

MINUTES FOR MAY 12, 2009
WARREN SELECTBOARD
WARREN MUNICIPAL LIBRARY
7:00 PM

MEMBERS PRESENT: Burt Bauchner, Chair, Andy Cunningham, Erin Russell-Story, Kirstin Reilly, Matt Groom (8:40PM).

OTHERS PRESENT: Sue Carter, Alice Cheney, Rudy Elliott, Mark Bannon, Jim Groom, Alex Maclay (TV45), Kara (VR), Don Phillips, Kevin Camara, John Benson, Adena Ford, April Smith, Catherine Benham, Liz Raddock, Angela McMann Blaire Scagalione Mary Gow, Dave Clarkson, Bob Barron, Ashley Woods, Michael Ketchel, Dave Clarkson, Cindi Jones. & other parents.

7:00 PM – Meeting called to order by Mr. Bauchner.

7:01 PM – Forcer & Aldrich –Kevin Camara & Don Phillips – Town Garage RFP Presentation – Mr. Camara and Mr. Phillips presented their proposal their cost estimate taking the town from preliminary design and through the ACT 250 permitting. Mr. Phillips stated that you would need about 30-60% design completed for ACT 250. Cost for their proposal is \$36,700. Project timeline – If a contract was signed in June, they would have sketches to be approved in July/August and would be ready to go to the DRB and ACT 250 mid September. Mr. Phillips also expressed that they have a good working relationship with the town on other projects and at times have provided on going support without fees.

Ms. Gow stated that the owners of the abutting properties had not signed off on the proposal. She also state that there were deed restrictions made with the property that run in perpetuity with the property not allowing this specific use. Mr. Bauchner stated that Steve Stitzel, land use attorney for the town, had researched the deed restrictions and the prior ACT 250 had expired. Ms. Gow was very a little taken back that no one has discussed these impending issues with her.

7:40 PM – Dubois & King – John Benson – Mr. Benson indicated that it was important that the site be layout for efficiency for the workers and more importantly that it is laid out so that it works with the residential homeowners. In looking at the site, there are some wetland issues to deal with when re-aligning the Vaughn Brown Road but it is less than 3000 square feet and there would be no reporting needed. He also indicated it is important that the site be looked at for alternative low level lighting and noise which would mean defining the space. Time frame: If a contract was signed in June, it would take about 24 weeks. Price for Permits \$14,985, preliminary design \$22,500 for a total of \$37,310.

8:10 PM – Bannon/Groom Engineering – He presented to the board some projects he has prepared for transportation and facilities projects as a background introduction of his work. Mr. Bannon stated the steps he would take to start the project: 1) transportation and facilities, working with the program for the immediate needs with the crew and DPW. 2) Provide schematic and conceptual designs. 3) The down to the harder detail for construction.

Mr. Bannon stated that this project could be exempt from ACT 250 if the project is less than 10 acres. If the project was exempt from ACT 250 then it would go directly to the DRB. It would need a wetlands permit and there are some slopes that exceed 15%, and 25% are considered primary conservation areas. The total for permitting would be \$14,500. If it needs to go to ACT 250 then the fee would be more. Time line would be from 60-120 days.

Mr. Bauchner stated that the neighbors should be included in the process out of courtesy and respect. Mr. Bannon suggested that a noise analysis be done as well to provide further information on buffering.

There were no further questions from the board. The board deferred any decision until next meeting to research a few more facts.

8:35 PM – Public Hearing on the “So Called Path” between Carter and Connell Properties – Mr. Bauchner started off by notifying everyone that they were being filmed and recorded on TV 45 and stated how the discussion was going to take place.

Ms. Reilly got up and showed everyone where the “so called path” is located and the direction it goes up to the Warren School and Brooks Field. She stated that the path has existed for 60 years or longer and is used by parents, children and the public uses it during the 4th of July. It has recently been posted by Sue Carter and Ms. Reilly explained that the safe routes to school committee had identified it as a safe route to school.

Ms. Carter wanted to know why this issue was being brought before the Selectboard as it is private property and has been posted legally with the town? She also stated that no one has ever asked her permission to cross her land.

Adena Ford read out loud a letter she prepared that she and her 6 year old son have enjoyed use of the path to go to the Warren Library after school, the 4th of July and that she has started an outdoor adventure club behind the school. Some of the trails behind the school lead to the now closed path.

April Smith – Ms. Smith is an owner of part of where the path runs. She and her husband John support the way the path is being used for the public and as a safe route to school and have no objections to the public using it on their property. Ms. Smith inquired if Ms. Carter would be interested in selling an easement to the town? Ms. Carter responded in say “no”.

Catherine Benham – She and her son would like to see the path accessible to the school. She stated she would like to see a compromise in a respectful way.

Liz Raddock – She stated that she agreed with Sue, but would like to see if an agreement could be made with Sue for an easement working with Ms. Carter in a respectful way. She also inquired if Ms. Carter would sell an easement to the town? Ms. Raddock inquired if there was a group of parents that offered to help take care of the path and take on the responsibility of cleaning and caring for it if Ms. Carter would allow public use. Ms. Carter said she did not want the liability.

Mr. Bauchner stated that if the town owned an easement or right of way that it would be on the town's insurance. There is also a statutory law that protects landowners from liability of others using property for recreation.

Angela Mcmann Ms. Mcmann inquired if signage could be put up with restrict use to notify the public?

Ms. Carter stated she was tired of everyone walking on her property with their unsupervised dogs and people leaving trash all over. She stated she would not sell an easement to the town.

Blair Scagoni – Walking and riding on the Brook Road is not a safe route. Today cars travel faster. She would like to see a compromise made.

Rudy Elliott – Mr. Elliott agreed with Ms. Carter that her property is hers and she has the ultimate say in what happens on her private property.

Matt Groom – Mr. Groom as like many parents stated that it had never occurred to him that the path was on private property and that out of respect it's her property. He has walked the path since 1977 and did not know it was private like a lot of people did not know.

Ms. Carter stated that the path was not in existence for 60 years and back in the days no one crossed her father's property without permission.

Ms. Gow – Ms. Gow spoke up and indicated that this has been an issue since 1980. She stated it was good to have it on public TV, and that it's a common courtesy to ask permission before assuming. Ms. Gow felt that maybe it was the selectboard's responsibility to see if the path could be relocated off Ms. Carters and put this issue to rest once in for all. Ms. Gow stated that the public should respect Ms. Carters wishes and not use the path and use what is available for the following few Fridays for the safe routes to school bike and walk.

Mr. Bauchner inquired if Ms. Carter would be interested in meeting with a group of parents and discussing a possible compromise. Ms. Carter stated she was not agreeable because it could be one against a whole group. Ms. Reilly stated that the safe routes schools have been looking to find other alternatives. One could be walking down the Luce Pierce Road, cross the town garage and up to the school. But there is a concern that speed is an issue on Brook Road and that the new bridge is much narrower.

****Note Brook Road Bridge is 2' wider than the previous bridge structure. *****

In closing, Mr. Bauchner stated that the selectboard under state law is to listen to the facts state, explore other alternative routes. The safe routes to school group could look at re-organizing the routes so that the school kids can get to and from the school safe on Fridays.

Dave Clarkson? – Mr. Clarkson stated that he lives across the road from Ms. Smith and speed is an issue and stated that Brook Road and Main Street are unsafe.

Mr. Barring inquired if the selectboard had any comments on the traffic calming report that was prepared back in 2004? He also stated that clearing and veering off the path is wrong and disrespectful to the owner. He also inquired if signage could be up clearly stating that the path is on private property at the very top as well.

Mr. Ketchel indicated he would like to participate in a group with Ms. Carter to help alleviate the problems that Ms. Carter was having and open the path again.

Mr. Cunningham stated that clearly Ms. Carter does not want to meet with a large group and maybe the selectboard could explore some other options.

9:25 PM – PLANNING COMMISSION CHECK IN – Michael Ketchel – Mr. Ketchel started the discussion that the Planning Commission has been working with the Smart Growth Consultant on affordable housing in the village. He also announced that Warren was approved for the Village Center Designation. With this designation Warren could potentially be eligible to apply for funds in the Vermont Neighborhoods Program for development of the Town Garage site in the future. It is also designed that with this new Village Center Designation, homeowners are eligible for tax credits for buildings within the boundaries of the Village Growth Center. The Planning Commission will be sending out a notice to the homeowners that are now eligible.

Zoning Changes – The Planning Commission have been working on incorporating the FEMA Flood Plain Maps and also incorporating fluvial erosion hazards into the zoning changes.

Mr. Simpson attended a Planning Commission meeting and spoke on the phases of redoing the space requirements in the municipal building. The Planning Commission has concerns about the planning of the upstairs space and vinyl windows to replace the old windows. The Planning Commission believes that the building should be historically maintained. Mr. Simpson indicated that the board was looking at fiber glass windows, not wooden windows that were energy efficient and maintenance free.

They are historically approved, but would be less costly in the future to maintain. Mr. Simpson is also pursuing local contractors to bid on windows as well as requested by the selectboard.

Mr. Bauchner inquired if the Planning Commission was looking at creating a local government zone. Mr. Ketchel pointed out that this was already in the zoning regulations under conditional use and that the government buildings fall into that foot print and falls under the Warren Historical Residential zone. Mr. Ketchel asked “why is this needed when the uses is already allowed under Conditional Use. Mr. Bauchner pointed out a good example was that the town wanted to use one of the apartments in the former Ruby Blair House as a governmental outpost and a civic zone would allow this type of use. Mr. Bauchner stated that the DRB would not allow this type of activity in the conditional use review. Mr. Ketchel would take this back to the Planning Commission to re-examine.

9:50 PM – DEPARTMENT OF PUBLIC WORKS CHECK IN – Barry Simpson –

Town Hall – Mr. Simpson reported that the contractor and town are now down to the final punch list with very few items. The road crew worked on the final drainage grading on Monday and the elevator will be certified next week.

Wheeler Brook Project Bus Pull-Off – Mr. Simpson reported that Wheeler Brook had sent over a cost to build the bus pull off at a cost of \$15,000. The originally number was quoted around \$4,800 but was not approved by Krebs and Lansing. The project set aside only \$4,700 for the project and there is only enough to create a single vehicle pull off. Mr. Simpson would go back and work with Mr. Weston, road foreman, and Wheeler Brook to see what could be done for the \$4,800.

Paving on Access Road at Wheeler Brook – The contractor at Wheeler Brook plans on paving the top coat next week and paving the turnout at the same time.

Village Paving – The base coat has been applied and on Wednesday S.T. Plans on putting down the top coat on Wednesday.

At this time, the issue of traffic calming and speed tables was brought up by Ms. Reilly and Mr. Ketchel provided a map of the original traffic calming measures. There was much discussion on raised paved speed tables, striping etc and if a speed table could be incorporated into the paving plan now while S.T. Paving was here. The board directed Mr. Simpson to talk to Mr. Weston, Road Foreman, and Mr. Reynolds of S.T. paving about these speed tables and a cost.

Sugarbush Meeting with ANR, DRB, Conservation Commission, Friends of the Mad River, The Town of Warren – The required pedestrian Path – Mr. Lisai presented the representatives the three choices for the pedestrian path. The ANR did not like two of the choices due to crossing Claybrook and steep slope issues. It was discussed that moving the guardrail back 4’ on the westerly side of Inferno is the best choice.

Mr. Simpson also suggested that adding a rigid rumble strip that would help to designate the pedestrian path in the winter. Currently no action will be taken as Sugarbush has delayed the building of its next phase until April 2010.

10:30 PM – OTHER BUSINESS:

Norman Temporary Logging Road off Behn Road – Mr. Simpson presented to the board a temporary logging road off Behn Road that currently the Normans are using as access to remove logs from the property. Mr. Simpson reviewed the cut and added conditions as requirements for the road access approval.

10:35 PM – Motion by Mr. Cunningham to approve the Norman Temporary Logging Access Permit with the conditions as stated on the permit and to restore the town's right of way to its original condition, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

10:40 PM – Library Resource Sharing Grant - \$85.00 - Motion by Mr. Cunningham to approve the library resource sharing grant for \$85.00 and authorize Mr. Bauchner to sign on behalf of the Town, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

10:45 PM – Forest Fire Warden Appointment – Chris Kathan – Motion by Mr. Bauchner to approve the appointment of Chris Kathan as Forest Fire Warden, second by Mr. Cunningham. All in Favor: VOTE: 5-0.

10:50 PM – Liquor License & Tobacco License for Two Romans LLC (formally Sweetwood Grill & Bar) – Motion by Mr. Cunningham to approve the two license requests, second by Mr. Groom. All in Favor: VOTE: 5-0.

10:55 PM – Dubois & King Contract Services for Blue Berry Dam Permits – Motion by Mr. Cunningham to approve the contract of \$4,900 for permitting and some minor construction for easier maintenance of the dam, second by Mr. Groom. All in Favor: VOTE: 5-0.

10:58 PM – Permit for phase one of Municipal Building renovations – Mr. Simpson inquired if the board wanted him to pursue the first phase permit from the town on phase one of the plan. The board directed Mr. Simpson to proceed.

11:00 PM – Mr. Bauchner updated the board that John Barkhausen, of Rootswork, has come up with the approved language as requested by the board to be added to their bylaws and to the lease.

11:03 PM – Minutes of April 28, 2009 – Motion by Mr. Cunningham to approve the Minutes of April 28, 2009, second by Ms. Reilly. All in Favor: VOTE: 5-0.

11:04 PM – Motion by Mr. Cunningham to instruct the treasurer to borrow a tax anticipation note as documented by the treasurer, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

11:05 PM – Motion to go into executive session for real estate and invite Ms. Jones and Mr. Simpson, second by Ms. Reilly. All in Favor: VOTE: 5-0.

11:10 PM – Motion by Mr. Cunningham to come out of executive session, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

11:15 PM – Motion by Mr. Cunningham to go into executive session for deliberations, second by Ms. Reilly. All in Favor: VOTE: 4-0 (Mr. Groom left the meeting).

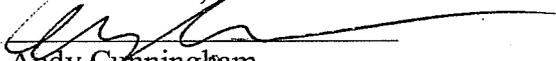
11:30 PM – Motion to come out of executive session, second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

11:35 PM – Motion by Mr. Cunningham to adjourn, second by Ms. Reilly. All in Favor: VOTE: 4-0.

Minutes Respectfully Submitted by,
Cindi Jones,
Warren Town Administrator

Warren Selectboard

Burt Bauchner, Chair

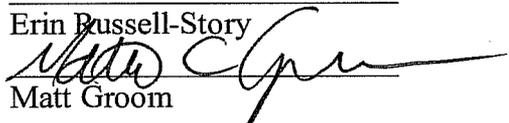


Andy Cunningham



Kirstin Reilly

Erin Russell-Story



Matt Groom