

MINUTES OF AUGUST 12, 2008
WARREN SELECTBOARD
WARREN TOWN HALL
7:00 PM

MEMBERS PRESENT: Burt Bauchner, Chair, Andy Cunningham, Erin Russell-Story, Kirstin Reilly, Barry Simpson.

OTHERS PRESENT: Rudy Elliott, Richard Robinson, Carol Thompson, Margo Wade, Mike Ketchel, Bobby (TV44), Kara (Valley Reporter), Craig Klofach, Sue Frachette, Peter Peff, Peter Reynolds, Beth Nichols, Pierre Hall, Jeffrey Hall, Burgi Hall, Susan Lee, Rocky Bleier, Carol Lobel, Cindi Hartshorn-Jones.

7:10 PM – Meeting called to order by Mr. Bauchner.

7: 11 PM – Road Crew Check In – Richard Robinson – Mr. Robinson reported that the screening process of the sand was completed and that they would need about 1500-2000 yards more sand. Mr. Robinson indicated that the cost for screened sand was about \$6.00 yard and \$4.00 yard for unscreened. Ms. Jones would follow-up with the trucker on cost for hauling the additional sand. The town currently has about 3,000 yards screened sand presently. The town usually puts up about 5,000 yards a year. Barry indicated that there are 3 ways, buy more sand in the condition they have it bank run sand, and then screen it ourselves. The town has currently stone, old asphalt piled up and fine sand that can be mixed with either product to make a good hard product for the roads. The town may have to buy 1400 yards of the bank run sand to get the volume of sand needed. Mr. Robinson indicated that it would cost about \$12,000 to crush the 3000 yards. Ms. Jones will call the trucker for a cost on hauling 1500 yards of bank run sand.

Ms. Jones also mentioned to viewers on TV 44 that the end of Plunkton Road to RT 100 is not the town of Warren's Road. Granville has been in contact with the town indicating that they are seeking engineering help on repair of the road and will be applying for FEMA funds. No time frame on when it will be repaired.

7:25 PM – Public Hearing – Vtrans Transportation Enhancement Grant – Joint application between the Town of Warren, Mad River Path and The Mad River Valley Planning Distance. Ms. Wade and Ms. Thompson present the draft grant agreement to the board requesting \$123,200 for right of way acquisitions for the purchase of scenic and Mad River Path Easements along the Mad River and Route 100. This joint effort is looking at town acquisition of a parcel southeast of the Kingsbury Bridge with Mad River frontage, Route 100 frontage and it abuts up to the Golden Lion. It is adjacent to the Town owned A/R parcel cross the road and is close proximity to Mad River Park which the Path traverses along this parcel.

The property owner is asking \$100,000 for the property and the grant application includes surveying, legal expenses and appraisal costs. The total grant application is for \$123,200. Project Administration is a total of 340 hours for a total of \$10, 200. Planning & design

includes a survey of parcel, appraisal for about \$3000 and \$7000 for the legal expenses of purchasing the property and developing easement language for the Mad River Path and a riparian easement with the state. If the appraisal is less than what the owner is asking then negotiations would take place for a lesser selling price or the town would have to pick up the extra cost. The state cannot give more than what the appraised value is. Mr. Bauchner inquired about if the grant is not funded who pays the appraisal cost. Ms. Thompson responded in saying that they will not fund the appraisal until the money is allocated to the parties. It requires approval from Vtrans and then there is a list of appraisers that the state recommends. If the grant falls through, then the town is left to cover the cost.

Mr. Cunningham asked about what the new assessment is on the property after the new town appraisal. This had not been looked at yet. Mr. Cunningham also asked if the Conservation Commission looks at the loss to the town when the town buys properties to conserve. They had not looked into this as of yet. Ms. Wade indicated that studies show that developed properties cost the town is more than what is generated by the taxes.

The Path plans on doing fund raising for the in kind portion of the grant and then the town would request the Selectboard to use money from the Conservation Fund to leverage the federal funding. Ms. Wade stated that the town's commitment from the Conservation Reserve Fund would be \$18,000.

Motion by Mr. Simpson to approve the Vtrans Enhancement Grant Application, second by Ms. Reilly. All in Favor: VOTE: 5-0.

7:50 PM – Planning Commission Check in – Mike Ketchel and Craig Klofach. Mr. Ketchel started off by updating the board about the assessment of the town garage area stating that they have done test pits and water sampling to run through the end of Sept. They would not know any more details or information until the end of September. The PC are also working on putting together survey to send out to all the tax payers to receive input and ideas on the Warren Village Residential and Historic districts as they are rewriting and updating the zoning. They are also working with Smart Growth of Vermont on how to address housing concerns through the towns zoning documents to encourage more affordable housing opportunities. They have also gone back to Forcier & Aldrich to get updated maps with more information on who is currently connected to the wastewater system and what actual vs design flows are coming from those houses before they make a decision on to extend the service area. They want to see the actual flows based on the actual usage. Some concerns from the public were that non-participating properties were unaware that they have the opportunity to connect.

There was some concern on the communication between the Selectboard and the Planning Commission regarding the use of the Ruby Blair house. The Commission wanted to work on intercommunications with the Selectboard in regard to the plans for the Ruby Blair House. Rumors regarding the propose use indicated that the Selectboard plan goes against the plans that were just adopted into the town plan. Mr. Ketchel stated that a public facility requires a conditional use permit required a hearing with the DRB

for public facility use. This is stated in the town plan a legal binding document. Mr. Bauchner pointed out that the Charrette Plan adopted for the Village Municipal Center was carefully labeled inspirational when it was adopted and involved use of land not ten or now owned by the Town. He also referred to the Town Zoning Regulations which include in the Purpose Section of Village Residential "civic uses" although none are delineated in the permitted use section. Mr. Ketchel and Mr. Bauchner agreed that this needs some clarification as there would be no purpose to the Purpose section if its purposes are not included in the Permitted Uses.

Another concern was the parcel across the covered bridge and maintaining public access to the parcel. Mr. Ketchel indicated that the FEMA process for acquisition of the flooded out property may have included maintaining public access. Mr. Simpson stated that the board had no intent to limit or reduce public access. Currently the parcel is being carefully tended by the adjoining property owner the Sherry's. However the intent is to maintain the public access availability. Some Village residents were voicing concerns that it is being maintained as private property and no public access. At the present time there is only access via the owner's private path. Ms. Russell-Story indicated that the Conservation Commission should look into the management of this parcel as they have been charged to work on plans for all the town parcels and that they should work with the PC on this.

8:15 PM – Skate Board Park Update – Pierre Hall – Mr. Hall came before the board to present an update on the park and where it stands. The group had received some funding through the Mad River Recreation District to finish 75% of the project of stage 1. They have raised about \$827.60 and much of the work has been accomplished by volunteers. They did not receive any funding this year from the District as there was lack of time and commitment from volunteers. Their plan is to finish what they had started by October 30th, 2008. They plan on cleaning up the tires, rebar and boards to make the area pleasant and presentable. They also intend to keep the basketball court clear of structures and adequate space around the court. Mr. Hall stated that there was about 20-25 local users of the park. Mr. Simpson indicated that Mr. Hall needed to get the group refocused on the project so that it would continue to grow and succeed. Mr. Ketchel, member of the Warren School Board, suggested that he approach the school and get parent involvement into the project as the school kids sometimes use the court. As an incentive Mr. Bauchner offered that if the project is cleaned up, completed and made safe and attractive by the end of October 2008, the Selectboard would consider adding an Article to the Agenda for Town Meeting 2009 to have the voters fund lighting on the skateboard facility.

Mr. Hall also requested that he would like to have a fund raising event at the skateboard park on Saturday, August 16, from 1:00pm-8:00PM with 7 bands. Mr. Bauchner stated that they need to apply for a festival permit for the event.

Motion by Mr. Bauchner to allow the event that it is closed down at 8:00PM, that there is self policing of the crowd, providing information where they can park and clean up after

the event. Under no circumstances are they to on the septic area, second by Mr. Simpson. All in Favor: VOTE: 5-0.

Motion by Mr. Cunningham to delegate Ms. Jones to over see the permit, second by Mr. Simpson. All in Favor: VOTE: 5-0.

845 PM – Slide Brook Restaurant Complaints – Peter Peff (Owner of Slidebrook REstarurant and Lodge), Peter Reynolds (Drumleys Property Manager), Beth Nichols – Owner of Unit – Mr. Reynolds started the discussion indicating that the Drumley residences were upset about the noise levels, parking problems and patrons ending up in the Drumely pool. Ms. Nichols was afraid to go out at night. The state police have been contacted several times to respond to the complaints of the late night noise and bands. They spoke to the zoning administrator concerning zoning violations and Mr. Malboeuf responded and spoke to Mr. Peff about the issues. Mr. Peff responded in taking down the window lighted signs and parking has been arranged with the owners of the Common Man across the street. Mr. Peff also bought a noise meter and the noise level was about 50-60 decibels from the street to inside. Mr. Peff's establishment is licensed by the DLC and his bands stop at 12:00. He has also insulated his windows from the inside. He also stated he is only open 3 nights a week. Mr. Peff's asserted that his establishment is well within the state noise ordinance.

Drumley representatives did not want the establishment to closed and praised that they wanted them to succeed in their business. Mr. Cunningham indicated that Mr. Peff should go the extra mile with his patrons and neighbors. Talking to his patrons if they get loud and out of control, and perhaps have a standing notice inside about the noise level. The board asked if the parties involved could work these issues out themselves. If the parties cannot work these issues out, then letters, police reports would be documented and on file for the renewal of Mr. Peff's liquor license.

9:25 PM – Other Business –

Roots Work Request – The board reviewed a request from Rootswork about leasing the 1st floor to a community group that hopes to begin operating a consumer coop. The group is in the process of developing a business plan that will be used to raise the necessary start up capital for the coop. The group is asking the Selectboard for support that is has no current or foreseeable objection to the continuation of the 1st floor being used as retail food/convenience store. It would help the group so that they could secure investors to the project. The members were supportive of the idea and would like to see a business plan going forward with more detail.

Rootswork would also like to obtain the town's propane pricing for the Town owned building. The Town has an interest in keeping the building heated and Rootswork has been doing some things to help make the building more energy efficient. Rootswork would pay the same week as deliver of the propane.

Motion by Mr. Cunningham to allow Rootswork to obtain the town's pricing on propane payable with 10 days of delivery, second by Mr. Bauchner. All in Favor: VOTE: 4-0 Mr. Simpson abstained from voting as he is a member of the Roots Work board.

Request from Fayston (Martin Patterson) regarding borrowing air rater to blow off their fields. The board did not have any problem with that it was returned in the condition it was received. Mr. Brodeur would help load it and be involved in the return of it.

Approval of the Minutes for July 22, 2008 – Motion by Mr. Cunningham to approve the Minutes of July 22, 2008, second by Mr. Erin Russell-Story. All in Favor: VOTE: 5-0.

Approval of Minutes for August 5, 2008 – Motion by Mr. Cunningham to approve the Minutes of August 5, 2008, second by Ms. Reilly. All in Favor: VOTE: 5-0.

9:26 PM – Town Fair Delegate – Mr. Bauchner asked if anyone of the board members would like to be the delegate to attend the town fair in Killington on Thursday, October 2, 2008. Mr. Cunningham volunteered as lead delegate but would get back to the board at the next meeting.

9:28 PM – Blue Tooth/Wheeler Brook Grant Agreement with VCDP – Motion by Mr. Simpson to approve the grant agreement and authorized Mr. Bauchner to sign the agreement, second by Mr. Cunningham. All in Favor: VOTE: 5-0.

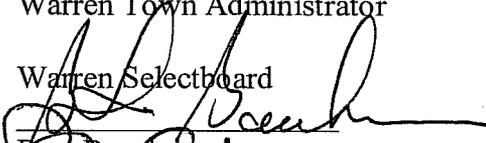
9:30 PM – Motion by Mr. Bauchner to go into executive session inviting Mr. Lobel and Ms. Jones regarding real estate, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

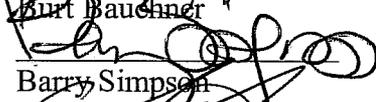
10:25 PM – Motion by Mr. Cunningham to come out of executive session, second by Ms. Reilly. All in Favor: VOTE: 5-0

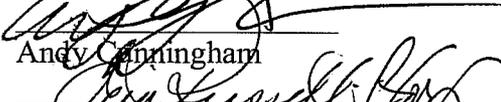
10:30 PM – Motion to adjourn by Ms. Reilly, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

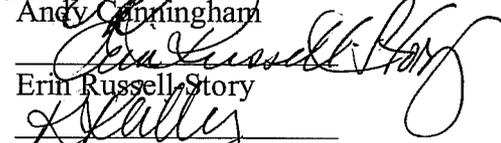
Minutes Respectfully Submitted by,
Cindi Hartshorn-Jones
Warren Town Administrator

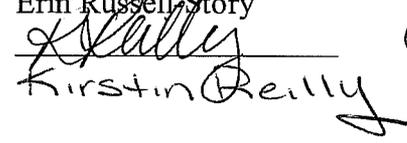
Warren Selectboard


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