

**Town of Shaftsbury
Selectboard Regular Meeting
Monday, December 16, 2013
5:00PM**

Members Present: Karen Mellinger, Ken Harrington, Mitchell Race, Tim Scoggins;
Members Absent: Carl Korman
Others Present: Margy Becker, Town Administrator; Lister Diana “Deni” Mayer, Lister Larry Johnson, Appraiser Jim Boyle, Derek Carson; Terry Stacy, Road Foreman, Bill Fisk, Treasurer, Tom Huncharek, Paul McGann, 1st Constable; Bob Perry, 2nd Constable.

1. Call to Order – FY15 Budget Preparation Workshop

Called to order by Karen Mellinger at 5:10PM.

Selectboard members met with Jim Boyle, **Mountain Air Assessor, and the Board of Listers** to review the proposed budget for professional appraisal services, which currently stands at \$24,000. Jim Boyle explained that he is assisting the Listers one day per week. Larry Johnson explained the Listers are behind with grand list maintenance activities including entering permits into the computer.

The parcel mapping project was discussed. This involves a 3 year contract with Cartographic Associates. Jim Boyle agreed to bill separately for hours related to parcel mapping. The appraisal reserve fund will be covering the expense of the start-up costs of the mapping project. Larry Johnson noted the Town’s budget for the Listers is less than that of towns with comparable grand lists. Tim Scoggins agreed the increase in Jim Boyle’s time from \$15,000 (current budget) to \$19,200 is due to regular grand list maintenance activities the Listers are behind on.

Motion by Ken Harrington to approve Mountain Air Assessors’ contract for appraisal and parcel mapping services from July 1, 2013 to June 30, 2015 at a billable rate of \$62.50/hour. 2nd Tim Scoggins; Motion carried 4-0-0.

Terry Stacy reviewed proposed **highway capital improvement projects** as follows:

1. Install fabric and improve drainage on 2 sections of Murphy Hill Road; proposed costs are \$10,500 and \$3,200.
2. Install fabric and improve drainage on 1 section of Myers Road after Dick Lyon.
3. Reclaim State Park Road for cost of \$6,650.

Ken Harrington inquired whether French drains were needed on Murphy Hill Road. Terry Stacy said possibly.

The Selectboard agreed to leave the Town’s projected share of Shaftsbury Hollow culvert

expense at \$8,500. A \$5,000 reserve 'fund transfer-in' has been budgeted. Culvert replacement cost continues to be budgeted at \$85,000 – pending information from VTrans hydraulic study.

Brief discussions centered on whether or not to decrease the **gravel budget** by the amount of gravel allocated to capital improvements. The gravel budget currently stands at \$65,000. An Added \$11,200 in gravel expenses is built into the capital improvement line item. No line item adjustments were made.

Projected **roadside mowing expenses** were reviewed again. Terry Stacy reports that Steve Washburn and Dave Worthington have assessed our mower head, and their opinion is the Town is best served to repair the head. Cost to repair is estimated at \$3,000. Terry Stacy reported a brand new mower head *without* an articulated arm is \$42,000, which is too costly. The crew has estimated the Town could sell its tractor for an estimated \$6,000 to \$8,000.

Terry Stacy reported that a Peckham representative has informed him the last segment (.6 miles) of White Creek Road could be shimmed for \$25,000 – in addition to the estimate to pave the first mile. All culverts have been changed out on White Creek Road.

Treasurer Bill Fisk joined the meeting. He discussed with the Selectboard various choices for illustrating certain types of costs in the budget – i.e. employee share of health insurance premiums. He encouraged the Board NOT to budget payroll contributions as revenues. Likewise the budget should only show the Town's net premium expense. It was agreed that it was acceptable practice to budget for 100% of the Town's projected HRA expense. **The Board concurred that for the second half of FY15, a 10% increase in premium expense will be budgeted.**

Bill Fisk reviewed reserve fund balance sheets with the Board. The \$5,000 set-aside for the Howard Park tractor will be moved out of the (highway) equipment reserve fund and into the Parks Reserve Fund.

It was agreed the Town would **budget for an independent audit in FY16**, with appropriate reserves set-aside into the Audit Reserve Fund. Bill Fisk stated his opinion that an annual audit is best practice. Audit firms should be rotated. Tim Scoggins reported it costs the school \$6,000 to audit a \$3 million budget. Bill Fisk said the Town's budget and accounting system is more complex. He suggested the Town solicit proposals to reveal the actual cost. He commented that if the Town only audits every 6 years, there will be no audited financials appearing in the Town Report. Bennington has had audited financials embedded in its Town Report for years.

It was agreed the Selectboard would meet again for a budget workshop in December 18th at 4:00PM. The Chair adjourned the special meeting at 6:30PM.

Regular Meeting

Additional attendees: Jay Palmer, Jared Della Rocca, John Godfrey

2. Call to Order – Regular Meeting

Karen Mellinger called the meeting to order at 6:30PM.

3. Conflict of Interest Statement

There was no conflict of interest statement.

4. Approval of Minutes – tabled

5. Approval of Warrants

Motion to approve Check Warrant #19 in the amount of \$72,442.15 by Mitch Race; 2nd by Tim Scoggins. The motion carried unanimously.

It was noted that invoices in excess of \$1,000 included salt, gravel, and Bennington County Sheriff's expenses.

6. Public Comments

Jared Della Rocca of Mountain View Drive inquired what percentage of tax bills supported school budgets. Bill Fisk replied that 78% of our tax bills fund Mount Anthony high school and elementary school expenses.

Jared Della Rocca inquired whether Ken Harrington will approve the final budget. Karen Mellinger replied the Board is still preparing the draft budget and she outlined the budget approval process.

John Godfrey of Old Depot Road addressed the December 3 vote. He noted that Ken Harrington owns property next to the garage site at the Transfer Station. He inquired whether it was ever noted this to be a conflict of interest? Mr. Godfrey explained that Mr. Harrington is portrayed as being against the bond for that reason. Ken Harrington stated for the record, and the Selectboard concurred, that he has always supported using the town-owned site.

Tom Huncharek also inquired whether the Selectboard had announced Mr. Harrington's ownership of land as a potential conflict of interest. Karen Mellinger acknowledged the Selectboard had never viewed this to be a perceived conflict of interest. Tim Scoggins further explained he had never heard Ken Harrington express reservations about the site at the Transfer Station and that raising the matter of conflict of interest now does not help the Town to move forward. Karen Mellinger thanked Tom Huncharek for his comments pertaining to proper procedures in accordance with the Town's newly-adopted Conflict of Interest Policy.

7. Announcements

Tim Scoggins informed the public he had attended an IT Security Workshop and that after the budget is finished he would sit down with Margy Becker to review policy and procedures.

Tim Scoggins provided his School Board Liaison report. His commentary included notes regarding Fran Kinney and Larry Johnson's research into how District One could be dissolved and brought back into Shaftsbury. Larry Johnson's research seems to indicate that the North Bennington District was created as a 'gentlemen's agreement'. A vote of the Legislature is the cure. The Legislature will ask for 'informational' votes from Shaftsbury, North Bennington, *and* Bennington – due to Mount Anthony High School. Karen Mellinger asked about the time line for addressing the dissolution issue. Tim Scoggins replied it would be perhaps the 2015 legislative session that would take up the matter.

Tim Scoggins concluded his report by stating the School Board is pushing for public negotiations on salaries and wages. It is waiting to hear back from the teacher's union.

8. Constable Proposed FY15 Budget

Karen Mellinger explained the Town has not funded the Constables' budget because the elected term is only one year.

She then summarized the options before the Town for addressing changes to the Constables' current authorities, term, and manner of appointment. The voters would have to weigh in to change the length of term. The maximum term for an elected Constable is two years. The Selectboard had been discussing the merits of longer terms and had additionally discussed whether or not to ask the voters to change the Constable positions from elected to appointed positions.

It was noted that though Bob Perry is a former police officer he still needs full certification or a part-time certification to be able to practice law enforcement authority in the Town.

Karen Mellinger reported the Selectboard has budgeted \$25,000 for Sheriff's services for FY15, which is equivalent to 20 hours per week of patrol. She asked if the Board is willing to budget for the potential eventuality that voters may not limit the authority of Constables at March Town Meeting.

The Board reviewed potential costs, and it was noted again the Paul McGann's proposed budget failed to address all start-up costs. Paul McGann stated he could police the Town for \$15.00/hour versus the Sheriff's \$25.00/hour.

Tim Scoggins stated he needed to be convinced why the Town should take the path of having Constables take on community policing. Paul McGann and Bob Perry stated several benefits as follows:

- a. Local knowledge
- b. Constables would assist VT State Police
- c. Constables would respond from homes in Shaftsbury
- d. Constables live in Town and would have a sense of what is really going on
- e. If asked to – the Constables could provide assistance to the Sheriff's deputies
- f. Constables could direct traffic at Buck Hill Road & 7A intersection

Karen Mellinger observed that no law enforcement training is needed to be a crossing guard.

Jay Palmer reported that Pownal has a Constable with law enforcement capability and inquired whether or not the Sheriff's Department patrols there.

Karen Mellinger inquired how the Selectboard could go any further with the budget without direction from the voters. Tim Scoggins stated it was important the Selectboard itself come to consensus on the future role of its Constables, and it had not done so.

Karen Mellinger stated her support for bringing ballot articles concerning the Constables to the voters. Ken Harrington agreed.

Mitch Race stated one of several possible questions to be put to the voters will be whether or not to 'prohibit law enforcement authority'. He stated the Town, if it chose to allow law enforcement authority for its Constables, would *not* be establishing a police department. Tim Scoggins disagreed.

After further discussions it was agreed the full board needed to agree on the ballot articles to be brought to the voters. Mitch Race agreed to research proposed language for ballot articles and to report on same for the January 7th meeting.

9. Storage of Highway Equipment/Materials on Peter Cross Land

Margy Becker explained Peter Cross has agreed to allow the Town to resume storage of equipment and salted sand on his parcel at 83 Buck Hill Road for \$200/month.

Ken Harrington made the motion to pay Peter Cross \$200/month for use of his property at 83 Buck Hill Road for storage of highway equipment and materials commencing immediately and with a 30-day minimum notice to vacate the property. 2nd by Mitch Race. The motion carried unanimously.

It was agreed the unbudgeted expense will have to come out of the current (FY14) Highway budget.

10. Ed Corey Request for Ballot Article

Ken Harrington read the proposed Article Mr. Corey had submitted to the Selectboard. He then reported Mr. Corey had changed his mind about requesting Selectboard action. Mr. Corey has decided to circulate a petition instead.

Karen Mellinger summarized procedures which must be followed upon receipt of valid petitions, noting that the wording of the petition is binding upon the Town. Ken Harrington agreed to pick up a copy of the petition, which is on display at the Shaftsbury Country Store. Tim Scoggins agreed with Karen Mellinger that the Town Attorney should be asked to evaluate the petition language. Karen Mellinger, speaking for the Board, noted it does not support Mr. Corey's article as received.

11. Discontinuance of TH83 Donald Greene Road

Margy Becker relayed the Road Foreman's concerns about continued maintenance of Donald Greene Road. Terry Stacy reports that Peckham now owns the house and land.

Motion by Mitch Race that the Town begin the procedure to discontinue Town Highway 83 Donald Greene Road. 2nd Ken Harrington. Motion carried unanimously.

12. Efficiency Vermont Streetlight Replacement Program

Margy Becker reported the Town has received information from Efficiency Vermont concerning options for replacement of lights with more energy-efficient bulbs. The Board will be asked to discuss this matter further after the budget is completed.

13. Vacant Town Officer Positions to be voted on in March 2014

The Selectboard's newly-adopted appointment policy requires an announcement to be made at the Selectboard's 2nd meeting in December concerning what town officer positions will become vacant in March. Margy Becker announced the upcoming vacancies as follows:

Selectboard:

One 2-year term expiring in March 2014 (Karen Mellinger)

One 3-year term expiring in March 2014 (Carl Korman)

Board of Auditors:

One 3-year term expiring in March 2014 (Lisa Lent)

Board of Listers:

One 3-year term expiring in March 2014 (Larry Johnson)

Trustees for Public Funds:

One 3-year term expiring in March 2014 (Bill Fisk)

Development Review Board:

Mitch Race announced he will not ask to be re-appointed to his position.

One 3-year term expiring in March 2014 (Mitch Race)

Planning Commission:

One 3-year term expiring in March 2014 (Chris Williams)

14. Assessment of Current Town Garage

Margy Becker asked for further guidance concerning what type of professional input the Board envisions. It was suggested the expertise of an engineer or safety inspector was needed. Karen Mellinger suggested going back to the engineers who had inspected the building when Keefe & Wesner had performed its Assessment of Cole Hall and the Town Garage in 2009.

15. Executive Session – Legal Matter

Mitch Race made the motion to enter Executive Session at 9:25PM to discuss a legal matter (zoning case). Ken Harrington seconded. Motion carried unanimously. The Board exited Executive Session at 9:45PM, and no formal action was taken in subsequent open session.

16. Adjournment

Motion to adjourn at 9:45PM by Tim Scoggins; Mitch Race 2nd. The motion carried unanimously.

Submitted by,
Margy Becker