

MINUTES OF THE SHAFTSBURY SELECT BOARD
OCTOBER 23, 2006
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Wynn Metcalfe, Chairman, Cinda Morse, Bill Pennebaker, Karen Mellinger, Jim Mead
Others Present: Trevor Mance, Mary Beth Maguire, Aaron Chrostowsky, (Town Administrator), Susan Swasta (Recording Secretary)

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:03 PM.

2. Conflict of Interest:

Chairman Metcalfe asked if any board member had a conflict of interest with any of the issues on tonight's agenda. None did.

3. Warrants:

The following warrants were presented for approval:

- PR#GL01 - \$ 5,847.00 payroll warrant
- AP#21 - \$ 11,811.84
- AP#21R - \$ 1,177.89

Cinda Morse made motion to pay warrants. Karen Mellinger seconded. Motion to pay warrants carried 5-0-0.

4. Minutes:

October 16, 2006 Minutes:

Ms. Morse made motion to approve October 16 minutes. Bill Pennebaker seconded. Motion carried 4-0-1. (Mr. Mead abstained because he had not attended that meeting.)

5. Public Comments:

There were no public comments.

6. Insurance Risk Management Audit:

Aaron Chrostowsky reported on a recent insurance risk management audit by Rich Daisy, who had been recommended by Dave Newell. Mr. Chrostowsky had intended this to help with future planning and budgeting, but it turned out to be more related to compliance issues than to planning. The town was given thirty days to respond to a list of conditions to be brought into compliance.

Ms. Morse asked if insurance payout would be jeopardized if the town does not handle this as recommended in the audit, and Mr. Chrostowsky replied that it probably would. He noted that the thirty day deadline is for a plan, not for action.

Ms. Mellinger stated that they need to talk to the Recreation Committee, since the audit recommends removing

the playground. Mr. Pennebaker felt that the things that could be addressed relatively easily should be dealt with right away. Ms. Morse said that if Howard Park is closed in winter, which Mr. Chrostowsky confirmed, it can just be sealed off until spring.

Ms. Morse asked Mr. Chrostowsky to get estimates for next week as to what it will cost to solve the storage issues at the town garage. Chairman Metcalfe stated that a cabinet and container will not be a big deal, and should cost around \$400. Ms. Morse noted that there may be a training element to be addressed if there is sloppy handling going on.

7. Sidewalk Update:

Mr. Chrostowsky reported that he has prepared a Request for Proposal (RFP) for the sidewalk design. He is waiting to hear back from Curtis Johnson, the Agency of Transportation official in charge of the grants, who supplied him with a template.

Ms. Mellinger said that she believes it is necessary to do a Request for Qualifications (RFQ) first. She asked Mr. Chrostowsky to look at the template for the RFQ and to make sure of the proper procedure with Mr. Johnson.

Chairman Metcalfe stated that they had received an email from Vermont Agency of Transportation Archeologist Duncan Wilkie suggesting that they hire Harkin to do the required archeology survey. Mr. Chrostowsky stated that they will negotiate the amount and regulate the scope and pace of the work.

Ms. Mellinger made motion to hire Harkin to do the archeology survey for the sidewalk project. Ms. Morse seconded. Motion carried 5-0-0.

8. Landfill Update:

Mr. Pennebaker reported that grass is coming up everywhere and things look good. A new meter for methane measurement has been acquired. We still need to hear from Jeff Bourdeau on recertification, and need to start pushing on that, to ensure there will be no glitches.

Mr. Pennebaker asked what the Board wants to do about a supplemental environmental project. We must either come up with a project or pay the fine to the state. Ms. Mellinger suggested the Lake Paran millefoile problem, noting that the Lake Paran group will meet next week. Mr. Pennebaker stated that the Lake Paran Association is tax-exempt, so the Board could give them the money to handle the project.

Mr. Mead asked about work on the playground, and Mr. Chrostowsky replied that it has to be an environmental project and that it can't supplant something the town was budgeting for. Chairman Metcalfe suggested planting trees. Mr. Pennebaker asked about a possible Historical Society project, and Chairman Metcalfe noted that gravestone repair might be a possibility. Ms. Mellinger asked if the Grange is a nonprofit organization. She stated that she would much rather see the money used in town than paid to the state. Ms. Morse asked Mr. Chrostowsky to check with the state on these project ideas.

Mr. Pennebaker stated that there is now a huge pile of mulch at the landfill. Mr. Chrostowsky said that this had just been done, and that he had talked to the road foreman about spreading some of it around.

Mr. Chrostowsky reported that the methane venting system to be designed by DuBois and King includes all fees in the contract amount of \$5200. They will develop a health and safety plan for whoever installs it. Chairman Metcalfe asked Mr. Chrostowsky to mention installing the ditch to Highway Foreman Ron Daniels. He also suggested that Mr. Chrostowsky put together an RFP to get a couple of people looking at the project in case Mr. Daniels does not have time to do it. Mr. Chrostowsky said an RFP is ready.

Mr. Chrostowsky reported that Ben Hulett will install the methane monitor at the Eastman property.

9. Other Business:

Chairman Metcalfe reported that Barry Mayer is willing to have his name put forth as a Trustee of Public Funds.

Ms. Morse made motion to appoint Barry Mayer as a Trustee of Public Funds. Mr. Pennebaker seconded.

Ms. Mellinger noted that two people will be needed, since Barth has submitted his resignation. She asked Ms. Morse if her husband might be interested and Ms. Morse agreed to ask him. Ms. Mellinger also suggested Lucy Robinson, and Ms. Morse agreed to ask both Bill and Lucy.

Motion to appoint Barry Mayer as a Trustee of Public Funds carried 5-0-0.

Chairman Metcalfe stated that Diane Kalt had purchased four Shaftsbury cemetery lots in 1983 and would like to sell back two of them. This would be at the original purchase price of \$383 for both. Chairman Metcalfe recommended buying the lots because they are now worth \$350 apiece.

Ms. Mellinger made motion to purchase two cemetery lots from Diane Kalt for \$383. Mr. Pennebaker seconded. Motion carried 5-0-0.

Ms. Mellinger reminded Board members of the Grange meeting tomorrow night, and Chairman Metcalfe said that this will be a candidates night rather than a meeting.

Ms. Mellinger asked about progress on the town road plan. She noted that a template had been prepared, and she wants to be sure it is being filled in. Mr. Chrostowsky stated that Mr. Daniels is filling it in slowly but surely. Board members agreed that Mr. Daniels should attend the first Board meeting of every month to report on road work. Ms. Morse stated that she believes there needs to be some expectation for completing the template, even if it's only writing up one or two roads a week.

Ms. Mellinger asked about progress on Policies and Procedures and Conflict of Interest. Ms. Morse replied that it is behind schedule and stated that the disability item should be ready for next week.

Ms. Morse reported that the Economic Development Committee received a draft of the sewer survey from the UVM Center for Rural Studies, and has edited and returned it. The final version should be ready by the end of next week and go out in mid-November. She thinks the survey will yield good concrete information on the collective sentiment of the community. The Economic Development Committee will meet tomorrow night.

Chairman Metcalfe reported that state trooper Jesse Robison had been attacked by a dog belonging to the Strohmaier girl on East Road. Animal Control Officer Traci Mulligan is sending a vicious dog letter. Trevor Mance and Mary Beth Maguire noted that the same dog had bitten one of their drivers.

Chairman Metcalfe stated that two weeks ago the Planning Board meeting had been warned for Tuesday but had taken place on Monday. This was a warning error.

Chairman Metcalfe reported that the police have been continuing to patrol back roads. There have been no more shooting incidents, but no one has been apprehended. He reported that the DRB had approved the final site plan for Whitman's Feed Store. It went through pretty easily, with some discussion on parking.

Chairman Metcalfe asked Mr. Chrostowsky to be sure the Bennington Banner is on the list to receive meeting agendas. Noting that the budget is on next week's agenda, he asked Board members to look at the budget worksheet and suggest additions or changes, and to come up with questions for people to help them prepare in advance.

Mr. Chrostowsky reported that he had contacted Sovernet about phone service, and that their service package would save the town almost \$200 a month. Ms. Mellinger suggested contacting Verizon to see if they would respond by adjusting their rate. Mary Beth Maguire stated that TAM had just switched to Sovernet, and that Verizon had had no interest in working with them. She said Sovernet has been great.

Ms. Mellinger motion to authorize Mr. Chrostowsky to switch phone service to Sovernet . Mr. Pennebaker seconded. Motion carried 5-0-0.

Chairman Metcalfe stated that Trevor Mance was here to discuss a bill the town has held off on paying. Mr. Mance said that the bill, for \$2200, was for disposal of trash left by Reifenberg during landfill capping. He had asked Reifenberg previously if they wanted a rolloff, and they had responded that they had no place to put one.

Mr. Mance stated that he had called Chairman Metcalfe, who told him to submit a bill. He charged a flat rate, since the trash could not be weighed, and added labor for the clean-up. Mr. Pennebaker expressed surprise that the trash amounted to three full rolloffs. There was a discussion of the amount of trash and when it had been left. Ms. Morse asked that, in the future, communication be improved so that the town can respond to a problem instead of being informed after something has happened.

Mr. Pennebaker motion to pay the \$2200 TAM bill. Ms. Mellinger seconded. Motion carried 5-0-0.

Ms. Maguire asked what the future course of action should be, and Chairman Metcalfe replied that in the case of any problems Mr. Chrostowsky should be called so that he can come up and check. Ms. Morse noted that this should be treated as a landfill closure expense, and Mr. Chrostowsky said he would submit the bill to the state for reimbursement.

Mr. Pennebaker brought up dumping of construction and demolition (C and D) waste by TAM on a Wednesday, which means it was not from Shaftsbury. Mr. Mance replied that he cannot bring in waste from out of town, so it was from Shaftsbury. Ms. Morse stated that the contract specified that other stuff cannot be brought in, and Mr. Mance said that they still bring in Shaftsbury recycling, and what reason would they have for not doing so. Mr. Chrostowsky said that only municipal solid waste may not be brought in, but Ms. Morse, Ms. Mellinger, and Mr. Pennebaker thought otherwise.

Chairman Metcalfe asked Mr. Chrostowsky to look at the contract and talk to Mr. Mance to get an answer. There was a discussion of whether it is appropriate for TAM to be bringing in C and D and recycling if it is from Shaftsbury and he is paying for the disposal. Concern was expressed that the town facility is being used for private business. Mr. Chrostowsky will report back to the Board on this next week.

Chairman Metcalfe reported that he had met with David Mance concerning the bill for the line which had been surveyed in error. Mr. Mance had offered to cut the bill in half, and Chairman Metcalfe recommended paying it, noting that Mr. Mance had believed he had been doing what he was supposed to do.

Mr. Pennebaker motion to pay David Mance \$225, one half of his original bill. Mr. Mead seconded. Motion carried 5-0-0.

The meeting adjourned at 8:40 PM.

Respectfully Submitted,

Susan M. Swasta