

Agenda
Warren Selectboard
May 24, 2011
Warren Municipal Building
7:00 PM

✓ 6:30 PM – Site Visit of Proposed Road Access for Medico Property – Germain Flats, Warren VT – Applicant, John Fox and John Grenier, Charles Grenier Consulting Engineer, P.C.

✓ 7:00 PM – Continued Discussion of Medico Property Road Access Permit

✓ 7:30 PM – Warren Constables Public Comment on Carrying Guns, Rules, Responsibilities – Guest invite: Washington County Sheriff's Department and VSP.

✓ 8:45 PM – Approval of Minutes for May 10, 2011

✓ 8:50 PM – Approval of Warrants – Accounts Payable of the Town of Warren.

✓ 9:00 PM – Other Business

Petition for Use of the public right of way – Waitsfield Telecom – Permission to bury telephone fiber, approximately 30"-36" blow grade, with a caution tape 12" above it - Proposal begins at telephone line 7/ Pole 59 and extend south approx 2800' to Line 7/Pole 65 located at the base of "the Grave Pit".

✓ Button – Road Request – Button Property located on Sugarbush Access Road

✓ Blueberry Lake – Green Mountain National Forest – Update

✓ Town Forest Fire Warden Appointment –

Sugarbush Access Road - Update

5/23^{S'} - 8115,04 - Payroll
5/16 - \$ 8265,52 - Payroll
5/16 - 18,466,12 Bills

34,846,68

5/24 Ed Warrant \$ 2,838,386,40

Total = 2,873,233

Minutes of May 24, 2011
Warren Selectboard
Warren Municipal Building
6:30 PM

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

Others Present: Barry Simpson, Robert Baron, Brendon Gilhuly, Jeff Campbell, Gene Bifano, Clayton Paul Cormier, Peter Laskowski, John McClain (New England Forestry), Dick King, Sherriff Sam Hill, Lt. White, Tim Senif, Rudy Elliott, John Fox, Paul Ruitzler, Charlie Snow, John Goss, Jim (VT 44/45), Becky Campbell, Tom Shivo & Cindi Jones, Kay O'conner.

6:30 PM – Site Visit – Medico Road Access Permit – Parties that attended site visit: Andy Cunningham, Kirstin Reilly, Anson Montgomery, Barry Simpson, John McClain, Dick King, Paul Ruitzler, Kay O'conner, Cindi Jones. – All parties walked the German Flats Road to logging road that currently existed looking at site lines, watching traffic, and walking up the steep access into the property. It was noted that there were 4 large maples looking to your left as you came out of the access, to the right there was sections of ledge, and water running down the road. It was noted also it was a very tough spot to see out of and on a bend of the hill. Meeting then moved back to the Warren Municipal Building.

7:05 PM – Medico Road Access Permit – Continuation – Mr. Montgomery wanted to yes to the applicant if it could meet the B71 standards and be a safe access. However, this is a very difficult site and would be very challenging in the winter with snow banks, very steep and would require removal of ledge, maple trees, and it's very steep to achieve a level flat apron onto the road. Mr. Montgomery also commented that he was disappointed that the engineer could not attend.

Mr. Groom commented that he would say "yes" to the road access if he could feel comfortable with the engineering plan submitted by Grenier Engineer showing that it meets the B71 standards and provides a safe access onto German Flats. He also commented that without a road access it decreases the value of any property that currently is owned by other parties.

Ms. Reilly commented that it would have adhered to the B71 standards, meet safe access to German Flats and that the applicant would have to work with the adjoining landowners to achieve this. Ms. Reilly commented that in talking with Mr. McClain, representative of New England Forestry, that they would be willing to work with the applicant, but Mr. McClain would need to address any changes with New England Forestry.

Mr. King commented that the town could blast the ledge back and cut the trees that are within the town right of way.

Mr. Cunningham commented that town would not cut trees or blast any ledge and that all the issues were not in the Town's right of way. He was very skeptical that this road access permit could be done to meet the B71 standards and provide safe access.

Mr. McClain, representative for New England Forestry, clarified that he was open to a plan outside of the current right of way, however, his client would need to see engineering plans and that they were opposed to other issues as stated in the letter he provided to the board that were not in the Selectboard's purview.

Motion by Mr. Montgomery to approve the pending road access permit contingent upon a certified engineering plan, access to meet B71 standards, agreement with adjoining land owners on site lines, adding an 18" culvert depending on engineer plan, apron must be flat 25' to road, second by Mr. Groom, VOTE: 2-1 (Against: Mr. Cunningham & Mr. Montgomery) (For: Mr. Groom). (Ms. Reilly and Mr. Ackland abstained from voting).

7:40 PM – Warren Constables Public Comment on carrying guns, rules, responsibilities – Mr. Ackland started the discussion off with a brief overview of the state statutes as follows:

1. They may be elected or appointed. Warren's are elected.
2. Towns have the right to limit their authority but it must be voted on at a special town meeting.
3. Town Constables can only act with law enforcement authority within the town.
4. Under Act 195 of 2010 as of July 2012 all constables will be required to have training to carry out law enforcement authority.
5. Elected constables do not take direction from the Selectboard, the Selectboard only controls the money appropriated to the constable budget.

Mr. Montgomery disagreed with the implementation of the statutes. With proper training and over site constables can effectively carry fire arms to assist but is limited to the town. However, what is the over site, what is the proper training. Sherriff Hill commented that once the constables has been certified they can do law enforcement as part-time certified anywhere in the state. The training is in 3 phases: 1, there is one week academy training, there are 7 additional mandated courses, and a minimum of 60 hours field training but usually comes out to 150 hours. They are required to have this training within a year and they receive a provisional certification. After certification there is a requirement each year of 30 hours of training on an ongoing basis including fire arms, first aid, and domestic violence training. Then there are other requirements such as: you have to be approved by the criminal crime center to be authorized to dispatch, do arrests, recording keep etc. Mr. Groom asked, is the town training them to become full time officers. Mr. Groom originally thought that the constable's position was just to supplement the eyes and ears in vicinity but now has taken a more in-depth life of its own. Mr. Ackland inquired of Lt. White if the crime rate in Warren and the Valley has increased. Lt. White commented that what the VSP is seeing that it is not increasing or decreasing. Much of the VSP's work is in the winter is driven by Sugarbush Resort. He commented that this is a decision that the town has to make. The two Warren Constables has been a benefit to the VSP as they have helped with a few calls. Sheriff Hill commented that the constables have been helpful and knowledgeable and have helped the Washington County Sherriff's Dept as well. Lt. White also commented that the constables are an increased benefit to the community as there is an extra presence that people see. Sherriff also commented that after the initial training has been completed, the constables are required every year to keep up the training to keep up with the liabilities and standards. Mr. Groom commented that the constable's position was created to help supplement the law enforcement with the VSP and Sherriff's dept. The Town has been paying for expenses by the constables. Mr. Groom also commented that they are looking for comments on what the town wants.

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Mr. Barone inquired who is responsible for the liability. Mr. Ackland commented that the liability resides with the Town and there is an extra \$5,000 insurance premium that goes along with the constables to carry guns. Mr. Bifano commented that the constables would be willing to provide a monthly report of their activities, training etc. Mr. Cunningham commented that the Selectboard would like to see the constables on a quarterly basis.

Mr. Ackland commented that the issue is what does the town want, what do the people of the town want, and what are the needs and is the town willing to support. The Selectboard needs public comment and this meeting was encouraging to see some people present. Mr. Cunningham commented that after 2012 constables will have limited powers with no law enforcement duties until they take the training as required. Mr. Laskowski commented that if the town wanted more control the town can elect to have appointed constables and not elected. Lt. White commented that you should never ask them not to carry a gun as it opens up other liability. Sherriff Hill also commented that there is no easy way to get to the Warren and is a long way to travel for calls. Mr. Groom commented that there are no checks and balances if the constables become independent. Mr. Baron commented that what he has been hearing in the general public is that they want faster response time. There were no further questions, the board thanked Sheriff Hill and Lt. White for attending and members of the public for commenting on this issue.

9:05 PM – Approval of Minutes of May 10, 2011 – Motion by Mr. Montgomery to approve the Minutes of May 10, 2011, second by Mr. Ackland. All in Favor: VOTE: 5-0.

9:15 PM – Approval of Catering/Alcohol Permit –Easy Street Market, Purple Pub for the Warren 4th of July – Easy Street Market/Purple Pub has been doing this event for the past few years at the Brooks Recreation Field for the July 4th Activities. Motion by Mr. Montgomery to approve the Catering/Alcohol Permit for the 4th of July, second by Ms. Reilly All in Favor: VOTE: 5-0.

9:20 PM – Approval of Use of Public Right of Way – Waitsfield Fayston Telephone Co., - Permission to buy telephone fiber, approximately 30"-36 below grade, with a caution tape 12" above it – Proposal begins at telephone line 7/pole 59 and extend south approx. 2800' to line 7/Pole 65 located at the base of "the Gravel Pit"

Motion by Mr. Ackland to approve Waitsfield Fayston Telephone request for Use of Public Right of Way as described above, second by Ms. Reilly. All in Favor: VOTE: 5-0.

9:25 PM – Approval of Town Forest Fire Warden Appointment – Motion by Mr. Montgomery to approve the appointment of Michael Brodeur as Town of Warren's Forest Fire Warden, second by Mr. Ackland. All in Favor: VOTE: 5-0.

9:30 PM – Button – Road Request – The Button property is located at 1248 Sugarbush Access Road (the red barn with the concrete blocks on the sharp corner above the slide.) The Button's are requesting that the Town reset and/or replace the concrete blocks before the road is repaved in the summer. The Button's claim that the 5 concrete blocks are leaning toward and threatening the barn. A previous request was brought before the Town in December of 2009. At that meeting it was determined that the blocks were placed there by the original owner to hold the barn up. Also from that meeting the owner would need to contact dig safe, Sugarbush snow making facility dept, and it would require a road work access permit before proceeding with work in the right of way.

9:20 PM – Blueberry Lake Update – Green Mountain National Forest – Ms. Reilly, Mr. Montgomery and Mr. Simpson attended the comment site visit review that was held on Saturday, May 14, 2011. Many questions were asked of the public that attended and the Warren Selectboard addressed any questions that the Green Mountain National Forest had. Mr. Simpson sent a follow up letter addressing any concerns for the comment period. The selectboard agreed to have the road crew place a traffic sign to slow motorized vehicles on Blueberry Lake Road.

9:35 PM – Willow Street Culvert – (Alpine Village) – Mr. and Mrs. Hanson sent a letter to the Warren Selectboard in regard to the culvert. The Hanson's have been doing maintenance on the road as the other neighbors have not been contributing to maintain it. They are asking the town to replace the culvert as the bus uses this as a turnaround and stated that ditching maintenance above has caused some of the problems with the culvert. All the roads off Plunkton in Alpine are private roads that were put in by the Alpine Association. After much discussion, the Selectboard agreed that the town would provide the labor, materials and install the culvert. The current culvert is undersized. The Hanson's would have to pay for the culvert. Mr. Simpson would follow up with the Hansons.

9:45 PM – Bannon Engineering Proposal – Sugarbush Access Road Paving Project - Mr. Bannon had a meeting with Mr. Simpson, Mr. Weston, Mr. Cunningham, and Ms. Jones in regard to clarification on what the board wanted for a proposal on the Access Road. Mr. Bannon sent to the board his recommendation modified option #3 as follows: Remove guardrail, remove & reclaim the existing 5" to 7" of pavement. Some deeper veins of pavement, as noted by Ray may need to be removed with excavator, Compact the reclaimed matrix, install geotextile, Install 8" fine grade sub base over geotextile in 4" lifts, compact and grade crowns, install two 2" lifts (4" total) of bituminous marshal mix pavement, install lines and stripes, Install stone fill in ditches as needed and install new guardrail with appropriate terminal ends. Mr. Cunningham also made two notes on the signed agreement to proceed: spec used guardrails if possible. Spec coarser pavement aggregate in 1st lift. The board agreed that this was the right option and Ms. Jones would fax over the signed contract order to proceed with scope of work to Mr. Bannon.

10:00 PM – Ms. Jones inquired if the board wanted to proceed with getting a quote for the East Warren Road to the Waitsfield Town Line on the Cold Train Method same as last year to finish the paving up on that section. Mr. Weston presented that the board could use hot mix instead of chip seal if they were not happy with the end result. The board members felt that they liked the texture and wanted to continue with that application. Ms. Jones also inquired for Mr. Weston, if they want to pave 900' up Cider Hill to help stop erosion and runoff for easier maintenance. The board felt that they would have to receive public comment on this section.

10:12 PM – Motion by Mr. Montgomery to adjourn, second by Mr. Ackland. All in Favor: VOTE: 5-0.

Minutes Respectfully Submitted by,
Cindi Jones, Warren Town Administrator

The Warren Selectboard



Andrew Cunningham, Chair



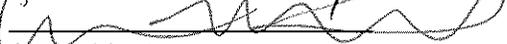
Matt Groom, Vice Chair



Kirstin Reilly



Bob Ackland



Anson Montgomery