

SHAFTSBURY SELECTBOARD
REGULAR MEETING
October 3, 2011
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Craig Bruder, Carl Korman. **Board Members Absent:** Bill Pennebaker. Town Officials: Margy Becker, Town Administrator; Chris Williams, Planning Commission Chair. **Guests:** Owen Beauchesne, Cathy Beauchesne, Jeri Schoof, Representative Alice Miller.

1. Call to Order

Chairman McClintock called the meeting to order at 7:00pm.

2. Announcements

Craig Bruder reported on the Shaftsbury Elementary School assembly in honor of Town volunteers and officials who helped with the emergency response to Tropical Storm Irene. Craig Bruder expressed appreciation for all the cards and thanks.

Margy Becker announced the Household Hazardous Waste Collection day Oct. 1, 2011 from 9AM – 1PM. Free tire collection 7AM – 4PM at the transfer station.

Bill Pennebaker reported the Environmental Issues Committee met and discussed the collection of electronic wastes. After reviewing information regarding the State's program, the Committee has recommended the Town not accept electronic wastes at this time. Instead the public should be referred to the Bennington or Sunderland Transfer Stations.

Margy Becker announced the Transfer Station will be open Saturday, Oct. 8th.

Alice Miller presented helpful FEMA information to the Selectboard. An estimated \$500-700 million damages statewide have been incurred from Tropical Storm Irene. There is disaster unemployed available through the VT. Dept. of Labor – 1-877-214-3330.

3. Public Comments

Owen Beauchesne again appealed to the Selectboard for help regarding his appeal to the Environmental Court regarding Hale Mountain Rod and Gun Club. Mr. Beauchesne complained of false statements made by Hale Mountain in an Act 250 application.

Carl Korman suggested that Mr. Beauchesne present his concern regarding false statements to the Attorney General's Office.

Lon McClintock stated the Town's attorney advised the Selectboard cannot appeal a DRB decision. Rob Woolmington is preparing a second request to the Environmental Court to reiterate the Town's position that Hale Mountain be required to substantially comply with the Town's zoning bylaws. He pointed out Mr. Beauchesne was merely repeating the request he had made of the Board at their prior meeting without any new information. Mr. McClintock

stated the Selectboard cannot by law instruct the Zoning Administrator to withdraw permits which have been issued.

4. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

5. Planning Commission Appointment:

Karen Mellinger made the motion to appoint Abigail Beck to the Planning Commission for a term of 2 years expiring April 1, 2013. Ms. Beck appeared before the Board addressing her reasons for seeking the appointment and responded to questions from the Board. The motion to appoint Ms. Beck was carried unanimously.

6. VLCT Health Trust

Town Administrator Margy Becker and Karen Mellinger explained changes in the VLCT Health Trust's business model. The self-insurance pool with 'reinsurance' no longer exists. The Trust is now providing broker services in tandem with Hickok & Boardman. Ms. Mellinger spoke in favor of rejoining the Trust. Craig Bruder spoke against the concept of 'broker of record'. He stated his support for remaining with Wills Insurance. The Selectboard agreed to table action until October 17th, pending a meeting with Wills Insurance to discuss their ability to provide detailed analysis of plan options that will be useful in the upcoming budget process.

7. Open Meeting Law Complaint

Lon McClintock summarized the Attorney General's findings with regards to a complaint brought against the DRB. The Attorney General found the Town had violated the open meeting law by not making meeting minutes available within 5 days. The Town Administrator was asked to circulate the Attorney General's decision to all Boards and Commissions.

8. Listers Fees – discussions tabled.

9. Bennington College – Caterer's Licenses

Craig Bruder made the motion to have the President's House on Mattison Road designated as a pre-approved location for catering events per state liquor license regulations rule 5(a). Karen Mellinger seconded. The motion carried unanimously.

10. Personnel Policy Work Session:

A Selectboard workshop meeting on the personnel policies will take place at 6PM on Wednesday, October 19th.

11. Town Administrator Report

Margy Becker reported on the Household Hazardous Waste Collection Day. She announced she would be participating in another meeting with FEMA representatives, who would be inspecting the Fire House damage. Budget letters had not been sent yet to department heads.

12. Other Business

Bill Pennebaker announced the upcoming Planning Commission public hearing on the proposed flood hazard regulations on Thursday, Oct. 13 at 7:00PM.

The Selectboard agreed to hold an informational hearing on proposed FEMA maps. No date was set.

Bill Pennebaker reported he learned at a recent meeting regarding the SWIP (regional Solid Waste Implementation Plan) that Glastenbury is barred from use of the Shaftsbury Transfer Station. Their solid waste must be hauled out-of-state until they are a member of the SWIP.

Lon McClintock spoke about the need to clarify the Selectboard's action with regards to the moratorium on **commercial composting**.

Karen Mellinger made the motion that the Selectboard is referring the interim bylaw and issue of a commercial composting moratorium to the Planning Commission for further study. The Selectboard requests the Planning Commission provide a status report of its considerations by January 10th, 2012. Carl Korman seconded. The motion carried unanimously.

It was agreed that the Board will move forward with the Road Foreman's probationary evaluation due by the end of October. The Town Administrator will circulate the performance evaluation form. There will be a 6PM executive session at the conclusion of the October 17 meeting.

Halloween road closures were discussed. **Karen Mellinger made the motion that the Town close Cleveland Avenue from 5 – 8 PM on Monday, October 31st for trick or treating activities. Bill Pennebaker seconded. The motion carried unanimously.**

12. Approval of Minutes

Action on the minutes of September 19th was tabled, pending corrections and language change suggestions from Carl Korman.

Karen Mellinger made the motion to approve minutes for September 22, 2011 with amendments. Bill Pennebaker seconded. Motion carried 4-0-1, Bill Pennebaker abstaining.

13. Approval of Warrants

RETIREMENT WARRANT 12R IN THE AMOUNT OF \$131.39.

Craig Bruder made the motion to approve retirement warrant 12R in the amount of \$131.39. Karen Mellinger seconded. Motion carried unanimously.

PAYROLL WARRANT PR12 IN THE AMOUNT OF \$6,396.31.

Karen Mellinger made the motion to approve payroll warrant PR#12 in the amount of \$6,396.31. Craig Bruder seconded. Motion carried unanimously.

PAYROLL WARRANT PR13 IN THE AMOUNT OF \$11,825.29.

Karen Mellinger made the motion to approve payroll warrant PR#13 in the amount of \$11,825.29. Bill Pennebaker seconded. Motion carried unanimously.

CHECK WARRANT #W13 IN THE AMOUNT OF \$60,781.21.

Karen Mellinger made the motion to approve check warrant #W13 in the amount of \$60,781.21. Carl Korman seconded. Motion carried unanimously.

15. Adjournment

Craig Bruder made the motion to adjourn at 9:20PM. Carl Korman seconded. The motion carried unanimously.

Submitted by
Margy Becker