

STOWE SELECTBOARD MEETING
Monday, March 22, 2010
Akeley Memorial Building – Banquet Room
AGENDA

Revised 3/16/10

- | | | |
|---------|---|---|
| 5:30 pm | 1 | Call To Order
-Sign Selectboard Orders |
| | 2 | Approve the Agenda |
| | 3 | Consent Items
A. SLT Donation Request
B. Errors & Omissions
C. Minutes

Liquor Consent Items
A. Annual Renewals |
| 5:35 pm | 4 | Recognition of Service |
| 5:40 pm | 5 | Public Hearing – FY 11 Sewer & Water Budgets |
| 5:50 pm | 6 | Memorial Park Master Plan Review |
| 6:35 pm | 7 | Executive Session
A. Personnel |
| | 8 | Other Business |

Meeting times are approx. & subject to change.

townofstowevt.org

AGENDA SUMMARY
March 22, 2010

Agenda Item No. 3A
Bridge Steel Beam Donation

Summary: The Miller Brook Bridge during the 2010 construction season. It is a town owned bridge. Enclosed is a letter from Heather Furman, Stowe Land Trust Executive Director, requesting “the donation of 2 of the 5 steel beams that will be salvaged as part of the Miller Brook Bridge replacement project. SLT is requesting these beams in order to replace the pedestrian bridge that was located across Ranch Brook on the Adams Camp property.” They are also requesting that they be allowed to store the beams at the Moscow Garage property until they build the bridge across Ranch Brook on the Adams Camp property.

Town Plan Impact: N/A

Fiscal Impact: N/A

Recommendation: Move to approve the donation of two of the beams from the Miller Brook Bridge to the Stowe Land Trust to build a pedestrian bridge across Ranch Brook on the Adams Camp property.

AGENDA SUMMARY
March 22, 2010

AGENDA ITEM NO – 3B
Listers

Summary: The Kline tax appeal that was before the Superior court has been dismissed. Attached is a copy of that dismissal. The error and omission that is before you is a continuation of the actions taken on a prior error and omission on similar properties to Kline. Kline had not been done due to the Court case. It now should be included and is attached here for your signatures.

Town Plan Impact: N/A

Fiscal Impact: lowers GL by \$8500

Recommendation: Motion to sign the Errors and Omission dated March 22, 2010.

AGENDA SUMMARY
March 22, 2010

Liquor Consent Item(s) 3

Summary: The following item(s) for your review:

2010 Annual Liquor License Applications – list dated March 19, 2010 as presented by the Town Clerk

Town Plan Impact: N/A

Fiscal Impact: N/A

Recommendation: Motion to approve the 2010 annual Liquor License Applications dated March 19, 2010 as presented.

AGENDA SUMMARY
March 22, 2009

AGENDA ITEM – 4 Special Recognition

Summary: This time has been set aside to recognize Chip Percy and his service as Stowe Supervisor for the solid waste district from 1996-2010.

Town Plan Impact: N/A

Fiscal Impact: N/A

Recommendation: N/A

AGENDA SUMMARY
March 22, 2010

Agenda Item No. 5
FY'11 Wastewater & Water Budgets Public Hearing

Summary: This time has been set aside to hear from the public regarding the proposed FY'11 Wastewater & Water Budgets and Fee Schedules.

Town Plan Impact: N/A

Fiscal Impact: The proposed FY'11 Fee Schedule would not increase wastewater fees from their FY'10 levels, but would increase water fees by 8%.

Recommendation: Move to approve the FY'11 Wastewater & Water Budgets and Fee Schedule as proposed effective July 1, 2010.

AGENDA SUMMARY
March 22, 2010

Agenda Item No. 6
Memorial Park Master Plan

Summary: The Selectboard requested at your 2/8/10 meeting that Jim Donovan, Project Consultant, and the Project Advisory Committee “have further discussions with Diann Percy and Billy Williams to insure compliance with the deed restrictions.” The Selectboard also indicated their desire to try and incorporate a skate park.

The project consultant and PAC meet with them in accordance with the Selectboard direction. Our understanding is their main concern is the fields remain open without permanent structures built on them. The result of this process is the enclosed alternate PAC 5.4 / 5.5 plan. It essentially keeps the field space open and the essentially keeps the park configuration the same (including the road alignment), except it puts the skate park where the tennis courts currently exists and moves the tennis courts to the back of the maintenance shed area. It also adds pedestrian circulation amenities (e.g. sidewalks, raised crosswalks) throughout the park.

Enclosed are the following letters:

Planning Commission stating in part “...as a board we unanimously support Plan #7 (which is the alternate PAC 5.4/5.5 plan)... the existing Memorial Fields are an important asset in the park and that they should remain as undeveloped green space...”

Recreation Commission stating, in part, “...the Commission feels that it is in the best interest of the people of Stowe to move forward with the alternate PAC 5.4/5.5 plan.”

Diann Adams Percy and William Adams, stating in part, “Billy and I support the proposed Memorial Park Master Plan #5-4...What is especially important to us is that this plan preserves the Athletic Fields for generations to come.”

Ken Biedermann, on behalf of **Ampersand Properties**, stating, in part, “I have some concerns with the direction the planning process for Memorial Park is going...the Board has opened the door as to the question of the Town’s conformance with a condition in a deed and there is really no turning back at this point. The litmus test the Board has chosen to use to determine compliance is the opinions of two heirs of the land...Short of getting all fifty-eight heirs to agree to a release or some other document, the only prudent course of action, at this point, is to ask the courts to interpret the deed in relations to the existing and proposed uses in the park and issue a declaratory judgment.”

Town Plan Impact: NA

Fiscal Impact: The Town has spent its \$20,000 allocated to this project. Other than the development of a final report, any continuation of the conceptual site planning process will necessitate a change order.

The Town Attorney anticipates that seeking judgment from Superior Court would cost approx. \$5,000 in attorney’s fees and that an appeal to the Vermont Supreme court would cost another \$5,000 in attorney’s fees. The Superior Court could take 1-2 years for a final judgment. If there is an appeal to the Vermont Supreme Court, the entire process could take 2 -3 years.

Recommendation: Move to approve the Alternate PAC Plan 5.4/5.5 plan and instruct the Town Manager to seek a declaratory judgment from Superior Court on the plan as advised by legal counsel.