

SHAFTSBURY SELECTBOARD
REGULAR MEETINGS MNUTES

February 1, 2010

Attending: Selectboard Memers - Lon McClintock, Bill Pennebaker, Karen Mellinger, Craig Bruder; Absent: Cinda Morse; Staff: Margy Becker, Town Administrator; Town Officials: Henri Billow, Treasurer; Visitors: Tom Dailey, Esq.; Beth Boepple, Esq.; Andrea Hogan; William Hogan; Annette Jenke; Tyler Desch; Peggi Price; Steve Washburn; Larry Johnson; Deena Ruege.

1. Call to Order

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

2. Announcements:

There were no public announcements.

3. Public Comments:

Deena Ruege said the Recreation Committee would like to meet with the Selectboard on February 15 to discuss the Handbook for Howard Park. It was agreed this matter will be put on the agenda.

4. Conflict of Interest Statement:

Lon McClintock asked if any Board member had a conflict of interest pertaining to any matter on the agenda. There was no conflict of interest stated.

5. Re-Cast of Water Project Loan Documents:

Karen Mellinger explained the water loan of \$425,000 has been re-cast into 2 loans in anticipation of ARRA monies. Expenses from 2008 which are ineligible for ARRA funding will be continued to be paid for through the original Drinking Water Revolving Loan Fund. The amount to be carried in this loan is \$46,380. The remaining water project expenses in the approximate amount of \$378,621 are eligible for ARRA funding. ARRA funds will allow a 57% loan forgiveness, which reduces the amount of the second loan from \$378,621 to \$162,807. The total impact of potential ARRA funding for the improvement project would be to reduce the \$425,000 original loan to 2 loans only totaling \$209,187. Thus Shaftsbury water users will save approximately 50% of project costs.

Bill Pennebaker made the motion to approve the Refunding Resolution and Certificate to recast the \$425,000 water loan into two loans. The motion was seconded by Craig Bruder and carried 4-0.

Bill Pennebaker made the motion to approve the Refunding Resolution and Certificate for issuance of a refunding bond in the amount of \$46,379.42. Craig Bruder seconded. The motion carried 4-0.

Bill Pennebaker made the motion to approve the Refunding Resolution and Certificate for issuance of a refunding bond in the amount of \$378,620.58. Craig Bruder seconded. The motion carried 4-0.

6. Fund Balance Reserve Policy:

The Board discussed creation of a new reserve fund for emergency situations, inclusive of dramatic reductions in state aid. The Board reviewed a proposed policy for stewardship of the fund. It was agreed that the maximum set asides into the "fund balance reserve fund" will be 5% of budgeted expenses. Any additional fund balance amounts will be used to reduce taxes.

Bill Pennebaker made the motion to adopt the Fund Balance Reserve Policy as amended and noted by the Chair. Craig Bruder seconded and the motion carried 4-0.

7. Ancient Roads:

The Board met with landowners and attorneys for further discussions of the Ancient Roads Committee recommendations to add 3 old town roads to the Town Highway Map. The purpose of mapping the roads is to preserve their existence as public rights-of-way. Discussions resumed regarding the location of the extension of Shaftsbury Hollow Road to the Arlington town line. There is a question of the road's location with respect to Carey's Turn. After further discussions it was agreed a site visit was needed to view the location of the old road.

The Board's discussion turned to the old "Cross Road" between Old Depot Road to the Little Rhode Island Cemetery. After some initial discussions Craig Bruder questioned whether it made sense for the Town to proceed with mapping the road, due to landowner concerns. Bill Pennebaker agreed that a cost-benefit analysis is skewed towards cost and that any attempts by the Town to preserve the right-of-way could result in legal challenges. He pointed out that Sugar House Road is available for public access. Karen Mellinger said the Town's Attorney, Rob Woolmington, suggests the Town formally discontinue the old road. After brief additional deliberations the Board agreed to proceed with the formal process to discontinue the old "Cross Road". Lon McClintock said the discontinuance proceedings would be scheduled to begin after Town Meeting. Beth Boepple, Esq., representing the Brawers, thanked the Board for its sensitivity to landowner concerns.

The Board then discussed the extension of Granger Hollow Road. Bill Pennebaker noted the record shows clearly a town road has existed. What is not clear is where the road lies. Lon McClintock noted that Rob Woolmington also states the issue is the existence of the road and not its location. Karen Mellinger suggested a site visit. Steve Washburn discussed locations of various old roads in the vicinity, saying that he is concerned that the road in question is not a public right-of-way. The road is missing from too many maps, including topographic maps of certain dates. Lon McClintock said the Norsemen corroborate the existence of the public road, and they at one time asked the Town to perform bridge repairs. He agreed a site visit would be helpful. Steve Washburn said the road is not where the Selectboard thinks it is. It runs East/West and not North/South. He referenced maps at the Bennington Free Library and in Albany. The Board asked the Ancient Roads Committee for copies of the deeds for the Nilsen, Norsemen, Julia Sheehan, and Morse deeds.

8. Transfer Station Hours:

Margy Becker stated she needs to publish transfer station operating hours for 2010. Christmas and New Years fall on Saturdays when the Transfer Station is usually open. It was agreed the TAM contract dictates when the transfer station will be open. More information regarding hours of operation will be available in mid-March. No formal action was taken.

9. Town Meeting Preparations:

Selectboard members discussed and agreed upon the format for the Board's presentations at Town Meeting, which will remain similar to March 2009. Bill Pennebaker agreed to collect

photos for a slide show. Margy Becker will procure the slide projector, prepare the 10 minute PowerPoint presentation (with Board input), and operate the projector during the meeting. Board members agreed to be responsible to answer questions on matters pertaining to their liaison duties.

10. 2010 Mileage Certificate:

The Board agreed to table action to map existing legal trails. VTrans' information regarding legal trails will be further reviewed.

Bill Pennebaker made the motion to approve the 2010 Highway Mileage Certificate which documents total town highway mileage of 86.149 miles. Karen Mellinger seconded. The motion carried 4-0.

11. Approval of Minutes:

Karen Mellinger made the motion to approve the minutes of January 4, 2010. The motion was seconded by Craig Bruder and carried unanimously.

Craig Bruder made the motion to approve the minutes of the special budget workshop on January 6, 2010. Karen Mellinger seconded. The motion carried.

Bill Pennebaker made the motion to approve the minutes of the special budget meeting on January 11th, 2010. Craig Bruder seconded. The motion carried.

Karen Mellinger made the motion to approve the minutes of the special budget meeting on January 17, 2010. Bill Pennebaker seconded. The motion carried.

Karen Mellinger made the motion to approve the minutes of the regular meeting and budget workshop held on January 18, 2010 with the following change to paragraph 4: Change "Holl" to "Hollow". Bill Pennebaker seconded. The Board voted 4-0 to approve as amended.

12. Warrants:

Check Warrant #24 in the amount of \$8154.44 has been revised by the Treasurer to total \$78,154.44. This is due to a cancelled fund transfer of \$3,000.

Transfer Warrant dated 1.27.10 in the amount of \$187,468.56, inclusive of transferring \$62,489.52 from the Culvert Grant to the general fund.

Bill Pennebaker made the motion to approve the January 27, 2010 transfer warrant. Karen Mellinger seconded. The motion carried 4-0.

Payroll Warrant #31 in the amount of \$9,940.18.

Karen Mellinger made the motion to approve Payroll Warrant #31. Craig Bruder seconded. The motion carried 4-0.

Retirement Warrant #27R in the amount of \$241.51.

Craig Bruder made the motion to approve Retirement Warrant #27R. Karen Mellinger seconded. The motion carried.

Accounts Payable Warrant #W28 in the amount of \$20,655.73.

Karen Mellinger made the motion to approve Accounts Payable Warrant #W28. Bill Pennebaker seconded. The motion carried 4-0.

13. Old Business:

Karen Mellinger provided a status report on the preparations for submittal of an Energy Conservation Block Grant. She has met with architect Ben Benedict to review proposed energy conservation improvements to Cole Hall and the Fire Station. An Historic Preservation consultant has performed a review of Cole Hall. The State will not approve insulating the historic stone building. Attic insulation can be added, however. The grant application is slated to be submitted February 23rd.

14. Adjournment:

Karen Mellinger made the motion to adjourn at 9:20PM. The motion was seconded and carried unanimously.

Submitted by,

Margy Becker