

**TOWN OF CHARLOTTE
SELECTBOARD
MARCH 26, 2012**

APPROVED

MEMBERS PRESENT: Charles Russell, John Owen, Ed Stone, Winslow Ladue, Dennis Delaney (departed at 9:05 p.m.).

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Patrice Machavern, Lynne Jaunich, Scott Jaunich, B Bethwell, Jenny Cole, Michael Redmond, Vanessa Crowley, Dale Knowles, Gary Balore, Justin Bora, Marty Illick, Susan Smith, Joe Gallagher, Stephen Brooks, Ellie Russell, Charlotte News; Carol Casey, Charlotte Citizen; and others.

CALL TO ORDER

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

A motion was made to enter Executive Session for the purpose of discussing the Charlotte Solar, LLC, litigation, and to invite the Selectboard Assistant to attend.

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

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

Executive Session was adjourned and the regular meeting reconvened at 7:00 p.m.

ADJUSTMENTS TO AGENDA

Add:

- Charlotte Solar – Executive Session
- Town Treasurer’s workshop update

PUBLIC COMMENTS

Ms. Machavern, resident, read a written statement regarding a request for the Selectboard to take initiative and reconsider how the municipal budget was decided at Town Meeting. Currently the budget was decided by a floor vote. Participation would increase if the budget was voted on by Australian ballot. Anything that impacted the tax rate, such as Article 4 related to sidewalks, should be voted on by Australian ballot. Currently, there is an effort by residents for a re-vote of the sidewalk article. Selectboard could warn a special town meeting, said Ms. Machavern. Mr. Russell replied that the Board would respond appropriately when a petition was received.

Mr. Ladue asked how other towns have handled the issue of changing Town Meeting times in an effort to increase participation. Has Charlotte tried changing the meeting time in the past, asked Mr. Ladue. Ms. Machavern replied that when asked, the Town Moderator says that there would be no increased participation if the time was changed.

Ms. Cole expressed concern that the Board might make a quick decision, or quick reaction, to comments. It was important to look at and research what other towns do, said Ms. Cole.

Ms. Machavern cited participation data from the 2008 March Town Meeting related to the number of votes by Australian ballot versus paper ballot. The 123 people who voted from the floor were not representative of this community. Forty percent of people across 16 years have exercised their right to vote in the booth, stated Ms. Machavern.

Mr. Bloch suggested that the topic should be added to an agenda item at a regular Selectboard meeting for discussion before drafting a written article for the Town to consider.

Mr. Delaney recalled how past CVU budget meetings were voted on a Monday night. Fifty +/- people would show up. Then the budget went on Australian ballot. How many people voted out of how many could have, asked Mr. Delaney. Ms. Machavern said she served on the school board when the vote changed to an Australian ballot, and that was to increase turnout, said Ms. Machavern. Mr. Delaney asked if the Town went to Australian ballot would there be a greater turnout. Ms. Machavern said that 971 people voted on the school budget this year, so yes, the turnout would increase. Mr. Delaney asked if a charter change would be required. Ms. Machavern replied no.

Following a straw poll of Selectboard members that favored receiving a petition, Ms. Machavern said that she would return with a petition at the next Board meeting.

Mr. Brooks asked what the expectations were regarding work to open up the view corridor at Route 7. Mr. Russell said the Board would conduct a site visit in late April.

Mr. Brooks asked if the Board had a report from the Charlotte Road Commissioner regarding the rail road crossing on Ferry Road. Mr. Russell said he would have the information by the next Board meeting.

Mr. Brooks asked if the Board would allow a seasonal curb cut for the sale of vegetables at the southwest corner of Ferry and Lake Roads. Mr. Russell suggested that Mr. Brooks submit a Highway Access Permit application prior to the April 2 Board meeting.

MINUTES: February 27 and March 6 (Town Meeting)

Approval of the minutes was deferred.

MOWING AND MAINTENANCE BIDS FOR TOWN-MAINTAINED PROPERTY – action under consideration: accept one or more bids

Mr. Russell reviewed bids.

Mr. Bloch reported that he had talked with the contractors regarding fertilizer use.

Mr. Stone asked if soil testing was done. Mr. Bloch replied no, and suggested waiting on the testing. Mr. Russell suggested consulting with an expert.

Mr. Stone asked for clarification regarding the bid amounts for fertilizing ball fields by Justin Bora of \$3,900 and \$4,300. Mr. Bora said he had talked with Mr. Bloch several times and put in some numbers.

Mr. Knowles said he could take soil and water samples for testing to the Boudreau Brothers in Middlebury. It would cost \$60 for soil testing and \$20 for water testing, said Mr. Knowles.

Mr. Redmond said that if liquid organic fertilizer was used then testing wasn't needed. Liquid fertilizer was a slow release system that stayed in the soil over a period of time. The soils only used what it needed, explained Mr. Redmond.

Mr. Russell suggested that more research was needed, and then the fertilization portion would be put out to bid.

MOTION by Mr. Stone, seconded by Mr. Owen, to accept the mowing and maintenance bid by Justin Bora for the amount of \$21,300.

DISCUSSION:

Ms. Cole said the Park Oversight Committee would like to share the work among different local contractors.

Mr. Russell suggested that the Board rotate bid contracts each year among the local contractors. The bid should be awarded to Chris Fortin for the bid of \$21,500 for this year, said Mr. Russell.

VOTE: 1 aye (Mr. Stone), 4 nay; motion failed.

MOTION by Mr. Owen, seconded by Mr. Ladue, to accept the mowing and maintenance bid by Chris Fortin for \$21,500.

VOTE: 5 ayes; motion carried.

JOE GALLAGHER – interview for appointment to the Trails Committee – action under consideration: approve for appointment for a term ending in April, 2013

MOTION by Mr. Stone, seconded by Mr. Owen, to appoint Joe Gallagher to the Trails Committee for a term ending in April, 2013.

VOTE: 5 ayes; motion carried.

POLICY FOR USING BEST MANAGEMENT PRACTICES ON TOWN-MAINTAINED LAND – discussion only

Susan Smith, Jenny Cole and Marty Illick appeared before the Board.

Mr. Bloch reported that he had asked Ms. Illick to initiate a discussion regarding a science-based best management practices for Town lands. Ms. Illick said that the Selectboard should decide if they want to pursue a Best Management Practices (BMP)

plan in light of the ball field discussion on Town Meeting day. The state and professional people could come up with an “official” agreement, suggested Ms. Illick.

Mr. Ladue said that a monitoring program for surface water may not be needed if the Town went to a BMP. Ms. Illick said that a BMP could be done at next to no cost. Soil testing regarding soil needs could be done at any time, said Ms. Illick. Mr. Stone said that Mr. Knowles quoted costs for soil testing at \$60 and water testing for \$20 at Boudreau Brothers in Middlebury. At that price, several samples could be done, suggested Mr. Stone.

Mr. Ladue suggested that the Town should get Norm Pellett’s input.

Ms. Smith explained that soil testing was done at Demeter Park and on the agricultural fields this year by Clark Hinsdale. He uses BMP, said Ms. Smith. Ms. Cole said that establishing buffer areas was also part of BMP. Mr. Ladue asked if agricultural lands should be excluded.

Ms. Illick explained that the draft policy was just presenting an idea to the Board. It was a Selectboard decision to write up a policy and how to implement it. For example, the Town could task the land users to carry out BMP at the Berry Farm ball field, said Ms. Illick. Mr. Bloch pointed out that the LLC ball field was not Town owned land.

Ms. Cole suggested using language to “encourage” BMP that reference a Town management plan. The draft was specific to water quality issues and managing land well, said Ms. Cole.

Mr. Ladue said he supported the concept and as a guide to management of leased land. Norm Pellett should be asked to comment on the science part of the draft, said Mr. Ladue.

There was further discussion regarding the Berry Farm ball field, and a fertilization agreement between the LLC and the Town. Mr. Bloch pointed out that the LLC has asked the Town to pay for two applications of fertilizer. Ms. Illick suggested that the Town build a policy off the conditions placed on the Berry Farm ball field property.

There was discussion regarding the draft purpose and goals that included suggestions to list Town owned land and Town maintained lands; add herbicides; to write it in a way that was useful for contractors to regarding steps needed for fertilizing or for maintenance, testing, or establishing buffers; and to recognize that Accepted Agricultural Practices (AAP) was different from BMP.

Next step – staff to contact Norm Pellett.

POLICY REGARDING WAIVING AND REFUNDING PLANNING & ZONING FEES

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve a draft policy regarding Waiving and Refunding Planning and Zoning Fees.

DISCUSSION:

Mr. Bloch said that a person asking for a refund would still need to come before the Selectboard.

Mr. Stone asked why a policy was needed. Fees were set for a reason, said Mr. Stone. Mr. Bloch reviewed that fees were instituted to discourage frivolous appeals. Decisions were not always cut and dried, said Mr. Bloch.

Mr. Russell suggested that fees could be lowered.

Mr. Owen asked if appeals should be decided on a case by case basis. The Town should have a policy for consistency, stated Mr. Owen.

Mr. Ladue said he supported posting policies on the Town website.

Following further discussion, Mr. Ladue and Mr. Owen tabled the motion.

Mr. Delaney would re-write the 4th bullet item of the draft policy.

PROCESS FOR SIGNING WARRANTS – discussion only

Mr. Russell explained a process that was discussed during the Town Treasurer's workshop. One person could be delegated to sign warrants, which would then be approved at the Selectboard meeting. Mr. Russell volunteered as the primary signatory to sign payroll warrants, and Mr. Owen volunteered as an alternate.

MOTION by Mr. Ladue, seconded by Mr. Stone, to appoint Charles Russell as the primary signatory to sign payroll warrants, and John Owen as the alternate signatory.

VOTE: 5 ayes; motion carried.

Mr. Russell suggested that Selectboard members could review non-payroll warrants at the Town Clerks office and ask the Town Clerk to clarify any questions. However, those warrants would be signed at the Selectboard meetings, said Mr. Russell.

TOWN MEETING DEBRIEF, BOARD TASKS & SELECTBOARD LIAISON ASSIGNMENTS – discussion only

Town Meeting Debrief:

Mr. Ladue said that a decision was needed regarding the West Village Waste Water System. A Waste Water Committee report was heard at the 2012 March Town Meeting. Should the Town move forward with a plan for private connections that included pricing. If so, a plan outline could be done by working off the report, or a working group could be formed, suggested Mr. Ladue.

Ms. Russell pointed out that the Town Meeting article was to hear the report. The topic should be warned as an agenda item to discuss next steps, said Ms. Russell.

Staff would discuss next steps with Mr. Ladue.

Mr. Ladue suggested soliciting volunteers to work on a Capital Budget Plan policy and process outline. Mr. Delaney suggested contacting Paul Bohne, Shelburne Town Manager. Shelburne uses a Capital Budget process, said Mr. Delaney.

Mr. Bloch said that staff would work with Mr. Ladue and a group on developing a Capital Budget Plan.

Board Tasks

Staff would ask the Charlotte Planning Commission if joint Planning Commission and Selectboard meetings were desirable regarding Town Plan update discussions.

Selectboard Liaison Assignments:

Planning & Zoning – Mr. Owen and Mr. Russell

Fire & Rescue – Mr. Ladue and Mr. Russell

Road Commissioner – Mr. Stone

Thompson's Point Wastewater – Mr. Stone

Senior Center – Mr. Stone

Library – Mr. Owen

Charlotte Park and Wildlife Oversight Committee – Mr. Delaney

CCS/CVU – Mr. Delaney

Trails – Mr. Delaney

Conservation – Mr. Owen

Energy – Mr. Ladue

Recreation – Mr. Delaney

Emergency Management Coordinator – Mr. Stone

The Selectboard noted that the Recreation Committee was currently made up of 9 members. A 7 member committee was acceptable.

(NOTE: Mr. Delaney departed at 9:05 p.m.)

RJ TURNER PROPOSAL REGARDING CONVERSION OF PLANNING AND ZONING RECORDS TO DIGITAL FORMAT – action under consideration:

approve proposal of \$3,750

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a proposal by RJ Turner regarding a conversion of Planning and Zoning records to a digital format for an amount up to \$3,750.

DISCUSSION:

Mr. Ladue said that Colchester has a system that links GIS to town records. Would there be interest in that service for Charlotte, asked Mr. Ladue. Mr. Bloch said it was a good idea and having a link on the Town website.

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

**REAPPOINTMENTS – action under consideration: approve for terms indicated
MOTION by Mr. Ladue, seconded by Mr. Owen, to reappoint the following:**

- **Jonathan Fairbanks to the Design Review Committee for a three-year term ending in April, 2015;**
- **David Ziegelman to the Trails Committee for a two-year term ending in April, 2014; and**
- **Larry Hamilton as the Tree Warden for a one-year term ending in April, 2013.**

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

SELECTBOARD UPDATES – discussion only

There was brief discussion regarding an engineering and permitting grant application for the Carpenter Road bridge and the Spear Street bridge. Mr. Bloch said that the Town would need a culvert inventory and policy that was up to date with state standards to be eligible for a 90 percent construction grant versus 80 percent.

Mr. Ladue expressed concern regarding late night gun shooting in his neighborhood.

Mr. Owen reported that the beach house bathroom was broken into. A temporary lock was installed. On another matter, Charlotte neighbors have requested placing roadside cameras at various points in Town. He has discussed this with Shelburne Police Chief Jim Warden, said Mr. Owen.

Mr. Russell said he would present a Town Treasurer's workshop report at a future meeting.

APPROVAL OF BILLS AND WARRANTS

Mr. Stone asked for clarification regarding Fire and Rescue department diesel charges of \$400 and repairs of \$800. Mr. Russell suggested that the Fire and Rescue departments should be called for explanations.

Mr. Ladue suggested that warrants and total amounts should be printed on the Selectboard agendas.

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve a Fire and Rescue Department warrant for the amount of \$172,632.52.

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

MOTION by Mr. Ladue, seconded by Mr. Stone, to approve a payroll warrant for the amount of \$8,235.41.

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

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve Town warrants for the amount of \$29,930.61.

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

EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Mr. Ladue, to recess the regular meeting and enter Executive Session for the purpose of discussing the Charlotte Solar, LLC, litigation matters, and to invite the Selectboard Clerk and Ellie Russell, Charlotte Planning Commission member, to attend.

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

The Selectboard recessed the regular meeting and entered Executive Session at 9:31 p.m.

At approximately 10:15 p.m., the Selectboard came out of Executive Session and reconvened the regular meeting.

MOTION by Mr. Owen, seconded by Mr. Ladue, to hire David Raphael of LandWorks to assist with reviewing the application by Charlotte Solar, LLC for \$500.

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

ADJOURNMENT

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

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

The meeting was adjourned at 10:16 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary