

MINUTES OF JUNE 13, 2006
WARREN SELECT BOARD
WARRAN TOWN HALL
7:00 PM

MEMBERS PRESENT: Steve Butcher, Mac Rood, Chair, Burt Bauchner, Barry Simpson, Mike Brodeur (9:00PM)

OTHERS PRESENT: Priscilla Robinson, Dave Olenick, Miron Malboeuf, Dexter Lefavour, Mike Mayo, Virginia Roth, Felix Von Moschzisker, Cindi Jones.

7:05 PM - Meeting called to order by Mr. Rood.

7:05 PM – Motion by Mr. Simpson to approve the minutes of May 23, 2006, seconded by Mr. Butcher. All in Favor: VOTE: 4-0.

7:10 PM – UPDATE ON MAPPING AND REVALUATION CHECK IN – PRISCILLA ROBINSON: Discussions started with re-appraisal. Ms. Robinson stated that the town has filed an extension for filing the 2006 Grand List. Ms. Robinson expects to file the grand list with notice in the Valley Reporter. Then from there move onto the correction of maps, then hire data gathers to start collecting data and start setting property values for next year. Ms. Robinson stated that Sugarbush is not very far along in construction to be valued on April 1st. Taxable values are as of April 1st 2006 and April 1st 2007. Sugarbush expects the Clay Brook project be finished by end of December. Ms. Robinson has been working with Bob Aukland concerning the revaluation and the Town will probably be hiring a Commercial Appraisal company to appraise Sugarbush. Mr. Butcher had a question regarding how the units will be assessed. Ms. Robinson explained that it would depend on how the units are sold and how the deeds read when they are filed. Next year, depending on how many of the units are sold and how the project has progressed, they would be assessed at 100% fair market value. The grand list consists of 3,029 properties and Ms. Robinson will have a pre-grievance period where tax payers can come in and ask questions and look at their values prior to filing the 2007 Grand List. The last re-appraisal for the Town was completed in 1997. Most, if not all, property owners will receive a change of appraisal notice next year showing the change in value. The only property owners this year to receive a letter will be those whose properties had substantial changes made (i.e an addition, an outbldg. such as a garage, or subdivision of land).

Mapping – Ms. Robinson presented a list of where the mapping project currently stands. (Copy attached). Most people who have seen the orthos are happy with results. Mr. Rood wanted to move forward on a publishing system where anyone in town can get an ariel photo of the property, where they can order one and not tie up Ms. Robinson's and Ms. Robinson suggested that Bryson (GIS/Tax Mapper) meet with the board to discuss maps. The GIS/Tax Mapper has made recommendations on selling orthos by the tile; there are 167 tiles. Mr. Butcher suggested setting up a store on line where you can order the tile or tiles you want.

There would be security measures preventing people from copying files. The office would have a copy on the server available to the various boards etc and Mr. Butcher would work with him on how to set the server and the on line store.

7:40 PM – ROTH/PAPANI WASTEWATER PERMIT/JOHN ROTH/LEFAVOUR – Mr. Rood (Chair of the Board) read a letter from the Town's attorney (Stitzel, Page & Fletcher) advising the board on signing the Wastewater Use Disposal Permit. The Select board back in 2004 signed a disposal system construction permit to build the septic system at issue. Permit #2004-28-HP, approved June 17, 2004. The town has now received a designer's certification dated April 19th certifying that the system has been constructed in accordance with the approved plans. The sewage officer denied the requested use permit based on the systems failure to comply with the wellhead isolation standard in the ordinance. The Select Boards concern was the well drilled in 1991 drilled by the Van Buskirks as the system is located up hill from the well. Mr. Lefavour stated that the plans show a primary and replacement system for the properties for lots 22, 23. Lot 21 has its own system. Lot 23 is currently developed and connected to the system. Mr. Simpson asked for clarification regarding the lots. Mr. Lefavour explained that currently two of lots are connected to the constructed system under design ONLY, but out in the field only lot 23 is connected to the system currently. The 2004 permit has a stipulation that it can only be a 3 bedroom house for Lot 23 connected to that system. The system was designed in 1987, and approved in 1988, completed in 2005. The 2004 permit is issued on design by the Select Board on system design. Mr. Olenick (Roth/Papini attorney) commented that once a permit is issued, if someone drills a well, what is physically around you and look at the permits issued around the neighboring properties and honor the isolation distances of the permits issued by the original permit back in 1988. Mr. Butcher suggested that the parties involved, Roth/Papani, Felix Moschzisker, and the Van Burkirks come to an agreement concerning the well because currently the well would have to moved or the leach field would have to be moved. Mr. Olenick stated that legalities presented in this issue is clear that the disposal construction permit was issued by the requirements and that the use permit should be issued. Mr. Simpson stated that he would like to find out what the actual distance from the well to the mound system is. Mr. Lefavour stated he did not know the exact distance from the leach field to the well and his plan did not specify the distance.

Mr. Stitzel's legal opinion is as follows: Based on principals of "estoppel", the sewage officer could only reevaluate a system's design for compliance with applicable standards after issuance of a construction permit if the applicant withheld or misrepresented relevant information in the application for the construction permit. It is my understanding that the wellhead isolation issue was considered when the construction permit was issued. Given this, it would be improper to deny the use permit at this time on this basis.

Motion by Mr. Bauchner to approved the Disposal Use Permit for Lot 23 (Papani/Roth Lot); seconded by Mr. Simpson. All in Favor: VOTE: 3-1 (For Mr. Simpson, Mr. Bauchner, Mr. Rood: Against: Mr. Butcher).

8:45 PM – FELIX VON MOSCHZISKER/DEXTER LEFAVOUR WASTEWATER DISPOSAL PERMIT – Mr. Rood, Chair of the board, read the town's legal opinion from

Stitzel, Page and Fletcher. It was stated that the Board should not approve wastewater disposal permit submitted by Mr. Von Moschzisker for Lot 22. Mr. Lefavour stated that Mr. Von Moschzisker was seeking permit approval to connect a septic tank, pump station and pipe to the current mound system constructed by Papani/Roth for Lot 23. Mr. Von Moschzisker bought Lot 21 and 22 from Papani/Roth in February of 2004. The field is clearly marked out on plans submitted by Mr. Lefavour showing the well to be located in the 200' wellhead protection area. Again, Mr. Simpson wanted to know if anyone had measured the distance from the well to the mound system. Mr. Lefavour stated he had not measured the distance and did not know what it was. Mr. Lefavour stated that he checked the well log and there was 30' of sand, 180' bedrock and for any effluent to contaminate the well, the water table would have to be 12' or more. The boards acting as health officers are concerned about legal issues that could involve the town in the future from the Van Buskirks if the well is ever tested and found being contaminated with effluent down the road. Mr. Butcher emphasized again all parties concerned the Papani/Roth, Moschzisker and the Van Buskirks establish and agreement to solve the well problem to put this issue to rest for all parties involved legally. Mr. Bauchner clearly stated to Mr. Von Moschzisker he would need to move the well or mound system to resolve the issues. As during the course of the subdivision hearings Planning Commission and Act 250 back in 1988 and 2001 all parties were not notified as an amended original plat was not approved until 1995. Mr. Mayo, Town of Warren Sewage Officer, indicated that each lot must have its own wastewater disposal permit. The state will stand behind the construction and design is approved, but it has to comply with all town ordinances.

Motion was made by Mr. Bauchner to approve the wastewater disposal permit subject to the applicant resolving distance of the well to the septic field and in compliance of the 100' well shield protection area according to the 1995 wastewater rules for the area at the time of the division and the Town Ordinances, seconded by Mr. Mr. Brodeur. After discussion Mr. Von Moschzisker requested that motion to be withdrawn as duly noted.

Mr. Bauchner asked if it was possible to have a shared well with an easement between the lots to resolve this issue. The parties would look in to this possibility as a resolution and come back to the board to re-apply for the wastewater disposal permit.

8:35 PM – Motion by Mr. Butcher to approve the Jon & Carol Mazuy Road Access Permit, seconded by Mr. Simpson. All in Favor: VOTE: 4-0.

9:00 PM – OTHER BUSINESS: Purchase of new truck: Mr. Simpson explained that after talking with a majority of the highway crew that it is their recommendation that the town go with the same vendors Clark's and Tenco to build the truck and body the same as the tandem specs for the truck purchased last year.

Motion by Mr. Simpson to go ahead with the purchase of the new truck from Clark's and Tenco, seconded by Mr. Brodeur. All in Favor: VOTE: 5-0.

Fire Pond: Mr. Rood had a discussion with T.J at Kingsbury Construction regarding the liquidated damages assessed by D&H. D&H has billed for a total of \$6,067.00 and

Kingsbury Construction would agree to pay only \$3,281.00. After much discussion, the board agrees that Mr. Butcher acting and authorized representative of the project would meet with Kingsbury Construction and discuss the liquidated damages with Kingsbury Construction and come to an agreement to close the project out.

APP Gap Promotions: Motion by Mr. Brodeur to authorized Mr. Rood to sign the "statement of Consent to use Public Roads" for the Mad River Race on September 3, 2006, seconded by Mr. Rood. All in Favor: VOTE: 5-0.


10:10 PM – Meeting Adjourned.

Respectfully Submitted by,
Cindi Hartshorn-Jones

Warren Select Board:



Mac Rood, Chair

Barry Simpson


Mike Brodeur


Steve Butcher


Barry Bauchner


Mapping priorities and projected times 6/7/06

- 1.) 3 weeks for maps back from Bryson, 1 month for PR review.
- 2.) Bryson will send email note to PR w. plotter specs.(done)
- 3.) Bryson will send final wording as discussed with PR for CAD files to town.
- 4.) Bryson is working on disclaimer language as discussed and noted to Paul Giuliani for consideration. (York ME or Gosstown NY)
- 5.) PR will contact Forcier and Aldrich who have not sent their sewer layers to Bryson yet (called)
- 6.) PR will research Vermont Land Trust properties overlay (in progress)
- 7.) PR will remind Bob Ackland to contact Grenier/CDM for maps of Sugarbush (done)
- 8.) Bryson recommends distributing tax maps, when we are ready, in PDF format, \$10.00/map =roughly \$1600/set. This is a 24x36' map= (8.5x11 would be approx \$3.00-from experience these are difficult to read-we can produce these easily as needed).
- 9.) Bryson recommends selling orthos by tile @ \$25.00/tile (there are 167 of these). Also available would be 167 autocad drawings that make up photogrammetric layers (line work) which could be sold as well at the same rate. (Town of Gosstown took in roughly \$5K last year by selling just their tax maps alone which covered their mapping update costs for the year.
- 10.) PR will request zoning dept. to coordinate with us in procedure for returning mapping errors to us to send to Bryson. This way we can keep track of what is sent & when and we are not doing all the map checking by ourselves. Errors should be noted and forwarded to PR when found.
- 11.) Grant public document written within next 2 months
- 12.) Prepare for Warren presentation to Selectboard within a month and presentation to public Fall, 2006; IAAO at future function.

Orthos: PR to call Jeff re orthos and photogrametric work – his recommendations for distribution. Bryson suggested \$25.00/tile. Bryson will place orthos on server when he is here next (probably delivery of tax maps). Bryson and PR will research cost of ARCVIEW to use for people to view maps. (computer for public)?