

Selectboard Regular Meeting

Monday, December 2, 2013

5:00PM

Members Present: Karen Mellinger, Mitchell Race, Tim Scoggins, Carl Korman, Ken Harrington;

Others Present: Town Administrator Margy Becker Constable Paul McGann, Neal Strong, Merton Snow, Tom Dailey, John Endres, Sr.; Henri Billow, Ellie Hyjek, Cinda Morse; Traci Mulligan, Animal Control Officer; Peter Cross, Francis Kinney, Victor Harwood, Deena Ruege, Paul and Iris Olmstead, John Endres, Sr., Harold Baldwin, Rick Kobick, Michael Gardner, Barry Mayer, Mark Bollhardt, Doris Korman, Jay Palmer, Mary Gronning.

5:00 P.M. Budget Workshop

1. Cemeteries

The Cemetery Committee informed the Selectboard of the Shaftsbury Hollow cemetery, located on private land, and its intention to perform some maintenance work on the cemetery. It has been neglected for many years. The landowner has seemingly granted verbal authorization to access the cemetery to Cemetery Superintendent Ken Coonradt and to Sycamore Landscaping.

The Committee acknowledged its understanding that the Town does not yet have a legal right-of-way to the cemetery. The Cemetery meets the definition of “abandoned burial ground” in Vermont Statutes. A non-Shaftsbury resident has appealed to the Cemetery Committee to maintain the abandoned cemetery.

The Cemetery Committee is the caretaker of five local cemeteries in Shaftsbury. The Selectboard cautioned the Committee from assuming maintenance of the Shaftsbury Hollow Cemetery, citing the lack of a valid right-of-way to the cemetery and the fact that the cemetery is on private land.

The Committee pointed out Waite Cemetery needs proper fencing and clearing. The Committee requested an increase in the stipend of the Cemetery Superintendent to include the cost of a laborer. Mr. Coonradt had been, to-date, paying for a laborer’s help out-of-pocket. Cinda Morse explained the history of the Superintendent’s compensation for the benefit of Tim Scoggins and other new Selectboard members.

2. Constables

Constable Paul McGann presented the Selectboard with projected costs of funding a Constables’ budget based on a presumption of that Constables were certified to take on

law enforcement powers. Paul McGann noted that the budget being presented was his initial projection. The Selectboard discussed Mr. McGann's proposal and found several start-up costs to be missing from his suggested budget.

The Selectboard members differed in their interpretations of statutes granting law enforcement powers to Constables. One interpretation is that once certification requirements are met, a Constable has the right to practice law enforcement duties unless a municipality votes expressly to limit the authorities of its Constables. If this rationale is followed, the only impediment to Mr. McGann's ability to perform law enforcement duties in the Town is lack of a budget.

The other interpretation, and the position of past Selectboards, is that the Constables' authority is limited until the Town expressly broadens their authority and certification requirements are met. A budget would also have to support law enforcement operations.

Selectboard members did not agree on a final budget for the Constables.

3. Animal Control

The Selectboard reviewed the summary of the job description for the Town's Animal Control Officer, as provided by Traci Mulligan.

The Selectboard discussed job responsibilities in detail and elaborated on the job protocol in regards to catching and caring for area dogs. Traci Mulligan stated that educating residents about proper control of their pets was an important part of her job. Ms. Mulligan also acknowledged the existence of a close working relationship with Second Chance Animal Shelter.

Ms. Mulligan requested an increase in hourly wage from \$10.00 to \$12.00 per hour. It was noted it had been several years since the last pay increase.

6:30 P.M. Regular Business:

1. Call to Order

The Selectboard meeting was called to order at 6:30P.M.

2. Conflict of Interest

There was no conflict of interest stated.

3. Approval of Minutes

The approval of Minutes for November 18th and 25th, 2013 was postponed.

4. Approval of Warrants

Motion to approve Payroll Retirement Warrant #11 in the amount of \$126.32. Moved by Carl Korman/Ken Harrington 2nd. Motion carried unanimously 5-0-0.

Motion to approve Payroll Warrant #11 \$17,424. Moved by Carl Korman/Mitchell Race 2nd. Motion carried unanimous 5-0-0.

5. Announcements

Tim Scoggins announced that the Shaftsbury Elementary School Winter Concert was being held at the school at 7P.M. and noted he would be attending to see his daughter perform. Tim Scoggins departed the meeting.

Karen Mellinger announced that the audio interviews for the DVD Ordinary Heroes was “wonderful” and mentioned that the DVD/Book combo would make a great holiday gift. Mitchell Race noted the cost of the DVD was \$12.00, the book was \$10.00, and the DVD/Book combo was also available for \$20.00.

Karen Mellinger announced that a “special visitor” would be attending the tree lighting ceremony taking place next Sunday at 4 P.M. She invited residents to come join in the festivities. It was noted that there would be music by Chris and Greg Jacobs with Sue Green also playing trumpet.

6. Public Comments

A Shaftsbury resident in attendance provided a positive review of the DVD Ordinary Heroes.

7. Merton Snow – Pending Tax Sale Properties

Merton Snow joined the Selectboard to discuss the pending tax sale scheduled for December 5th 10 A.M.

Merton Snow mentioned that some of the properties that were published or advertised for the tax sale have since been paid off. It was noted that if no one bids on the properties, and if the Town of Shaftsbury does not provide a bid, the sale would be considered void. Mr. Snow recommended the Town prevent this from happening.

Carl Korman asked if there were opportunities to inspect the property before purchase. Merton Snow reported that once a property is put up for a tax sale and is sold, the previous owner is forbidden from entering upon the property for one year.

Karen Mellinger recommended a town representative be present to enter a minimum bid on properties that otherwise received no other formal bids for purchase. Bids presented by the Town, if accepted, would be held by The Town for a year after purchase.

Carl Korman volunteered to attend the tax sale on December 5, 2013 as a formal representative for the Town. Board members asked other questions regarding tax sale procedures, which Mr. Snow could not answer.

Motion to authorize Carl Korman to represent the Town at the December 5th Tax Sale, to make a minimum bid if necessary, and to present requests for information to Attorney Kevin O'Toole as-needed. Moved by Mitchell Race/Ken Harrington 2nd. Motion carried unanimously.

8. Approval of Amendment No. 1 to Enhancement Grant Contract EH0021 for Supplemental Sidewalk Construction Funds

The approval was Postponed until later in the meeting.

9. Appointment Policy – Final Reading

The appointment policy reading was postponed until later in the evening.

10. 7:00P.M. Bond Vote Informational Meeting

The Selectboard held an informational meeting regarding the bond vote for the proposed Town Garage project.

Karen Mellinger presented details of the project to the public. The proposed garage structure is 8,000 sq. ft., includes a six bay layout, and was said to be energy-efficient with its simple design. The salt shed includes a 60x40 foot space exclusively intended for sand and salt storage. The site at the landfill would have a 1,000 foot access drive.

Tom Dailey was presented as Moderator. He suggested the Selectboard continue to make its presentation and then take questions from the audience, due to the small number of attendees. He said he would only Moderate, if his assistance was warranted.

The Selectboard cited some safety issues with the existing town garage. Karen Mellinger displayed the model garage schematic and floor plan obtained from the Town of Swanton. This is the model for the Shaftsbury proposed garage. Ms. Mellinger stated Swanton received construction proposals for its garage design ranging from \$623,000 and \$956,000.

The Selectboard notified the residents in attendance that the garage would be built on land already owned by the Town which is adjacent to the Shaftsbury Transfer Station. Karen Mellinger stated the site is cleared and flat and would be large enough to handle the Highway Department daily activities.

The Selectboard noted the site of the new garage would remove traffic from the Shaftsbury Village and would also lower traffic volumes along the access route to Shaftsbury Elementary School.

The Selectboard claimed the new garage would be cost-effective and that repairs to the existing garage could become cost prohibitive, given its deteriorating conditions and prolonged use beyond its initial lifespan.

It was reported that given the current state of interest rates, the Town was in position to take advantage of a “sweet spot” in rates - as rates are expected to rise in the upcoming years.

The cost of the garage to the residents of Shaftsbury was discussed in detail. The Selectboard noted that if issued, a bond would hold an interest rate of 4.5% over 20 years. The average annual bond payment to be included in the annual Town budget would average \$72,000 per year.

According to the Selectboard, the average cost for every resident with an assessed value of \$100,000 was projected to be \$18.00 per year. An average cost for every resident with an assessed value of \$200,000 was projected to be \$36.00. An average cost for every resident with an assessed value of \$300,000 was projected to be \$54.00.

The Selectboard concluded that the average cost to each household in Shaftsbury, if the garage project was approved, would be around .70 cents per week.

Road Foreman Terry Stacy reported to residents in attendance that the current garage has simply become too small in size to handle the town equipment and supplies and cited energy deficiencies including the lack of heat in the current building.

Residents in attendance commended the Highway Department for improvements to road maintenance.

Questions regarding maintenance and heating options for the proposed building were discussed, as residents cited concerns as to how the new building would be maintained and heated properly.

Victor Harwood asked for more information about the scope of the project. The resident felt that the project was too large and challenged the Selectboard as to whether or not it had conducted a proper analysis of the current building's deficiencies and costs to address them. Karen Mellinger provided documentation to confirm formal studies were conducted in regards to the project.

John Endres Sr., a resident of Shaftsbury and member of the Town Garage Committee, admitted to being against the initial bond vote that took place in March of 2013. He also noted his objective for being on the Committee was to lower the cost of the project from its initial figure of \$1.5 million down to the current figures being presented to the public.

Karen Mellinger thanked all the members of the Town Garage Committee for its commitment to the project and overall involvement.

11. Approval of Amendment No. 1 to Enhancement Grant Contract EH0021 for Supplemental Sidewalk Construction Funds

The Selectboard acknowledged it had applied for and received a Supplemental Sidewalk Grant. Margy Becker noted the grant agreement required the signature of Selectboard Chair Karen Mellinger.

Motion to approve the grant agreement with the State of Vermont for a Supplemental Sidewalk Grant Contract #EH2001. Moved by Carl Korman/Mitchell Race 2nd. Motion carried unanimously.

12. Appointment Policy – Final Reading

The Selectboard discussed the amended Appointment Policy for Planning Commission and Developmental Review Board members, citing term limits and a date of April 1st of the designated year of appointment to be formally recognized by the Town of Shaftsbury.

Motion to approve Appointment Policy as amended for the final reading. Moved by Carl Korman/Mitchell Race 2nd. Motion carried unanimously.

13. Town Administrator Report

Margy Becker is still awaiting more information regarding the disparities in the cleanup proposals for the PCB oil.

14. Other Business

None reported.

15. Adjournment

Motion to adjourn by Mitch Race, seconded by Tim Scoggins. Motion carried. The Selectboard meeting was adjourned at 8:45 P.M.

**Prepared by:
Shawn M. Sterling**