

MINUTES OF THE SHAFTSBURY SELECTBOARD  
OCTOBER 19, 2009  
COLE HALL  
SHAFTSBURY, VERMONT

**Board Present:** Lon McClintock (Chairman), Bill Pennebaker, Karen Mellinger, Cinda Morse, Craig Bruder.

**Others Present:** Donald Campbell, Norm Gronning (Historical Society), Dave Herzfeld (Constable), Robert Perry (Constable), Bill "Jake" Jakubowski (Development Review Board), Tyler Resch, Megan Wick-Albert (Recording Secretary).

**1. Call Meeting to Order:**

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

**2. Announcements:**

Craig Bruder took oath on October 6<sup>th</sup> and was welcomed to the Selectboard.

Craig Bruder noted that the crew completing the water main construction work did a great job and were very courteous to residents of the area.

Bill Pennebaker reported on the success of Hazardous Waste day. Cinda Morse added that there were many more participants from Pownal than in the past. Karen stated people appreciated being able to dispose of batteries.

**3. Conflict of Interest Statement:**

Chairperson McClintock asked if any board member had a conflict of interest with any topic on tonight's agenda. There were none.

**4. Public Comments:**

Chairperson McClintock asked if there were any public comments. There were none.

**5. Vermont Land Trust: (by request)**

**RE: Update on Galusha Homestead (Donald Campbell and Norm Gronning)**

Donald Campbell presented a letter of explanation of the Galusha Homestead from the Vermont Housing and Conservation Board. He explains that Galusha wishes to sell but also create a historical conservation easement to protect this home and its farmland. The Historical Society wishes to purchase the homestead. The 2 acres surrounding it would be donated to them. Norm Gronning stated that the home, built in the 1700's, will be turned into a year-round museum facility. The Galushas will also sell 85 acres to Clearbrook Farm with the stipulation of donating land for preservation purposes.

**Cinda Morse made motion to write a letter in enthusiastic support of preserving the Galusha farmland and home by the Vermont Land Trust. Bill Pennebaker seconded. Motion carried 5-0-0.**

Chairperson Lon McClintock asked if there was any further discussion. There was none.

**6. New law re: Police Academy Training for Constables**

Chairperson Lon McClintock explained changes in the law that dictates that Constables need training if they are appointed to their position and want to be involved in any law enforcement activities. Shaftsbury Constables are elected and have a two-year term. Cinda Morse asked Constables Bob Perry and Dave Herzfeld if this would be at the State level, especially in regards to the cost and

relevance of training. 58 hours of training is required, gun proficiency and 60 hours of supervision. This is followed by a one-year probationary period. Karen Mellinger asked what duties the Constable's positions would entail. Lon McClintock stated that voters can restrict the role and term of the Constable. Karen Mellinger added that the Selectboard has exercised the authority to appoint them to a 2 year position in the past. Dave Herzfeld stated that they spoke with a Lieutenant at the Shaftsbury State Barracks, and it was expressed that the State Police definitely needed their help. Cinda Morse stated that training expense would become a more serious part of the budget in the future. Bob Perry and Dave Herzfeld reiterated the fact that law enforcement training would help clarify their responsibilities when they respond to certain situations. Lon McClintock stated Chad Schmidt and the two Constables will attend the November 2<sup>nd</sup> Selectboard meeting. He also suggested the Constables define what their role and term length should be and get citizen feedback about any proposed changes.

## **7. Unlicensed Dog Reports:**

Chairperson Lon McClintock called attention to the Unlicensed Dog Report. **Cinda Morse motioned to forward the list of Unlicensed Dog Report to the Animal Control Officer for issuance of citations. Bill Pennebaker seconded. Motion carried 5-0-0.** Chairperson Lon McClintock asked if there was any further discussion. There was none.

## **8. Broadband Services-report by Bill Pennebaker:**

Bill Pennebaker described the effort to enable broadband access throughout Shaftsbury, most especially in remote areas where residents cannot currently subscribe to a provider due to lack of infrastructure. An online survey was conducted to see what services people can get, what the take-rate would be for those who don't have cable or DSL, and what a generally acceptable monthly rate would be to get cable to those places. There were 124 respondents to the survey. Bill Pennebaker explained the poll results. He also brought to light options of obtaining funding for costs through grants, taxes, donations and/or Comcast's direct help. Cinda Morse asked what percentage of citizens who don't have cable capabilities replied and supported this idea. Bill Pennebaker said he estimates about 20% and would like to see more responses to get a better idea of citizen opinions.

Jake Jakubowski suggested announcing the location of the survey on the Town of Shaftsbury website. Karen Mellinger stated the survey should be pushed in the areas where there have not been responses, potentially by door-to-door surveying.

Tyler Resch asked how it would be possible to approve a tax for this. Lon McClintock replied that the details are still being looked at. Tyler Resch then added that there is cell phone service in many remote areas, so there should be internet service as well. Karen Mellinger and Bill Pennebaker reiterated that there are many areas where there is no reception, which is another issue that needs to be worked on. Bill Pennebaker stated wireless could be an option, but the various mountain ranges make it hard to obtain universal coverage. Chairperson Lon McClintock asked if there was any further discussion. There was none.

## **9. Liquor License- Bennington College Restaurant:**

Chairperson Lon McClintock explained the application for a liquor license at a Bennington College event. **Karen Mellinger made motion to approve the Liquor License. Cinda Morse seconded. Motion carried 5-0-0.**

## **10. Proposed Ordinance Regulating Access to Town Highways:**

Jake Jakubowski stated that his greatest concern is Section 4.C which states that a landowner

performing any work in the right-of-way must have a cash deposit and insurance on the project until its completion. It was discussed by the Development Review Board and the Planning Commission before the final change was proposed to the Selectboard. Craig Bruder reiterated that this would designate individual and business liability, especially when there is a crew working on a project. Cinda Morse asked who would have the authority to enforce this provision. Bill Pennebaker said that it would be up to the Zoning Administrator and the road foreman. If an appeal occurred it would be presented to the Development Review Board. Jake Jakubowski commented that Zoning Permit applications should meet all requirements. Lon McClintock said that it should be a workable system that also clearly reflects the law. Bill Pennebaker commented that there would be no 'grandfathering' in the right-of-way.

#### **11. Proposed zoning amendment re: obstructions to Town ROW's:**

There was discussion of the problems of obstructions in the right-of-ways to town highways. Craig Bruder stated that if there was something in the right of way, it could be possible to acquire a permit. The approval could be by the Zoning Administrator or as a highway permit. Craig Bruder said that would depend if the obstruction has been there and could be addressed at a later date. Cinda Morse asked if there was a definition for this. Bill Pennebaker stated there was not one and should be defined. Lon McClintock stated that the Selectboard has the legal right to remove obstructions to town right-of-ways. The obstructions could stay with a Conditional Use permit. The definition of this should also include they 'shall' rather than 'may' include the road foreman.

Cinda Morse asked what the role of the Development Review Board would be. Craig Bruder stated if the Zoning Administrator does not approve the permit, or if it is approved and someone else does not approve of it, an appeal could be brought to the Development Review Board.

#### **12. FY2011 Budget Preparation Schedule FY2010 Y-T-D Reports**

Chairperson Lon McClintock stated that certain figures were still needed from the Treasurer in order to move into the new budget season. This pertains to the transition to modified accrual accounting. Karen Mellinger stated that many cuts were budgeted for this year. Craig Bruder asked about funding for the water project. Karen stated that the water main upgrades were a requirement of the State of Vermont. The project is funded by federal funds. Cinda Morse asked if the process for considering items in the budget would be the same as last year. Lon McClintock stated that it is similar, but an improvement over the past three years. Cinda Morse explained the process to Craig Bruder. She requested a process that addressed the big picture rather than specifics of individual line items. Karen Mellinger stated that there will be extra meetings that will allow department heads to explain their needs. Cinda Morse suggested a meeting with the Selectboard could be an option for everyone. Bill Pennebaker stressed that personal contact has value and this review should be done in person. Lon McClintock stated that he will put the presentations on the agenda for regular meetings. A letter was already sent out to department heads. Lon McClintock stated there is a January 4th, 2010 goal for the completion of the three-year budget. He stated that there should be a meeting with the Highway and Fire Departments.

**13. Selectboard Liaison Appointments:** Discussion will take place at the next Selectboard meeting.

#### **14. Cemetery Committee Appointments and Updates:**

Cinda Morse discussed the result of the October 15<sup>th</sup>, 2009 meeting. Matters discussed included Committee procedures, responsibilities, and the role and definition of the Cemetery Superintendent.

This includes selling lots, keeping a map of lots and regularly recording them. Cinda Morse said the Committee recommends appointing two more people - Henri Billow and Ken Coonradt. **Cinda Morse motioned to appoint Henri Billow and Ken Coonradt to the Cemetery Committee. Bill Pennebaker seconded. Motion carried 5-0-0.**

**15. Minutes: October 5<sup>th</sup>, 2009; October 8<sup>th</sup>, 2009:**

**Karen Mellinger motioned to approve the minutes of October 5<sup>th</sup>, 2009 with corrections made in section 5. Cinda Morse seconded. Motion carried 4-0-1.**

**Karen Mellinger motioned to approve the minutes of October 8<sup>th</sup>, 2009 with the correction of the meeting starting at 5:30pm instead of 6pm. Cinda Morse seconded. Motion carried 5-0-0.**

**16. Warrants:**

The following warrants were presented for approval:

Transfer Warrant dated October 5, 2009 : \$136,202.80

**Cinda Morse motioned to approve the Transfer Warrant. Karen Mellinger seconded. Motion carried 5-0-0.**

Check Warrant #12: \$137,207.34

**Cinda Morse motioned to approve Check Warrant #12. Karen Mellinger seconded. Motion carried 5-0-0.**

Check Warrant #13: \$5,500 – Getty Construction

**Cinda Morse motioned to approve Check Warrant #13. Karen Mellinger seconded. Motion carried 5-0-0.**

Retirement Warrant #W13R - \$226.07

**Karen Mellinger made the motion to approve Retirement Warrant #W13R. Cinda Morse seconded. The motion carried 5-0-0.**

Payroll Warrant #15: \$7,990.39

**Karen Mellinger motioned to approve Payroll Warrant #15. Cinda Morse seconded. Motion carried 5-0-0.**

Payroll Warrant #16: \$6,883.75

**Karen Mellinger motioned to approve Payroll Warrant #16. Cinda Morse seconded. Motion carried 5-0-0.**

**Sidewalk Project Change Order No. 6:**

Change of gradient of sidewalk: add \$2,500 to project cost for a revised Construction Contract amount of \$296,873.79. Chairman McClintock signed the change order. It will be forwarded to the State of Vermont for acceptance.

**17. Other Business:**

**Deer Run- Status:**

Lon McClintock stated the warranty deed prepared by Chris Denio would result in the transfer of the title and title insurance. This process was laid out in a letter to Chris Denio. The Town is waiting to

hear back from him.

**Construction Updates:**

Karen Mellinger reported that the sidewalk pouring would be finished tomorrow and then the aprons would be done by the week's end. The project should be completed by next week. The water project is almost complete. The contractors have done a great job. It was also stated that there would be a meeting to discuss removal of the old telephone pole. Lon McClintock suggested expanding the outside radius instead would solve the traffic issue. Karen Mellinger reiterated that McDonald-Secor has done well for the town.

**Cinda Morse motioned to approve and sign the water bond documents and appoint Margaret Becker and Karen Mellinger as Authorized Representatives in order to file requests for reimbursement. Bill Pennebaker seconded. Motion carried 5-0-0.**

**State Park Road:**

Karen Mellinger suggested inviting Craig Whipple, Director of Vermont State Parks to the November 2nd meeting to discuss potential options for the Shaftsbury State Park access road. It may be possible to find grants for road repairs.

**Cleveland Avenue on Halloween:**

Karen Mellinger stressed concern for making Cleveland Ave. safe for trick-or-treating children on Halloween.

**Karen Mellinger motioned to close Cleveland Avenue for Halloween and call the Fire Department to ask to monitor the event. Cinda Morse seconded. Motion carried 5-0-0.**

**Ancient Road Committee:**

Bill Pennebaker stated they will be attending the November 16<sup>th</sup> meeting.

**Highway Department overtime:**

Cinda Morse asked for this item to be on the agenda for discussion. Lon McClintock stated this could be discussed at the November 16<sup>th</sup> meeting.

**18. Adjournment:**

**The meeting adjourned at 10:10 PM.**

Respectfully Submitted,

Megan Wick-Albert