

Agenda
Warren Select Board
Tuesday, November 23, 2010
Warren Municipal Building
7:00 PM

- ✓ 7:00 PM – Waste Water Fee Issue (242 Main Vacant Lot) – Virginia Roth
- ✓ 7:20 PM – Approval of Minutes from November 9, 2010
- ✓ 7:25 PM – Approval of Warrants dated: 11/16/2010 for \$4,272.12, 11/11/201 for \$76,442.20, 11/17/2010 for \$6,056.42, 11/17/2010 for \$1,558,042.00 (Warren School District & Harwood School District), Warrant dated 11/17/2010 for \$12,297.41. Ed Warrant 2,993,899.00 Capital Accounts 412,500.00 Dated 11/22/10
- ✓ 7:40 PM – Liquor and Tobacco License Application for General Store (Sugarbush-New Building)
- ✓ 7:42 PM – Liquor License Application Approval for the former Miquels
- ✓ 7:45 PM – Stone Environmental In Direct Permit Field & Analytical Services to Ensure Continued Compliance with the Town's Indirect Discharge Permit allowing new flows into the system for \$9,800.
- ✓ 7:47 PM - 2011 Municipal Planning Grant Resolution Approval – Engage the GIS services of CVRPC to update the GIS layers of the Town Plan Maps; create additional map exhibits; and to expand upon initial build-out analysis work undertaken by the inter-municipal Forest, Wildlife, Communities Project.
- ✓ 7:50 PM – Letter Received from Richard Grossman Regarding: Claim for Reimbursement diseased tree – Monika Tilley for \$4,000.
- ✓ 8:05 PM – Environmental Court Appeal of Town Permit – Cemetery Expansion Appeal brought by Peggy Rodriguez.
- 8:15 PM – Other Business
- ✓ Nov - SRT School

Minutes of November 23, 2010
Warren Selectboard
Warren Municipal Building
7:00 PM

Members Present: Bob Ackland, Andrew Cunningham, Kirstin Reilly, Matt Groom, Anson Montgomery.

Others Present: Peggy Rodriguez, Patty Sue Carter, Ray & Marcella Gratton, Marilyn Miller, John Matus, Jim from TV 44/45, Cindi Jones, Charlie Snow, Rudy Elliott.

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

7:03 PM – Wastewater Fee Issue (242 main Vacant Lot) Virginia Roth – Deferred – Ms. Roth was absent from the meeting – No discussion on subject.

– **Monika 7:05 PM** – **Claim for Reimbursement diseased tree Tilley for \$4,000** – Mr. Cunningham read a letter received by Mr. Richard Grossman on behalf of Ms. Tilley asking that the Town to pay for the cost of the tree removal on her property located by her house that was leaning towards her house. The Town received a legal decision from the town lawyer on this and has concluded that the Town is under no obligation to recognize or accept the liability being presented to it as stated in statute 24 VDSA 2291(3). Attached is the correspondence regarding the legal decision? Green Mountain Power also came out a cut all the hazardous limbs off the tree that were endangering the power line or road way. In conclusion the board agreed with the Town's attorney's correspondence that it is not going to pay for the tree contracted between the two parties involved. Mr. Cunningham will follow-up with Mr. Grossman on why the board was in agreement.

7:10 PM – **Approval of Warrants (Accounts Payable – bills of the Town of Warren)** – Education Warrant to the State of Vermont (state tax from property tax) – for \$2,993,809.00, motion by Mr. Ackland to approve the education warrant for \$2,993,809.00, second by Mr. Groom. All in Favor: VOTE: 5-0.

Motion by Mr. Ackland to approve the Warren Elementary and Harwood Union Education Warrant for \$1,558,042.00, second by Mr. Groom. All in Favor: VOTE: 5-0.

Motion by Mr. Cunningham to approve the following warrants for: 11/16/2010 for \$4,272.12, 11/11/2010 for \$76,442.20, 11/17/2010 for \$6,056.42 and 11/22/2010 for \$412,500.00, second by Ms. Reilly. All in Favor: VOTE: 5-0.

7:15 PM – Approval of the Minutes for November 9, 2010 – Motion by Mr. Ackland to approve the Minutes of November 9, 2010, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

7:20 PM – Approval of Minutes for the Selectboard Summit – Mr. Cunningham updated the board that at the Selectboard Summit that all the big ticket special appropriations were level funding their requested allocations. These included the Mad River Health Center at \$5,000, the seniors at \$7,000, the Vermont Land Trust at \$750, the Mad River Solid Waste Alliance at \$3,470, the Mad River Recreation District at \$12,500, Valley Transportation at \$750 the Central VT Home & Health at \$4,000 and the Mad River Planning District at 21,010. The most discussed item was the Mad River Valley Recreational District's allocation made to the skatium which is a 1/3 of the budget. Many of the members at the summit felt that that this was throwing good money after bad. Mr. Groom commented that the problem is with the infrastructure and the allocation seems to towards running the place and not in fixing the current infrastructure. More detailed minutes are posted concerning the summit.

Motion by Mr. Groom to approve the minutes of The Selectboard Summit, second by Mr. Ackland. All in Favor: VOTE: 3-0 (Ms. Reilly and Mr. Montgomery were absent from this meeting).

7:20 PM – Liquor and Tobacco License Application for the General Store (In Claybrook) – Motion by Mr. Groom to approve the liquor license application for the General Store, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

7:25 PM – Stone Environmental In direct Permit Field & Analytical Service to Ensure Continue Compliance with the Town's Wastewater Indirect Discharge Permit – Contract amount \$9,800 – Stone Environmental will sample groundwater in six monitoring wells per the VT IDRs, Section 14-905. The ground water sampling program includes three sampling events, with in June, one in August, and one in October. Parameters measured will include water level, PH, total dissolved phosphorus, nitrate-nitrogen, and chloride. These three sampling events will be conducted on the same days as the in-stream sampling activities. Stone Personnel will purge wells and take samples per SOP requirements. Samples will be delivered to Endyne, Inc. of Williston, VT for analysis with report to Stone. Stone personnel will collect and analysis information and report to the Town and the Wastewater Management Division. Mr. Ackland and Mr. Montgomery inquired if this was a good price for the Town. Ms. Jones commented that Stone Environmental has done the sampling and reporting for the past two years concerning this requirement of the IDP. Ms. Jones commented that they are a good, professional firm and has been with the wastewater project since day one.

Motion by Mr. Groom to approve the contract for Stone Environmental, second by Mr. Ackland. All in Favor: VOTE: 5-0.

Motion by Mr. Montgomery to authorize the Chair, Mr. Cunningham, to sign the Stone Environmental Contract for \$9,800, second by Mr. Groom. All in Favor: VOTE: 5-0.

7:30 PM – Safe Routes to School MOU – Ms. Reilly explained that the Memorandum of Understanding is between VTRANS and the State to conduct a feasibility study for sidewalks continuing on Main Street, to Brook Road and up Brook Road to School Road not to exceed \$35,000, for which this is a grant that was awarded to Warren through the Safe Routes To School Program. Mr. Ackland inquired on when the Town will see the study results. Ms. Reilly commented that it probably would not be for another year and the money is 100% federal funding.

Motion by Mr. Ackland to authorize Mr. Cunningham, Chair, to sign the MOU for the feasibility study, Second by Mr. Montgomery. All in Favor: VOTE: 5-0.

7:40 PM – Municipal Planning Grant Application – The Planning Commission has submitted an application for a planning grant in the amount of \$8,000 to look at the current zoning information that is available and to do a build out from this on what the area in Warren could potential look like and planning on impacts if the total required housing of 380 units were built, as defined by Regional Planning, and using the current rate of growth to potential see what the area could look like in the near future.

Motion by Mr. Montgomery to approve the Planning Grant Resolution for the maximum amount of \$8,000, second by Mr. Ackland. All in Favor: VOTE: 5-0.

7:50 PM – Complaint from Contractor ST Paving about the article in the Valley Reporter about the East Warren Park and Ride – Mr. Cunningham had a conversation with Mr. Lawson, ST. Paving, concerning the stated information in the Valley Reporter that they were at fault for not getting to the project timely. Mr. Lawson had stated that he was not given a deadline by Mr. Simpson, DPW, and that he had told Mr. Simpson that they had planned on doing the project after Thanksgiving. Mr. Cunningham explained that the board did not want to proceed with the project being so late into the construction season and that the board had agreed to rebid the project in the spring.

Mr. Groom wanted to clarify that the East Warren Park & Ride was NOT going to be paved to the public, that ST. Paving does other construction type of work besides paving. The scope is still the same that it would be graveled, leveled and shur pack would be added to the existing lot.

7:50 PM – Sugarbush Access Road Wrap-Up – Mr. Ackland updated the board that he sat in the wrap up meeting with Sugarbush concerning the punch list of items needed to be completed by G.W. Tatro. Mr. Ackland stated that most of the punch list had been completed and that they had reviewed Mr. Simpson's list (DPW) and that there would be an inspection in the spring. Mr. Ackland stated that paving was major concern and that there were some saw cuts left unattended that G.W. Tatro plans on sealing before winter. It was a good meeting overall. Mr. Ackland also commented that the Town was concerned about the length of time of the project and as a town were not happy with the culvert communication/culvert project. Sugarbush also has a withhold amount in the contract that will be held until spring inspection has been completed. Mr. Elliott commented that he felt that G.W. Tatro had done a good job on the culverts and snowmaking line. Mr. Cunningham commented that there were patching expectations that were not met. G. W. Tatro contracted out to pave and patch the areas. The amount used was 77.16 tons at \$185.00/per ton for a total of \$14,247.60. Mr. Ackland inquired about the amount of time that Mr. Simpson had spent on the project and would he have been paid if he had not been on the project? Mr. Cunningham stated that "yes" he would have been working on other projects if the Access Road Culvert Project had not happened.

7:50 PM – Liquor License for the former Miguel's (Phoenix) Mr. Reynolds one of the people applying for the new liquor license came before the board. Mr. Reynolds explained that they planned on reviving the Sugarbush Village Area with a family style restaurant with some entertainment. He stated that he has been working with the condo association to establish friendly relations.

They also want to put in some outdoor lighting, and possibly put lights on the little covered bridge walk way. Currently they plan on being open from Friday, Saturday and Sunday to start.

Motion by Mr. Montgomery to approve the liquor license, second by Mr. Groom. All in Favor: VOTE: 5-0.

7:55 PM – Environmental Court Appeal of Town Permit – Cemetery Expansion Appeal brought by Peggy Rodriquez - Ms. Rodriquez explained that she had filed an appeal with the Environmental Court regarding the decision that the DRB had granted to the Town. She commented that she had spoken with Mr. Malboeuf, Zoning Administrator, and that the appeal period had passed and that Environmental Court was the next step. She stated that she felt that from the DRB minutes that the DRB did not understand that her arborist, Potter, had asked that the construction of the road be built beyond the drip edge of the trees. In reading the conditional use permit, the DRB had made a decision as follows to accommodate Ms. Rodriquez:

Stipulation 1 – The western side of the proposed 12 foot road, parallel to Ms. Rodriquez property line, is to be moved six (6) feet to the east resulting in a minimum distance of 16 feet from the Rodriquez Property Line. (2) The submittal of a new site plan reflecting the road change is required for this approval to be valid. (3) The applicant must adhere strictly to the grading, seeding and erosion control measures as stated in the site plan and that all construction activity must conform to all required state permits.

After Mr. Snow, Cemetery Commissioner, staked out the distance for contractors to bid on, Ms. Rodriquez filed an appeal with Environmental Court as she wants road to be moved over another 10 feet from the drip line of the trees. Mr. Snow commented that he staked out the road as per the discussion of the DRB requirements. Mr. Cunningham commented that he would discuss this with Mr. Malboeuf to see if it could be referred back to the DRB for another hearing.

8:24 Other Business:

8:25 PM – Future Planning Benefit Plan - Ms. Jones presented to the board the invoice for the Future Planning Benefit Plan that the Town offers to its employees. Since the plan started, there has been little interest among the employees to use this plan. Currently there is only one person on the plan which is \$500+ a year to administer. The board felt this was a bit much of a benefit for just one employee to keep on administering and an additional cost to the town. Mr. Cunningham inquired if Ms. Jones has talked with the employee on this benefit plan. Ms. Jones commented that she had spoken to the employee about the fact that his plan would be discontinued and that she seemed to understand that it was a lot just for one employee.

Motion by Ms. Reilly to discontinue the Future Planning Benefit, second by Mr. Groom. All in Favor: VOTE: 5-0.

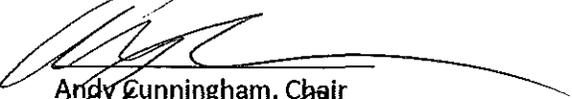
8:30 PM – Motion by Mr. Cunningham to go into executive session to discuss real estate and invite Ms. Jones, second by Mr. Groom. All in Favor: VOTE: 5-0.

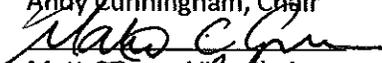
8:55 PM – Motion by Mr. Groom to come out of executive session, second by Mr. Ackland. All in Favor: VOTE: 5-0.

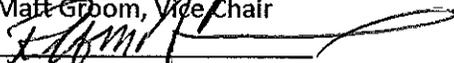
8:58 PM – Motion by Mr. Ackland to adjourn, second by Mr. Montgomery. All in Favor: VOTE: 5-0.

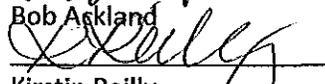
Minutes Respectfully Submitted by,
Cindi Jones, Town Administrator

Warren-Selectboard


Andy Cunningham, Chair


Matt Groom, Vice Chair


Bob Ackland


Kirstin Reilly


Anson Montgomery