

MINUTES OF JUNE 23, 2009
WARREN SELECTBOARD
WARREN MUNICIPAL BUILDING
7:00 PM

MEMBERS PRESENT: Burt Bauchner, Chair, Andy Cunningham, Matt Groom, Erin Russell-Story.

MEMBERS ABSENT: Kirstin Reilly.

OTHERS PRESENT: Rudy Elliott, Craig Klofach, Kara (VR), Ray Weston, Barry Simpson, Tara Hamilton, Bobby Rood, Rocky Blier, Margo Wade, Mary Gow, Deborah Kahn, Lenord Robinson, George Robinson, Sue Carter, Alex Maclay, Doug Mosle, Chris Kathan, Susan Hemmeter, Cindi Hartshorn-Jones.

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

7:10 – ROAD CREW CHECK IN – Ray Weston – The crew has been working on preparing the Library Handicapped Access entry way for pavement on Thursday. They have been out grading roads such as Senor, Fuller Hiller, and Prickly Mountain. They also have added some of the crushed asphalt on some 4th class roads and have been working on the Cross Road to prepare to do some ditching and drainage. Dig safe has been on site and marked the area where the telephone line runs within the road. They have not begun installing culverts as they are waiting for some bands to come in and have been short on manpower. The Village paving, bridge paving and Covered Bridge Road will be completed on Thursday weather permitting. After all major paving has been completed; Mr. Weston will see how much money is left and do some shimming in August on Sugarbush Access and East Warren Road. The weather has not been cooperating with road grading maintenance as Mr. Lenord Robinson voiced concerns about the Plunkton Road that was very muddy and slippery from the last rain storm.

Waitsfield – Fayston Telephone had presented to the board a right-of-way boring request on Lincoln Gap Road. Mr. Weston has met with the phone company and they assessed the area and requirements concerning the road and ditching for the boring. Mr. Weston requested that they put the line 5 feet down under the road as a direct burial and it helps the town so that there are not any overhead wires to deal with during winter road maintenance.

Motion by Mr. Groom to approve the Right-of-Way Request to bore under Lincoln Gap Road as per diagram, second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

Mr. Weston explained to Mr. Robinson that the crew has been trying to grade roads according to weather and on that Thursday a heavy rain storm came through and made the Prickly Mountain/Cross Road very muddy and slippery. Mr. Kathan stated that he had graded on Wednesday and that base is composed of very fine silt and very little from Prickly to Alpine. Mr. Weston also stated that it takes time and material to gravel the road properly and with only a 4 man crew and vacations, they are short in manpower.

Mr. George Robinson stated that he had called all five members of the Selectboard and no one had returned a call back to Mr. Robinson. Mr. Robinson then proceeded to track down Mr. Simpson, DPW and take him out on the road.

The crew is going to be working on the Cross Road narrowing it up, pulling the ditch back in and making it safe again. They will be doing drainage and adding gravel as well. The crew has been contacting near by property owners that would be willing to take the silt ditch fill so that they do not have to truck it back to the pit to help save time and money. Mr. Weston also stated that there has been no chloride put on Alpine or Prickly and that some of the Plunkton has been partially graveled. Much of the road maintenance has been difficult to achieve due to having only a 4 man road crew. It also has been very difficult to schedule grading of roads as the weather has been very unpredictable as well. They will be working on getting roads in and near the Village ready for the 4th of July.

7:35 PM – FIRE DEPARTMENT – CHRIS KATHAN/DOUG MOSLEY – Chris Kathan, Chief, Doug Mosle, President, updated the board on the status of new fire utility truck. In 2008 the department contracted VTEK to delivery within 80 days the new utility truck with the body. There has been some on going issues with the vendor on trying to get the required body here from the manufacturer to complete the installation. The Fire Department members had voted to go and pickup the truck within 14 days if the vendor could not produce the body. Mr. Kathan had also checked with the Town's attorney regarding the contract and paper work signed. The Town's attorney had agreed that the contract submitted was not a legal binding contract with the Town and if the vendor did not produce the body, then the Town would not be obligated to buying it. Two weeks ago, the vendor had called and the body had arrived. Mr. Kathan went to the vendor in person to see if in fact the body was there. It had arrived and is now being painted and within 3-4 weeks it should be here in Warren complete and ready to outfit.

The department also has updated a new set of bylaws and is working on the administrative issues within the department.

7:50 PM – MRV TV COMPLAINT LETTER – The Selectboard received a letter from MRV TV that their employees were getting harassed by the public (Mr. Elliott) and felt intimidated. Mr. Bauchner expressed to Mr. Elliott and the public that MRV TV was a service that they supported because it allows other people to view the proceedings that cannot be present. He also commented that everyone has a right to comment and that in some cases, Mr. Elliott does not articulate his comments well and they tend to misrepresent what he wants to say in a loud tone.

Mr. Simpson commented to Mr. Elliott that he has a lot of experience with roads/materials and expresses some good ideas. Mr. Groom indicated that in some cases Mr. Elliott's tone can be abusive and has some attitude towards issues. Ms. Russell-Story expressed that all meetings should have suability to them even on contentious issues. Mr. Elliott inquired on a copy of the letter and was presented one by Mr. Bauchner.

8:00 PM – DEPARTMENT OF PUBLIC WORKS – Barry Simpson –

Mr. Simpson started the discussion of stating that he had attended a meeting of the FEMA Emergency Management. In the meeting much discussion was on upgrading bridges and culverts for flooding issues. Mr. Simpson has proposed a letter of intent to FEMA for replacing culvert #11 by Streeters. There is a June 30th deadline for a letter of intent. The application requirements are that the town would have the AOT do a hydraulics analysis study and that there is a town match of 25% of the cost of construction. Mr. Simpson requested Daniels Construction to come and assess the project and their cost is \$40,000 to replace the culvert with a \$10,000 town match. The cost does not include cutting back or repaving the area. Actual construction if the project was awarded would not happen until 2010.

Motion by Mr. Cunningham to authorized Mr. Bauchner to sign and approve the Letter of Intent for Hazard Mitigation Funding, second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

East Warren School – the new coop is proceeding with the renovations as previously discussed. Mr. Simpson had requested the Fire and Safety Division to come out and inspected the building and basically there are not changes from the original use of the building. The only issue was the exterior hand rail and Rootswork would be taking care of this.

Mr. Simpson also expressed that he was looking at hiring a new road crew member and the cost. The board wanted to see numbers even through Ms. Jones and Mr. Simpson reviewed in detailed wages and benefits. The additional wages were included and voter approved at town meeting as if there was a five man road crew.

9:35 PM – CONSERVATION COMMISSION CHECK IN – Ms. Hemmeter started the discussion with an update on knotweed. There is now a separate dumpster for the knotweed located behind the town garage. The volunteers are almost done with the first cutting and have been taking it down to George Schenk's burn pile. There are two other evasive weeds that have been identified and they are Chervil which you see a lot by the roadsides and gout weed that has been identified in the Village.

Mad River Path License Agreement – The Conservation Commission and the Path Representatives have been working on establishing a Path License Agreement with the Town that the Town would hold and that the Path would be responsible for maintenance an operation of it. Some sticking points were that: the town would have to be responsible for inspecting the easement area. Mr. Bauchner commented that the Conservation Commission would be in charge of this.

Permit Fees? Who would pay for any Permit fees with other agencies such as the ANR? Mr. Bauchner indicated that town would wave any town fees, but that the town could not afford to pickup other permit fees associated with the Path. Ms. Wade also commented that they would like to keep open communications with the Food Bank who owns the Kingsbury Farm Parcel. The Path members also are distributing membership brochures to the public to help support the Path for maintenance, bridges etc. There are still issues to be worked out with the agreement and Town will be forwarding it to legal council for review.

9:00 PM – LIBRARY GRAND OPENING – Ms. Kahn – Ms. Kahn updated and thanked the board and public for helping to support the library's move and new space to the Town Hall. She indicated that the space was working to what they had anticipated. Invitations have been sent out for the Grand Opening on August 21 with an opening at 11:00 AM, and open house tours from 10:00-6:00PM.

9:10 PM – OTHER ITEMS –

Sugarbush Permit Fee Credit – Ms. Wade came back to the board with the requested information on previous Sugarbush Permit Fee credits and an updated spreadsheet on the fees that had been paid out. Sugarbush is asking for a credit of \$9,582 to be applied to the new permit for the Children's Center. Mr. Malboeuf explained that there is a structured DRB fee schedule that works for all applicants, commercial and residential. He also stated that the building fees are a budgetary item that offsets the Zoning Department Costs. Mr. Bauchner commented that the Town wanted to be fair, but the revenue supports the department and that the fees applied to Sugarbush were quite fair being that the project was a \$65 million dollar project and that they have had 4 years to start the project. Mr. Cunningham inquired would Sugarbush build within the next two years? Ms. Wade indicated that they are hopeful that the 2nd phase will start construction in April of 2010. Mr. Bauchner also inquired if the delay was due to the slow economic climate? Ms. Wade indicated that the economic downturn has some effect on the project. Mr. Groom was concerned that this waiver of fees could set a precedent and why wouldn't residential people get the same advantage? Ms. Wade commented that Sugarbush is one of the biggest taxpayers and offers a lot of jobs to the Valley. Ms. Jones expressed that a large portion of the tax bill goes to the state for education and a very small share goes towards the budget. Ms. Russell-Story was also concerned that this could set a treacherous precedent. After much discussion Mr. Bauchner queried the board on if they wanted to give ½, ¼, all or no credit. Mr. Malboeuf stated that the board should consider this as the last time that any credits will be applied.

Motion by Mr. Cunningham to apply a credit of \$4,791 towards the application of the Children's Ski School to be taken in this year (2009), second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

9:45 PM – Town Garage Update: Mr. Bauchner opened up the discussion by giving the public some background information. The Town owns the Austin/Coats Parcel and currently the site is used for storing bulk materials. Prior to that, it was an operating

gravel pit that the town used until all materials were extracted out. The current town garage buildings are getting to the point that they need to be replaced. The Planning Commission did a lot of extensive background work on re-elevation of the existing site and looking for other compatible sites. The current site is very tight in space and trying to develop the site with new buildings, would be very difficult and continue day to day operations. The PC also proceeded with a Brownsfield study of the current site and the site was clean of any chemicals or hazardous materials. The current site could be used for a possible affordable housing site in the future. The town inquired to the Town's Attorney about clarification of former ACT 250 restrictions. The Town's attorney stated that all restrictions have expired on the property. Also, the department of ANR has stated after reviewing the file and previous permits that moving and building the new town garage would not require an ACT 250 permit.

Back in the fall of 2008, the Selectboard instructed Mr. Simpson to talk with all the adjoining landowners about this. Ms. Gow expressed that she did not feel that this happened.

From the Planning Commission study and the Brownsfield study, it was the consensus of the Selectboard that they did not want to continue with having all the trucks coming through the village at the present site. The next action was that the Selectboard solicited proposals from engineers to develop the site for the new town garage to have a financial plan and site plan to put before the voters in March. Mr. Bauchner stated that there was some miscommunication between the Town and Gow/Hewitt. Mr. Bauchner explained that the Selectboard wanted to invite property owners to participate in the site design and work. The current road would be upgraded, birms and trees added to make the area quiet and the esthetics of the site would blend in so that it would not create an eye sore. Mr. Bauchner also stated that the Selectboard had received a letter from Sheila Ware, Attorney, representing Gow and Hewitt in this legal matter.

Ms. Gow stated that an agreement had been signed by the Selectboard back in 1987 addressing restrictions on the property so that no development would take place. The discussion was concluded.

10:10 PM – East Warren Community Market Cooperative Invoices – Water potability and filtration on the well supply – Invoices were presented to the board for an Reverse Osmosis System for \$1,164.66, a 1252 Clack Conditioner (all ready installed) for \$1,070.00, and a follow up bacteria test at \$50.00. There was much discussion on what the town's legal responsibility was and what potable water is. The Department of Health states that it has to be coliform and ecoli free for consumption for public water supplies. Mr. Cunningham commented that the softener should be considered as part of the town's responsibility. The well does have a lot of heavy iron, manganese mineral content. Mr. Simpson commented that it would also protect the town's building furnace and pipes from future repairs. There was discussion that the RO unit was not a necessary item to make the water potable. Mr. Bauchner inquired of Ms. Jones on where the cost could come out of the budget and she commented that she would review the total costs and present at next meeting.

10:15 PM – Citizen Letter – The board also received a letter from Schoolhouse Markets requesting a copy of the sublease with the East Warren Community Market when available. Mr. Bauchner stated that it would be available as it would be considered public information. At this time, the sublease for East Warren Community Market has not been finalized with Rootswork.

10:20 PM – Signature of Fire & Safety Town Hall – The board was presented a letter to the Division of Fire & Safety for signoff on the steps that are not in compliance that lead to the upstairs. The historic preservation has requested that the stairs remain as is, for historic preservation standards so the Town is requesting a waiver regarding this issue.

Motion by Mr. Cunningham to approve and sign off on the letter to Fire & Safety, second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

10:25 PM – Approval of Minutes from May 23 and June 9, 2009 – Minutes could not approve as both needed Ms. Reilly's signature as she was present at both meetings. Deferred until next meeting.

10:30 PM – Motion by Ms. Russell-Story to go into executive session inviting Mr. Simpson and Ms. Jones for litigation and real estate, second by Mr. Cunningham. All in Favor: VOTE: 4-0.

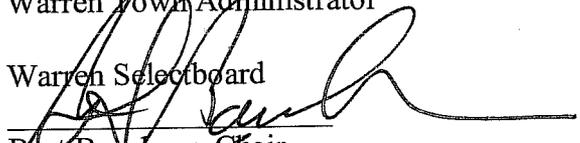
11:00 PM – Motion to come out of executive session by Ms. Russell-Story, second by Mr. Cunningham. All in Favor: VOTE: 4-0.

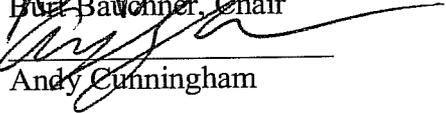
11:05 PM – Litigation letter to be sent along to the Town's attorney.

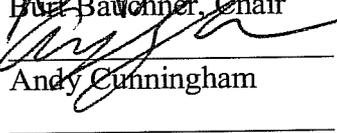
11:12 PM – Motion to adjourn by Mr. Groom, second by Mr. Cunningham. All in Favor: VOTE: 4-0.

Minutes Respectfully Submitted by,
Cindi Hartshorn-Jones
Warren Town Administrator

Warren Selectboard


Burt Bauchner, Chair


Andy Cunningham


Erin Russell-Story


Kirstin Reilly

Matt Groom