

MINUTES OF THE SHAFTSBURY SELECT BOARD
July 6, 2009
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Lon McClintock (Chairman), Wynn Metcalfe, Bill Pennebaker, Karen Mellinger, Cinda Morse

(Others Present: Ron Daniels (Road Foreman), Henri Billow (Treasurer), Mark Rondeau (Bennington Banner), Alice Miller (Vermont Rep.), Gail Tiffany, Deena Ruege (Recreation Committee), Helen Olney (RC), Walter Merritt (RC), Paul Schwartzkopf Vermont Youth Conservation Corps), Becky Pinkus (VYCC), Chris Perkins Jr. (VYCC), Tim Green (VYCC), Anna Houston (VYCC), Rebecca Saenz (VYCC), Ian Tally (VYCC), Margaret Becker (Town Administrator), Susan Swasta (Recording Secretary)

1. Call Meeting to Order:

Chairman Lon McClintock called the meeting to order at 7:00 PM.

2. Announcements:

There were no announcements.

3. Conflict of Interest Statement:

Chairman McClintock asked if any Board member has a conflict of interest with any topic on tonight's agenda. None did.

4. Public Comments:

There were no public comments.

5. Financial Report:

Treasurer Henri Billow came to the table. Chairman McClintock explained that the Town is changing its accounting system from cash-based to modified accrual, so there is no rush to close the books. Ms. Billow reported a cash balance of \$21,378 as of June 30. After a July 3 payroll payment, the balance is \$16,708. She reported on an end-of-the-year warrant.

Ms. Billow said that she has prepared a detailed transaction report on Howard Park, and the Town may not get as much from the park fund as last year. The report will be sent to Board members. Mr. Pennebaker asked if the Town ended up in the black, and Ms. Billow replied that this will be the case if no more bills come in.

Chairman McClintock reported that they will receive more of a refund from the school system than anticipated, totaling around \$25,000. There was a brief discussion of budget figures and of the cemetery maintenance reserve fund.

6. Tilgner Trail Improvement Project:

Recreation Committee members Deena Ruege, Helen Olney, and Walter Merritt came to the table. Ms. Ruege noted that Committee Chairwoman Tracy Galle could not be here tonight. She distributed information packets to accompany the report. Ms. Ruege recapped Committee activities over the past year, beginning with a survey done to guide revitalization of Howard Park. Based on survey results, a Tilgner Trail restoration project has been undertaken. The Vermont Youth Conservation Corps (VYCC) will spend two weeks on trail improvement. VYCC crew leader Paul Schwartzkopf described the project, which will include constructing an information kiosk, bridge, and educational amphitheater. They will also repair the boardwalk and improve grades and wet spots. VYCC crew members introduced themselves. Ms. Ruege noted that the trail work is funded by two grants which were written by Ms. Mellinger.

Ms. Ruege reported that the Committee has coordinated with a soccer organization to construct a new shed, which was built by Brent Peacock and his son. The Committee will do a survey to find out what winter activities residents want. Ms. Ruege noted that last year's planned winter activities had run into weather problems.

She reported that Committee members visited other parks and used their rules and regulations to develop rules for Howard Park. There is now a key form, user agreement, and fee policy. The Committee will work with Town Administrator Margaret Becker on unresolved policy matters. Ms. Ruege reported that the Committee has contacted organizations that use Howard Park, and there is ongoing discussion of the role they will play in the park's future. A \$200 donation is now requested from organizations.

Plans for the future include a community garden, horseshoe pits, a dog park, a work day, new signage, updated playground equipment, and a sledding hill open during winter break. Board members thanked the Committee for their work.

7. Sheriff's Contract Renewal:

Chairman McClintock stated that the contract is for ten hours per week of law enforcement at the same price as last year.

Ms. Morse made motion to approve the sheriff's contract for fiscal year 2010. Mr. Pennebaker seconded.

Ms. Mellinger asked Mr. Metcalfe if the sheriff's department has been responsive to the Town request to include morning coverage, and Mr. Metcalfe replied that they have. There was a discussion of bringing out the Town's speed equipment as a deterrent to speeding. This will be looked into.

Motion to approve sheriff's contract carried 5-0-0.

Ms. Morse asked if there needs to be a review of Town road ordinances and signs. Ms. Becker said she could work on the speed ordinance and checking signs, but would not be able to get to this right away. Ms. Morse said that the VLCT could help with a speed ordinance. Ms. Mellinger agreed to work on a weight ordinance.

- 8. Myers Road Improvement Project:**
- 9. Shaftsbury Hollow Road Repair:**

Road Foreman Ron Daniels came to the table to discuss the proposed Myers Road project. This would involve cutting trees and widening the road at the sharp corner at the top of the hill. It would also include a culvert and ditch work.

Mr. Metcalfe and Chairman McClintock noted that two cars cannot pass in the area of the corner, there is not a good view around the corner, and there is a bad ditch. Mr. Daniels said he has not heard back from the school bus company on safety issues. Mr. Metcalfe reported that property owners Mitchell, Cole, and Lyons want to see the work done.

Ms. Mellinger said that other property owners oppose the work unless specific safety issues are involved. She said she would rather see work at the bottom of Myers Road, where runoff leads to icing. Mr. Daniels said that is a state issue involving a ditch on 7A that needs to be dug out. There was further discussion of whether the project should be done. Ms. Mellinger noted ongoing problems in Shaftsbury Hollow. Ms. Morse asked if work on both roads would be within budget. Chairman McClintock replied that both projects can be done this year.

Mr. Metcalfe made motion to do the Myers Road project as described by Road Foreman Ron Daniels as soon as possible. Ms. Morse seconded.

Mr. Daniels said that work will be done on Shaftsbury Hollow while trees are being cut on Myers Road. Ms. Morse said they should also contact the state to see where they are on the priority list to fix the bottom of Myers Road.

Motion to do the Myers Road project carried 5-0-0.

Shaftsbury Hollow resident Gail Tiffany said she would like someone overseeing to make sure fabric is put down properly, so they don't have the same problem next spring. She asked about taking down fir trees. Mr. Daniels replied that this needs to be looked into because the owners don't want them removed.

- 10. Policy Proposal – Performance Bonds for Town Projects:**
 - a. Structures Grant - Airport Road Box Culvert**
 - b. DRB Bonding Requirements**

a. Chairman McClintock asked if the Board wants to require a performance bond for the Airport Road box culvert. Ms. Mellinger explained that local contractors are very concerned about this because of the expense. Mr. Metcalfe said that they have never had a problem with work on box culverts in the past. There was discussion of whether a line of credit should be required as an alternative. Ms. Mellinger noted the current tight credit market. Mr. Pennebaker said that a larger percentage of the payment might be withheld until the end.

Mr. Metcalfe made motion to move ahead with the Airport Road culvert without requiring a performance bond or line of credit. Ms. Morse seconded.

Ms. Morse and Mr. Metcalfe agreed to develop a specific Town policy on this issue.

Mr. Metcalfe amended his motion to add that 50% of payment will be withheld until the project's satisfactory completion. Motion carried 5-0-0.

Mr. Metcalfe agreed to talk to contractors to get information on bonding, in order to develop a report to use as a foundation for a policy.

b. Ms. Becker reported that the DRB only requires bonding if there is earth removal.

11. Sidewalk Project – Update:

Ms. Becker stated that the sidewalk project contractor is ready to go. There was a minor setback due to a deficiency in the procurement process for a project inspector. She said they should have an inspector by the end of the week. An inspector's oversight is required because federal funds are involved.

Ms. Becker noted that lots of people would like to see the sidewalk extended down to the former Thompson business, because costs are under budget and the Town has received a second grant, an additional 700 feet could be built. She stated that this is difficult to manage, however, because an amended project would have to go back for review. Ms. Becker and Ms. Mellinger will work on this and see if it might be managed.

12. Water Project -- Update:

Ms. Mellinger reported that things are coming along well. There was a pre-bid meeting for contractors. Bids are due July 20. They have not heard from the bond bank. A state representative talked with them about potential for economic stimulus money. Construction will start the first week of August, and will be coordinated with the sidewalk project.

13. Personnel Policies & Procedures:

Chairman McClintock noted that there has been dissatisfaction with personnel policies and procedures in the past. He asked how they should approach a review and rewrite. Ms. Morse recommended starting with the VLCT model policy and working from there. She noted that a detailed policy leaves the Town open to more liability, and that Town Attorney Rob Woolmington recommends at will employment and a simple policy. Ms. Morse agreed to consolidate model policies and send them around for comment. She and Ms. Becker suggested that a subcommittee take up this matter, then prepare a draft for Board discussion.

14. Budget Process:

Chairman McClintock suggested that the Board adopt a three-year budget instead of a one-year budget, and start budget work in September. He said that voters would only approve one budget year, but that a three-year budget would be a good planning tool. Ms. Morse said she agrees with planning three years out, but thinks they have already been doing a lot of that. She talked about how they might implement a budget process. Mr. Metcalfe said they need to have a conversation about the amount of money required to

run the Town, and plan to put aside savings. Chairman McClintock asked Board members to think about what they want as a budget process.

15. Budgeting: Community Appropriations:

Chairman McClintock stated that he will put together a form for the next meeting.

16. Other Business:

Chairman McClintock asked if Board members want to hold a retreat next Monday. It was agreed to table the retreat.

Mr. Metcalfe said that purchase of fans was approved last year. Chairman McClintock said fans will be purchased.

Mr. Metcalfe recommended holding a work party to paint the Cole Hall meeting room in the fall.

Ms. Morse reported on the recent Economic Development Committee (EDC) meeting. She said the EDC will focus on the planning process for the two village center designations recently approved by the state. Ms. Morse asked that the Select Board sign on to a Chamber of Commerce letter in support of a rail corridor extending south to Bennington.

Ms. Mellinger made motion to sign on to a Chamber of Commerce letter in support of a southwest Vermont rail corridor. Mr. Pennebaker seconded. Motion carried 5-0-0.

Ms. Morse asked that a final version of the revised Town Plan be made available for reference. Chairman McClintock will get in touch with Planning Commission Chairman Craig Bruder about this.

Ms. Becker reported on a letter from Manchester Town Manager John O'Keefe on cooperative purchasing. She will pursue this, and will also get in touch with Bennington.

17. Minutes:

June 15, 2009 minutes

Ms. Morse made motion to approve June 15 minutes. Ms. Mellinger seconded. Motion carried 5-0-0.

June 22, 2009 minutes

Ms. Morse made motion to approve June 22 minutes. Ms. Mellinger seconded.

The following corrections to the June 22 minutes were requested:

On page 1, under "Elected Officials Present," "Larry Johnson" is added as "Lister".

On page 3, under Item 8.4 (Other Business), ".9%" is changed to ".09%."

On page 3, under Item 8.5 (Other Business), "has made" is changed to "has been made."

On page 3, under Item 8.5 (Other Business), second sentence is changed to: "Fairpoint will assist in installation and will supply posts."

On page 3, under Item 10 (Executive Session), maker of motion is changed from "Chairman McClintock" to "Karen Mellinger."

On page 3, under Item 11 (Adjournment), maker of motion is changed from "Chairman McClintock" to "Bill Pennebaker."

Motion to approve June 22, 2009 minutes as amended carried 5-0-0.

18. Warrants:

The following warrants were presented for approval:

Payroll Warrant #52: \$10,700.46 (includes Board stipends)

Ms. Morse made motion to pay PR Warrant #52. Ms. Mellinger seconded. Motion carried 5-0-0.

AP Warrant #1: \$52,617.49 (taxes, cemetery mowing, insurance, VLCT, misc.)

Ms. Morse made motion to pay AP Warrant #1. Ms. Mellinger seconded. Motion carried 5-0-0.

AP Warrant #50: \$ 8,069.93

Ms. Morse made motion to pay AP Warrant #50. Ms. Mellinger seconded. Motion carried 5-0-0.

Retirement Warrant #49R: \$ 4,480.11

Ms. Morse made motion to pay Retirement Warrant #49R. Ms. Mellinger seconded. Motion carried 5-0-0.

Ms. Mellinger made motion to adjourn. Mr. Pennebaker seconded. Motion carried 5-0-0.

The meeting adjourned at 9:47 PM.

Respectfully Submitted,
Susan Swasta