

MINUTES OF THE SHAFTSBURY SELECT BOARD
AUGUST 31, 2009
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Lon McClintock (Chairman), Bill Pennebaker, Karen Mellinger,

Board Absent: Cinda Morse, Wynn Metcalfe

Others Present: Henri Billow (Treasurer), Bob Holmes (Town Auditor), Larry Johnson (Town Lister), Art Whitman (Economic Development Committee), Phylis Porio (EDC, DRB), Mike Caslin, Alison Church, 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:

Ms. Mellinger reported that there have been issues with Town water having a musty smell and taste. The state has tested the water and found that the quality is OK, and the system is being flushed. It is getting better.

Ms. Mellinger stated that there has been great progress on sidewalks. The water project was set back a day by a water main break and is now going well.

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:

Shaftsbury resident Alison Church spoke about recent state legislation that supports energy efficiency projects. Using municipal bonds, towns may act as banks for groups of residents who want to undertake energy efficiency projects on their properties. Residents' loans would be paid back over a number of years through an increase in their property taxes. Ms. Church said that towns could also get money for feasibility studies on the use of solar panels on municipal buildings. The new legislation enables lots of different renewable energy programs. Ms. Church agreed to join the Environmental Issues Committee to spearhead renewable energy initiatives.

5. Economic Development Committee (EDC) -- Gravel Study

EDC Chairman Art Whitman came to the table. He stated that the Board had asked the EDC to take up the issue of gravel pit reclamation after the Planning Commission's gravel pit study. Mr. Whitman reported on a June 18 meeting of Planning Commission and EDC members and Shaftsbury pit owners on reclamation. Brian Lent and Peter Simoneau of Peckham industries had reported that the only Peckham pit that will close in the next five years is the Myers property. Photos of the Myers reclamation progress had been shown, and no concerns were expressed by anyone at the meeting. Mr. Lent had also described improvements made to the appearance of Peckham's Greene pit. All had agreed that no other action is required at this time.
(See Attachment 1.)

Chairman McClintock asked about policies on guidance for future closings. Mr. Whitman said that any new pits will have reclamation stipulations in their permits, but that all current pits predate Act 250, so the Town will just work with pit owners on reclamation. He said that everyone recognizes that land is too valuable to be left unused. There is no likelihood that help from the Town will be required to close pits. There was discussion of how best to keep track of pit reclamation requirements in the zoning permit process. The Board thanked Mr. Whitman and the EDC.

Ms. Pennebaker made motion to recess. Ms. Mellinger seconded. Motion carried 3-0-0.

6. Water Board Meeting:

A. Call to Order:

Ms. Mellinger called the meeting to order at 7:28 PM.

B. Conflict of Interest Statement:

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

C. Public Comments:

There were no public comments.

D. Employee Compensation

Ms. Mellinger explained that the Water Department has a budget line item of \$10,000 for salaries. In the past, the Superintendent and Assistant Superintendent had fairly equal work loads, so their salaries have been \$4500 and \$3500. In more recent years the Assistant Superintendent has only helped with meter reading and emergencies. There has been no Assistant Superintendent at all since January. The present Superintendent, Joe Herrmann, has been putting in many hours on the water project, with no additional compensation. Ms. Mellinger proposed that Mr. Herrmann be paid both position's salaries, retroactive to July 1, until an assistant is hired. She further proposed that future salaries be adjusted to \$6500 for the Superintendent and \$1500 for the Assistant Superintendent.

Mr. McClintock made motion to approve the Water Department compensation proposal on combined salary for Mr. Herrmann, with the stipulation that the matter be revisited if an assistant supervisor or other employee is hired. Mr. Pennebaker seconded. Motion carried 3-0-0.

7. Reconvene Select Board Meeting:

The meeting was reconvened by Chairman McClintock at 7:39 PM.

8. Waiver of Zoning Permit Fee – Shaftsbury First United Methodist Church:

Ms. Becker stated that the permit is for a pavilion, which will be a partially enclosed pole barn, The total permit fee would be \$100.

Mr. Pennebaker made motion to waive the Shaftsbury First United Methodist Church zoning permit fee. Ms. Mellinger seconded.

Chairman McClintock asked why the fee should be waived. Mr. Pennebaker asked if this is the usual practice for nonprofit religious groups. Ms. Billow noted that they pay no taxes. No one was sure if fees are waived for all nonprofits. Ms. Mellinger said that it seems to be the right thing to do.

Motion to waive zoning permit fee carried 3-0-0.

9. Financial Report – Treasurer:

Treasurer Henri Billow came to the table. She reported a June 30, 2009 fund balance of \$27,807,51, before any adjustments for amounts due from other funds. While this is not a final figure, it appears that the surplus will be bigger than anticipated.

10. Fiscal year 2010 Tax Rates:

There was a brief discussion of last year's tax rates versus this year's rates. This year's municipal tax rate represents a 2.85% increase; last year's increase had been 8.4%. Last year's rate had been .5091 per hundred, and thus year's rate will be .5236.

Ms. Mellinger stated that this tax rate reflects a budget that had been approved in anticipation of needing to cover a \$23,500 deficit, and instead there will be a budget surplus. If the deficit had not been built in, there would have been a flat tax rate. She would like the Board to hold \$23,500 sacrosanct and let townspeople decide what to do with it. Chairman McClintock replied that they should build that money into next year's budget. He warned that there will probably be more state funding cuts.

Mr. Pennebaker made motion to set the fiscal year 2010 municipal tax rate at .5736 per hundred. Ms. Mellinger seconded. Motion carried 3-0-0.

11. Town Auditor – Appointment to Fill Vacancy:

Auditor Bob Holmes came to the table. He noted that the auditor position had been advertised, but attracted no candidates. He had therefore gone through the Town voting list and selected Mike Caslin as a potential candidate. Mr. Caslin, who is retired from the post office, had agreed to serve. Mr. Holmes introduced Mr. Caslin.

Ms. Mellinger made motion to appoint Mike Caslin Town Auditor to fill out the remainder of the term, until March of 2010. Mr. Pennebaker seconded. Motion carried 3-0-0.

12. Payroll Warrants – Authorization for Selectmen to Sign:

Chairman McClintock explained that the Board signs off on payroll warrants a week after they go out, and the process could be streamlined by authorizing a Board member to sign payroll warrants. Ms. Billow stated that she would also like the authorization to extend to emergency warrants.

Ms. Mellinger made motion to authorize the Select Board chairman, or vice chairman in case of the chairman's absence, to approve and sign payroll warrants and emergency warrants provided that the warrants are reported at the next Select Board meeting. Mr. Pennebaker seconded. Motion carried 3-0-0.

13. 2010 Planning Grants – Facilities Planning:

Chairman McClintock stated that the planning grant deadline is September 30. Keefe and Wesner have finished their facilities improvements assessment, and more work will need to be done to assess the future of the Town Garage. He suggested that this might fit the planning grant. Ms. Mellinger said she would support that if they use the Town landfill as the site to be configured for a garage. Mr. Pennebaker suggested realignment of Airport Road as a possible grant study.

Ms. Becker asked if they want to pay Keefe and Wesner an additional \$800 for prospective plan and elevation drawings. All agreed that it is too early in the process for drawings.

Ms. Becker asked why the Select Board is discussing planning grants rather than the Planning Commission. Mr. Pennebaker, who serves on the Commission, agreed that perhaps they should take this on. Consensus was that a grant should be submitted on new infrastructure for the Town Garage.

Town equipment continues to be stored on the Cross property.

Mr. Pennebaker made motion to authorize Treasurer Billow to pay Peter Cross \$200 for the use of his lot for Town equipment storage. Ms. Mellinger seconded.

Ms. Mellinger said that Road Foreman Ron Daniels had agreed to talk with Brian Lent of Peckham about using their land for storage. This needs to be nailed down, and if storage continues on the Cross property there should be a longer contract, not a month to month one. Chairman McClintock said he will call Mr. Lent.

Motion to authorize payment carried 3-0-0.

15. Construction Project Updates:

Ms. Mellinger reported that concrete for sidewalks is being poured. They should hear from the state this week on extending the sidewalk. She reported that there were early glitches in the water project. Contractors McDonald Secor and Drilling Technologies have both been great to work with and coordination of projects is going well. There will be some changes in swales going up Ledgey drive. Culverts are being replaced there to prepare for paving.

16. Minutes:

August 17, 2009 minutes

Approval of the August 17 minutes was postponed because Board members had not yet received the minutes.

17. Warrants:

The following warrants were presented for approval:

Payroll Warrant #8: \$5,609.03

Ms. Mellinger made motion to pay Payroll Warrant #8. Mr. Pennebaker seconded. Motion carried 3-0-0.

Payroll Warrant #9: \$7,010.32

Ms. Mellinger made motion to pay Payroll Warrant #9. Mr. Pennebaker seconded. Motion carried 3-0-0.

8/19/09 Transfer Warrant: \$78,448.08 (Howard Park, Water Dept., Sidewalk Fund, Cole Hall, Listers, Cemetery Fund)

Ms. Mellinger made motion to pay 8/19/09 Transfer Warrant. Mr. Pennebaker seconded. Motion carried 3-0-0.

Retirement Warrant #6R: \$226.84

Ms. Mellinger made motion to pay Retirement Warrant #6R. Mr. Pennebaker seconded. Motion carried 3-0-0.

Check Warrant #6: \$110,526.70 (BCRC SWIP, fire trucks, water project, sidewalks, gravel, stone)

Ms. Mellinger made motion to pay Check Warrant #6. Mr. Pennebaker seconded. Motion carried 3-0-0.

Ms. Becker stated that the Board needs to approve change orders resulting from the substitution of precast concrete for granite in sidewalk construction and increased excavation costs. The precast change resulted in savings that will permit the extension of the sidewalk. The changes have been approved by the project inspector.

Mr. Pennebaker made motion to approve sidewalk change order number 2, for a credit of \$11,300. Ms. Mellinger seconded. Motion carried 3-0-0.

Motion was withdrawn as out of order.

Mr. Pennebaker made motion to approve sidewalk change order number 1, for additional excavation costs of \$347.48. Ms. Mellinger seconded. Motion carried 3-0-0.

Mr. Pennebaker made motion to approve sidewalk change order number 2, for a credit of \$11,300. Ms. Mellinger seconded. Motion carried 3-0-0.

Mr. Pennebaker made motion to approve sidewalk change order number 3, for a credit of \$3,000. Ms. Mellinger seconded. Motion carried 3-0-0.

18. Other Business:

Ms. Becker suggested that the Recreation Committee might want to consider an upcoming Human Services and Education Facilities grant. Ms. Mellinger will take a look.

Ms. Becker asked if the Town wants more Shaftsbury cups and bowls, which are on sale now. Chairman McClintock said he'll discuss this with the Town Clerk.

Mr. Pennebaker reported that the cost of an assistant for the Town Administrator, at \$14 per hour and ten hours per week, would be just under \$6,000. He thinks there may be big savings on fuel oil that might cover an employee for this year. It was agreed that any commitment would be only for this fiscal year.

Mr. Pennebaker made motion to approve hiring of an office assistant for the Town Administrator for ten hours a week, at a rate of no more than \$14 an hour gross salary. Town Administrator is to write the job description and be responsible for hiring and supervision. Ms. Mellinger seconded. Motion carried 3-0-0.

There was a brief discussion of road work and the problem on White Creek Road.

Mr. Pennebaker made motion to accept Wynn Metcalfe's resignation from the Select Board, DRB, Cemetery Committee, and as Cemetery Sexton, with regrets. Ms. Mellinger seconded. Motion carried 3-0-0.

Ms. Mellinger made motion to adjourn. Mr. Pennebaker seconded. Motion carried 3-0-0.

The meeting adjourned at 9:34 PM.

Respectfully Submitted,
Susan Swasta

August 31, 2009 Select Board Minutes Attachment 1

To: Shaftsbury Select Board
From: Art Whitman, Chairman, Economic Development Committee

Subject: Gravel Pit Meeting Summary

Date: August 31, 2009

Late in 2008, the Planning Commission appeared before the Select Board to express concern that no action had taken place in regards to the gravel pit study. As a result of that meeting, you asked the Economic Development Committee to review the study and make recommendations for action. The Economic Development Committee reviewed the study, interviewed pit owners, and reviewed the Town Plan. Our recommendation was a joint meeting of the Planning Commission, the pit owners, and Economic Development Committee to determine how best to implement the recommendations in the Town Plan regarding gravel pits: **Policies should be considered, developed and implemented for future reclamation of gravel pits in collaboration with landowners and extraction companies.** (Town Plan – Spring 2009). With your endorsement, the meeting took place on June 18, 2009.

Brian Lent and Peter Simoneau of Peckham/Wm. E. Dailey's, Joseph Maguire (Pit owner), Scott Maguire, and Planning Board members: Chris Williams, Bill Pennebaker and Bob Carter, along with Economic Development Committee members Art Whitman and Phylis Porio were in attendance.

Art Whitman asked the pit owners to identify any pits that had the potential of closing within the next 5 years. Brian Lent identified the Meyers Pit, which was in the process of being closed and reclaimed. No other pits were identified; nor were there any pits that might close in the next 10 years.

Brian Lent also described improvements that would be made to the appearance of the Green Pit.

There was a general discussion of State mandates regarding pit operations.

Brian Lent had available photos of the reclamation process being used at the Meyers pit. No concerns were expressed in regards to this process.

Given that there were no other pits that would be closed in the next 10 years, no further action is required.