

MINUTES OF THE SHAFTSBURY SELECT BOARD

DECEMBER 22, 2008

COLE HALL

SHAFTSBURY, VERMONT

Board Present: Lon McClintock (Chairman), Bill Pennebaker, Karen Mellinger, Wynn Metcalfe, Cinda Morse

Others Present: Larry Johnson, Jim White (Tree Warden), Mike Gleason (Bennington Banner), Jennifer Hunter, Scott Dunlop, Oliver Durand (Fire Warden), Joe Vadakin (Fire Chief), Dave Hertzfeld (Constable), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)

1. Call Meeting to Order:

Chairman Lon McClintock called the meeting to order at 6:00 PM.

2. Announcements:

Bill Pennebaker announced that methane levels at the landfill are fine.

Aaron Chrostowsky thanked the road crew for their hard work over the weekend.

Chairman McClintock stated that he, Cinda Morse, and Karen Mellinger had met on Thursday morning with a Vermont League of Cities and Towns (VLCT) representative and a benefits management company representative to discuss health insurance. At that time the Select Board members had voted to adopt a high deductible insurance plan.

Chairman McClintock stated that, in response to a VLCT notice that the Town's January allotment of \$38,500 in state highway funds is being suspended, he emailed Sen. Dick Sears and Rep. Alice Miller. Chairman McClintock said that the state's financial outlook is grim, so the Town needs to plan for the cut. He suggested that the Board approve a goal of no Highway Department overtime. Overtime will need to be cleared in advance by Road Foreman Ron Daniels and Town Administrator Aaron Chrostowsky. All agreed,

3. Conflict of Interest Statement:

Chairman McClintock asked if any Board member has a conflict of interest with any topic on tonight's agenda. None did.

4. Public Comments:

Scott Dunlop and Jennifer Hunter came to the table for discussion. Mr. Dunlop explained that they found out on Saturday that the Town will no longer maintain their road, Deer Run Road in Hidden Valley. He asked why they were not notified. Mr. Dunlop stated that Chris Denio does not own the road; his mother does. He noted that Mr. Denio does not have power of attorney with his mother, who is in a nursing home, but that Mr. Denio's sister does. Mr. Dunlop said four families live on the road. His understanding was that Mr. Denio had taken care of everything required for the Town to take over the road.

Mr. Chrostowsky stated that Mr. Denio had been sent a letter informing him of the Town's decision to stop maintenance of the road, and that he has not heard from Mr. Denio. Mr. Dunlop said that Mr. Denio had not informed the residents. Jennifer Hunter asked why she did not receive a letter from the Town, given that she pays taxes to the Town. She did not know that the road is private, and noted that the road sign does not say it is a private road. Mr. Chrostowsky said he had checked land records, and only two roads in Hidden Valley were accepted by the Town. Deer Run is not one of them.

Mr. Dunlop said they have not had any problems with the road. Wynn Metcalfe stated that Mr. Denio had been told he needed to upgrade it, and Mr. Dunlop replied that Mr. Denio did upgrade it. Mr. Metcalfe said that the work was never finished. Mr. Dunlop said Road Foreman Daniels had told him that Mr. Denio only had to dig out the drainage ditches. This was done, along with putting down gravel and putting in a culvert.

Chairman McClintock explained that there is a set process for the Town taking over a road. A proposal is made, the Road Foreman looks at the road and tells the owner what work is needed, the owner does the work, the Road Foreman approves it, and it goes back to the Select Board for acceptance. This process must be followed so that the Town can decide if it wants to add another road. Chairman McClintock said this process has not been followed for Deer Run Road.

Ms. Hudson stated that the road has been maintained by the Town for two years. Before that Mr. Denio maintained it. He told residents the Town would take it over. Mr. Dunlop said that they are looking for help with the road until the matter is taken care of. He said that Mr. Daniels had told him the road is good. Mr. Chrostowsky stated that Mr. Daniels had told him that the road is not up to par. Mr. Metcalfe reiterated that the Denios had never completed the required work.

Ms. Morse noted that these are all hearsay conversations that Select Board members did not take part in. She suggested that Mr. Daniels, Mr. Chrostowsky, Mr. Denio, Chairman McClintock, and Deer Run Road residents meet to figure out a reasonable solution. In the meantime, the Town could plow the road this winter. Mr. Metcalfe agreed they should plow this winter, and tell Mr. Denio it must be fixed in the spring. Others agreed.

Mr. Metcalfe made motion to maintain the privately owned Deer Run Road until spring. Ms. Mellinger seconded.

Ms. Mellinger stated that this will be done with the understanding that they meet with Mr. Denio before January 15. Mr. Pennebaker asked if the Town will have liability in maintaining the road. Chairman McClintock replied that it will, and asked Mr. Chrostowsky to contact Dave Newell, the Town's insurance agent.

Motion to maintain Deer Run Road until spring carried 5-0-0.

5. Budget Work Session:

a. Tree Warden

Tree Warden Jim White came to the table. There was discussion of how the budget was handled in the past. Mr. White said he would like to prepare a tree inventory, and proposed doing this by being driven around by a road crew member who is familiar with Town roads and trees. He is asking for the same budget as last year. Ms. Morse said she thinks an inventory would be valuable, and could also help in planning tree planting. Mr. White stated that individuals might want to fund tree planting. Mr. Pennebaker noted that the present budget includes \$500 for planting trees. Chairman McClintock said that the Town is planning to widen the east end of Myers Road, which will require tree removal. He suggested that Mr. White have Mr. Daniels show him the area.

b. Animal Control:

Mr. Chrostowsky said that Animal Control Officer Traci Mulligan told him she wants the same budget amount as last year. She did not submit anything in writing. Ms. Morse said that he should ask her to submit something. Chairman McClintock stated that the animal Control budget should be put on next week's agenda.

Discussion of the emergency management and fire department budgets was postponed until later in the meeting because they had been scheduled for 7:00 PM.

e. Fire Warden

Fire Warden Oliver Durand came to the table for discussion. He suggested that the Board consider putting \$2000 in a sinking fund for replacement of a 1993 pickup truck with another used truck. He thought that a truck would cost around \$10,000. Board members agreed on the need for a truck. They thanked Mr. Durand for attending.

f. Law Enforcement

Mr. Chrostowsky stated that he spoke to a state police lieutenant about their contract with the Town, and that the rate of \$25.50 an hour will be the same. Coverage of ten hours a week will continue, for a budget total of \$13,000. Chairman McClintock asked if the constable stipend will be the same. Mr. Chrostowsky replied that the \$200 stipend will be continued.

The Board decided to move on to another agenda item until emergency management and fire department officers arrived for budget discussion.

9. Delinquent Tax Sale: (out of agenda sequence)

Chairman McClintock explained that Tax Collector Mert Snow had informed Town Clerk Judy Stratton last week that delinquent tax sale auctions were scheduled to take place, and that it is customary for the Town to make the first bid on properties. She did not feel she had authority to make a bid, and tried to contact Select Board members on this matter. She was only able to speak with Mr. Pennebaker. Ms. Stratton did end up submitting bids on the properties in the amount of taxes owed. All but two of the properties were redeemed by owners, but one property sold to the Town.

Chairman McClintock stated that he then contacted Mr. Snow's attorney and informed him that the Select Board had not authorized a bid on the property, so there was no authority for the Town to buy it. The sale was voided, but a \$157 advertising fee was incurred. This fee will be added to the tax bill on the property. Chairman McClintock said that Mr. Snow told him it is good practice for the Town to bid on properties because it puts pressure on taxpayers to pay up. Chairman McClintock said that he told Mr. Snow that next time the Select Board will vote on the process and on who has authority to place a bid. They will come up with a property list to look at before deciding.

5. Budget Work Session: (cont'd.)

d. fire department

Fire Chief Joe Vadakin came to the table. Chairman McClintock asked him what had happened with the pump repair that had been estimated at \$10,000. Chief Vadakin replied that the pump has been repaired but that he has not yet received the bill.

Chief Vadakin stated that he has level funded the Fire Department budget, and it is the same amount as last year, before cuts. There was discussion of costs of needed pieces of equipment, including hose, foam, carbon monoxide meters, and air bottles. Eight hundred feet of four-inch hose was donated to the department, so they have enough of that size. Extrication tools will be repaired for free, but inspection of the tools costs \$700, for a total of \$1400 per year.

Chairman McClintock asked Chief Vadakin what he would buy out of an \$18,000 Equipment Fund. He replied that if he had the money he would buy more extrication gear, which includes lightweight coats and pants. There was discussion of how much bunker gear for fighting fires is owned by the department, and Chief Vadakin stated that his coat is ruined and that guys have always lacked gear. Chairman McClintock said that they need to keep firemen safe, so the Board needs to know what is no longer safe and how much replacements will cost. They also need to know what the priorities for the Equipment Fund are. Chief Vadakin replied that priorities are bunker equipment, hose, and the pump. He will inventory bunker gear and get back to them.

There was discussion of the Fire Department fuel budget. Chief Vadakin noted that his fuel budget had been cut last year without notification, and that his budgeted amount had been appropriate. Chairman McClintock stated that this year all department heads will be invited back for final budget approval.

Mr. Metcalfe asked what effect the new plowing policy will have on fire trucks getting to late night fires. Chief Vadakin replied that they have automatic chains, but that these are for emergency use only, so it could be hazardous getting to houses. Mr. Metcalfe noted that the roads had been awful last night, and that he had had trouble on them. He had noticed fire vehicles out responding to a call. Ms. Mellinger suggested that the policy of no Highway Department overtime might mean that crew members would go home on nice days and plow between 10:00 PM and 3:00 AM in storms.

There was discussion of the plowing policy. Chairman McClintock thought it is necessary to retain the policy in order to have no overtime. Other Board members felt that it does not matter when plowing is done, and that a policy of no overtime can still be achieved with night plowing.

Mr. Metcalfe made motion to rescind the previous policy of no snow plowing between 10:00 PM and 3:00 AM. Ms. Mellinger seconded.

Ms. Mellinger said that her approval of ending the plowing practice is based on the policy of no Highway Department overtime. Chairman McClintock pointed out that the policy does not forbid plowing during those hours, but makes it subject to the Road Foreman's discretion.

Motion to rescind the plowing policy carried 4-1-0. (Chairman McClintock opposed.)

Ms. Morse asked Chief Vadakin to plan to come back to the Board to inform them of his highest budget priorities. They thanked him for attending.

f. law enforcement (cont'd.)

Constable Dave Hertzfeld came to the table. He stated that last year the constable budget had been \$200. Mr. Hertzfeld said that the two constables had had to turn down some calls because of budget problems. Chairman McClintock asked what kind of calls had been turned down, and Mr. Hertzfeld replied that they were illegal burning calls. He asked if the fire warden should be dealing with those calls, and noted that sometimes burn permits are given under bad conditions for burning.

Mr. Hertfield stated that constables will have to be certified by 2010, and that the police would like them to do more because police are understaffed. There was discussion of the procedure and costs of certification. Chairman McClintock said that he will gather more information on the law enforcement issue.

6. Town Administrator Recruitment:

Chairman McClintock asked for Board comments on the Town Administrator job description. Ms. Morse stated that they had decided at the last meeting that they need to decide what they want

before finalizing a job description. Chairman McClintock then polled Board members as to what the position should include. Mr. Metcalfe stated that it should be a forty-hour-per-week position with benefits, and there should also be an eight-hour-per-week bookkeeper. He thinks the job requires grant writing skills.

Ms. Mellinger said she does not think they can afford a bookkeeper. She agrees with the hours and grant skills, and added leadership, managerial, communication, writing, clerical, computer and spreadsheet skills. Ms. Morse agreed with the skill set and said she supports a bookkeeper position, and that it's critical to control day to day details. Mr. Pennebaker agreed with previous comments, including support of a bookkeeper, and added that keeping up with forms and daily details in a complex environment is necessary.

Chairman McClintock agreed with listed skills, supported a bookkeeper, and added that the town administrator needs to run the show and requires management skills. The administrator implements Board policies. He stated that it sounds like they are pretty much in agreement on position requirements. There was discussion of how to advertise the position. Ms. Morse will prepare the final job description. Board members should email any edits to her by Saturday.

7. Cuts in Highway State Aid:

This issue had been discussed at the beginning of the meeting.

8. Health Insurance:

The Board decided to postpone discussion of insurance until the next meeting.

9. Delinquent Tax Sale:

This agenda item was handled earlier in the meeting.

10. Other Business:

Review and Approve Meeting Minutes:

December 1, 2008 Select Board minutes

Ms. Morse made motion to approve December 1, 2008 minutes. Mr. Metcalfe seconded.

The following corrections to the December 1 minutes were requested:

On page 2, under item 6 (Gravel Pit Re-Use Study), in third paragraph, third sentence is changed to:

Chairman McClintock stated that permit conditions will now be attached to land deeds as required by statute and as part of the zoning administrator's job description.

On page 3, under item 7 (Ancient Roads Update), in first sentence "Peggy Price" is changed to "Peggi Price."

Motion to approve the December 1, 2008 minutes as amended carried 5-0-0.

December 8, 2008 Select Board minutes

Ms. Morse made motion to approve December 8, 2008 minutes. Ms. Mellinger seconded. Motion carried 5-0-0.

December 15, 2008 Select Board minutes

Ms. Morse made motion to approve December 15, 2008 minutes. Ms. Mellinger seconded.

The following corrections to the December 15 minutes were requested:

On page 2, under item 6 (Ancient Roads Update), in fourth paragraph, next-to-last sentence is changed to:

The Committee will ask Town Attorney Rob Woolmington about a legal interpretation.

On page 5, under item 9 (Other Business), in first sentence after approval of warrants "Ms. Metcalfe" is changed to "Mr. Metcalfe."

Motion to approve the December 15, 2008 minutes as amended carried 5-0-0.

Review and Approve Warrants:

The following warrants were presented for approval:

General Warrant AP#27: \$ 43,588.36 (paving)

Ms. Morse made motion to pay AP Warrant #27. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#28: \$ 2,489.00 (overpayment of taxes)

Ms. Morse made motion to pay AP Warrant #28. Ms. Mellinger seconded. Motion carried 5-0-0.

Retirement Warrant 20R: \$ 287.09

Ms. Morse made motion to pay Warrant #20R. Ms. Mellinger seconded. Motion carried 5-0-0.

Payroll Warrant PR#28: \$ 8,368.96

Ms. Morse made motion to pay Payroll Warrant #28. Ms. Mellinger seconded. Motion carried 5-0-0.

Ms. Mellinger reported that she had sent Board members minutes of the joint meeting of officials of area towns and schools.

Ms. Morse made motion to adjourn. Ms. Mellinger seconded.

The meeting adjourned at 8:55 PM.

Respectfully Submitted,

Susan Swasta