

SHAFTSBURY SELECTBOARD
REGULAR MEETING
October 18, 2010
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Bill Pennebaker, Craig Bruder, Cinda Morse; Town Officials: Joe Vadakin, Fire Chief; Barth VanderEls, Health Officer; Rec Committee Members: Helen Olney, Deena Ruege; Staff: Margy Becker, Town Administrator; Visitors: Dave Mance, Doug Crossman, Traci Galle, Josh , Christina, and Tim Criss; Dr. Michael Welther; Representative Alice Miller.

1. Call to Order

Chairman McClintock called the meeting to order at 7:05pm.

2. Announcements

Halloween trick-or-treating is scheduled for 4:30PM – 7:30PM, October 18th, 2010. Lon McClintock thanked Craig Bruder, Cinda Morse, and Margy Becker for their work on completing proposed personnel policies.

3. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

4. Public Comments

Dr. Welther spoke to the Selectboard regarding his efforts to secure funding for a federally-qualified community health center in Arlington. The Arlington-Sunderland-Sandgate area has been declared a “medically under-served area”. Dr. Welther is preparing a \$650,000 grant. The Community Health Center will provide access to primary care, pharmacy, mental health, and case management services to all – inclusive of those who are uninsured or under-insured. The Clinic will not be a “free clinic” but will have fees based on a sliding scale. Shaftsbury residents will be eligible to access this health center. There are very few “open practices” in Bennington County. Representative Alice Miller commended Dr. Welther for his work.

Cinda Morse made the motion that the Selectboard submit a letter of support. Craig Bruder seconded. The motion carried unanimously.

5. Cleveland Park Improvements

Deena Ruege, Chair, Shaftsbury Recreation Committee explained the Rec Committee is seeking to encourage increased utilization of the Village parks – especially in winter. Snowshoeing, sledding, and cross country ski activities will be scheduled for Howard Park. Through volunteer efforts of Traci Galle, Doug Crossman, Dick Lyons, and David Mance a rink was installed at Cleveland Park last winter. Eagle Scout candidate Josh Criss met with the

Selectboard regarding his proposal and plans for a warming hut at Cleveland Park. The proposed hut will be set on skids in order to be mobile. Dave Mance and R.K. Miles have provided the plans for the shed. Josh Criss explained to the Board his proposal for coordination of construction activities (Scouts, Volunteers).

Cinda Morse made the motion to approve the plans for the warming shed as submitted by Josh Criss and to approve the proposed construction of the warming hut in Cleveland Park. Craig Bruder seconded. The motion carried unanimously.

6. Health Officer Report

Health Officer Barth VanderEls informed the Selectboard he had consulted the Town's Attorney regarding a health issue in the Village. A vacant house with a small truckload of garbage has become a public health nuisance. The homeowner has been difficult to contact. The Town's Attorney has reported that the Town could issue a Health Order to force removal of the garbage. Barth VanderEls said this is not an emergency and recommended the Board not issue a Health Order. He assured the Board he would make more persistent attempts to contact the landowner, as his work location is now known. If necessary, he would enlist the services of the Sheriff to serve his letter and notice, since mail is not being picked up.

The Board further discussed proper procedures to follow, should the Health Officer need to access private property.

Karen Mellinger made the motion that the Health Officer issue a health order to be served by the Sheriff that gives the landowner two weeks to clean up garbage. In the event that the health order is undeliverable within 14 days – the Town will proceed with abatement. Craig Bruder seconded.

Cinda Morse made the motion to amend the motion to add “Abatement shall be conducted in the presence of a Sheriff and documented by photographs.” Bill Pennebaker seconded. The motion carried unanimously.

The motion, as amended, carried unanimously.

7. Fire Station Roof Repairs:

Chief Joe Vadakin informed the Board he had requested 4 estimates for roof repairs. The west side membrane of the Buck Hill Fire Station roof is separating, there are shingles missing. The rubber membrane was installed 13 – 14 years ago. The roof was shingled in 1977, approximately. The work being requested is for replacing the roof and cap, and for enlarging the diverter. Joe Vadakin reported the Fire Department has sufficient funds in its budget to cover the proposed repairs. Estimates have been received ranging from \$4,050 to \$7,985. The Fire Department maintenance and repair budget is \$8,000. The lowest bidder carries insurance and has a binder.

Joe Vadakin also stated the east side door is being widened to accommodate voters through support of the Town Clerk's HAVA Grant.

Craig Bruder made the motion to proceed with the lowest bid, contingent on process outlined in our purchasing policies

Karen Mellinger inquired if a notice of bid had been put in the paper. Joe Vadakin reported no ad had been placed.

There was no second to the motion. The motion failed.

Karen Mellinger made the motion that the Town proceed to go to bid for the roof repairs, that an ad with specs be placed in the paper, and that bidders be asked to respond within 7 days. Cinda Morse seconded the motion. The motion carried 4 – 1, Craig Bruder voting against the motion.

8. Board of Listers:

Larry Johnson, Lister, reviewed with the Board a proposal from Apas, LLC for grand list maintenance services. He explained that he foresees the services of a professional appraiser becoming an annual expense. The Board of Listers no longer has the participation of its most knowledgeable member, and finds itself short on knowledge, and property valuation is an area where expertise is important.

Craig Bruder inquired whether the participation of professional appraiser is needed due to increased complexity of property valuation? Larry Johnson replied yes. He further explained the need to proceed with updating the NEMRC grand list program and recommended the Town enter into a 9-month agreement with Apas, LLC at a fixed price of \$10,000.

There was discussion regarding whether the Board of Listers had ever received competitive bids for grand list maintenance. Larry Johnson said this is difficult to determine.

Cinda Morse expressed support for updating records and following-up on the Reappraisal, noting that perhaps VAPAS could assist the Listers in putting together a plan as to how to move ahead.

Lon McClintock noted that the only input the Selectboard has into Listers' business is via the budget. If the Listers project a move towards reliance on licensed professionals, the general fund budget line items - Listers' salaries and wages and professional services – should be adjusted. There is a \$30,000 salaries and wages budget for the current year. The balance available can cover the \$10,000 expense.

Larry Johnson said that using the reappraisal fund to cover the \$10,000 expense is appropriate.

Lon McClintock noted the Town also faces the cost of a tax appeal and needs to estimate \$2 - \$2,500 in upcoming expense. The Board further discussed the roles of elected Listers.

Karen Mellinger made the motion to approve the APAS, LLC proposal, due to an emergency situation with the Board of Listers. Craig Bruder seconded.

Representative Alice Miller inquired as to whether the Board's proposed action conflicted with the earlier decision to reject estimates on the Fire Station roof. Lon McClintock explained there were only 28 appraisal firms on Property Valuation and Review's bid list. Less than 50% of the firms responded to the Shaftsbury RFP for reappraisal services. It is mandated that Shaftsbury's grand list information be sent to the State as part of the process to determine equalization. There are now only a handful of firms available to do grand list maintenance. Lon

McClintock explained the situation is "unique". Craig Bruder thanked the Listers and Angie Abatello. **The motion carried unanimously.**

9. Energy Efficiency Block Grant:

Margy Becker explained that the bid for window panels in Cole Hall had been re-advertised according to the purchasing policies. **Cinda Morse made the motion to accept Advanced Energy Panel's bid for design, fabrication, and installation of window panels in Cole Hall for \$14,919.84. Karen Mellinger seconded. The motion carried unanimously.**

Margy Becker will proceed with re-advertising bids for boiler controls, since only one bid had been received.

10. Other Business

The Board decided to meet weekly in November, and to commence budget meetings with Department Heads.

Lon McClintock informed the Board of the need to retain Town Attorney Rob Woolmington to defend the Town in the Serraro tax appeal, which is estimated to cost the Town approximately \$2 - \$2,500.

Cinda Morse made the motion to retain Rob Woolmington as counsel. Craig Bruder seconded. The motion carried unanimously.

Lon McClintock informed the Board that Paulin's had filed an Appeal of a DRB decision to Environmental Court regarding signage. The Selectboard's position has been to defend the Development Review Board and to over-rule the Zoning Administrator.

Bill Pennebaker made the motion to retain Rob Woolmington as counsel. Cinda Morse seconded. The motion carried unanimously.

The Board discussed the Berard tax sale (Rte. 67 parcel and house). Margy Becker informed the Board of the Delinquent Tax Collector's tally of taxes, fees, and expenses. **Craig Bruder made the motion to authorize the Town Administrator to submit an initial bid of \$8,420. Karen Mellinger seconded. The motion carried unanimously.**

11. Approval of Minutes

Approval of Oct. 4, 6, 13th minutes was tabled. Minutes had not been circulated.

12. Approval of Warrants

PAYROLL WARRANT PR#15 IN THE AMOUNT OF \$7,790.88.

Cinda Morse made the motion to approve payroll warrant PR#15 in the amount of \$7,790.88. Karen Mellinger seconded. The motion carried unanimously.

PAYROLL WARRANT PR#14 IN THE AMOUNT OF \$6,171.50.

Cinda Morse made the motion to approve payroll warrant PR#14 in the amount of \$6,171.50. Karen Mellinger seconded. The motion carried unanimously.

CHECK WARRANT W15 IN THE AMOUNT OF \$37,267.73.

Cinda Morse made the motion to approve warrant W15 in the amount of \$37,267.73. Karen Mellinger seconded. The motion carried unanimously.

RETIREMENT WARRANT #16R IN THE AMOUNT OF \$112.15.

Cinda Morse made the motion to approve retirement warrant #16R in the amount of \$112.15. Karen Mellinger seconded. The motion carried unanimously.

13. Executive Session-Personnel

Karen Mellinger made the motion to enter executive session at 9:15pm to discuss the Town Administrator's performance evaluation. Bill Pennebaker seconded. The motion carried unanimously. The Board exited Executive Session at 10:10PM.

14. Adjournment

Cinda Morse made the motion to adjourn at 10:10PM. Craig Bruder seconded. The motion carried.

Submitted by
Margy Becker