

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
OCTOBER 24, 2011**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Ellie Russell, Spin Richardson, Bob Bloch, David Marshall, Zoe Williams, Larry Hamilton, Michael Jordan, Ian Pomerville, Susan Smith, Carol Casey, J Smith, Janet Lawlis, Bill Pruitt, Carol Concord, Beth Merritt, M Woodruff, Ann Owen, Theresa Hudziak, Jessie Bradley, Margaret Russell, Bob Hyams, Deb Stone, Peter Demick, Jenny Cole, Clark Hinsdale III, John Limanek, Dick St George, Seth Zimmermann, M Roger Kressnor, Linda Beitz, David Conard, Nancy Wood, Charlotte News; Carol Casey, Charlotte Citizen; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 6:30 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

None.

MINUTES

None.

**SOLAR TRACKERS ON THOMPSON'S POINT – Action under consideration:
determine next step regarding public input**

Mr. Owen reported that Caleb Elder was not able to say when an application drop dead date was.

Mr. Russell noted that there were questions regarding feasibility and site selections, and suggested waiting until November 21, 2011 to see where the project was at.

Ms. Lawlis asked if public input would be allowed at the November 21 meeting. Mr. Russell explained that the Selectboard should have feedback from the Planning Commission by November 21st. The Planning Commission receives all Certificate of Public Good application notices. The Planning Commission felt that the project was significant and should be reviewed based on the Town Plan. The project itself was exempt from Town regulations, clarified Mr. Russell.

Mr. (Robert) Bloch, resident, said he thought that the Thompson's Point land was preserved land. In the Town Plan there was no language regarding Thompson's Point related to conservation values. He was in favor of a proposed third site, which has a lot to recommend it. What was the status of the Thompson's Point land in terms of conservation, and appropriate/inappropriate uses of that land. He was concerned that in the future there could be some federal funds to expand the number of solar panels for the school, or other use, said Mr. Bloch. Mr. Russell said that the Town Plan calls for a long view plan for Thompson's Point.

Mr. Delaney suggested that folks attend both Planning Commission and Selectboard meetings to bring up public concerns prior to the November 21st meeting to make efficient use of time. The Board should read the documents carefully, and seek Town Attorney advice in a timely manner, suggested Mr. Delaney.

The Selectboard would invite members of the Conservation Commission, Planning Commission, and public to the November 21, 2011, 6:00 p.m., meeting in order to take concerns and feedback. Staff would post a meeting date on the Town Website.

Ms. Lawlis would broadcast a message to her e-mail list. The local Charlotte newspapers would print a meeting schedule.

Mr. Pruitt thanked the Selectboard for their efforts, and asked the Board to focus on the economics of pure finances, the value of sustainable energy, and to weight the value of conserved land versus a solar energy project.

CHARLOTTE LIBRARY BOARD OF TRUSTEES – Upcoming Budget Issues – Discussion only

Theresa Hudziak, Beth Merritt, Library Trustees, appeared before the Board.

Ms. Hudziak reviewed a proposed Capital Purchase Budget Plan that included a furnace replacement in 2012, and a maintenance schedule for the existing porch, carpet and roof. The Trustees were waiting to receive proposed project bids regarding future maintenance costs and a way to best fund those projects, said Ms. Hudziak.

Mr. Ladue said that the Energy Committee was looking at heating sources and could forward recommendations. There may be an opportunity for a shared system. How bad was the current Library furnace and could replacing it wait a year, asked Mr. Ladue. Ms. Hudziak said that the oil furnace was 15 years old. The Trustees were willing to work with the Selectboard and Energy Committee, said Ms. Hudziak.

There was further discussion regarding the Library roof, which was put on in 1997; identified issues that included consideration for establishing a Library capital fund, a general fund, or a separate fund for maintenance; and if every Town department should have a capital plan.

Mr. Stone recommended that the issue be brought before the Town voters at Town Meeting to put \$5,000 in a separate Library fund for the next 5 to 10 years. That way there would be consistent funding for Library needs, said Mr. Stone.

The Selectboard thanked the Library Trustees.

ZOE AND TOM WILLIAMS – Preliminary Review of Proposed Open Space – Discussion only

Zoe Williams, owner, appeared before the Selectboard.

Mr. Stone asked if the proposed plan was reviewed by the Zoning and Planning Commission. Ms. Williams replied yes. A proposed 2 lot subdivision was reviewed. An open space was proposed by the Planning Commission, which was under review currently, said Ms. Williams.

Mr. Russell asked if the existing horse barn was in the proposed open space.

Mr. Ladue asked how a building was compatible with open space. Mr. (Dean) Bloch explained that there have been cases where a building had no impact, or was an agricultural use. Size limitations could be imposed related to the number of horse stalls. Large arena structures would not be compatible in an open space, stated Mr. Bloch.

Ms. Williams submitted two sketch plans for Board review. A second plan showed open space consistent with current open space on the property. Neither of the two sketch plans have been presented to the Planning Commission, said Ms. Williams. Mr. Stone said for clarification that the open space proposed is for discussion only. Has the Planning Commission seen the proposal, asked Mr. Stone. Mr. Bloch replied no. The Planning Commission suggested open space, said Mr. Bloch.

Mr. Stone said he favored the first plan. Mr. Owen and Mr. Delaney supported the concept. Mr. Russell said that the second plan splits the existing house and barn. Does the Planning Commission want a contiguous open space, asked Mr. Russell. Mr. Bloch replied yes.

Ms. Williams explained that if, or when, the existing barn lot was sold she would like to build a horse barn toward the back of the house lot in close proximity to a water source. She didn't want a barn in her backyard, or near Route 7. There is a rock ledge that would hide a barn from view, said Ms. Williams.

SIDEWALK COMMITTEE – Update – Discussion only

David Marshall, Ellie Russell, Jenny Cole, and Ann Owen, Sidewalk Committee members, reviewed a written Sidewalk Committee report and feedback from community reach-out efforts.

Mr. Marshall said that the committee has scheduled a public site walk on Ferry Road for November 5, 2011. A public meeting would be held on December 12, 2011, to formalize

a plan and to present a proposal to the Selectboard. A goal was to present a plan for a March Town Meeting ballot, said Mr. Marshall. Ms. Russell noted that information was posted on the website as well.

Mr. Marshall explained a written plan for funding. A maintenance component was a part of the process. The committee would provide path options/alternates, phasing, identified priorities and recommendations at a November 14th meeting, said Mr. Marshall.

In response to a question by Mr. Owen, Mr. Marshall said that for the March Town Meeting discussion there would be a clear plan with supporting documents that balances all things, including trade-offs.

Mr. Ladue asked if the committee looked at the number of parking space impacts in the Village, and storm water issues. Mr. Marshall replied yes. Impacts to the existing Village commercial businesses were examined. A flexible design to protect existing resources was a high priority, said Mr. Marshall.

Ms. Owen thanked Mr. Marshall for an amazing amount of work and knowledge that he has brought to the process.

Mr. Russell said his only concern was the need to craft language and a presentation of choices for the March Town Meeting by December.

Mr. Delaney said his concern was that Charlotte taxpayers would bear the full funding.

Mr. Marshall explained that cost estimating was the next step to present to funding sources.

Mr. Richardson, resident, noted that Hinesburg was installing sidewalks now. The sidewalks could be seen as a visual aid of what sidewalks would look like in Charlotte. He didn't know the source of funding, said Mr. Richardson.

CHARLOTTE PARK AND WILDLIFE REFUGE – Annual Review of Activities and Goals – Discussion only

Jenny Cole, Larry Hamilton, Clark Hinsdale, Sue Smith, and Jessie Bradley, Park Oversight Committee members, handed out printed material for Selectboard review.

There was lengthy discussion regarding an invasive species eradication program, proposed goals that included updating a park management plan, and tree cutting to maintain the Route 7 overlook view shed. Ms. Cole submitted a photograph of the Route 7 view shed area, and noted that it was not a matter of just cutting trees, but selecting trees to cut to maintain the view and keeping valuable trees.

Mr. Ladue said he would like an open unobstructed view. Ms. Bradley explained that a hedge row that was planted was a riparian buffer and a trail went through the area. The trees buffered Route 7 noise for trail users. As the trees grow, then there could be future

discussions, suggested Ms. Bradley. Ms. Wood suggested having a screen and noise buffer downhill from the Route 7 open vista. She supported an open vista, said Ms. Wood.

Mr. Ladue asked if there would always be corn grown on the ridgeline. Mr. Hinsdale replied that he owns some of that land and grows corn there.

Ms. Cole reported that a park gate was damaged and needed to be replaced. The committee would meet with the person that caused the damage regarding the cost. The committee will look into a November agricultural lease payment, and take a unit out that the Mack Farm uses for pasture, said Ms. Cole.

Mr. Hamilton said that it was a great pleasure working with Clark Hinsdale.

TRAILS COMMITTEE – Annual Review of Activities and Goals – Discussion only

John Limanek, Trails Committee member, submitted a written Trails Committee report for Selectboard review.

Mr. Owen asked for an update regarding vandalism at the Plouffe Lane trail. Mr. Limanek said that signs and gates would be installed to prevent further vandalism.

Mr. Limanek reviewed a goal to raise \$80-100,000 for the Co-housing trail link and \$100-150,000 for the Mt Philo to Greenbush Road trail link, linkages from the Co-housing trail to the Macek trail, a goal to mow the West Village and Barber Hill paths, and fund raising for the West Village paths. The next section of the State Park Road area required two more easements, explained Mr. Limanek. Mr. Stone asked Mr. Limanek to map out the properties and needed easements. He would contact the property owner, said Mr. Stone.

Mr. Ladue explained the process to request a lease over the state owned Charlotte Train Station property for a trail network linkage.

Mr. Limanek thanked Town staff for their help.

CONSERVATION COMMITTEE – Annual Review of Activities and Goals – Discussion only

Bob Hyams, Conservation Committee Chair, submitted a written Conservation Committee report for Selectboard review.

There was discussion regarding the open space agreement review process, and the need to clarify where the Conservation Committee fits into that process. Mr. Russell explained that the Planning Commission reviewed where open space was to be conserved and the Selectboard looked at a more legal view point. The Conservation Committee would work with the Planning Commission in an advisory capacity, said Mr. Russell.

Mr. Hyams explained a sample project evaluation matrix developed by the committee.

The Selectboard thanked Mr. Hyams for his presentation.

LINDA BEITZ – Request for Refund of Subdivision Fees – Action under consideration: approve refund

Mr. Russell noted he was an abutter and recused himself.

Mr. Stone asked for clarification regarding a letter Ms. Beitz sent regarding a request for a refund of subdivision fees she paid, and withdrawal of her subdivision application. Ms. Beitz explained a proposed 2 lot subdivision of her property. An expected easement to her back lot was not received from an adjoining property owner. She intended to withdraw her application, said Ms. Beitz.

Mr. Stone said that application fees were for the process and Town staff time, not for the permit itself.

Ms. Beitz said she would consider suspending the subdivision application if there were a chance of getting an easement from the Hendrick family in the future. Currently her property was back on the market as one 45 acre lot, said Ms. Beitz.

Mr. Stone suggested that Ms. Beitz withdraw her request for a refund and continue the process for the next six months. Ms. Beitz agreed.

Mr. Russell rejoined the Selectboard.

OLD TOWN TRAIL ASSOCIATES – Subdivision Documents – Action under consideration: approve the following agreements: Roadway Agreement and Waiver; Stormwater Drainage System Agreement, Waiver and Easement; and Letter Of Credit Agreement

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve an Old Town Trail Associates Roadway Agreement and Waiver as presented.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve an Old Town Trail Associates Stormwater Drainage System Agreement, Waiver and Easement as presented.

DISCUSSION:

Mr. Russell asked if the stormwater drainage agreement documents were reviewed by the Town Attorney. Mr. Bloch replied yes.

Mr. Conard, Old Town Trail Associates representative, said that there was language in the agreement that the Town would not take over the system.

VOTE: 5 ayes; motion carried.

MOTION by Mr. Ladue, seconded by Mr. Owen, to approve an Old Town Trail Associates Letter Of Credit Agreement as presented.

DISCUSSION:

Mr. Bloch said that there was a lot of infrastructure that involved Town property. For example; a tree could be damaged, and if it was damaged then it would be replaced. The Town Attorney has reviewed the document, but the Selectboard might want a final review before signing the document, suggested Mr. Bloch.

AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Owen, to approve a Letter of Credit agreement pending a final review by the Town Attorney by the end of the week.

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

Mr. Russell, Chair, signed the agreement documents on behalf of the Town of Charlotte.

IMPOUNDING OF DOGS FOUND AT LARGE AND DOGS THAT HAVE BITTEN PERSONS – Discussion only

Mr. Russell explained that the Town has no kennel to impound dogs. Dick St George has offered to build a structure on his property.

Mr. Stone said he has contacted Comfort Hill, which is a private kennel. Comfort Hill would charge \$35/day. The kennel owner has concerns regarding impounded dogs with no rabies tags. He has not heard back from the kennel owner. Dick said that if the Town would pay for a cement slab then he would build a kennel, explained Mr. Stone.

Mr. St George explained that he has taken stray dogs into his home in the past, but with winter coming he has no place to keep dogs.

Mr. Ladue asked what Dick would charge. Mr. St George replied that if he had a place he would charge \$30 for over night.

Mr. Stone reviewed that in the past, the Town paid O'Neil Kennel \$600 for the year. The Town could pay Comfort Hill the same, or pay Dick \$600 in addition to the \$3,000 he receives, said Mr. Stone.

Following a discussion regarding Town ordinance language that currently reads that "...dogs that bite shall be impounded...", Mr. Stone pointed out that this had been a discussion held in 1996. If a dog bites someone then the Town wants to make sure the dog has had a rabies shot, said Mr. Stone.

The Selectboard members would review the ordinance regarding dog bites.

SETH ZIMMERSON – Discussion of Fundraising Event for Community Center – Discussion only

Seth Zimmerson, resident, explained a proposal to raise funds for a Town community recreation center and/or pool. A one day-two night music concert could be held at Pete Demick's property to build the center. Outside user fees, food concession fees, or other fees could be charged so the center would be self-sustaining. He has worked with major

music promoters and bands on similar events. He wanted to make sure it was a good thing for the Town, said Mr. Zimmermann.

In response to questions, Mr. Zimmermann said that the event could be scheduled in 2012 in conjunction with the 250th Charlotte Town anniversary. Issues such as center location, and septic concerns and permitting would be addressed as necessary. The scale of the proposed event could be addressed with limiting ticket sales for up to 10-20,000 attendees, preparing a Plan B to handle overflow, and trains could be used to help handle traffic and parking. Costs for port-a-potties, state police, etc would be financed through private donations, said Mr. Zimmermann.

Mr. Stone asked Mr. Demick if his neighbors would support such a large event. Mr. Demick replied that most would.

Mr. Delaney pointed out that when Milton built a hockey rink it went bankrupt. How would this be avoided if a community center was built in Charlotte. There is a Town beach and fresh water lake that is well used, said Mr. Delaney. Mr. Zimmermann said that not everyone can handle a rocky beach. The lake is beautiful, but polluted. There are a lot of kids that can't go away to summer camp. A pool would be for the kids, stated Mr. Zimmermann.

SHAWN BEDARD ZONING VIOLATIONS – Action under consideration: approve settlement

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a settlement regarding Shawn Bedard zoning violations.

VOTE: 5 ayes; motion carried.

THOMPSON'S POINT LOT 51 AT 488 FLAT ROCK ROAD – Action under consideration: approve new 20 year lease to Christopher Rutter

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve new 20-year lease to Christopher Rutter on Thompson's Point, Lot 51, 488 Flat Rock Road as presented.

VOTE: 5 ayes; motion carried.

THOMPSON'S POINT LOT 27 AT 357 ASSOCIATION WAY – Action under consideration: renew 20 year lease to Rutter Barrie LLC

MOTION by Mr. Owen, seconded by Mr. Ladue, to renew a 20-year lease to Rutter Barrie LLC on Thompson's Point, Lot 27, 357 Association Way as presented.

VOTE: 5 ayes; motion carried.

SELECTBOARD UPDATES

None.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

ADJOURNMENT

**MOTION by Mr. Stone, seconded by Mr. Ladue, to adjourn the meeting.
VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary