'S WAY TO FAT COW FARM CIRCLE. Action under consideration: approve

Mr. Bloch reported that that CVFRS had no issue with the proposed road name change.

MOTION by Mr. Spell, seconded by Mr. Tegatz, to rename a private road from Mandi's Way to Fat Cow Farm Circle as presented.

VOTE: 5 ayes; motion carried.

The Selectboard members signed the road name document.

POLICE SERVICE CONTRACT WITH VERMONT STATE POLICE. Action under consideration: approve

Mr. Krasnow reported that a police service contract between the Town of Charlotte and the Vermont State Police would remain the same with the exception of a \$2.00 per hour

increase to the hourly rate. The contract required further review and should be deferred until the next Selectboard meeting, said Mr. Krasnow.

RECREATION COORDINATOR. Action under consideration: approve offer of employment

Mr. Morrison reported that five candidates had been interviewed. Mr. Bloch said that a state background check was conducted on the selected candidate.

MOTION by Ms. Spear, seconded by Mr. Krasnow, to approve an offer of employment as Charlotte's Recreation Coordinator to Nicole Conley, effective Wednesday, June 10, 2015.

VOTE: 5 ayes; motion carried.

TREE WARDEN COMPLAINT REGARDING INJURY TO SHADE TREES PLANTED ON EAST THOMPSON'S POINT ROAD. Discussion only

Mr. Hamilton, Charlotte Tree Warden, reported that he had sent a letter to the Selectboard outlining a history of planting road side shade trees as requested by Robert Mack. The Mack's had cultivated a field within 18" of the planted trees in 2011, which severed the trees root system. Robert Mack had said it was an accident. This year the field was cultivated again within 18" of the shade trees, which severed the roots of the trees. Another issue was digging a ditch deeper and wider along the north side, which severed the tree roots on the other side. Robert Mack was cited in writing. As Tree Warden, he was seeking Selectboard guidance in the matter, said Mr. Hamilton.

Mr. (Robert) Mack explained that in 2007-2008 he had purchased 50 acres. At the time he didn't realize there were water flow issues on the property. He has ditched the field to redirect the water flows and cropped the field. His farm equipment entered the field along the tree line. A north-south ditch overflows and he contacted the Road Commissioner. Two months ago he asked the Tree Warden to move the trees somewhere else, said Mr. Mack.

There was lengthy discussion regarding the shade tree planting program; impacts of water to the Mack's field, and a history of the farm property under management of the Mack's.

Mr. Demick suggested that the Mack's leave 20' grass buffers between the trees and the field edges. The Mack's have an illegal landfill on East Thompson's Point Road, which was an issue, said Mr. Demick.

Mr. (Robert) Mack stated that he was not leaving a 20' grass buffer. The Army Corps of Engineers has told him what he could do there. He offered to put in rock dams in the Town ditch. Soils need to be graded away from the ditch to prevent water from flowing back onto his fields, said Mr. Mack.

There was further discussion regarding the field slope and appropriate tillage (Mr. Tegatz noted that water would flow down the tractor tire ruts); East Thompson's Point Road as a scenic road and impacts to the down stream waterways, such as Thorp Brook, from water

runoff and herbicides from the farm fields (Ms. Smith suggested that Mack's field drainage would require a comprehensive evaluation); and issues created by the Mack's farm practices that included filling in a historical drainage ditch in the middle of the field, creation of a berm by the shade trees so that water can't drain into the Town ditch, and concern by the Road Commissioner that the entire 1,000' of ditch should not be disturbed and expose fresh dirt. Mr. Lewis said that ditch improvements should be done in stages and stone in the ditch would not help.

Mr. Leary, an abutting neighbor to the Mack's farm, said that moving the trees would be a two-year process. An expert should be consulted regarding moving the trees. The Mack's damaged the farm property and has threaten Town property. A dam in a ditch diverted water from the Mack property onto his property and mature trees. A neighbor has no right to adversely affect another neighboring property. He was unsuccessful in contacting Robert Mack by telephone and visiting the Mack farm. He was asking the Selectboard to act on his behalf, stated Mr. Leary.

Mr. Spell asked if the Town had mapping for surface water management planning. Ms. Illick replied no, and explained impacts from direct discharge from adjoining properties into ditches in municipal rights-of-way.

Mr. (David) Mack said that a lot of the water came from pipes from a barn. Mr. Demick replied that the Mack's made one field from several fields that had vegetation buffers. Water coming off the Mack's field was brown, said Mr. Demick.

Mr. Hamilton pointed out that the focus of the complaint involved the trees. It was acceptable to move the 8 trees at a later time. Charlie Prout said not to move the trees until the fall. Some of the trees would be dead by then. The cost was \$500 per tree, stated Mr. Hamilton.

Ms. Bradley expressed concern that allowing the Mack's to have the trees moved would set a precedence that someone asking for shade trees could change their minds later and ask the trees to be removed. Planting a buffer was a well known practice and worked. The Mack's should be fined \$500 per tree and forced to put in a buffer, said Ms. Bradley.

Ms. Reid said she would donate part of her portion of the agricultural land to use as a buffer and keep the trees.

Ms. Russell said she understood that the Tree Warden was authorized to assess fines to defray the cost of the Mack's request.

Mr. Krasnow suggested conducting a site visit on June 22, 2015 at 5:00 p.m. to view the slope of the land, the road, trees on the Town right-of-way, and water flows. This was an opportunity for a joint venture to prevent runoff into Thorp Brook, said Mr. Krasnow.

Mr. Lewis said to leave the trees until the fall and improve the ditch after the trees were removed. He was concerned that the ditch wouldn't re-vegetate and would remain raw

exposed dirt. Stone in the ditch wouldn't stop erosion from the Mack's field, said Mr. Lewis.

Mr. Boumans, an abutting westerly neighbor to the Mack's field, said that this was the LeBerge property and was on ledge. In the spring water came out of the ledge. There was a ditch that routed water to the back of the LeBerge barn where it went into pipes under the barn. The LeBerge's had drainage ditches through the middle of the fields that worked for the last 100 years. The Mack's filled the ditches in and now have a problem. They should go back to the original design, said Mr. Boumans.

Mr. Morrison said that expert advice was needed regarding property rights. The Mack's should remove the dirt from around the trees, and a site visit would be scheduled for June 22, 2015, with the experts attending.

Mr. (Robert) Mack said that he would remove the dirt that was piled around the trees.

APPOINTMENT OF TOWN FOREST FIRE WARDEN. Action under consideration: appoint

Richard St. George for term ending June 30, 2020

MOTION by Mr. Tegatz, seconded by Mr. Spell, to appoint Richard St George as the Town Forest Fire Warden for a term ending June 30, 2020.

VOTE: 5 ayes; motion carried.

APPOINTMENT OF TOWN REPRESENTATIVE TO THE TRANSPORTATION ADVISORY COMMITTEE OF THE CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION. Action under consideration: appoint Dean Bloch for a term ending June 30, 2017

Robert Mack asked if the position was posted for potential candidates. Mr. Bloch suggested deferring action.

DAVID RAYMOND—REQUEST TO KEEP ACCESS FOR HAP-15-04 AT CURRENT LOCATION; 18"X30' CULVERT TO BE INSTALLED. Action under consideration: approve

Mr. Morrison reported that the Selectboard members had conducted a site visit this date to view the access location. The applicant asked to retain the original access location and to install an 18"x30' culvert, explained Mr. Morrison.

Mr. Lewis said that the existing ditch would need to be straightened out.

MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to approve a highway access permit request by David Raymond, HAP-15-04, to keep the access at the current location, and to install an 18"x30' culvert.

VOTE: 5 ayes; motion carried.

SELECTBOARD UPDATES

Mr. Morrison reported that a law firm, Primary, has applied for a 500 kW solar panel project of 4 acres of leased land on the former Waldorf School. The project would be 100' from Ferry Road between Garden Way and school. The Town would have 45 days to enter 'interested party' status for the Public Service Board (PSB) hearings, noted Mr. Morrison. Mr. Bloch said that Gregg Beldock was the developer of the Waldorf School property.

Mr. Tegatz asked if the project was in the same area where the Town paid to have VELCO underground the overhead power lines to protect the view shed and school children. By burying the power lines the Town established an argument to keep the fields and view open. It was worth preserving, stated Mr. Tegatz.

Ellie Russell said that the PSB accepted language in the Town Plan and should also have input from the Planning Commission.

Mr. Lewis pointed out that the Town had a walking trail there. The line was also buried due to proximity to the Waldorf School students.

Mr. Marshall asked if Ferry Road was a designated scenic road. The area was zoned for industrial uses, said Mr. Marshall.

Mr. Tegatz reported that the Library roof project was on-going.

Ms. Spear and Mr. Krasnow reported that the landscaping plants at the East Charlotte solar farm were not doing well. The shrubs required maintenance, said Mr. Krasnow. Mr. Bloch said that staff would check with the Town Attorney to see if the PSB had sign-off on the Landscaping Plan as approved by the PSB. An audit of the landscaping plan should be done, said Mr. Bloch.

Mr. Marshall said that the public policy was that projects would be screened from what could be seen from a roadway, not from a neighbor's property.

APPROVE WARRANTS TO PAY BILLS

The Selectboard signed warrants to pay bills.

ADJOURNMENT

MOTION by Mr. Krasnow, seconded by Mr. Tegatz, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:53 p.m.

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