

MINUTES OF THE SHAFTSBURY SELECT BOARD
MAY 18, 2009
COLE HALL
SHAFTSBURY, VERMONT

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

Board Absent: Cinda Morse

Others Present: Henri Billow (Treasurer), Mark Rondeau (Bennington Banner), Art Whitman (Economic Development Comm.), Ben Benedict (Facilities Comm.), Angie Abbatello (Lister & Facilities Comm.), Susan Swasta (Recording Secretary)

1. Call Meeting to Order:

Chairman Lon McClintock called the meeting to order at 7:01 PM.

2. Announcements:

Chairman McClintock asked that a moment of silence be observed in memory of Anna Worth, who had been very supportive of the Humane Society and the treatment of animals, and who was an important part of the Shaftsbury community.

Bill Pennebaker announced that the broadband survey is on the Town web site, and asked residents to take the survey,

Mr. Pennebaker reported that Hazardous Waste Day had gone smoothly, with 71 cars from Shaftsbury, 6 from Pownal, and one composite load from Stamford. He noted that some people did not have access stickers, and that their word had been accepted that a sticker is on another vehicle. He said that a policy is needed on this.

Karen Mellinger announced that new access stickers will be for sale at the transfer station and Cole Hall. Old ones expire June 30.

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 reported a conflict. Chairman McClintock pointed out that Wynn Metcalfe has a conflict with the agenda item on Development Review Board (DRB) appointments. Mr. Metcalfe (a DRB member) agreed, and will recuse himself on that matter.

4. Public Comments:

There were no public comments.

5. Budget Report:

Chairman McClintock distributed budget report documents. He noted that Board members had already received a cash flow statement.

a. Norshaft Lion's Club:

Chairman McClintock stated that he had received a request from the Lion's Club for a \$25 contribution to sponsor an ad for a pancake breakfast. Art Whitman stated that former Town Administrator Aaron Chrostowsky had made the donation in the past, but he is unsure whether this was a Town donation or a personal donation. Chairman McClintock stated that he would make a personal donation of \$25.

b. Town of Bennington Fireworks:

Chairman McClintock stated that Bennington is asking other towns for contributions toward the \$12,500 fireworks expense. They are trying to raise \$7,500. Mr. Metcalfe suggested that Shaftsbury contribute \$1,000, noting that Bennington is generous in lending equipment and professional advice to Shaftsbury, and that many Town residents attend the fireworks. Chairman McClintock recommended that it be \$500 from this year's budget and \$500 from next year's.

Mr. Metcalfe made motion to donate \$1,000 for Bennington's fireworks, with \$500 from this year's budget and \$500 from next year's. The money will not be donated until the event is confirmed. Mr. Pennebaker seconded.

Ms. Mellinger said she worries about the money, but agrees with what has been said.

Motion carried 4-0-0.

Mr. Metcalfe will inform the Bennington Town Manager.

c. Additional Gravel Purchase:

Chairman McClintock reported that Road Foreman Ron Daniels needs \$3,000 worth of gravel for current road work. They are still \$28,000 to the good on the gravel budget. All agreed to the expenditure.

6. Facilities Committee --Open Architects' Bids:

Chairman McClintock opened bids from Centerline and Keefe & Wesner, responding to requests for proposals as to how much of a specified list of tasks could be done for \$12,000. He noted that both bids are lengthy and detailed. It was agreed that the Facilities Committee will go over the bids and make a recommendation to the Board at the next meeting, in two weeks.

7. Sidewalk Project -- Bid Period Extended:

Ms. Mellinger stated that they were to have opened bids tonight, but after last week's pre-bid walk-around questions on bonding came in from some contractors. In addition, two addenda were issued by the project engineer. It was agreed to extend the bid until June 1, in the interest of accommodating local contractors. Ms. Mellinger noted that bond requirements are very specific because Federal money is being used. Chairman McClintock said that anyone who had already bid

could take their bid back and reissue it based on the new information. Ms. Mellinger suggested that the Board discuss a Clerk of the Works in Executive Session.

8. Transfer Station Management Contract:

Chairman McClintock stated that Trevor Mance of TAM is not here tonight because it is his 30th birthday. He handed out a revised copy of the agreement and went over four revisions. The revisions dealing with updated access sticker information, Town Attorney Rob Woolmington's language on contract term, corrected language on holidays, and change of language on trucking company. Chairman McClintock noted that TAM agreed to the four changes. He suggested the Board discuss Exhibit A in Executive Session.

9. Economic Development Committee (EDC) and Gravel Study:

EDC member Art Whitman and Planning Commission Chairman Chris Williams came to the table. Mr. Whitman read an EDC statement (see Attachment A) on cooperation between the Town and gravel pit owners in developing voluntary reclamation plans for pits that pre-date Town zoning. After a brief discussion, it was agreed that the EDC will host a joint meeting with the Planning Commission, Peckham, Herrington, and the EDC to begin the collaborative process. Mr. Williams stated that this is a great outcome, and that the process should get started. He complimented the EDC on their middle ground position.

10. Appointments to:

- a. DRB
- b. Planning Commission
- c. Deputy Health Officer

Chairman McClintock noted that Trustees of Public Funds had been left off the agenda, but Trustee appointments will also be done tonight. All will be taken up in Executive Session.

Mr. Pennebaker stated that, given state law allows five-nine members on each board, the Planning Commission thinks it would be sensible to expand membership from five to six or seven. He noted that this board tends to operate on consensus, so an even number should not be a problem. There was discussion of whether it is a good idea to have an even number. Mr. Metcalfe and Chairman McClintock expressed concern over an even number, noting that past Planning Commission members had not been so closely in agreement, and that an even number would be a problem if there is a divisive issue. Chairman McClintock asked that the Planning Commission make a specific proposal for six or seven to the Select Board at the June 1 meeting. Other appointments will be made in tonight's Executive Session.

11. Town Administrator Search:

Chairman McClintock said he had spoken with two candidates, and that one is available to meet on Friday at 4:00 PM. A third candidate, not yet interviewed, could meet at 5:00 PM on Friday. It was agreed to meet. Chairman McClintock asked if Board members had noted anyone from the resumes they would like to interview. He found one. Mr. Pennebaker said there may be one. This will be discussed in tonight's Executive Session.

12. Myers Road Improvement Project:

Chairman McClintock said that a school bus company has expressed concern about safety issues with Myers Road and Rte. 7A. They will send a letter to Mr. Daniels. Chairman McClintock would like to wait for the letter to take up the matter. There was discussion of Myers Road. Mr. Pennebaker stated that they may want to limit work to the bottom, since residents farther up the road would rather not widen the road unless it is a safety concern. Mr. Metcalfe said that the entire road is a problem in winter because it is reduced to one lane and remains icy. Chairman McClintock noted that erosion makes it even narrower. Chairman McClintock said they will schedule a public hearing after hearing from the bus company. Ms. Mellinger and Mr. Pennebaker said they would like to know more about the amount of traffic on the road.

13. Personnel Matter:

This will be taken up in Executive Session.

14. Other Business:

Ms. Mellinger announced that the water project received archeological clearance. A bond application will now be prepared.

Ms. Mellinger announced that the Town received a \$5,000 Ancient Roads grant, thanks to Rep. Alice Miller. They will need to authorize someone to act as grant administrator.

Ms. Mellinger made motion to appoint Karen Mellinger (herself) administrator of the Ancient Roads grant. Mr. Pennebaker seconded. Motion carried 4-0-0.

Ms. Mellinger made motion to list the grant administrator and Bill Pennebaker as signatories to request Ancient Roads grant funds. Mr. Pennebaker seconded. Motion carried 4-0-0.

Chairman McClintock stated that he has been asked to submit a form on Town facilities using hazardous materials. He asked who usually completes the form. Mr. Metcalfe suggested Emergency Coordinator Jerry Mattison, Mr. Daniels, or the Fire Chief. Chairman McClintock will check with them.

Chairman McClintock said he had received insurance rating reports that will affect Workers Compensation and Unemployment for the Town. He will meet with Insurance Agent Dave Newell on this. Chairman McClintock noted that they now have a summer employee who collects unemployment in the winter, and that it might make sense to change this to a contract employment basis. He asked Mr. Metcalfe to check on this because of his experience with seasonal employees.

Chairman McClintock reported that he had a complaint from the health officer about outdoor burning by a Town resident. The resident claims cyclone burning is exempt, but the state does not agree, so this needs to be enforced. Mr. Metcalfe said that it also violates the Town burning ordinance. He offered to resolve the matter, noting that he has had several discussions with this resident about the problem.

Ms. Mellinger said she received a note from the Town Clerk on a custodial officer issue regarding the Judicial Bureau. This will be taken up in Executive Session appointments.

15. Minutes:

May 4, 2009 minutes

Mr. Pennebaker made motion to approve May 4 minutes. Ms. Mellinger seconded.

Motion carried 4-0-0.

16. Warrants:

The following warrants were presented for approval:

Payroll Warrant #45: \$ 5,709.45

Ms. Mellinger made motion to pay PR Warrant #45. Mr. Pennebaker seconded. Motion carried 4-0-0.

Payroll Warrant #46: \$ 7,863.37

Ms. Mellinger made motion to pay PR Warrant #46. Mr. Pennebaker seconded. Motion carried 4-0-0.

Check Warrant #44: \$ 4,333.34 (cemetery mowing)

Ms. Mellinger made motion to pay Check Warrant #44. Mr. Pennebaker seconded. Motion carried 4-0-0.

Check Warrant #45: \$ 506.60 (postage)

Mr. Pennebaker made motion to pay Check Warrant #45. Ms. Mellinger seconded. Motion carried 4-0-0.

Check Warrant #45R: \$ 185.52

Ms. Mellinger made motion to pay Check Warrant #45R. Mr. Pennebaker seconded. Motion carried 4-0-0.

Check Warrant #46: \$ 36,330.40 (grader, appraisal, backhoe repair, water project, health trust)

Mr. Pennebaker made motion to pay Check Warrant #46. Ms. Mellinger seconded. Motion carried 4-0-0.

14. Other Business (cont'd.):

Mr. Metcalfe said that the person who did roadside mowing last year asked about the status of hiring mowing out this year. Mr. Metcalfe recommends that they do so again. He does not know if Mr. Chrostowsky put it out to bid. Chairman McClintock said he will look at the files for last year's bid to get a bid ready to go out right away.

Ms. Mellinger made motion to go into Executive Session (Contract, Personnel, Appointments). Mr. Pennebaker seconded. Motion carried 4-0-0.

The meeting went into Executive Session at 8:31 PM.

The meeting adjourned at ?? PM.

Respectfully Submitted,
Susan Swasta

Attachment A

To: Shaftsbury Selectboard
From: Art Whitman, Chairman
 Economic Development Committee
Date: May 18, 2009, 2009
Subject: Gravel Pit Study

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 met with Brian Lent and Peter Simoneau of Peckham Industries/William E. Dailey's and spoke by phone with Ken Harrington. All were aware of the study as they had met with the Planning Commission and study consultants SVE Associates both during the process and when the results were presented.

The 2009 Town Plan certainly recognizes the historic, current and future importance of gravel resources to Shaftsbury's economy. Shaftsbury's Zoning Bylaw addresses reclamation of any new gravel pits. The question raised by the 2007 SVE Gravel Pit Study seems to be how to address reclamation of pits that existed prior to Zoning Bylaws in Shaftsbury. It is the conclusion of the Economic Development Committee that these issues would require legal council at considerable expense for both the Town and pit owners to resolve these issues. Based on the language in the 2009 Town Plan, it is our recommendation that the Town work in cooperation with pit owners to design voluntary reclamation plans that are appropriate for each pit depending on the intended future use.

Peckham/Dailey and the Harrington's are committed to working with the Town of Shaftsbury on reclamation plans for each of their pits when appropriate. They ask that the Town consider plans that are not "one-size fit all", but rather take into consideration the next land use of the property in question when the pit owner decides that a property no longer has product potential for them.

The Economic Development Committee would be happy to host a joint meeting of the Planning Commission, the Economic Development Committee, Peckham Industries/Dailey's and Harrington's to discuss how we can work together to define how such plans could be developed.