

**Town of Shaftsbury  
Select board Meeting  
6:30PM  
Monday, August 19, 2013  
Cole Hall - 61 Buck Hill Road**

Members Present: Ken Harrington, Mitchell Race, Craig Bruder, Karen Mellinger,  
Carl Korman

Members Absent: Margy Becker, Town Administrator

Others Present: Bill Fisk, Treasurer; Michael Batchner (BCRC)

**1. Call to order**

The meeting was called to order by Craig Bruder at 6:35P.M.

**2. Conflict of Interest statement**

Carl Korman indicated to the Select Board that there was a potential conflict of interest with an upcoming agenda item.

**3. Approval of Minutes**

**Motion to Approve Minutes for August 5<sup>th</sup>, 2013. Moved by Mellinger/Race 2<sup>nd</sup>.**

Mitchell Race clarified that the Shaftsbury Historical Society BBQ is open to the public and that the admission to the event is \$12. He noted that the Director of Hildene is going to speak to the public, and this event is included in the admission price.

Karen Mellinger asked the minutes be clarified to note that Phylis Porio was the individual who spoke on behalf of the Economic Development Committee during the August 5<sup>th</sup>, 2013 meeting. Her name will be added to the "Others Present" column.

Selectmen identified corrections to Public Comments to acknowledge the Shaftsbury Village Center Designation discussions. Corrections were made to the Road Foreman report regarding Highway equipment.

Karen Mellinger referred to the statement made by Selectboard member Craig Bruder regarding the application of chloride to all roads in Shaftsbury on a consistent basis. She asked the minutes to be amended to clarify that Craig Bruder had noted such procedure to be cost prohibitive.

Karen Mellinger requested a sentence from section #10 of the minutes be deleted. It indicated that the Town of Shaftsbury was looking for the Select Board approval of the Stipulations for

Assessment. She noted that the State of Vermont had requested the Select Board's approval of the Stipulations.

Selectmen made a correction to Section #10 of the Minutes for August 5<sup>th</sup>, 2013 to change the reference to "Glastenview Drive". Ken Harrington corrected a statement in Section #14 of the Minutes in regards to funds for Highway equipment. Craig Bruder indicated a correction was needed to Section #6 to identify Mark Bollhardt as the individual who spoke to the Select Board about Zoning issues concerning a fellow resident.

**Motion to Approve carries unanimously (4-0-1) Carl Korman abstains.**

#### **4. Approval of Warrants**

**Motion to approve Check Warrant #06 in the amount of \$31,415.95. Moved by Mellinger/Korman 2<sup>nd</sup>. Motion carries unanimously (5-0-0).**

**Invoices paid in excess of \$1,000:** Blue Cross Blue Shield, Bennington Banner, William E. Daley (3 invoices), John Ray & Son (2 invoices), Mountain Air Assessor, Sycamore Landscape, TAM (2 invoices), West Oil Co.

**Motion to Approve Payroll Warrant #04 in the amount of \$17,456.12 Moved by Mellinger/Korman 2<sup>nd</sup>. Motion carries unanimously (5-0-0).**

**Motion to approve Warrant PR4 (retirement) in the amount of \$129.36. Moved by Mellinger /Korman 2<sup>nd</sup>. Motion carries unanimously (0-0-0).**

#### **5. 6:40PM Announcements**

Mitchell Race announced that the Shaftsbury Historical Society is hosting a BBQ this weekend, and noted that limited seating is still available. The Director from Hildene will be in attendance to speak about the Lincoln legacy. The event takes place on Saturday August 24<sup>th</sup>, 2013 at 3:00p.m.

#### **6. Public Comments - none**

#### **7. 2014 Town Tax Rate**

Bill Fisk joined the Select Board to discuss financial reports for the fiscal year which ended on June 30<sup>th</sup>, 2013. Bill Fisk reported changes in the Town Tax Rate and noted an overall decrease in the rate. He noted the Grand List Value has increased and that the Tax Rate is based on a Grand List percentage of .3260/100. The rate was compared to the previous fiscal year's rate of .326/100. Bill Fisk acknowledged the Tax Rate has decreased by six hundredths of a cent. Bill Fisk noted a 2% increase in the Veterans Exemptions. Bill Fisk provided a breakdown of the

resident/non-resident ratio in the Town of Shaftsbury. Bill Fisk reported that some residents of the Town were unaware of the need to make a homestead declaration and that this could be the reason for the Town showing more residents appearing on the grand list as non-residential households. Karen Mellinger encouraged more information be made available to the public as to how to acquire the Homestead Declaration form. She said there is still enough time to submit the form to the Tax Department in order to declare a property residential versus non-residential.

Bill Fisk noted a final and minor adjustment to the tax rate should be available by November 1<sup>st</sup>, 2013. He then suggested the Selectboard set a tax rate for 2014 at .3280%. The rate has decreased from a percentage rate of .3284% in the previous year.

**Motion to approve a Municipal Tax Rate for 2014 fiscal year of .3280% per \$100 of value/Race 2<sup>nd</sup>. Motion carries unanimously (5-0-0).**

#### **8. Municipal Planning Grant Application – Solid Waste Planning (SWIP) Michael Batcher, BCRC**

Michael Batcher discussed the possibility of developing a regional Solid Waste Implementation Plan (SWIP) based on inter-municipal agreements or other such cooperative models. Many towns in Bennington County have agreed to apply jointly for a Municipal Planning Grant from the State to help pay for the expense of preparing the SWIP. The Plan is intended to meet the goals and objectives of the State. The towns, as a collective under one grant agreement, will each pay an amount considered a “match” by the State for any Municipal Grant Application which exceeds \$15,000 in requested Grant funding.

Michael Batcher stated the maximum grant amount allowed is \$35,000. The required “match” from participating towns will be no more than 50% of the Grant funding allocated beyond \$15,000. He explained that Manchester will be the “lead town” for the sake of the grant application. Yet the grant award would go towards preparing a collective plan and not be disbursed in differing amounts directly to all towns.

Karen Mellinger and Carl Korman cited concern about becoming involved in the project while others may be reluctant or refuse to join. Michael Batcher explained that the collective agreement is not iron-clad and that there is potential to withdraw from the collective if the situation presents itself.

Karen Mellinger sought clarification from Michael Batcher that the Municipal Planning Grant did not pose a conflict with other grants the Town of Shaftsbury is currently seeking.

There was an inquiry from a member of the public about whether or not the Municipal Planning Grant application conflicted with the Economic Development Committee's current grant application and whether the SWIP application would render that other grant ineligible for funding.

Michael Batcher acknowledged that the overall process still has many facets to be worked out

and that the details at the moment are not totally concrete or 100% accurate.

**Motion to Approve the Resolution supporting fiscal year 2014 municipal planning grant application for SWIP preparation, contingent upon the execution of document by the Chair of the Planning Commission. Moved by Mellinger/Race 2<sup>nd</sup>. Motion carries unanimously (5-0-0)**

## **9 . VTel Proposed Telecommunications Tower – Buck Hill Road**

The Select Board reviewed preliminary information regarding VTel Wireless' request for installation of a "Monopole" tower on Buck Hill Road to bring high speed internet service to under-served areas within the Town of Shaftsbury. VTel is currently in the process of applying for a permit from the Public Service Board to install the estimated 75 to 95 foot high pole on private property on Buck Hill Rd. It was noted VTel has not completed its application to the PSB nor has it set up any public hearings.

Craig Bruder stated that members of the Development Review Board had been inquiring about whether the existing tower on Buck Hill Road could be modified to incorporate VTel's new equipment. But VTel has indicated it had looked at the existing tower and determined that co-location would not satisfy VTel's needs. Therefore a separate tower is being requested.

The Select Board acknowledged that under Public Service Board procedures, the DRB has no formal role in providing input on the PSB application from VTel. Mitchell Race suggested that as a courtesy to residents, the Select Board should request a public information meeting in which VTel could inform residents of its current plans.

Carl Korman inquired about the number of residents who would receive the increased access to high-speed internet. The Select Board confirmed that there was no definite answer at the time. Carl Korman inquired whether or not an Environmental Assessment was conducted on the property.

Karen Mellinger inquired about the number of property owners who have been notified of the project. She invited any member of the public to provide their questions or comments to either the Select Board or Town Administrator and then suggested the Select Board schedule a formal meeting with VTel to discuss issues and concerns of the Select Board and residents. It was suggested to item be added to an agenda in the near future.

## **10. Application for Renewal of Village Center Designation – Ratification of 8/5/13 Action to Approve**

Discussions and approval of the Economic Development Committee's application for renewal of Village Center Designation had taken place during public comments at the August 5<sup>th</sup>

Selectboard meeting. Karen Mellinger had suggested then that since the discussion and Board action had not been officially warned for August 5<sup>th</sup>, 2013, that ‘ratification’ of the Board’s approval of the application be added to the agenda for August 19<sup>th</sup>, 2013.

**Motion to ratify the vote from August 5<sup>th</sup>, 2013 which expressed support for the Town’s application to renew Village Center Designation. Mellinger/ Harrington 2<sup>nd</sup>. Motion carries unanimously (5-0-0)**

### **11. Approval of Master Lease Agreement – Tax Exempt Financing With Municipal Leasing Consultants, LLC re: FY14 Highway Equipment**

Craig Bruder announced a unforeseen delay in the approval of the Master Lease Agreement due in part to a technical flaw relating to the supporting documents. The process continues to move ahead.

### **12. Health Care Reform – Review/discussion of upcoming changes**

Margy Becker and Mitchell Race attended a Health Care meeting in Manchester describing the upcoming changes in Health Care Plans and Policy. Mitchell Race reported to the Select Board the information received from the meeting.

Mitchell Race identified a website currently under construction yet coming in the following week which would assist in finding the correct Health Plan for the employees of Shaftsbury. The website is [www.bcbsvt.com/vtreform](http://www.bcbsvt.com/vtreform). Mitchell Race also noted that more information can be found at [www.healthconnect.vermont.gov](http://www.healthconnect.vermont.gov). Mitchell Race reported there is a \$95 dollar fine or 9% penalty on income as penalty for those who do not get Health Insurance per the implementation of the Affordable Care Act Mandate, which will go into effect in 2014.

Karen Mellinger requested the Health Trust liaison of the VCLT assist and work with the Select Board to make the correct decisions in regards to the Health Insurance plans for employees.

### **13. New Town Garage Status Report**

Karen Mellinger and Ken Harrington reported the Garage Committee is currently heavily involved in drawing up a revised plan for the new garage to be voted on at the next bond vote. The revised plan is estimated to cost \$1 million dollars. Karen Mellinger stated modifications have been made to the size, configuration, and construction materials. The estimate has decreased from the previous estimate of \$1.5 million that was rejected in a previous vote.

Carl Korman commented that at the previous Garage Committee meeting, it had been suggested that the cost of the Town Garage should be illustrated in a manner which is more meaningful to taxpayers (i.e. \$1.00 (one dollar) per week on their property tax bills) rather than as a lump sum.

Karen Mellinger and Ken Harrington both called attention to rising interest rates and contractor rates and that time was of the essence for another bond vote. Karen Mellinger suggested various advertisements and promotions through publications and open house meetings as possible avenues to achieve approval from the voters .

### **13. Town Administrator's Report**

Craig Bruder noted the Town Administrator's absence and that there was nothing to report at the time.

### **14. Other Business**

Ken Harrington noted that he and Margy Becker had met with an engineer to look at possible drainage solutions for Twitchell Hill Road and that various options had been discussed. Karen Mellinger requested cost estimates.

Mitchell Race cited the discussions in previous Selectboard meetings regarding the need to re-examine the roles of Constables in the Town of Shaftsbury. Mitchell Race said he had been in contact with a member of the Manchester Police in order to gain more insight.

Craig Bruder acknowledged progress related to Town Administrator Margy Becker's performance evaluation and noted he will be putting it together for the Board's final assessment.

Craig Bruder acknowledged the need to follow-up to the complaint filed by Mr. Bollhardt during the meeting on August 5<sup>th</sup>, 2013. The complaint was against a resident who had been ignoring zoning violations. Craig Bruder noted the Zoning Administrator had attempted to contact the resident about the violations and had not heard a response. He is therefore seeking the Select Board's support for enforcement action and permission to contact the Town's Attorney.

Ken Harrington and Carl Korman recused themselves citing a conflict of interest. Craig Bruder further explained the Zoning Administrator had given Mr. Watson until Monday August 19<sup>th</sup>, 2013 to respond to his communications. At the present time Mr. Watson had not responded to the violations claims presented by the Zoning Administrator. Mitchell Race and Karen Mellinger stated concurrence that enforcement action should be taken. They stressed the Town has an obligation to enforce the zoning laws in effect. The Select Board then agreed to proceed with enforcement action against Mr. Watson.

### **16. Adjournment**

The Meeting was adjourned at 8:30pm.

**Prepared By: Shawn M. Sterling**