

**TOWN OF CHARLOTTE
SELECTBOARD
MAY 9, 2011**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS: Peter Trono, Hugh Lewis Jr, Ellie Russell, Lee McIsaac, Tom Moreau, Nancy Wood, Jim Donovan, Patricia Coleman, Sherry Duff, Charlotte Citizen; and others.

(Note: the published agenda was heard out of order, but appears in order for continuity.)

SITE VISIT: 800 Bingham Brook Road for Highway Access Permit application by Peter Trono

Call to Order

Charles Russell, Chair, called the meeting to order at 7:00 p.m.

Adjustments to Agenda:

Add: Letter to Josh Flore to Selectboard Updates.

Public Comments

Lee McIsaac, stated that Town plans to rebuild Garen Road was a waste of money. The dirt road was a dead-end road serving 5 residences. There is a speeding problem on the road, and the road conditions would slow people down, said Ms. McIsaac.

Mr. Lewis, Charlotte Road Commissioner, explained that upgrading dead-end roads were on the road schedule. People can drive through on Garen Road so it is not a dead-end road. Last week a cement truck got stuck on Garen Road and had to be pulled out. It was his opinion that the road should be done, though it may not have to be done. For example; no one on Bean Road wanted it done, but afterward they liked it. Garen Road is rutted on both sides of the road. The road should be done while we still have access to the shale material, said Mr. Lewis.

Mr. Bloch handed out copies of two e-mails received from Garen Road residents. Mr. Russell read the e-mails into the record. Mr. Lewis noted that neither Virginia nor Timothy live on the road right now. The Tree Warden has given permission to remove brush and small trees in the past. There is still agricultural land in that area.

Mr. Ladue asked if Ms. McIsaac preferred Garen Road as a dead-end road. Ms. McIsaac replied that it was the Hinesburg end that was wet right now. Vehicles can get through when it is dry. Four-wheelers also use the road, said Ms. McIsaac.

Mr. Lewis explained that the road would remain the same width. Work included re-ditching, seeding and mulching the edges and fixing up driveways. If speeding is a problem then Ms. McIsaac should contact all her neighbors about the issue.

Mr. Delaney asked if the roadway conditions were a safety issue for fire and rescue. Mr. Lewis replied that Garen Road had no where near a 22" gravel base. A fire truck could get stuck like the cement truck. Rescue could get stuck while the roadway was soft and wet. The road needs to be ditched from the house on the top of the hill and on down.

Mr. Ladue asked what aesthetic changes would happen as a result of rebuilding the roadway. Could the road be rebuilt to retain the existing character of the area, asked Mr. Ladue. Mr. Lewis quoted Town regulation regarding roads.

Mr. Stone stated that the road should be rebuilt. Mr. Owen spoke in support of rebuilding the road and address speeding. Mr. Ladue said it was a one-time cost to address road maintenance. Mr. Delaney said he was in favor of rebuilding the road.

MOTION by Mr. Stone, seconded by Mr. Owen, that the Charlotte Selectboard supports the Charlotte Road Commissioner schedule to upgrade Garen Road and to do the work after July 1, 2011.

VOTE: 5 ayes; motion carried.

Ms. McIsaac suggested that the Town consider keeping the roadway narrow.

Minutes: April 25; April 28

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the minutes of 04/28/2011 as written.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the minutes of 04/25/2011 as written, with edits.

VOTE: 5 ayes; motion carried.

Peter Trono-application for a Highway Access Permit to change an existing agricultural access to a private road for residential use – action under consideration: approve application HAP-11-02

MOTION by Mr. Stone, seconded by Mr. Delaney, to approve a Highway Access Permit, HAP-11-02, for Peter Trono to change an existing agricultural access to a private road for residential use.

DISCUSSION:

Mr. Trono explained that the agricultural access has existed for 30 years. Clark Hinsdale won't be using the bunkers for Nordic Farm anymore. That driveway access has been cut off. Mr. Trono uses the east driveway access and the bunkers would be used as barn space to house his cattle.

Mr. Ladue asked if the right-of-way went to the back lots. Mr. Trono replied that it was an existing utility easement. Mandy's Way is a shared driveway, said Mr. Trono. Mr. Lewis said he has looked at the driveway and his only concern was the culvert. At some point Clark added a plastic culvert onto the west end of an existing metal culvert. It may be a cheap grade of plastic, said Mr. Lewis. Mr. Ladue asked if the Road Commissioner had measured sight distances. Mr. Lewis replied no. Mr. Trono said there were 300' sight distances. Clark made 600 trips per year and that traffic is eliminated now, said Mr. Trono. Mr. Ladue suggested that if a major change in property use was made, then driveways should be relocated for better sight distances.

Mr. Russell asked if the crest of the hill was to the east, or west, of the property pin. Mr. Trono replied to the west. Mr. Ladue said he thought that one could see further to the east. Mr. Trono said there is a curve in the road to the east. It is better to the west. The current access has been there for 30 years, reiterated Mr. Trono.

Mr. Stone, Mr. Owen and Mr. Delaney spoke in support of the motion.

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

Chittenden Solid Waste District – action under consideration: approve FY12 budget MOTION by Mr. Stone, seconded by Mr. Laude, to approve the Chittenden Solid Waste District FY12 budget.

DISCUSSION:

Mr. Moreau, CSWD General Manager, reviewed a proposed revenue budget, health costs, recycling fees, and a proposed Capital budget.

Mr. Moreau reviewed a potential for franchising service via a hauler versus drop off center related to cost savings. Mr. Ladue asked if there was any thought to have at curb and at house pickup. Mr. Moreau replied that a study should be done.

Mr. Russell asked if there had been any more discussion regarding mobile service in Charlotte. Mr. Moreau said that the CSWD Board was still discussing rural service issues. Mr. Stone asked if CSWD would be active regarding a mobile location. Mr. Moreau said that a mobile facility could be done at the Charlotte Town Hall parking lot, for example.

Mr. Russell asked for an update regarding the Hinesburg Sand and Gravel lawsuit. Mr. Moreau reviewed proceedings and that the Vermont Supreme Court augments would be heard in June.

Mr. Moreau reviewed a discussion to re-brand Interval Compost.

VOTE: 5 ayes; motion carried.

Stephen Brooks – clean up of the flea market and other site(s) – action under consideration: authorize hiring contractor to be reimbursed by CSWD clean-up fund

Mr. Moreau said that the Town could tap into the CSWD funds set aside for each member town.

Mr. Russell read an e-mail from Stephen Brooks.

Mr. Owen reported that he had heard from Mary Conlan that someone from Hinesburg was contacted to clean up the flea market site. Mr. Bloch noted that the May 1st deadline for cleanup has passed. It is now the Town's issue as per the lease, said Mr. Bloch. Mr. Russell said that Mary Conlan said she would run the flea market this summer.

Mr. Ladue suggested two phases for clean up: 1. remove trash, and 2. retain tables and tent frames that could be reused by an interim group. Anything else unused should be cleaned up.

Mr. Stone said that the site should be all cleaned up. Any tents or tables should be set up and taken down the same day to keep the area clean.

There was discussion regarding the use of CSWD program funds to clean up the flea market under the direction of the Charlotte CSWD representative; establishing an estimate for clean up via an advertisement in a newspaper; and a suggestion to have the Selectboard put the clean up out to bid.

MOTION by Mr. Ladue, seconded by Mr. Stone, to direct John Owen to work with Stephen Brooks to take steps necessary to remove material from the Flea Market site, minus the outhouse.

DISCUSSION:

Mr. Delaney said that if the clean up went out to bid he would like an estimate of costs and a cost report as the work progressed.

Mr. Owen said that drafting an RFP would take a few weeks. An RFP would contain a break down of costs. A question is how Stephen Brooks enters the situation, said Mr. Owen. Mr. Russell replied that if there is a cost then Stephen Brooks would get the reimbursement from the CSWD funds.

Mr. Russell asked if the out house should be removed, or have port-a-potties brought in. Mr. Stone spoke in support of port-a-potties on site only from Fridays to Mondays.

AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Stone, to remove the outhouse.

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

There was brief discussion of other identified clean up sites that included piles of boards at the end of Lane's Lane and tires at Knowles Farm. Mr. Stone said to clean up the Flea Market first, and then do the other sites. Trash has been removed from the northeast side of the Dorset Street bridge.

Stephen Brooks – request for determination regarding insurance coverage of workers hired for clean up of cemeteries – action under consideration: waive requiring workers to have liability insurance

Mr. Ladue reviewed work done at the cemeteries involved digging with shovels and resetting stones. The cemetery workers were paid and not volunteers. He was told that waivers were worthless, stated Mr. Ladue.

Mr. Russell said he would like more details of what work at the cemeteries entailed.

Mr. Stone said that bidders should be required to provide their own insurance.

MOTION by Mr. Owen, seconded by Mr. Stone, that any independent contractor hired by the Town should be required to have their own insurance.

FRIENDLY AMENDMENT by Mr. Ladue to add: as determined by the Charlotte Selectboard.

DISCUSSION:

There was brief discussion regarding an appropriate level of insurance. Mr. Donovan said that the Selectboard was getting into a larger discussion. A motion should read to allow Stephen Brooks to hire a person, and the Selectboard could review it for approval or deny it.

Mr. Ladue suggested a clause that the Selectboard would review hires on a case by case basis. With experience the Board would know what insurance threshold a hire should have.

Mr. Stone pointed out that the Cemetery Commission was in charge of the cemeteries. Brooks was asking the Board to allow no insurance coverage. Hires should have insurance.

Mr. Bloch asked where to draw a line. If P&P Septic was hired to pump out the Town septic, would the Board require them to provide proof of insurance, asked Mr. Bloch.

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

Permits for small bridge on Co-housing Trail – action under consideration: authorize applications for ACT 250 and Conditional Use Determination (wetlands) permits to be submitted

Mr. Bloch reported that the Vermont Youth Conservation Corps had agreed to build the small bridge on the Co-housing Trail and to mow both sides of the trail. The Town would be required to get the permits first. An ACT 250 permit was needed because the Co-housing project had required an ACT 250 permit. A bridge has been designed to hold the weight of a horse and equipment. The Vermont Youth Conservation Corps was providing labor. Staff would check on the cost of material. The Trails Committee would use their budget to apply for permits. The Co-housing group must sign off on the application, said Mr. Bloch. Mr. Stone suggested that the bridge should take tractors crossing it as well.

MOTION by Mr. Ladue, seconded by Mr. Owen, to authorize applications for ACT 250 and Conditional Use Determination (wetlands) permits to be submitted to the State of Vermont.

DISCUSSION:

Mr. Bloch said that staff would apply for permits for the remaining trail. A grant was received for construction.

VOTE: 5 ayes; motion carried.

Thompson's Point agricultural lease – action under consideration: approve lease proposal from Aurora Farms

Mr. Ladue reported that he had contacted Tom Kenyon Sunday and left a telephone message explaining a Board concept. Tom said that it sounded reasonable. The Town would “pay” Tom in land improvements in exchange for brush hogging and maintaining open fields. Tom has not read the proposed lease, said Mr. Ladue.

There was discussion to rewrite/clarify #4 as “\$60 per acre per year”; and to note that “if there is a catastrophic loss, then there is no cost to Tom Kenyon”; a concern to clarify the language “keep fields open”; a suggestion to change February to a November 1st date, and to add a “25’ buffer from surface water”, and ditches (for example; at Lane’s Lane). Mr. Ladue said that there was merit to allow parties to enter into a lease agreement pending these concepts. He would add a sedimentation pond and tilling manure to prevent erosion into the lake to the lease.

MOTION by Mr. Russell, seconded by Mr. Owen, to authorize Winslow Ladue and Ed Stone to issue a lease Aurora Farms and to sign a lease on behalf of the Town of Charlotte.

VOTE: 5 ayes; motion carried.

Future use of the east end of the Burns property – discussion only

Mr. Owen reported that he received calls from people regarding the Flea Market. Someone should be in charge, there should be rules of operation, and a contract was needed for signatures.

Mr. Russell suggested utilizing the previous lease with rewrites as necessary. Mr. Ladue noted that there had been discussion regarding items prohibited from the flea market, such as guns.

Mr. Delaney suggested a farmer’s market with agricultural produce and food. Ms. Coleman, resident, said that a farmer’s market in Charlotte was not viable. Location and traffic were issues. The Board should get input from the Shelburne and Hinesburg farmer’s markets first, said Ms. Coleman. Mr. Stone asked Ms. Coleman if she would serve on a committee.

Mr. Owen said a meeting was scheduled for Thursday, May 12th, at 7:00 p.m. at the Town Hall.

Mr. Russell read a letter from Mary Conlan regarding a Flea Market into the record.

Selectboard Updates – discussion only

- A draft letter to Josh Flore was discussed regarding a proposed work schedule that included increased summer hours and reduced winter hours and use of a radar gun for speed enforcement. Mr. Ladue suggested an invoice concept and handed out copies of a sample form to track hours worked and tasks completed for Board review. Mr. Russell read constable duties/job description from the Town handbook. The Board added language to the draft letter that "...you shall keep track of your hours worked on a form provided by the Selectboard."

MOTION by Mr. Ladue, seconded by Mr. Delaney, to approve a draft memo to Josh Flore, dated May 10, 2011, from Charles Russell, Charlotte Selectboard Chair, as amended.

VOTE: 5 ayes; motion carried.

- Trail Easement – Mr. Bloch reviewed a Vermont Land Trust easement located on the Berry Farm that may need to be moved toward the Little League field. The matter was discussed with the Berry Farm owners, said Mr. Bloch. Mr. Stone asked that the offer not give up any part of the easement.
- Mr. Bloch said that a discussion was needed regarding the Thompson's Point re-appraisal schedule.
- Mr. Russell reported that the Town won the Blake lease lawsuit.
- Mr. Ladue noted that a Septic Committee report would be scheduled for May 23rd. Ms. Coleman expressed concern regarding proposed use of the Town septic capacity that was to be for municipal use only. Mr. Ladue said that all municipal uses have been served, and any reserve capacity use beyond that should be explored. Mr. Stone said that the school septic issues needed to be considered. A preliminary estimate cost to hookup to the septic was \$100,000, for example, pointed out Mr. Stone.

Approval of Bills and Warrants

The Selectboard signed Bills and Warrants as presented.

Adjournment

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary