

SHAFTSBURY SELECTBOARD  
WATER BOARD  
AND REGULAR MEETING  
JUNE 21, 2010  
MINUTES

ATTENDING: **Board Members present:** Karen Mellinger, Bill Pennebaker, Craig Bruder, Cinda Morse; Town Officials: Margy Becker, Town Administrator; Joe Herrmann, Water Superintendent; Ian Taylor, Assistant Water Superintendent; Guest: Alice Miller, Shaftsbury State Representative. **Members Absent:** Lon McClintock

**WATER BOARD MEETING**

**1. Call to Order**

Vice Chairperson Bill Pennebaker called the Water Board meeting to order at 6:00pm.

**2. Announcements**

Karen Mellinger announced that the Town would be receiving ARRA Funds for the water project and thanked State Representative Alice Miller for her help in obtaining the funds.

**3. Conflict of Interest Statement**

Vice Chairperson Pennebaker inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict of interest was noted for the record.

**4. Public Comments**

No comments made.

**5. Water Department Budget & Capital Plans**

The Selectboard reviewed the proposed 2010-2011 Water Dept. budget.

It was noted that only \$68,454 in revenues were received from billings vs. budgeted revenues of \$82,500.

Actual Repairs and Maintenance Expenses were corrected and reduced from \$4117.91 to \$2317.91 with \$1800.00 moved to Outside Services. Additional capital plan expenses (meters) were noted in the amount of \$3900 (vs. \$2600 budgeted) and a garage door in the amount of \$1250 (vs. budgeted \$800) for a total additional '09/'10 capital expenses of \$5,150. There are a total of delinquencies in the amount of \$13,305.00.

The Board discussed the possibility of changing the billing cycle; Karen Mellinger will look into this further. The rate of water loss was discussed. The real loss rate for the system post-water main replacements in Fall 2009 will not be known until October 2010.

Cash flow was discussed. Truck replacement is needed – but there are insufficient funds. The Board discussed the reserve fund for the next fiscal year.

Joe Herrmann suggested billing in October for the 1<sup>st</sup> payment on the ARRA loan due in December. Selectboard members concurred. The next Water Board meeting is scheduled for Monday, July 19, 2010.

## **6. Status of ARRA Funds**

Shaftsbury State Representative Alice Miller announced that the Town acquired \$217,000 in ARRA Funds as loan forgiveness against the \$425,000 for the water project. A letter will be sent to all users about the impact to taxpayers.

**Water Board Meeting adjourned at 6:53pm.**

## **REGULAR BOARD MEETING**

**Attending:** Board Members present: Bill Pennebaker, Karen Mellinger, Craig Bruder, Cinda Morse; Town Staff: Margy Becker, Town Administrator; Guest: Alice Miller, Shaftsbury State Representative; Dave Newell, Wills Insurance; Cindy Bouchard, VLCT PACIF. **Members Absent:** Lon McClintock, Chair

### **1. Call to Order**

Vice Chairperson Pennebaker called the meeting to order at 7:00pm.

### **2. Announcements**

Bill Pennebaker announced that Lon McClintock had a motorcycle mishap and will be indisposed for about a week.

Karen Mellinger thanked Alice Miller for her help with the ARRA Funding. Alice Miller announced that the ARRA funds awarded totaled \$217,000 as loan forgiveness for the Water Project. This will reduce the Town debt and save the taxpayers money. Alice Miller thanked Karen Mellinger and Joe Herrmann for all their input toward the Water Project.

Karen Mellinger announced a disturbing theft from the highway dept. The Holy Smoke road sign as been stolen again and will cost \$500 to replace. Karen asked that if anybody was aware of this to please contact the Town or law enforcement.

### **3. Conflict of Interest**

Vice Chairperson Pennebaker inquired if any Board member had a conflict of interest with any matter on the agenda. Craig Bruder abstained from items 6 (Insurance Bids) and 8 (Ledgeley and Westview Paving Bids).

### **4. Public Comments**

No comments made.

## **5. Public Hearing – Discontinuance of “An Old Cross Road”**

Hearing Attendees who testified: Tom Dailey, Esq.; Beth Boepple, Esq., David Rosner, Jonathan Carver, Mike Carver, Peggi Price, Dave Durfee, Ben Benedict, Michael Biddy, David Keegan;

Selectboard Vice Chairperson Bill Pennebaker convened the public hearing at 7:10PM.

Tom Dailey, Esq. stated the Hogans are participating in the proceedings with “reservations of rights” as to the 1910 discontinuance of the road. Their position is that the 1910 discontinuance was valid and that the Selectboard should not be holding the present hearing.

Beth Boepple, Esq., representing the Brewers, also stated they were invoking “reservations of the rights” with regards to the 1910 discontinuance of the roadway.

Dave Durfee stated that it was the Ancient Road committee that had brought the road in question to the Selectboard.

David Rosner of 1204 Depot Rd stated he and Ellen Schutz were “reserving their rights” with regards to the 1910 discontinuance of the former road. Records were searched back 100 years and the language is clear.

Michael Biddy asked if the Board had a copy of the 1910 Select Board Meeting minutes. The Board Members responded that they have seen the copy.

Peggi Price testified as property owner and read a lengthy statement that has been entered into the hearing record. She noted that throughout her membership in the Ancient Roads Committee, she has had access to many roads and trails. Individual landowners could allow access or not. The Old Cross Road is used by home owners in certain sections.

David Keegan stated that the Brewers’ property in the 1960’s and 70’s was fenced and brush has grown in the road. Ben Benedict stated that people can park in his yard and walk to the Little Rhode Island Cemetery. He testified there is no public benefit in reopening the road.

Ellen Shutz stated that the road in question is close to her house, and if it were opened her privacy would be affected. The road is not a space the public uses or would miss, she said.

Mike Carver stated that the road to the cemetery is cut off and the lower end is open.

Ben Benedict stated the cemetery is in the deed to his property. Their property surrounds the cemetery. The public can access the cemetery by parking in his drive and walking along the path he mows. You can’t get to the cemetery from the ancient road, he said.

Tom Dailey spoke for Paul and Kelly Maitlin of 1093 Old Depot Road who state they are against opening the road. The Maitlins support accessing the cemetery via the Benedict property.

Jonathan Carver stated that he sees value in the road apart from status as an ‘ancient road’. He has used the road as a nature trail, and passive recreation use has value.

Beth Boepple stated that the Board needs to make findings that satisfy all three statutory criteria - the public good, convenience and necessity. She stated that in her opinion the Board's findings could only address one criteria.

Mike Carver stated that barbed wire was up because of livestock in 1910 when it was open as a winter road.

Tom Dailey stated that at the end of the 1910 Discontinuance, Mattison said the road could be used as a winter road – but only for one season and by authority of the Selectboard.

**Bill Pennebaker closed the public hearing at 7:50pm.**

## **6. Insurance Bids**

Dave Newell of Wills Insurance presented the Board with an insurance proposal which included a discount in the policy from last year. Last year's premium was \$53,892; this year's premium would be \$40,360.

Cindy Bouchard of VLCT PACIF presented the Board with an explanation of their organization and a quote for insurance coverages. The VLCT PACIF provides insurance coverage for 93% of Vermont municipalities. The Property & Casualty Contribution amount is \$32,318. The Worker's Compensation Contribution amount is \$15,486 – with \$5 million per occurrence and in aggregate. The total proposed contribution amount is \$47,804.

The VLCT PACIF proposal included coverage limits of \$5 million per occurrence per line of coverage and additional higher limits – i.e. flood and earthquake coverage of \$10,000,000 aggregate limit. The Wills Insurance proposal provided for lower limits.

There were questions as to whether the payroll amounts on which Worker's Compensation proposals were based were correct.

Margy Becker pointed out that some equipment is missing from the Wills equipment list, which was provided as a basis for proposals. It was agreed the Board would convene in special session on June 28 to select a proposer.

## **7. Paran Road Bids**

1. Phil Harrington Construction bid \$4,750 (no insurance certificate)
2. John Ceretta Excavation bid \$3060 (two 9hr. days) (insurance certificate)
3. Burgess Brothers bid \$3630 (insurance certificate)
4. Weaver Landscaping bid \$2200 (no insurance certificate)
5. Ken Harrington Construction bid \$4250 (insurance certificate)
6. Matt Morse Excavating bid \$2300 (insurance certificate)

## **8. Ledgeley and Westview Bids**

No bids received.

## **9. Murphy Hill Road Tree Bids**

1. Organic Tree Care bid \$650.

2. Greater Heights bid \$1200.
3. Bacon Tree Removal bid \$8305.

**10. Board of Health: Health Order – Paran Acres**

No action needed by Selectboard per instructions of Health Officer. Landowner has contracted to have septic system replaced.

**11. Unlicensed Dog Report**

Referred to the Town Constable.

**12. Denio – Deer Run Acceptance**

Margy Becker will draft a letter to be sent to those involved setting a deadline of September 30, 2010 for action on the acceptance.

**13. Personnel Policies and Procedures**

Item tabled until next meeting.

**14. Ed Corey Letter**

A letter will be sent to Ed Corey clarifying the practices of the DRB and the roll of the Select Board.

**15. Town Administrator Reports**

Tabled until next meeting.

**16. Other Business**

No other business.

**17. Tentative Agenda**

The next Select Board meeting is scheduled for June 28, 2010. On the agenda: Insurance bids, road, tree, and paving bids.

**18. Approval of Warrants**

REVISED CHECK WARRANT # W47 IN THE AMOUNT OF \$23,461.84

**Karen Mellinger made the motion to approve revised check warrant # W47 in the amount of \$23,461.84. Cinda Morse seconded. Motion carried 4-0.**

RETIREMENT WARRANT # W47R IN THE AMOUNT OF \$123.79

**Karen Mellinger made the motion to approve retirement warrant # W47R in the amount of \$123.79. Cinda Morse seconded. Motion carried 4-0.**

PAYROLL WARRANT PR#51 IN THE AMOUNT OF \$7011.84

**Craig Bruder made the motion to approve payroll warrant PR#51 in the amount of \$7011.84. Karen Mellinger seconded. Motion carried 4-0.**

CHECK WARRANT # W48 IN THE AMOUNT OF \$18,867.26

**Karen Mellinger made the motion to approve warrant #W48 in the amount of \$18,867.26. Craig Bruder seconded. . Motion carried 4-0.**

**19. Approval of Minutes of June 1, 7<sup>th</sup>, and 14<sup>th</sup>:**

Tabled until next meeting.

**20. Executive Session**

Tabled – pending Lon McClintock’s participation in the Administrator’s evaluation. The discussion on road crew compensation was tabled.

**21. Karen Mellinger made the motion to adjourn at 10:00pm. Cinda Morse seconded. Motion carried 4-0.**

Submitted by:  
Carol MacLean