

MINUTES OF AUGUST 26, 2008
WARREN SELECTBOARD
WARREN TOWN HALL
7:00 PM

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

MEMBERS ABSENT: Andy Cunningham (8:00 PM Arrival).

OTHERS PRESENT: Miron Malboeuf, John Phelan, Fred Duplessis (Sullivan & Powers), Richard Robinson, Lenord Robinson, Susan Hemmeter, Steve Reynes, Jessie Norman, Cindi Jones, Bobby (TV44).

7:05 PM – Meeting called to order by Mr. Bauchner.

7:08 PM – APPOINTMENT OF DEPARTMENT OF PUBLIC WORKS: Mr. Bauchner announced the new candidate for the Department of Public Works as Mr. Barry Simpson. After many months of searching and looking at resumes, the Selectboard chose Mr. Simpson as new Directory of Public Works. Mr. Simpson will be resigning from the Warren Selectboard as of August 26 to accept his new position.

Motion by Ms. Reilly to accept the Employment Agreement, second by Ms. Russell-Story. All in Favor: VOTE: 4-0.

7:10 PM – ROAD CREW FOLLOW-UP – RICHARD ROBINSON/BARRY SIMPSON – Mr. Robinson indicated that the crew was replacing culverts on West Hill and the Dump Road. The Wheeler Brook Project of boring under the Access Road could happen on Thursday or Friday depending if they get the required parts needed. Mr. Simpson inquired if The Town of Granville had responded back concerning the washed out area of the Plunkton Road. Ms. Jones indicated that she had been in contact with the Chair of the Selectboard and that they were meeting with their foreman and the AOT on possibly making it a one lane road. They also asked if the Town of Warren had any signs, barricades etc that they could borrow if they made it a one-lane road. They would get back to Ms. Jones next week on their consideration.

The new town truck has arrived and is at the town garage painted with the Town of Warren and the body is all on the truck. Mr. White was getting it ready to attach the sander and hydraulics for the plow. They also need to prep the truck for a storage compartment to carry a chain saw, and appropriate safety gear.

Mr. Robinson inquired about throwing up/or declassification of town roads as discussed last year. Ms. Jones stated that a public hearing and site visits would take place on September 24, 2008. She is in the process of notifying all the potential landowners and getting a public notice in the paper.

Paving – Mr. Simpson inquired about the paving projects for 2008. Ms. Jones indicated that she and Mr. Weston were working on it as there was some turnover in ST Paving and they did not have a contract with us. They did not know if they could get to the projects before October. If paving could not be done, then the money allocated would be transferred from the general fund to the Capital Paving Account. Mr. Weston is working on this and will follow-up with Ms. Jones.

7:25 PM – TOWN FINANCIALS – 2007 AUDIT REVIEW – FRED DUPLESSIS SULLIVAN & POWERS – Mr. Duplessis started by discussing the role of the auditor and presented the Opinion Letter that prefaces the financial statements. He then reviewed the financial statements in some detail. He explained to the board that Warren is on a modified cash basis system and that the year runs from January 1 – December 31. He then went into detail the financial report. The first part is a condensed, combine balance sheet statement, followed by the statement of cash receipts, cash disbursements that provides detail of the expenditures. The fund balance at the end of December 31, 2007 was \$541,213 which is the towns operating money for the town's expenses until tax bills go out. The next section contains what is printed in the town report showing budgeted, actual and variances. Then follows any notes about the financial statements. The town spent \$6,972 over budget in the year 2007 (p13). Overall the town does a good job in managing their expenses. Mr. Bauchner asked about financial cost of the audit. Mr. Duplessis explained that with the state changing the system yearly on prebates, downloads, homestead filings and the sheer volume of General Ledger adjustments that required review all combined to makes it more difficult and more work for auditors to perform the audits.

Mr. Duplessis reviewed the Management Letter which accompanies the Financial Statements indicating that it is at least of equal importance to the Financials. He cited one Material Weakness and two Significant Deficiencies, all of which related to procedures for reconciling, authorizing, adjusting and documenting General Ledger entries. He indicated that although progress is being made in these areas, there remains work to be done, particularly as to timeliness and independent authorization.

Mr. Duplessis then reviewed the "Other Recommendations" in the Management Letter. We have an incomplete Accounting Manual and no written Policies regarding Procurement, Investment and Banking or Fraud Risk Assessment. Upon request he offered to get us models from other towns. He did not know if our insurer VLCT had loss control personnel to assist in preparing the Fraud Risk Assessment. Finally, he pointed out that the Library and the Cemetery (unlike the Fire Department) are not free-standing entities, but are legally part of the Town and that the NEMRC software the Town uses should be utilized for financial reporting of the Cemetery and the Library.

Upon inquiry from Mr. Bauchner, Mr. Duplessis said that he was familiar with and supportive of the push by State Auditor Tom Salmon for all governmental entities to create independent Finance /Audit Committees. He pointed out that although the Town is technically not subject to the requirements of the federal Sarbanes-Oxley Act (SOX), it would be best practice to have such a committee in place.

8:30 PM – APPROVAL OF MINUTES FOR AUGUST 12, 2008 – Motion by Mr. Bauchner to approve the minutes of August 12, 2008, second by Ms. Russell-Story. All in Favor: VOTE: 5-0.

8:40 PM – CONSERVATION COMMISSION CHECK-IN – MARGO WADE - Ms. Wade requested the Commission would like to review the Charter and Purpose of what the Conservation Fund was established for. She reported that the Vtrans Enhancement Grant has been filed requesting \$123,200 and mailed to Vtrans on August 26, 2008. There will be no answer on this grant until November or December. This concerns acquisition of the property between the Golden Lion and the Kingsbury Bridge and Rte 100 and the Mad River, sometimes call the “Whiteside property”.

She reported that the trails project was moving forward and that The Commission had GPS some trails and had been in contact with Bryson to put these trails on the map and make sure the data is compatible with the town mapping system.

The Eaton Trails Project is moving forward as well. Yestermorrow has built and completed the kiosk as the first part of the project. They are now moving forward and working on the Construction Part of the Interpretive Trail with Josh Ryan who designed the trails.

Mr. Bauchner inquired if the Conservation Commission has looked at the Cover Bridge Property in its Town Owned Parcels Management Plan. Ms. Wade responded in saying that the Commission has not looked at this parcel but would put it on their agenda.

Ms. Russell-Story inquired about the Management Plans status. Ms. Wade indicated that it will be presented to the board soon for review. Due to members of the Commission going away for the summer, it has not had the final review of all the Commission Members.

8:55 PM – Appraisal Compliant – Mr. Lenord Robinson appeared before the Selectboard to voice his concerns that he did not feel that the town received its moneys worth for this appraisal. Mr. Robinson started to justify certain appraisal parcels he owned and what they were assessed at. Mr. Bauchner explained that it was not the board’s authority and that there were procedures set up to follow after grievance and by state statutes that procedure requires that you go to the BCA and then the State if the applicant is still not satisfied with the appraised value.

9:00 PM – VANISHING BROOK/NEWCOM DISCUSSION – Susan Hemmeter, Steve Reynes & Jessie Norman - Mr. Bauchner started the discussion off by asking the opinion of the Selectboard on spending tax payer money on legal fees. Mr. Bauchner felt taxpayers of Warren should not have to pay the bill for any litigation. Mr. Cunningham asked who was named in the suite. Mr. Bauchner indicated that the parties involved were the DRB, the Town, Ms. Hemmeter, and the Newcomb’s. The town’s attorney, Giuliani, Mckee & Cleveland were watching the pending litigation and would apprise the board of

any impact on the town such as a major zoning change. Mr. Cunningham expressed that the town should just keep watching the case. Ms. Russell-Story and Ms. Reilly also agreed with Mr. Cunningham.

Mr. Reynes, Ms. Hemmeter attorney, indicated that there was no current litigation. The appeal that was filed was dismissed in Environmental Court. Mr. Reynes explained that the issue in question is that the final filed plat does not match the decision of the Development Review Board. Ms. Hemmeter's attorney has sent a letter off to the applicant (Newcomb) explaining that the issue is in regard to the non-conformance of the recorded plat with the decision of the Warren Development Review Board. The memo outlines a legal basis for enforcement action. It is the hope that the the applicants will revise the plat to be in conformance with the decision of the Warren Development Review Board.

Mr. Bauchner indicated that the Selectboard was not going to take a position in this case and they will remain neutral and will not over ride decisions of the town's boards. It is the Selectboard's hope that both parties can come to and understanding an agreement on the issues. Mr. Simpson indicated that Ms. Hemmeter, who serves on the Conservation Board, needs to clarify and make clear of any conflict of interest in this case.

9:20 PM – OTHER BUSINESS – Mr. Simpson reminded the board that they need to make a decision on whether to sell or keep the black truck. If the Town keeps it, it would need to be outfitted with winter with tires, strobe lights etc; if they are planning on using it for winter travel in checking roads etc. Mr. Bauchner wanted to defer discussion on this truck until the personnel issues were resolved.

9:25 PM – Ruby Blair House – Mr. Simpson expressed that he had spoken with Peter Laskowski concerning the front apartment. Mr. Simpson indicated that Mr. Laskowski thought that there was interest from Moretown, Waitsfield and possibly Fayston. The building would require a Conditional Use Permit. Additionally, Ms. Jones requested and Mr. Bauchner agreed that ADA Requirements, Fire Marshal requirements, Electrical and VOSHA codes requirements that might be costly for non-residential use be investigated before any further consideration of civic use of the building. Mr. Simpson and Ms. Jones would work on this.

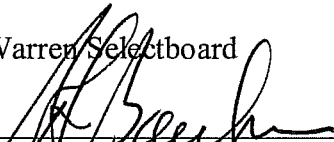
9:30 PM – Motion by Mr. Bauchner to go into executive session to discuss personal & real estate, second by Ms. Reilly. All in Favor: VOTE: 5-0.

10:15 PM – Motion by Ms. Russell-Story to come out of executive session, second by Mr. Cunningham. All in Favor: VOTE: 5-0.

10:20 PM – Motion by Mr. Bauchner to adjourn, second by Mr. Cunningham. All in favor: VOTE: 5-0.

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

Warren Selectboard



Burt Bauchner, Chair

~~Barry Simpson~~

~~Andy Cunningham~~

~~Erin Russell Story~~

~~Kirstin Reilly~~

AGENDA
WARREN SELECTBOARD
AUGUST 26, 2008
7:00 PM

7:00 PM – ROAD CREW FOLLOW-UP – RICHARD ROBINSON

7:15 PM – TOWN FINANCIALS – 2007 AUDIT REVIEW

8:30 PM – CONSERVATION COMMISSION CHECK – IN

8:45 PM – VANISHING BROOK/NEWCOMB DISCUSSION

9:00 PM OTHER BUSINESS

Approval of Minutes from August 12, 2008