

SHAFTSBURY SELECTBOARD
REGULAR MEETING
JUNE 18, 2012
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Craig Bruder, Billy Obenauer. **Board Members Absent:** Carl Korman; **Staff present:** Margy Becker, Town Administrators: **Visitors present:** Bill Pennebaker, Art Whitman, Mike Foley, Deena Ruege, Jeri Schoof, Joanne Race, Phylis Porio, Trevor Mance, Jay Palmer, Pam Vandeursen and Pam Fecto, VLCT PACIF; Chris Williams, Phylis Porio.

1. Call to Order

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

2. Announcements

Craig Bruder announced that Lon McClintock, Margy Becker, and he had met with the road crew to review the new personnel policies.

Karen Mellinger announced that she and Deena Ruege would be attending Josh Criss' Eagle Scout Celebration. Josh Criss had built a warming shed for the outdoor rink at Cleveland Park.

Margy Becker announced 2012-2013 Transfer Station Access Stickers are on sale at the Transfer Station and in the Town Offices.

3. Public Comments

Art Whitman expressed concern regarding the lack of cemetery mowing.

Mike Foley asked for clarification of Agenda Item No 8 concerning the TAM Host Town Agreement. Chair McClintock said a general discussion of host town agreements and the history of the TAM agreement would occur.

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. VLCT PACIF – FY13 Property Casualty Insurance Proposal

Pam Vandeursen and Pam Fecto of the Vermont League of Cities and Towns' Property and Casualty Insurance Fund (PACIF) presented an insurance proposal for the FY13 year. Ms. Fecto, Senior Underwriter, commented that the Town's coverages through Wills Insurance were similar to what the PACIF offered, but that PACIF also offered some additional coverages inclusive of flood insurance. Craig Bruder asked for clarification of those coverages. During discussions Selectboard members noted that the major difference in services between a private insurance agent and the VLCT PACIF were the 'value added' services provided by the PACIF to member towns. The VLCT PACIF deals only with municipal coverages. The Board agreed that

the Town's purchasing policies would require a formal and advertised bid process, in order for the Board to be able to approve the proposal. Subsequently, it was agreed that the VLCT PACIF representatives should submit another proposal to the Town next March (2013) when the Town again re-bids its insurances.

6. Delinquent Tax Collector: Authorization to Hire Attorney

Craig Bruder made the motion, and Karen Mellinger seconded, to authorize the Delinquent Tax Collector to hire an attorney and proceed to tax sale. The motion carried unanimously.

7. Professional Appraisal Services: Board of Listers

Margy Becker reported the Board of Listers has requested discussions on this matter be tabled until a future Selectboard meeting.

8. TAM Host Town Agreement – Information Session

Karen Mellinger explained the history of the TAM Agreement, noting that other Vermont host town agreements had been used as the foundation and general form of the TAM Host Town Agreement. Billy Obenauer inquired about the tools that the Town used to assess the impacts of TAM's business upon the Town. Karen Mellinger reported that the Town primarily used the level of complaints as an indicator. At the time the Agreement was forged, TAM was very involved in trying to mitigate impacts of trucks throughout Town and it was working with Dailey's to effect improvements to Airport Road.

Discussions turned to the recent DRB permit which allows TAM to increase its processing limit to 30,000 tons. In reality the current limit rests at 20,000 tons/year, since the Selectboard and TAM have not re-negotiated the Host Town Agreement approved last December 2011. Chair McClintock explained that if TAM is comfortable with sustaining a processing limit of, for example, 18,000 tons/year – then TAM and the Town would not have to renegotiate the Host Town Agreement. Currently TAM is processing approximately 13,000 tons/year.

When the Host Town Agreement is renegotiated, Chair McClintock said the Selectboard will address monetary and non-monetary issues – such as traffic impacts.

Trevor Mance stated concerns with the Selectboard's interpretation of the Host Town Agreement language vis-à-vis the DRB permit. He said that yes, the 20,000 ton/year limit was a trigger to re-negotiate the Host Town Agreement. He views the Host Town Agreement as the most restrictive approval issued at the local level. The State and the DRB have both approved an operational limit of 30,000 tons/year.

Mike Foley stated concerns that since many local residents work for TAM, he would expect there to be few complaints as TAM increases its processing capacity. He noted that an increase from 13,000 tons/year to 20,000 tons/year is a 50% increase in capacity. This is very generous, he said.

9. Unlicensed Dog Report

The Selectboard acknowledged receipt from the Town Clerk the 2012 Unlicensed Dog List. The Board did not sign the warrant pursuant to 20 VSA 3587 for the Constables to take on

enforcement of the delinquent list – inclusive of the ability to “impound all dogs and wolf-hybrids not duly licensed according to the law....” The Selectboard suggested the Town hire an assistant to work with the ACO to follow-up with owners of unlicensed dogs. Margy Becker was asked to clarify the use of the warrant in the transmission of the unlicensed dog list to the Selectboard. The Selectboard also requested clarifications of procedures for enforcement of unlicensed dogs.

10. RCS Consulting – Agreement for Services

Craig Bruder made the motion to approve the RCS Consulting Agreement, the terms of which go into effect July 1, 2012. Billy Obenauer seconded. The motion carried unanimously.

11. New Town Garage Status Report

The upcoming Facilities Committee meeting on Thursday, June 21, 2012 at 4:30PM was announced. The purpose of the meeting is to review draft site plans.

12. Curb Cut Ordinance – General Discussion

Karen Mellinger noted the most recent draft of the proposed Curbcut Ordinance she had received to-date is dated November 2009. The issue discussed was approval of the final curb cut. Should it be the Zoning Administrator? The Road Foreman? Phylis Porio noted curb cuts should not be approved until the site plan has been approved.

Karen Mellinger made the motion that the Planning Commission formally transmit to the Selectboard a Curbcut Ordinance, so that the Selectboard can move forward with scheduling a public hearing. Craig Bruder seconded. The motion carried 4-0.

13. Brownell’s Salvage Yard

Lon McClintock explained that Bill Brownell has approached the Town and asked for it to issue a renewal of its prior Certification of Location. That approval was five years ago. Since that time laws have changed, and a new State Agency (Agency of Natural Resources) has been delegated the responsibility to oversee operations and licensing of salvage yards. Lon McClintock said he is waiting to hear from Counsel whether or not Brownell’s qualifies for a renewal of its Certificate of Location, or whether it would have to apply for a new Certificate. The Selectboard will have to hold a public hearing on Brownell’s application. The Town’s Attorney will be invited to attend the hearing, due to the complexities of the new laws and regulations.

14. Town Administrator’s Report

Margy Becker informed the Selectboard the Town has received an engineering inspection report of Bridge 35 on Lower East Road. The steel beams supporting the deck are in very poor shape. The abutments can and should be preserved. Irene did not damage them. But the State has advised the Town to immediately post a gross weight limit of only 3 tons. Margy Becker noted she had already informed the Road Foreman of the inspection report, and that signs have been ordered. The Selectboard requested the a notice of the lowered weight limit be published in the Bennington Banner, and that – if possible – residents be notified of the lowered weight limit.

15. Other Business:

Billy Obenauer asked if Selectboard members would agree to start meetings at 6PM. Board members concurred. Carl Korman, who was absent from the meeting, will be consulted.

16. Minutes: June 4, June 11, 2012

Billy Obenauer made the motion to approve the minutes of June 4th. Craig seconded. Reference to “Cark Korman” needs to be changed to “Carl Korman”. The motion carried 4-0.

Karen Mellinger made the motion to approve the minutes of June 11th as submitted. Billy Obenauer seconded. The motion carried 4-0.

17. Warrants:

CHECK WARRANT 48 IN THE AMOUNT OF \$69,406.60.

Craig Bruder made the motion, and Billy Obenauer seconded, to approve Check Warrant 48 in the amount of \$69,406.60. The motion carried 4-0.

PAYROLL WARRANT 50 IN THE AMOUNT OF \$6,242.54.

Karen Mellinger made the motion to approve Payroll Warrant 50 in the amount of \$6,242.52. Craig Bruder seconded. The motion carried 4-0.

18. Executive Session – Personnel; Contract Negotiations

Lon McClintock requested the Board enter executive session at 10PM to discuss personnel performance evaluations and to discuss contract negotiations.

Craig Bruder made the motion to enter executive session at 10:00PM to discuss performance evaluations and a contractual matter, premature public knowledge of which would place the Town at substantial disadvantage. The motion was seconded by Billy Obenauer and carried 4-0.

The Board exited executive session at 11:30PM.

19. Adjournment

Karen Mellinger made the motion to adjourn at 11:30PM. The motion was seconded and carried unanimously.

Submitted by
Margy Becker

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