

**Agenda**  
**Warren Selectboard**  
**Tuesday, November 9, 2010**  
**7:00PM**  
**Warren Municipal Building**

7:00 PM – Susan Swenson – Bus issues

7:15 PM - Department of Public Works –Barry Simpson  
Sugarbush Access Road Update/Completion/paving

7:25 PM – Approval of Minutes of October 26, 2010

7:30 PM – Approval of Warrants (Accounts Payable – Town of Warren)  
Warrant dated 11/02/10 - \$19,885.07, Warrant dated 10/28/2010 - \$27,733.00,  
Warrant dated 10/28/10 - \$133.37, Warranted dated 10/27/201 \$5,235.01.

7:40 PM – Agency of Transportation TA-65 form for Reimbursement for the Lincoln Gap Road/Paving  
Sign off by the Selectboard for Reimbursement of \$104,202.50.

7:45 PM – Other Business  
Mad River Valley Selectboard Summit – November 17, 6:00PM – Discussion?

8:00 PM – Performance Reviews Continue

**Minutes of November 9, 2010**

Warren Selectboard

Warren Municipal Building

7:00 PM

**Members Present:** Andy Cunningham, Chair, Bob Ackland, Kirstin Reilly, Anson Montgomery.

**Members Absent:** Matt Groom, Vice Chair

**Others Present:** Rudy Elliott, Charlie Snow, Jim (TV 44/45), Barry Simpson, Cindi Jones.

**7:00 PM – Meeting Called to order by Mr. Cunningham.**

**7:03 PM – Susan Swenson – Bus Issues –** Ms. Swenson came to the Warren Selectboard to request that the Warren 4 bus be parked down at the town garage. She stated that she is only requesting this during the winter months. She stated that she could not park the bus over by the First Student Buses as the electric is paid by Washington West and that her bus would block the two first student buses. An option was indicated in a letter provided by Andreas Lehner, Principal of the Warren Elementary School. The bus could park within the circle and that they could run a cord from the school to the bus, however, parking the bus there will make winter maintenance tasks more challenging for the highway crew to plow. Mr. Cunningham agreed that parking the Warren 4 bus at the garage was sensible; however, when the Town applied for its zoning permits for the break trailer and salt shed, there were specific requirements. Mr. Cunningham spoke to Mr. Malboeuf about this prior to the meeting and the permit requirements come under Warren Land Use & Development Regulations Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Warren, or any other department or branch of government. Such a facility may be further characterized as "open" to the general public (e.g. town, office, meeting hall, post office) or "Closed" to the general public (e.g. highway maintenance facility, utility substation, solid waste facility). Closed means gated and locked due to insurance regulations. A detailed erosion control plan was provided along with insurance recommendations by The Town's carrier. Mr. Ackland commented that it is the most sensible thing to park it at the Town Garage. Mr. Simpson commented that there is some maintenance that the Mechanic, Mr. White, performs that saves the school from taking it to a third party to work on. However, this is an additional liability risk for the town. (Copy attached). Mr. Elliott commented that the bus is not a town owned vehicle, it is owned by the Warren School District not the Town of Warren. The Warren School has this in their budget and is aware that it has to be plugged in during the winter months. Mr. Cunningham deferred anymore discussion on this until the board could get clarification from zoning.

**7:22 PM – Department of Public Works – Barry Simpson – Access Road Update –**

Mr. Simpson reported that he walked the Access Road with Mr. Wing of Sugarbush, and Tim from G.W. Tatro with the punch list. A few driveways The Pat Collins and the Button House needed some paving touchup. This was a Sugarbush issue that they would take care of. The manhole down by Fortna Road still needed to be lowered and both parties were in agreement. They will be working on improving some swales and fixing some patching problems this week. Mr. Cunningham commented that the Town should not tell Tatro them how to fix it, they need to what they think is best. Mr. Ackland commented that there was some communication problems and clarified that if the problem is related to pipeline then Mr. Simpson should talk to Sugarbush (Mr. Wing) and not go to G. W. Tatro. If all goes well, things should be pretty well buttoned up for spring.

**Structural Work** – Mr. Simpson obtained a proposal from H.K Builders on the preliminary structural work to be completed on the East Warren Schoolhouse and the Warren Municipal Building. Mr. Simpson had asked the board a few weeks ago for an approval. H.K. Builders started work at the East Warren Schoolhouse and has finished the 2<sup>nd</sup> floor work and is now started on the attic.

The municipal building – Mr. Simpson had spoken to the engineer regarding Mr. Snow's suggestion of using foam instead of cellulose. Mr. Temple from DeWolf Engineering indicated that there was no difference in the structural work to be done. To do the cellulose and air sealing the cost would be about \$2,433. If the cellulose was to be removed the cost is \$2.50 cubic foot or \$1,300 and to add urethane foam R60 the cost was \$1.00/board foot or \$7,280 for a total to remove the cellulose and foam was going to be \$8,580. Mr. Snow inquired of Mr. Simpson on why Mr. Groom and Mr. Simpson did not contact him to meet with the engineer as requested at the last meeting? As he had concerns about the cellulose, its hazard's, working conditions of other contractors up in the attic and he wanted to ask the engineer questions concerning using foam instead of cellulose. There seem to be some communication breakdown between all parties involved. Mr. Ackland commented that the engineer's word was sufficient and that Mr. Simpson has researched these retrofits for the energy grant. Ms. Reilly thanked Mr. Simpson for putting in the time and coming up the costs for what the town can afford. Mr. Montgomery commented that he agreed with the engineer's recommendations and cost. Ms. Jones commented that the Town needed the contractor's certificate of insurance to file with the grant.

Motion by Mr. Cunningham to accept the proposal from H, K. Building to perform the required engineering work in the East Warren Schoolhouse and the Warren Municipal Building as soon as possible and to proceed with the insulation, second by Mr. Montgomery. All in Favor: VOTE: 4-0.

**8:10 PM – East Warren School House Park & Ride** – Mr. Simpson stated that the existing approvals and public comment discussions regarding the East Warren Schoolhouse Park & Ride, were going to be followed. The lot will have a product called shur-pac which is a pinkish stone that works very well as what has been placed around the Brooks Recreation Field. The surface will be crowned with a 3" coarse aggregate, then a 3" layer of fine shu-pac put on rolled and compacted. This project is somewhat weather dependent and ST. Paving (NOT JUST A PAVING COMPANY) was hoping to get to the project possibly the end of November. Mr. Simpson called the State of Vermont regarding timing and completion and stated that the Town had 3 years to complete. Ms. Jones commented that the Town had already received \$10,000 to start the project. If no expenditures have been expended in the year, then the Selectboard would have to instruct the Treasurer to write a check back to the State of Vermont. Entries would have to be made on state and federal forms and on the Town's financials to reflect \$10,000 being sent back to the state. Mr. Snow commented that there are other contractors around the Valley that are slow and might be able to do the work.

Motion by Mr. Ackland to table the Park & Ride until spring and rebid the project in the spring, if no other contractors were available, second by Ms. Reilly. All in Favor: VOTE: 4-0.

**8:25 PM – Approval of Minutes for October 26, 2010** – Motion by Mr. Montgomery to approve the Minutes of October 26, 2010, second by Ms. Reilly. All in Favor: VOTE: 4-0.

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**8:30 PM – Approval of Warrants (Accounts payable, Bills of the Town) –** dated 11/02/2010 for \$19,855.07, 10/28/2010 for \$27,733.00, 10/28/2010 for \$122.27 and 10/27/2010 for \$5,235.01 –

Motion Mr. Ackland to approve the warrants as presented, second by Ms. Reilly. All in Favor: VOTE: 4-0.

**8:40 PM – Sign off of TA-65 form for Reimbursement for the Lincoln Gap Road/Paving project –**

Motion by Mr. Montgomery to approve signing off on the TA 65 for reimbursement for the Lincoln Gap Road/paving project for the amount of \$104, 202.50, second by Ms. Reilly. All in Favor: VOTE: 4-0.

**8:45 PM – Other Business – Mad River Valley Summit – November 17, 2010 –** The board discussed that they would like bring up the 4<sup>th</sup> of July, sheriff patrols, and contract hours.

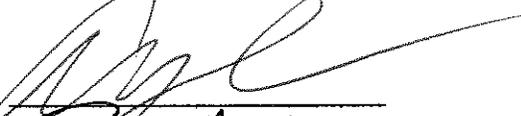
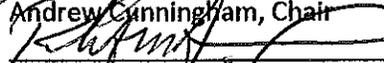
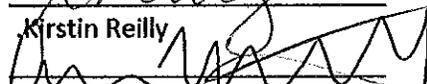
**8:50 PM – Motion by Mr. Cunningham to go into executive session regarding personnel reviews, and inviting Mr. Simpson and Ms. Jones, second by Mr. Ackland. All in Favor: VOTE: 4-0.**

**9:50 PM – Motion by Mr. Ackland to come out of executive session second by Mr. Montgomery. All in Favor: VOTE: 4-0.**

**9:55 PM – Motion by Mr. Ackland to adjourn, second by Ms. Reilly. All in Favor: VOTE: 4-0.**

Minutes Respectfully Submitted by,  
Cindi Jones, Warren Town Administrator

The Warren Selectboard

  
\_\_\_\_\_  
Andrew Cunningham, Chair  
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Bob Ackland  
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Kirstin Reilly  
\_\_\_\_\_  
Anson Montgomery

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Matt Groom, Vice Chair

**Public Facility:** A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Warren, or any other department or branch of government. Such a facility may be further characterized as “open” to the general public (e.g., town office, meeting hall, post office) or “closed” to the general public (e.g., highway maintenance facility, utility substation, solid waste facility). (See Section 4.14)

**Public Road:** A road or street which is constructed within the boundaries of an officially deeded or dedicated and accepted public right-of-way. The word “road” shall mean the entire right-of-way.

**Reasonable Use:** A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another’s use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

**Receiving Area:** An area designated in these regulations in which development rights transferred from sending areas may be used, subject to transfer of development rights provisions under Section 3.16 (see also Development Right, Sending Area).

**Reconstruct:** To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

**Recreation Vehicle:** For floodplain management purposes, a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towed by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

**Restaurant:** Premises where food and drink are prepared, served and consumed primarily within the principal building.

**Retail:** Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and automobiles.

**Ridgeline:** The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to “junkyards” as defined by the state (see Section 4.15).

**Sawmill:** A facility, including a building or structure, where logs are temporarily stored, and sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products. Portable chippers, sawmills or other equipment used on a temporary basis to process wood on the site of a logging operation are excluded from this definition.



## The Warren School

Andreas Lehner, PRINCIPAL  
alehner@warrenschoool.org

Warren, VT 05674 • (802) 496 2487 ext 222  
fax: (802) 496 2570

November 9, 2010

TO: Warren Select Board  
FROM: Andreas Lehner  
RE: School Bus Parking

Yesterday's "wintry mix" reminds me that this might be a good time to revisit the parking arrangements for Warren's Bus #4.

As you know, that bus has historically been parked next to the town garage. In that location, it was out of the way of road equipment doing winter maintenance, it was safe from vandalism, and it was in a convenient location for road personnel to provide assistance on those occasions when it was reluctant to start.

One alternative to the former location is the bus area on the back lot. Two First Student buses use that area, so FS pays the electric bill on the plug stations. We also park our spare bus there, but it is not plugged in. Parking Bus #4 there would block the exit for one of the FS buses. And, following a rock-throwing episode, we did have to replace both windshields in September.

So the only viable alternative is the school traffic circle. By running an extension cord from the building, we can keep the bus plugged in on cold nights. Unfortunately, parking the bus here will make winter maintenance tasks more challenging as the plow has to work around the parked bus.

I respectfully suggest that everyone would benefit by returning the bus to its former parking spot, at least for the winter months.

Sincerely yours,

Andreas Lehner, Principal

## Cindi Jones

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**From:** Fred Satink [fsatink@vlct.org]  
**Sent:** Tuesday, May 25, 2010 2:43 PM  
**To:** Cindi Jones  
**Subject:** FW: Town Employee performing maintenance on School-owned bus

Hi Cindi:

Here is the email that I sent....I thought (hoped) I was timely!!

let me know if you need anything else.

Fred

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**From:** Fred Satink  
**Sent:** Thursday, May 20, 2010 2:51 PM  
**To:** 'Cindi Jones'  
**Subject:** Town Employee performing maintenance on School-owned bus

Hi Cindi:

Per our discussion, it is our preference that the town not take on the additional liability risk associated with performing maintenance on vehicles not owned by the town (whether owned by the school district or other parties).

In the case you described where a mechanic employed by the town performs vehicle repairs on a school district-owned bus, the severity of the the exposure risk is increased due to the nature of the vehicle contents (many children). Thus the potential size of the claim (regardless of the probability of occurrence) is much greater than when the town employed mechanic performs basic maintenance on owned vehicles.

In summary, this is an unnecessary additional risk to the town and to PACIF as a whole that could and should be transferred to a third party (i.e. a vehicle repair shop) rather than being assumed by the town, as is currently the case.

I hope this is helpful.

Regards,

**Fred Satink**  
**Loss Control Specialist**  
**Vermont League of Cities and Towns**  
**89 Main St., Suite 4**  
**Montpelier, Vermont 05602-2948**  
**802-229-9111**  
**802-262-1948 (direct line)**

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW

000801

#2009-12-CU TOWN OF WARREN TOWN GARAGE SITE

The applicant, the **Town of Warren**, seeks a conditional use approval for setback relief of approximately 28' from a stream in order to accommodate the placement of a thirty-two foot (32') by eight foot (8') mobile office trailer on the present town garage site at 119 School Rd. This site is part of a 40.6 ± acre parcel, which includes the Warren Elementary School and Brooks Field, and is located in the Warren Village Historic Residential District, (Parcel Id# 001002-300).

A duly warned hearing was held on Wednesday December 2, 2010 and attended by DRB members Lenord Robinson, Peter Monte, Chris Behn, Bob Kaufmann and Virginia Roth. Others in attendance were: Andy Cunningham, Don Swain, Miron Malboeuf and Ruth Robbins. The hearing was continued until Monday December 14, 2009 so that members could conduct a site visit on their own. The Friends of the Mad River also wanted an opportunity to look at the site and make comment as well. The December 14<sup>th</sup> hearing was attended by DRB members: Mrs. Roth, Mr. Monte, Mr. Behn, Mr. Robinson and Mr. Kaufmann. Others in attendance were: Gunner McCain, Paul & Victoria Eardensohn, Bob Messner, Barry Simpson, Miron Malboeuf and Ruth Robbins.

The hearing was continued until July at the latest to allow for the ability to develop an erosion control and run-off plan for approval by the DRB. The hearing was held on Monday June 21, 2010 and attended by DRB members Lenord Robinson, Peter Monte, Bob Kaufmann and Virginia Roth. Others in attendance were: Marcella & Raymond Gratton, Chris Austin, Cindi Jones, Charles Snow, Peggy Rodrigues, Don Swain, Rudy Elliot, Miron Malboeuf and Ruth Robbins.

**Findings of Fact & Conclusions of Law:**

- 1) Barry Simpson, Town of Warren Director of Public Works, submitted a site plan showing the location of the newly acquired mobile office trailer.
- 2) Notice to the abutters and proof of mailing was submitted by the Town of Warren Zoning Administrator.
- 3) The location and installation of the office trailer was executed prior to any permit being applied for.
- 4) The purpose of the office trailer is to provide a gathering place for the workers outside and separate from the work area which was a requirement imposed by VOSHA and secondly to provide an adequate office area for the garage foreman.
- 5) To move the building back further away from the stream would entail excavating into a bank; additionally the road crew wanted the convenience of being able to see the entrance to the garage yard.
- 6) The trailer was purchased with funds that the Select Board approved that were in the road crew's budget.
- 7) The trailer is not equipped with plumbing, is not on a foundation nor is it on a slab.
- 8) The Board found that the allowance of a 72 foot setback will not adversely affect the ability of the stream to carry floodwaters.
- 9) Concern was expressed about motorized equipment and a school bus being parked within the buffer zone. Mr. Simpson, the DPW, stated that the parking of equipment, employee vehicles was tight on this lot.

TOWN OF WARREN, VF

Received for Record 8/17 2012  
at 10:30 o'clock A.M. and Received in

Vol. 206 Page 801-802



TOWN CLERK

Closed Public Facility  
Define on line - Gates locks +  
ins Reg

000802

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW  
#2009-12-CU TOWN OF WARREN TOWN GARAGE SITE

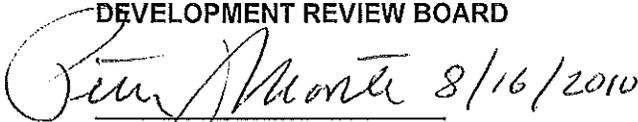
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- 10) The engineers at FA&A (Forcier Aldrich & Associates) produced a site plan of the Town Garage parcel showing the office trailer. Along with the site plan, a narrative erosion control plan was submitted that stated in part: "Because there is no significant soil disturbance, increase in impervious surface or additional run off caused by this project, no additional erosion control measures are needed."
- 11) It was stated by the Town Administrator that the ground surface is such that there will be no excess runoff as a result of the addition of the 8x26 foot trailer.
- 12) Three years ago the Town provided parking with electric plug-in ability at a lot adjacent to the Warren Elementary School above the Town Garage site.

**Notice of Decision:**

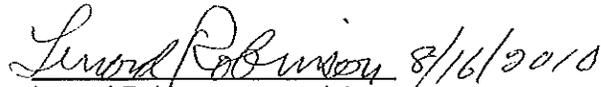
The DRB with the above findings and with finding that the requirements of Section 3.13 Surface Water Protection and Section 5.3 Conditional Use, (A) General Standards have been met, approve the location of the mobile office trailer with the condition that the Town Garage site is limited to the parking of Town trucks, equipment and Town Garage employee vehicles.

**DEVELOPMENT REVIEW BOARD**

  
Peter Monte                      date                      8/16/2010

Bob Kaufmann                      date

  
Virginia Roth                      date                      8/16/2010

  
Lenord Robinson                      date                      8/16/2010