

**Town of Shaftsbury  
Minutes of Regular Selectboard Meeting  
Cole Hall - 61 Buck Hill Road  
Monday, October 1, 2012  
6:00PM**

**Members Present:** Lon McClintock (Chair), Craig Bruder, Carl Korman, Karen Mellinger

**Members absent:** Billy Obenauer

**Others Present:** Margy Becker (Town Administrator), Sandra Mangsen (Recording Clerk, Robert and Kathleen Geneslaw, Jay T. Palmer, William Pennebaker, Jeri Schoof, Jennifer Viereck), Stephen Washburn

**1. Call to Order**

Lon McClintock called the meeting to order at 6:05 p.m.

**2 Announcements**

Karen Mellinger thanked everyone for Saturday's Colonial Day celebration.

Margy Becker reminded everyone of the next Hazardous Waste Day, scheduled on Oct 6, 9-1.

**3 Public Comments**

Kathleen Geneslaw thanked Karen Mellinger for her efforts with respect to of all the town celebrations this year.

Stephen Washburn, Sr. spoke about a Planning Commission decision on Forest and Recreation vs Rural Residential zoning, which he feels negatively impacts his property. Lon McClintock advised him of the process to bring the issue before the Planning Commission. The Planning Commission can then recommend action to the SB.

**4 Conflict of Interest Statement**

There were none.

## 5 Public Hearing – Proposed Zoning Bylaw Amendment “Enclosure of Outbuildings”

With respect to Zoning Bylaw section 7.7.14. Enclosing existing open outbuildings (pole barn). Margy Becker read the proposed amendment. No permit would be required to enclose sides of existing pole barn.

Robert Geneslaw asked if a permit is required for the construction of a pole barn. Lon McClintock responded affirmatively. He stated permits are required for construction of any buildings.

Kathleen Geneslaw asked if enclosing a pole barn would result in a higher assessment for the property and wondered how that might be tracked were no permit to be required.

In the subsequent discussion several issues were raised, including a question as follows: Are pole barns the only buildings covered by the proposed amendment? William Pennebaker responded that the Planning Commission had been thinking mainly of pole barns, but he agreed that there are other buildings might be affected by the amendment. Stephen Washburn, Sr. stated that he believes the current VT statute allows three sides of a pole barn to be enclosed, as long as one remains open. Chairman McClintock suggested that the Selectboard have a conversation with the Planning Commission to clarify these issues and the language of the proposed amendment.

**Motion: To continue the public hearing at the next regular Selectboard meeting. Moved by Craig Bruder; seconded by Carl Korman. Carried, 4 -0-0.**

## 6 Proposed Highway Access Ordinance

### a) Comment by Development Review Board & Planning Commission

Jennifer Viereck offered her comments based on her own examination of the proposal (not those of the entire DRB). She noted that the process should be simplified if possible. But at the same time the DRB review offers the only opportunity for the public to examine and comment on a proposal for a curb cut. Particular conditions are imposed by the DRB rather than by the Zoning Administrator. The Road Foreman normally has made a recommendation about culvert requirements. In general, the permit system seems to need clarification.

Lon McClintock noted that in a permitted use, there is no DRB hearing or involvement. He asked how the DRB has come to be involved, which led to a general discussion of the history of Zoning and the DRB in Shaftsbury.

Historically the Zoning Board, and later the DRB, has dealt with highway access issues.

It was agreed that the question of where the responsibilities lie has been confusing and that enforcement has been inconsistent. While the Zoning Administrator issues a Certificate of Occupancy, Lon McClintock noted that the role of the Road Foreman is critical in regulating highway access.

b) Public Comment on Proposed Ordinance

Steve Washburn, Sr. described his understanding of delays in the process.

c) Selectboard discussion

Lon McClintock noted that highway access is governed by state statute, and he hopes that the local process can be made as simple and straightforward as possible.

Craig Bruder noted that the Selectboard bears responsibility for consistent enforcement and interpretation of the zoning bylaws, which it delegates to the DRB, the road foreman or the zoning administrator. If the process is simplified, and a problem develops, the town can still require corrective action.

Lon McClintock will revise the proposal for further discussion at the next scheduled meeting, and the Selectboard will accept more public comments at that time.

**7 Current Expense Note – Renewal of Air Pac Loan (Fire Dept.)**

**Motion.** To renew the Expense note with Peoples United Bank in the amount of \$19,000 with interest 2.25%. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.

**Motion.** To approve the Resolution (circulated) for the Current Expense Borrowing. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.

**Motion.** To approve the Treasurer's signature of Form IRS 8038-GC on behalf of the town. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.

**Motion.** To approve the Non-Arbitrage Certificate for current expense borrowing. Moved by Carl Korman; seconded by Craig Bruder. Carried, 4-0-0.

**8 Highway Truck and Fire Engine Purchases –Tax Exempt Lease Financing**

a) Review and Approval of Resolution to Permit Town Reimbursement from Lease Proceeds

**Motion.** To approve the Resolution to permit the town reimbursement from lease proceeds. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.

b) Review and Approval of Master Lease Agreement

**Motion. To approve the Master Lease Purchase Agreement, including schedules and addenda. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.**

## **9 Proposals for Repair of Bridge 35 - Lower East Road**

Four estimates for repair of Bridge 35 were circulated among Board members. Estimates have been received from Renaud Bros, Wright Construction Company, Cold River Bridges, and Daniels Construction.

Margy Becker will undertake further consultation on the varied approaches taken by the Contractors, including inquiring whether permits may be required prior to repairs.

Craig Bruder urged action without undue delay, to avoid having the road closed over the winter.

## **10 Proposals for Paving Repairs - White Creek Road**

This project has turned out to be more extensive than initially envisioned. It was expected that paving expense would not exceed the Town's purchasing policy requirements for projects less than \$3,000. The bids, however, came in at or around \$5,000. Margy Becker circulated the three proposals, which vary slightly in terms of thickness of pavement, length of paved area, and width. Shultz Paving bid \$4900; Mintrone bid \$5200; Beaudoin bid \$4,480 for base course; \$4,272 for top course.

After some discussion and comparison of estimates the Board agreed the process of gathering estimates had been competitive and to award the project as follows:

**Motion. To award the White Creek Road Paving Project to Schultz Paving in the amount of \$4900. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0**

## **11 Sidewalk Engineering Proposals – Bid Opening**

Bids were opened for the sidewalk engineering project at the corner of Church St and Rte 7A.

Creighton Manning: \$28,040.09

KAS Inc.: \$24,359.00

DuFresne Group: \$10,435.93 + time and materials

These bids will be discussed at the next regular meeting.

## **12 Diesel Fuel – Bid award**

The provider of diesel fuel remains undecided. Only one bid was received. Margy Becker asked if the Board might be willing to extend the bid deadline with a view to obtaining other bids. The Selectboard consensus was that Margy Becker should publicize an extended bid deadline.

## **13 Boards, Commissions, and Town Official Training**

Lon McClintock reported on the feedback he has received from DRB and Planning Commission. He plans to contact Peter Pagnucco to discuss arranging two fall sessions of two hours each and one spring session. The inclusion or exclusion of the public and the timing of sessions remains to be determined. It was noted that participation is voluntary, although the DRB and Planning Commission Chairs are expected to encourage attendance. The Selectboard consensus is that training would be regarded as critical for those who wish to continue to serve.

## **14 Liaison Roles**

Margy Becker remarked that the role of liaisons between the Selectboard and various Town Departments and Committees lacks clarity. Lon McClintock described several possible roles for liaisons, including the following: 1) maintaining initiative, 2) empowering the committees/boards to move forward, and 3) explaining policies and the reasons for them, as well as Selectboard expectations. It was noted that the Facilities Committee is particularly busy at the moment.

## **15 Town Administrator's Report**

The Shires Byway representative is Bill Pennebaker. He has asked if anyone else would like to take responsibility for this role. No person stepped forward.

The Selectboard advised Margy Becker to authorize the town road crew to install Byway Signage in town at locations specified by the VTRANS.

Margy Becker expressed concern about acting on directives from the Selectboard to the DRB when minutes have not yet been approved. Lon McClintock advised her simply to send a note to the Chair reporting the decision with regards to the Waiver of the Performance Bond for the VSP telecom facility.

Other items in Margy Becker's report included the following: an update on the network installation and education of employees, the need to repave segments of Rte 7A (Karen Mellinger added the process is moving along); the need to advertise for vacant positions. She stated she is behind in archiving of minutes (with the Town Clerk).

## **16 Other Business**

There was none.

**17 Minutes**

No minutes were considered. The minutes of September 24<sup>th</sup> will be circulated and approved at the October 15<sup>th</sup> meeting.

**18 Warrants**

**Motion. To approve Check Warrant Report # 09 in the amount of \$1,9231.22. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.**

**Motion. To approve PRW 13 in the amount of \$11,327.18 Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.**

**Motion. To approve Check Warrant Report # W09 in the amount of \$80,000. Moved by Karen Mellinger; seconded by Carl Korman. Carried, 4-0-0.**

**19 Adjournment**

**Motion. To adjourn the meeting. Moved by Karen Mellinger; seconded by Carl Korman. Carried, 4-0-0.**

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Sandra Mangsen (Recording Clerk)