

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
MAY 23, 2011**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Carol Casey, Peter Trono, Nancy Wood, Stephen Brooks, Clark Hinsdale III, Chris Snyder, Elizabeth Snyder, Erich Findley, Fritz Tegatz, Jenny Cole, Lynne Jaunich, Charles Deslauries, Lisa Mayo, Lee Mayo, Mary Conlin, Justin Stearns, Ronald Stearns, Pat Blutto, Cheryl Sloan, Shelburne News; and others.

6:30 p.m.: Site Visit: just south of Split Rock Road, for highway access permit application by James and Anne Lampman

CALL TO ORDER

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

ADJUSTMENTS TO AGENDA

Add: Sidewalk Grant – discussion.

PUBLIC HEARING

None.

MINUTES

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the minutes of 05/09/2011, as written, with edits.

VOTE: 5 ayes; motion carried.

**PETER TRONO SUBDIVISION – ACTION UNDER CONSIDERATION:
APPROVE ROADWAY AGREEMENT AND WAIVER AND SEWAGE SERVICE
AGREEMENT, WAIVER AND EASEMENT**

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a request by Peter Trono for a subdivision Roadway Agreement and Waiver and Sewage Service Agreement, Waiver and Easement as presented.

DISCUSSION:

In response to Board questions, Mr. Bloch explained that the proposed amendments were for a previously approved subdivision. The proposed documents were boiler plate. If there was a future problem with the Trono septic the Town would fix it, but the waiver did not ask the Town to take them over.

AMENDMENT to the motion by Mr. Owen, seconded by Mr. Ladue, and to authorize the Charlotte Selectboard Chair to sign the documents on behalf of the Town of Charlotte.

VOTE on the amended motion: 5 ayes; motion carried.

CHRIS AND ELIZABETH SNYDER – REQUEST FOR ROAD NAME: MOSS ROCK ROAD – action under consideration: approve name
MOTION by Mr. Ladue, seconded by Mr. Delaney, to approve a request by Chris and Elizabeth Snyder to name a road as Moss Rock Road as presented.

DISCUSSION:

Mr. Bloch reviewed that the Charlotte Fire Department and Mary Mead have vetted the road name.

VOTE: 5 ayes; motion carried.

The Board members signed the documents.

SIDEWALK GRANT - discussion only

Mr. Bloch reviewed a sidewalk grant opportunity for engineering, design and/or construction. The Town has had discussions regarding a sidewalk along Ferry Road in the past. A grant would pay for engineering. The Town would be responsible for a 20 percent match. There was a June 3rd deadline for a grant application. The Selectboard could hold a Special Selectboard meeting to warn and approve an application.

Mr. Ladue asked if there was a reason that the Town has no sidewalks. Mr. Russell explained that sidewalks were not favored in the past. Public feedback indicates that sidewalks were favored as long as they were farm friendly.

Mr. Ladue asked if going after sidewalk grants was the highest priority for the Town.

Mr. Delaney noted that Burlington homeowners were responsible for sidewalk snow removal in front of their homes. Mr. Russell explained that without curbing Junior Lewis could put the snowplow wings down, or he may not clear sidewalks at all.

Mr. Owen spoke in favor of sidewalks as a safety feature, noting that the Child Care center would benefit. Mr. Stone, Mr. Delany spoke in favor.

Mr. Ladue asked if the Town applied for a sidewalk grant in 2007. Mr. Bloch explained that a conceptual non-engineering study was done. In the past the Town tried a striped line to see if that would work as a sidewalk, but it was not successful.

The Selectboard would hold a special meeting for further discussion.

CLARK HINSDALE, III – REQUEST TO AMEND A CONSERVATION AGREEMENT ON LOT 22 OF THE STOCKBRIDGE SUBDIVISION – action under consideration: approve amendment

Mr. Ladue asked if it was usual and customary to allow buildings on open space agreements. Mr. Bloch explained that an agricultural structure that is supportive of a farm use on open space was allowed. There were not many such requests in a year, said Mr. Bloch.

Mr. Hinsdale reviewed the following:

- The Stockbridge open space agreement already allows for a farm structure. The PC has reviewed the proposal and approved a farm building in the proposed spot.
- Mr. Deslauries has a septic easement on a sliver of land along Mt Philo Road. We don't farm it due to the septic on that sliver of land. We would rather Mr. Deslauries own it and maintain it. No curb cut is allowable on that sliver.
- Septic disposal is allowed on open space as per the Stockbridge Open Space Agreement. The Tegatz purchased open land with a septic permit, but the septic turned out not to exist. There was a septic plan and there was supposed to be good septic soils. We didn't know the septic permit was iffy when we sold the land to Mr. Tegatz. We decided to convey septic to him located on the other side of the property line where there are good septic soils.

Mr. Russell asked if the open space agreement allowed a mound system. Mr. Hinsdale replied yes. The person that will farm there will have a small boutique CSA project. There will be a farm with an approved farm building envelop.

Mr. Ladue said that would mean traffic in/out of the farm would change. There have been public concerns regarding speeding and safety on Mt Philo Road recently, reported Mr. Ladue. Mr. Hinsdale replied that the PC and neighbors had conducted a site visit and public hearings held. There is an existing farm access there now, pointed out Mr. Hinsdale. Mr. Bloch said that there was some vagueness if a farm use was exempted, or not, from Town review. Mr. Hinsdale replied that the process to date has taken issues into account.

Mr. Russell suggested that trimming an existing hedgerow might improve sight distances. If it is an agricultural access then a curb cut was not needed. What is the stake north of the curb cut, asked Mr. Russell. Mr. Hinsdale replied that there is an existing curb cut with a culvert and good sight distances. Mr. Russell said that the hedgerow trimming could be a condition of approval, or if the existing curb cut was used for anything other than a farm then a curb cut application would be required, said Mr. Russell. Mr. Bloch clarified that improvements to an agricultural road could trigger an application. Mr. Hinsdale reiterated that the original 20 year old open space agreement says that agricultural structures were allowed with PC approval.

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by Clark Hinsdale, III, for an amendment to a Conservation Agreement on Lot 22 of the Stockbridge subdivision as presented.

VOTE: 5 ayes; motion carried.

**JAMES AND ANNE LAMPMAN – REQUEST FOR HIGHWAY ACCESS
PERMIT TO CHANGE AN EXISTING AGRICULTURAL ACCESS ON MOUNT
PHILO ROAD TO A DRIVEWAY FOR RESIDENTIAL USE**

Mr. Owen recused himself and joined the audience.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a request by James and Anne Lampman for a highway access permit to change an existing agricultural access on Mount Philo Road to a driveway for residential use as presented.

DISCUSSION:

Erick Findley, Birdseye Building Company, explained a proposal develop a barn and vineyard on ten acres. The applicant wants a separate road. The existing driveway would be closed and an existing agricultural access would change to a residential use. Trees would be planted to fill in the current driveway.

Mr. Russell reviewed that a subdivision amendment is triggered when a change in location, or improvements to an existing driveway are made. Zoning language includes fences. Approval could be conditioned on a ruling from the Zoning Administrator that PC review was not required.

Mr. Ladue asked if the request was contrary of shared driveways in a development. Mr. Findley said that the permit request is to take an existing agricultural cut and change it to a residential use.

Mr. Ladue asked if Junior Lewis looked at the proposed driveway. Mr. Bloch replied that the Road Commissioner said there were 500' sight distances each way. A culvert was needed.

Ms. Sloan, neighbor, noted that there was a culvert at the base of the current driveway. If the driveway is closed how would that affect the flow of water, asked Ms. Sloan. Mr. Findley said that the culvert would be extended to maintain water flow. Plantings will be put in as well, explained Mr. Findley.

Ms. Sloan said that there was a right-of-way that extends from Cannon Point that goes between two pieces of private property that feeds into Jim Lampman's fields now. Mr. Russell explained that there was nothing in the application that says the right-of-way will go away. Mr. Findley stated that legally the Lampman's can maintain both driveways.

Mr. Bloch reviewed issues as follows:

- **Approval could be conditioned upon receiving a ruling by the Zoning Administrator related to PC review.**
- **A tree located to the south could be cut with the Charlotte Tree Warden's approval.**
- **The existing driveway on Cannon Point Road would be closed.**

Mr. Stone stated that he would like to defer approval for two weeks to iron out issues.

Mr. Russell asked Mr. Findley if a two week wait was acceptable. Mr. Findley replied no, based on scheduling excavation and trucking.

VOTE: 1 aye (Mr. Delaney), 3 nays (Mr. Russell, Mr. Stone, Mr. Ladue), 1 abstention (Mr. Owen recused); motion failed.

Mr. Owen rejoined the Board.

ELAINE ITTLEMAN (ON BEHALF OF CHARLOTTE PARK AND WILDLIFE REFUGE OVERSIGHT COMMITTEE) – REQUEST FOR WAIVER OF FEES FOR ALL APPLICATIONS RELATED TO CREATING A PARKING AREA AND ACCESS LOCATED ON THE VARNEY FARM PARCEL TO SERVE THE CHARLOTTE PARK – action under consideration: waive fees (total = \$1,050)
MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request by Elaine Ittleman on behalf of the Charlotte Park and Wildlife Refuge Oversight Committee for a waiver of fees totaling \$1,050 for all applications related to creating a parking area and access located on the Varney Farm parcel to serve the Charlotte Park.
VOTE: 5 ayes; motion carried.

STEPHEN BROOKS – REQUEST TO WAIVE THE REQUIREMENT FOR CONTRACTORS' LIABILITY INSURANCE FOR THE STRAIGHTENING OF GRAVE-STONES IN CHARLOTTE CEMETERIES BY USE OF HAND TOOLS – action under consideration: waive insurance requirement

Mr. Ladue asked for clarification regarding the type of hand tools and the nature of work to be done. Mr. Brooks replied that spades and small garden style tools would be used to move a small amount of earth to straighten small traditionally sized grave stones. No mechanical tools would be used. If liability insurance was a requirement a worker could charge \$40 per hour to cover the costs versus \$10 per hour with a waiver.

Mr. Bloch explained that the Town normally had workers sign a waiver for workmen's comp.

MOTION by Mr. Stone, seconded by Mr. Owen, to grant a request by Stephen Brooks to waive the requirement for contractors' liability insurance for the straightening of grave stones in Charlotte cemeteries by the use of hand tools.
VOTE: 3 ayes, 2 nays (Mr. Russell, Mr. Stone); motion carried.

CHAMP RUN – action under consideration: approve event and road closures
MOTION by Mr. Stone, seconded by Mr. Owen, to grant a PTO request for the Champ Run, Saturday, June 4, 2011, at 4:20 p.m. and to close the Hinesburg Road between Church Hill Road and Mt Philo Road from 4:30 p.m. to 5:00 p.m.
VOTE: 5 ayes; motion carried.

FLEA MARKET – action under consideration: approve bid for clean-up of the site
Following a brief review of three bids received to clean up of the Flea Market site and removal of the outhouse, Mr. Russell suggested that the Selectboard consider a draft lease to run the flea market for the current year.

(NOTE: the Selectboard held a discussion regarding consideration of a lease to run the Flea Market [see agenda item Flea Market – approve lease to run flea market for the current year] and then returned to a discussion regarding a bid to clean up the Flea Market.)

Mr. Brooks reviewed the rules to access Chittenden Solid Waste District funds available to member towns. He would need to take a proposal and related documents to CSWD for approval. A town could get reimbursed after the fact at their own risks. It was better to start the process now, said Mr. Brooks.

MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a bid by James Kastner to clean up the Charlotte Flea Market site, located at 4349 Ethan Allen Highway, Route 7, for \$1,300, for a break down of costs as: \$600 for labor, and \$700 to remove all trash, and meets a requirement for the contractor to be fully insured.

DISCUSSION:

Mr. Ladue asked if a licensed electrician had installed an electric meter that was wired to a panel. Mr. Owen replied that the electricity was disconnected. There was a wire coming in from the road to a pole, said Mr. Owen. Mr. Ladue asked if the lessee would contract with the power company for an electric meter. Ms. Conlin replied yes.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Stone, seconded by Mr. Ladue, to start a reimbursement process with Chittenden Solid Waste District for costs incurred in cleaning up the Charlotte Flea Market site.

VOTE: 5 ayes; motion carried.

FLEA MARKET – action under consideration: approve lease to run flea market for the current year

Mr. Owen reported that a public meeting was held on 05/12/2011 to gauge interest in reviving the Flea Market. Two committees were formed. One committee would draft a lease, and a second Long Range Committee would explore what to do with the space long term.

Mr. Owen reviewed that the old flea market lease was changed to accommodate what people would like to see at the site. Mary Conlin wants to run it. Suggestions for use included as a flea market, farmer's market, soccer field, and a Boy Scout camp ground, said Mr. Owen.

The Board thanked Mr. Owen for his efforts.

There was lengthy discussion regarding the current appearance of the flea market site (Mr. Stone stated the site should be completely cleaned out and the outhouse demolished.); concerns that the access into the flea market was dangerously steep and required fixing, which was a Town responsibility; concerns that an estimated cost to fix the access of \$1,500 to \$2,200 would not be offset by a potential lease fee of \$1,000;

draft lease language related to selling of guns (Selectboard members were in favor of prohibiting the sale of guns); clarify language to Section 4d, "no trash left on site"; locating port-a-potties in the rear of the site; cost and removal of the outhouse and collection tank; consider a request by Ms. Conlin to use the outhouse as a locked storage space for signage and other material; and allowing Ms. Conlin to leave a 20' x 20' tent with two tables up as a sheltered place to eat.

The Selectboard made suggestions as follows:

- Consider a security deposit for clean up (a sum of \$500 was suggested).
- Consider payment of lease fee in two installments.
- Consider deleting language related to illegal smoking material.
- No overnight camping, or parking of vehicles.
- Install posts and a chain at the access to prevent mid-week use of the site.
- Have the Charlotte Road Commissioner fix the access with crushed shale to bring a landing level with an existing paved apron.
- Add to 4a – tenant leaves items at their own risk, the Town assumes no responsibility.
- Add to 4d – no trash left on site
- Add to 4f – no guns to be sold on site.
- Adding a clause to the draft lease that a 20' x 20' tent and two picnic tables were allowed to remain set up on a trial basis and if they became a problem then the Town could immediately get rid of them.
- No dogs allowed, unless kept in a vehicle.
- Having a limited arrangement with Ms. Conlin for a flea market as an interim use for this year and to draft a strong definition of what the Town wants in Charlotte (flea market and/or farmer's market).
- Change termination of lease language from 30 days to 10 days.
- Consider adopting a Town ordinance that adds enforcement language related to the Flea Market.
- Have the Town Attorney review a revised draft Flea Market lease.
- Opening date for the 3rd of June.
- Have the Charlotte Road Commissioner demolish the outhouse and fill in the tank.

MOTION by Mr. Delaney, seconded by Mr. Ladue, to approve a draft lease to Mary Conlin to run a flea market for the current year as amended and reviewed by the Town Attorney, and to authorize John Owen to sign the lease on behalf of the Town of Charlotte.

VOTE: 4 ayes, 1 nay (Mr. Stone); motion carried.

(The Chairperson called a break from 9:20 p.m. to 9:26 p.m.)

TOWN'S PARTICIPATION IN VLCT'S EYEMED VISION PLAN – action under consideration: approve participation and annual contribution of a maximum of \$1,268.80 if all town employees enroll

MOTION by Mr. Stone, seconded by Mr. Owen, to approve the Town of Charlotte's participation in VLCT's EyeMed Vision Plan and an annual contribution of a maximum of \$1,168.80 if all Town employees enroll.

DISCUSSION:

Mr. Russell reviewed a chart that detailed costs to the Town and an employee contribution of 10 percent. The funds to pay for the benefit would come out of next year's budget, reported Mr. Russell.

VOTE: 4 ayes, 1 nay (Mr. Ladue); motion carried.

SELECT TOWN REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO MERGED CCRPC/CCMPO – action under consideration: approve

Representative and Alternate Representative

Marty Illick, Charlotte CCRPC representative and Jim Donovan, Charlotte CCMPO representative, reviewed a merger of the two organizations into a newly re-named single entity known as the Regional Planning Commission. The RPC would meet the 3rd Wednesday of the month, at 7:00 p.m., Canal Street, Winooski.

Mr. Stone asked if there was benefit to have a Selectboard member on the RPC Board. Mr. Donovan said that someone that is already involved in a significantly heavy community workload may not be able to devote the time and effort to an additional significantly heavy workload of an RPC.

There was discussion regarding the RPC Board, a Planning Advisory Committee, a Transportation Advisory Committee, and a Regional Planning Update Standing committee.

Ms. Illick and Mr. Donovan expressed interest in serving on the new RPC Board.

MOTION by Mr. Stone, seconded by Mr. Owen, to recess the regular meeting and to enter Executive Session for the purpose of discussing appointments of a CCRPC/CCMPO representative and alternate representative.

VOTE: 5 ayes; motion carried.

The regular meeting was recessed and the Selectboard entered Executive Session at 10:50 p.m.

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

VOTE: 5 ayes; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10:54 p.m.

MOTION by Mr. Ladue, seconded by Mr. Owen, to appoint Jim Donovan as the merged Charlotte CCRPC/CCMPO representative, and Marty Illick as the alternate representative, for two year terms.

VOTE: 5 ayes; motion carried.

SALE OF FIRE ENGINE #3 – action under consideration: approve sale

Chris Davis, Charlotte Fire Chief, and Dick St George reported on advertisement efforts to sell a Fire truck. Addison Fire Department tendered an offer of \$10,000 for the truck. The Charlotte Fire Department suggested depositing the sale proceeds in the Reserve fund for the Charlotte Fire Department Capital Projects budget, said Mr. St George.

MOTION by Mr. Ladue, seconded by Mr. Stone, to accept an offer from the Addison Fire Department of \$10,000 for Charlotte Fire Engine #3, with the funds to be deposited in the General fund.

DISCUSSION:

Mr. St George reiterated that the Fire Department would like to put the funds toward capital improvement purchases.

VOTE: 5 ayes; motion carried.

SELECTBOARD UPDATES: DEER POINT PUBLIC ACCESS; FLOOD DAMAGE AND REIMBURSEMENT – discussion only

- Deer Point Public Access – Mr. Ladue and Mr. Russell talked with leaseholders regarding restricting car parking at two areas adjoining a public access. This would allow the public to back vehicles with boats at the boat launch. Signs would be posted at the barns that no there would be no public parking beyond that spot, and a marker would delineate leased land from public land. The Town Attorney would review language.
- Mr. Ladue reported that FEMA review and reimbursement for flood damage would be delayed until after the flood waters receded. FEMA was aware that riprap was placed by the bridge. There has been potential erosion damage at the Town beach steps, the Deer Point piers, gravel washed away at Whiskey Bay, and the Thompson's Point Pier is flooded. The culvert at Williams Woods has washed out, said Mr. Ladue. Mr. Stone said that he took FEMA representatives to the Lake Champlain Transportation ferry dock. The inspectors said there was no damage.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

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

The meeting was adjourned at 11:00 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary