

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
NOVEMBER 14, 2011**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; John Owen, Ed Stone, Dennis Delaney (via computer telecommunication). Absent: Winslow Ladue.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Jeff McDonald, Kay Gault, Chris Morse, John Linanek, Ray Curtis, Chris Davis, Chris Mark, David Stewart, Ed Solon, Alan Pidgeon, Norman Lebeouf, Ian Pomerville, Margret Russell, Nancy Wood, Charlotte News; Carol Casey, Charlotte Citizen; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 7:04 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

None.

MINUTES

MOTION by Mr. Owen, seconded by Mr. Stone, to approve the minutes of 09/26/2011, as written, with edits.

VOTE: 3 ayes, 1 abstention (Mr. Stone), 1 absent (Mr. Ladue); motion carried.

MOTION by Mr. Owen, seconded by Mr. Stone, to approve the minutes of 10/03/2011 as written, with edits.

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

MOTION by Mr. Stone, seconded by Mr. Owen, to approve the minutes of 10/06/2011 as written.

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

MOTION by Mr. Owen, seconded by Mr. Stone, to approve the minutes of 10/17/2011 as written.

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

BUDGET REVIEW

Planning & Zoning

Jeff McDonald, Planning Commission Chair, submitted a written draft Planning and Zoning budget for Board review. Revenue projection was for a level funded budget. The department recommended removing \$30,000 from the Mapping and Training line item.

The Board thanked Mr. McDonald for his presentation.

Fire & Rescue

Ian Pomerville, Ray Curtis, and Chris Davis submitted a written draft Corporate, Fire Department, Rescue Department and EMT budget spreadsheet for Board review.

Mr. Pomerville explained that Corporate Expenses line items were changed to reflect true expenses. Workers Compensation Insurance was based on payroll, the number of volunteers and on past year losses. This year's premium was \$26,000. A January 2012 audit was expected to increase the premium due to additional volunteers, said Mr. Pomerville.

Fire Chief Davis reviewed adjustments to Equipment Maintenance, Training, and Physical Exam categories for a proposed budget increase of 7.23 percent.

Mr. Pomerville explained mechanical/repair issues with the current Ford A-1 ambulance that resulted in out-of-service time. The District Three Board downgraded the Charlotte operating license to a conditional license due to the ambulance down time. He has talked with the District Board regarding short term solutions that included purchasing a used back up ambulance in the range of \$30,000. A back up vehicle would also need to be outfitted with emergency supplies at a cost of \$6,000 to be legal, and there was an insurance cost as well, said Mr. Pomerville.

Mr. Stone suggested that the department draft a written request of the needs for consideration at March Town Meeting. Mr. Curtis pointed out that funds would come from the Capital budget, not the operational budget. Mr. Stone asked if there was money in the Capital budget for projected needs, or the issues could be brought up as an article for Town Meeting vote. Mr. Pomerville asked if the ambulance purchase had to wait until Town Meeting. The need was more immediate, pointed out Mr. Pomerville.

Mr. Russell suggested that staff should research what was available in the Rescue Fund. Were there any other towns that the Rescue Department could share the cost of an ambulance, asked Mr. Russell. Mr. Pomerville replied no. Charlotte is the only town without a backup option. For \$30,000 the goal would be to look for a vehicle in the early 2000 years, with 80-90,000 miles. The department members have agreed to outfit a backup vehicle from Special Funds. A second option would be to purchase a new ambulance on an F-350, or F-450 chassis for a long term solution, said Mr. Pomerville.

Following further discussion, Mr. Stone suggested that the Board should add the issue of a back up ambulance to the next Board meeting agenda. He had concerns regarding the immediacy of the A-1 truck problems and providing service to the Town, said Mr. Stone.

Fire Chief Davis said he would need Capital fund figures for a new Heavy Rescue truck payment schedule from the Town Clerk

Mr. Pomerville said he would provide ambulance truck use information for Mr. Russell.

Mr. Stone asked if Charlotte would have a full license versus a conditional license once there was a back up ambulance available. Mr. Pomerville said he would meet with the District Three Board at the district's December/January meeting to present a two-ambulance solution. A new ambulance, or a newer 2 or 3 year old model could be purchased with the older A-1 ambulance kept as a backup. He was looking for Selectboard support, said Mr. Pomerville.

Regarding the EMT operating budget, Mr. Russell pointed out that if there were extra funds in the EMT payroll the Rescue Department would need to come before the Selectboard for authority to shift funds around.

The Board thanked the Fire and Rescue members for their presentations.

Constable

No show.

Animal Control Officer

No show.

Board of Listers

Kay Gault, Lister, presented a written draft budget for Board consideration.

The Board thanked Ms. Gault for her presentation.

Trails Committee

John Limanek and Margret Russell, submitted a written draft Trails Committee budget for Board review.

Mr. Delaney asked if the \$5,000 request would be used for state grant matching funds. Mr. Limanek replied yes; for state and federal grants. Mr. Delaney asked if state grants funding might be less due to the storm impacts on state funds. Mr. Bloch explained that he would be meeting with the state agency next week.

Mr. Bloch read the Trails Committee funding language as voted on at Town Meeting.

In response to a question regarding replacement of Town welcome signs, Mr. Limanek said he would contact Spin Richardson regarding a possible CVU program.

**RICHARD AND PATRICIA WATERS – REPAIR FO SEAWALL, 906 FLAT
ROCK ROAD, THOMPSON'S POINT**

Norman Lebeouf, contractor, and Alan Pidgeon, ECI representative, appeared on behalf of Richard and Patricia Waters.

Mr. Owen expressed concerns regarding requests for stone/concrete walls in the past and that any changes to the shoreline should match what was already there. Mr. Pidgeon explained that the proposed wall would be poured concrete. Mr. Pidgeon showed a sample of the poured dark gray concrete embossed with a 'stone' pattern, and photographs.

Mr. Lebeouf said that there have been conversations with Dick and Patricia Waters regarding possible solutions for erosion of the lake shore. The bank has severely caved in with tree roots exposed. From an engineering point they can only proceed with a retaining wall. It is known that there are no retaining walls in that section of the lake. As an alternative we are trying to make a small and compact retaining wall. If concrete is not acceptable then we can put in concrete to match the rock ledge. Submittals include before and after photographs showing conditions of erosion issues, the sea wall sample, which was used in Shelburne, engineering plan drawings and elevation views, said Mr. Lebeouf.

Mr. Russell suggested if a concrete retaining wall was used then it should be covered with vegetation to blend in with the surroundings. No one wants to see a concrete wall, stated Mr. Russell. Mr. Lebeouf said that he was sure the Waters would be fine with a vegetative, or ground cover over the wall to recreate a natural look. The wall discussed with the Waters was the least obtrusive solution. However, vegetation means bringing in landscapers with an increase of costs, said Mr. Lebeouf.

Mr. Stone said a wall could be put in, but the Town would want a guarantee that it would be as natural as can be into the future.

Mr. Owen asked if erosion occurred in a normal year, or was this a 100 year event. Could you replace the bank with fill and rocks where it caved in. He had concerns that vegetation would wash away and then there would be a concrete wall only, said Mr. Owen. Mr. Pidgeon explained that the bottom of the wall would be placed at the 100' mark. Putting stones into the caved in area doesn't work. Boston Ivy is a seasonal plant that might do well as a ground cover, suggested Mr. Pidgeon.

There was lengthy discussion regarding existing trees in the area that are being undermined by high water; a Board member suggestion to install two small walls with soil in between the walls (Mr. Pidgeon said that high water would take out the soil.); and concerns that if a concrete wall was allowed then other home owners in the area would want to do the same treatment.

Mr. Lebeouf said that the Garners, the Waters' cousins, lived next door and were facing the same erosion issues. Their cottage was 5' to 6' from the bank. The Garners were interested in a concrete wall as well. The Waters contacted me in July regarding the problem, then the Garners afterward. Both properties could be addressed at the same time. The proposed wall was 12" thick and would be anchored front and back, said Mr. Lebeouf. Mr. Pidgeon submitted photographs of the Garner property.

Mr. Russell and Mr. Owen stated that a concrete wall was not within keeping of the character of the area. Mr. Delaney said that he would like to do a site visit this weekend. If the wall was fixed as proposed then other homeowners may have to do the same thing, said Mr. Delaney.

Mr. Bloch suggested that a stair-step edge of the wall could be done to mimic the shoreline as it existed versus a wall. Mr. Lebeouf disagreed saying that would mean stepping the concrete out toward the lake and the property owner would lose what little shoreline existed, pointed out Mr. Lebeouf.

The Selectboard scheduled a site visit to the Waters property, 906 Flat Rock Road, for Saturday, 12/10/2011 at 12:00 p.m., and to continue discussion of the Waters request at the 12/12/2011 Selectboard meeting.

EMPLOYEE HEALTH INSURANCE – action under consideration: approve plan(s) offered to employees to go into effect on January 1, 2012

Mr. Russell reported that the current employee health plan with CIGNA was no longer available. Staff was researching two other plans through the Vermont League of Cities and Towns and Mike Quinn in Ferrisburgh, Vermont.

Mr. Russell briefly outlined an HRA model plan through VLCT, but the employees would be required to enroll by the end of November, 2011. . Mr. Bloch pointed out that in order to use the VLCT plan the Town would need to become members of the Chamber of Commerce.

Mr. Russell asked staff to get Dental plan information, and what the costs were for both brokers

Mr. Owen spoke in favor of the VLCT plan.

The Selectboard members spoke in favor of deferring action until the next Board meeting.

ESTABLISH 35 MILES PER HOUR AS THE DEFAULT SPEED LIMIT ON ALL GRAVEL ROADS, UNLESS APPROVED OTHERWISE, AND CORRECT MINOR DRAFTING ERRORS – action under consideration: approve amendment to the Vehicle and Traffic Regulation Ordinance to establish speed limit and correct minor errors

MOTION by Mr. Owen, seconded by Mr. Stone, to approve an amendment to the Vehicle and Traffic Regulation Ordinance to establish speed limits and correct minor errors.

DISCUSSION:

Mr. Bloch corrected the use of ‘gravel’ roads to ‘unpaved’ roads.

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

The Selectboard members signed the amendment documents.

OLD TOWN TRAIL ASSOCIATES, LLC SUBDIVISION – action under consideration: approve Road and Drainage Improvements Escrow Agreement and authorize Chair to sign

MOTION by Mr. Stone, seconded by Mr. Owen, to approve Old Town Trail Associates, LLC subdivision Road and Drainage Improvements Escrow Agreement and to authorize the Charlotte Selectboard Chair to sign the agreements on behalf of the Town of Charlotte.

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

BEDARD SETTLEMENT AGREEMENT & STIPULATED JUDGMENT ORDER

– action under consideration: authorize Charles Russell to execute documents

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize the Charlotte Selectboard Chair to execute the Bedard Settlement Agreement and Stipulated Judgment Order documents on behalf of the Town of Charlotte.

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

CHACE TAX APPEAL – action under consideration: authorize Town Attorney to obtain and review necessary documents and to appear and represent the Town at the Superior Court status conference

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize the Town Attorney to obtain and review necessary documents and to appear and represent the Town at the Superior Court status conference.

DISCUSSION:

Mr. Bloch reviewed that the appellant was one day late in filing an appeal of his property assessment to the Charlotte Board of Civil Authority. The Board of Civil Authority voted not to change his assessment.

Mr. Russell noted that there would be a cost to the Town to use the Town Attorney. Mr. Stone expressed concern that if the Town did not have a presence at the court hearing, then the Town would be setting a precedent.

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

WAITSFIELD AND CHAMPLAIN VALLEY TELECOM – REQUEST TO REPLACE 100 FOOT SECTION OF CABLE NEAR THE INTERSECTION OF GUINEA ROAD AND SPEAR STREET – action under consideration: approve request

MOTION by Mr. Owen, seconded by Mr. Stone, to approve a request by Waitsfield and Champlain Valley Telecom to replace a 100 foot section of cable near the intersection of Guinea Road and Spear Street.

DISCUSSION:

Mr. Bloch said that the Charlotte Road Commissioner has approved the road work. It was unknown if there was any discussion regarding underground boring, said Mr. Bloch.

Mr. Russell pointed out that the work could be trenched as well.

Mr. Owen and Mr. Stone withdrew the motion in order for staff to clarify the scope of work.

**LETTER TO COMCAST REGARDING FINE FOR DAMAGE TO CABLE ON MT PHILO ROAD – action under consideration: approve letter
MOTION by Mr. Owen, seconded by Mr. Stone, to approve a letter to Comcast regarding a fine for damage to a cable on Mt. Philo Road.
VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.**

SELECTBOARD UPDATES

Mr. Owen reported that he had discussed the use of the Flea Market for 2012 with Mary Conlin, and suggested that if she would take care of the property then she could run the flea market without paying a fee. Mr. Stone suggested delaying any action until there could be further discussion.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

**MOTION by Mr. Delaney, seconded by Mr. Owen, to adjourn the meeting.
VOTE: 4 ayes, 1 absent (Mr. Ladue); motion carried.**

The meeting was adjourned at 9:48 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary