

**Town of Shaftsbury
Selectboard Regular Meeting
Monday, April 15, 2013**

Members Present: Craig Bruder, Kenneth Harrington, Carl Korman, Karen Mellinger, Billy Obenauer
Members Absent: none
Other Presents: Margy Becker (Town Administrator), Bill Fisk (Town Treasurer), Sandra Mangsen (Recording Clerk), Abigail Beck, Mary Gronning, Tom Huncharek, Jay Palmer, Bill Pennebaker, Phylis Porio, Joanne Race, Mitchell Race, Jeri Schoof, Terry Stacy, Art Whitman, Chris Williams

1. Call to Order

Craig Bruder called the meeting to order at 6:30 p.m.

2. 6:30PM Public Hearing Continuance: Proposed zoning bylaw amendment: Open Space Subdivisions Sec. 7.6

Craig Bruder announced the continuation of the Public Hearing and invited Chris Williams (Chair, Planning Commission) to comment on the proposed amendment. Chris Williams noted that the amendment is not a template for low-income housing, but rather an attempt to maintain open space while encouraging residential development. Common ownership of a piece of land in the development is a part of the proposal. The Selectboard, he said, is being asked to determine whether the proposal is an improvement over the existing bylaw.

Chris Williams noted that there is a parallel section in the subdivision regulations on open space, and suggested that it might be better to have only one regulation rather than two. He reported that Bill Pennebaker has updated the subdivision regulations to agree with the proposed bylaw, should it be approved.

Craig Bruder identified the options:

- a) delete the relevant section from bylaw, and put it in the subdivision regulation;
- b) delete the relevant section from subdivision regulations, and preserve the amendment in the zoning bylaws;
- c) preserve the regulation in both documents, revising as necessary to ensure agreement.

Other matters discussed included subdivision activity in Shaftsbury in recent years; the established practice of having the Selectboard vote on amendments to the zoning bylaws, rather than submitting such amendments to a vote by residents.

Craig Bruder asked whether the Selectboard would prefer to proceed with the consideration of the proposed zoning bylaw amendment, or to table the amendment and reconsider it as a part of the subdivision regulations, having asked the Planning Commission to make appropriate revisions to the document to be considered. Karen Mellinger suggested that it would seem appropriate to consult the Development Review Board, since they would have

to interpret the new regulation. Carl Korman agreed and remarked that having the regulation in one place rather than in two seemed a better approach.

Two other issues revisited from the April 1st meeting were the limitation on further subdivision that Bill Pennebaker would like to see incorporated; and the possible place of mobile home parks under the new regulation. It was noted that Town Attorney Woolmington should be asked to follow-up again with regards to his comments regarding mobile home parks. Likewise it was agreed that Attorney Woolmington should be asked to suggest language to limit subdivisions.

Craig Bruder invited comments from the public. Tom Huncharek asked for assurance that the subdivision regulation document available to Development Review Board members is up to date. Chris Williams noted that the Planning Commission aims to reissue all the land-use regulations in one document.

Motion. To return the proposal to the Planning Commission with recommendation that the content be incorporated in the subdivision regulations. Moved by Karen Mellinger; seconded by Carl Korman. Carried 4-0-1 (Obenauer abstaining).

Craig Bruder thanked the members of the Planning Commission for their work.

Motion. To close the public hearing. Moved by Carl Korman; seconded by Karen Mellinger. Carried unanimously.

3. Conflict of Interest Statement

There were none stated.

4. Minutes – 3/18/13, 4/1/13, March 2013 Town Meeting

Motion. To approve the minutes of Mar 18, 2013, as circulated. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.

Motion. To approve the minutes of Apr 1, 2013, as corrected. Karen Mellinger; seconded by Carl Korman. Carried, 4-0-1 (Obenauer abstaining).

Motion. To approve minutes of the Town Meeting, March 13, 2013, as corrected. Karen Mellinger; seconded by Carl Korman.. Carried unanimously.

5. Warrants

Motion. To approve Check Warrant #W28RB in the amount of \$7567.55. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.

Motion. To approve Check Warrant #W28C in the amount of \$129.36. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.

- Motion.** To approve Check Warrant #W41PR in the amount of \$129.36. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.
- Motion.** To approve Payroll Warrant #41 in the amount of \$8869.27. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.
- Motion.** To approve Payroll Warrant #40 in the amount of \$6532.18. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.
- Motion.** To approve Check Warrant #28 in the amount of \$64,370.47. Moved by Karen Mellinger; seconded by Carl Korman. Carried unanimously.

6. 7:00PM Announcements

Billy Obenauer announced his resignation from the Selectboard due to his acceptance into a graduate program, which will leave him unable to attend meetings. He recommended the Selectboard consider appointing Mitchell Race to replace him. Craig Bruder thanked him for his service and stated that the Selectboard will go through the process of identifying his replacement.

Karen Mellinger announced that Green-Up day will be the first Saturday in May, and invited volunteers to call her for details.

Margy Becker asked for volunteers for the upcoming Tour of the Dragons. She also noted that the collection day for hazardous waste will be Saturday, 9 a.m. until noon.

7. Public Comments

Art Whitman and Phylis Porio reported on the investigation by the Economic Development Committee of the possibility for developing a sewer system in the town. In 2000 engineers had been invited to survey the possibilities; during 2003-2006 Stone Environmental conducted a \$35,000 planning study, which was supported by a loan from the state. If the Town ever bonds for infrastructure as a result of this study – the State would ask that the loan be repaid as part of a bond. The option to hook into the Bennington sewer system was further investigated. UVM students were hired to develop a survey for residents in 2007. The survey results indicated Shaftsbury residents did not want to move ahead with a \$6 million option (which was 1 of 3 options at the time). Interest in Town regarding this subject dropped off.

Mr. Whitman stated the Economic Development Committee is aware that the Town Plan is currently under revision. The Committee just recently met again with Bennington Town Manager Stuart Hurd. He represented that Bennington does have extra sewer capacity available. But in order for Shaftsbury to connect to Bennington, the Town would have to form a water and sewer district – in order to provide Bennington the capability of issuing shut-off notices. Art Whitman noted that Shaftsbury would need to bill for both water and sewer, and recommends that the Town Plan include a reference to their work on the sewer system possibility. Additionally, pump stations in Shaftsbury would have to be upgraded and turned over to the new Shaftsbury water and sewer district. Art Whitman asked

language in the current Town Plan, which already includes a reference to a possible sewer system, be updated to include references to the Committee's work.

Craig Bruder thanked the Economic Development Committee for its work.

8. FY2013 Budget YTD – Cash Flow Projections

Bill Fisk gave a report on the budget year to date. Copies of his report had been distributed to Selectboard members. Total revenues to date (April 11) are \$1,577,640, as against \$1,595,947 budgeted. Forecast revenues for June 30 are \$1,672,800, an excess of \$67,853 over budgeted amount.

Expenditures budgeted are \$1,795,277 with actual expenditures (April 11) standing at \$1,439,055. Forecast expenditures by June 30 are \$1,733,547, or \$61,730 less than budgeted.

Bill Fisk was thanked for his report.

Motion. To recess the Selectboard meeting at 7:55 p.m. in order to hold the Water Board Meeting. Moved by Karen Mellinger; seconded by Ken Harrington. Carried unanimously.

Motion. To end the recess of the Selectboard meeting at 8:06 p.m. Moved by Karen Mellinger; seconded by Ken Harrington. Carried unanimously.

9. 7:15PM FY2014 Highway Equipment Purchases – Bid Openings

A. Wheeled Excavator

Bid 1. Milton Caterpillar: \$203,000 less 25,000 trade for \$ 178,000 net price

Bid 2. Pete's Equipment: Hyundai. Purchase price not provided; \$12,000 trade offered for net price of \$153,727 or \$169,249 (Pete's bid 2 different size machines).

Bid 3. Nortrax: 2012 Hitachi with 350 hours. Net price only - \$174,000.

Bid 4. Wood's CRW Corporation: New Volvo EW160D. Sell price - 182,650 less \$5,000 trade, = \$177,650 net purchase price.

Bid will be awarded at the meeting of May 6.

B. 1-ton flatbed

Bid 1. Foster Motors, Middlebury: \$ 44,877.

Bid 2. Goss Dodge Chevrolet, South Burlington. \$ 46,149 for 2013 vehicle.

Bid will be awarded at the meeting of May 6.

Ken Harrington asked about the utility of purchasing a new excavator versus hiring local contractors to do the work for which the machine is intended; he also suggested purchasing a used machine.

Terry Stacy reported that the excavator the Town has has been used much more in the past six months or year than it had been in all past years. He expects similar usage in the future.

Billy Obenauer asked about costs of financing and the amount of an annual payment (a ballpark figure is \$26,000/year over 7 years.) In response to a question from Billy Obenauer, Terry Stacy said that usage is about 100 hours/month.

Billy Obenauer pointed out that the townspeople approved the budget, which includes monies for this purpose, and that such a purchase would still be within the debt service that is permitted in the budget.

Jay Palmer asked why the machine had not been much used for 14.5 years. Terry Stacy responded that a backhoe was being used instead, which is less efficient. The road crew was hesitant to use the excavator, because parts are no longer made for it.

10. Clean Harbors Contract: Spring-Fall 2013 HHW Collections

Margy Becker had circulated the contract for Selectboard review and further comments were invited.

Margy reported that the item had been under-budgeted for this year and suggested a cost cap be inserted in the contract. She read the changes that were being inserted.

Motion. To approve the contract with Clean Harbors for hazardous waste collections, as amended, for a not to exceed amount of \$8500. Moved by Karen Mellinger; seconded by Billy Obenauer. Carried unanimously.

11. Conflict of Interest Policy – 4th Reading

Craig Bruder invited comments on the draft policy.

Karen Mellinger noted that originally the policy was envisioned as applying only to the Selectboard; more recently, it has been suggested that other Town Boards also be governed by this policy. She reviewed the changes she has suggested and asked if they should be considered substantive, or minor.

The question of whether to circulate the draft policy to the other Boards before approval was considered. Carl Korman suggested circulating it for information, rather than requesting comment from the boards. Billy Obenauer and Craig Bruder expressed their approval of that approach; Ken Harrington said that he sees the policy as acceptable as it stands (with the suggestions incorporated).

Motion. To approve the conflict of interest policy as amended. Move by Carl Korman; seconded by Billy Obenauer. Carried unanimously.

The policy will be circulated to the Development Review Board and the Planning Commission.

12. Reserve Fund Balance Policy Amendment – Adoption

The amendment limits the amount that can be set aside in the reserve fund, and is consistent with practices in other Vermont towns and with Vermont statutory requirements.

Motion. To approve the Reserve fund Balance Policy Amendment. Moved by Billy Obenauer; seconded by Carl Korman.

13. Request to Cater – Thyme Tables

Motion. To accept catering request from Thyme Tables. Moved by Bill Obenauer; seconded by Karen Mellinger. Carried unanimously.

14. Selectboard Liaison Assignments

Discussion was deferred. Craig Bruder stated that he has made tentative assignments and will circulate that to members before the next meeting.

15. Town Garage Committee – Report on Meeting of April 10th

Karen Mellinger has been elected facilitator for the committee. She reported that they had had another successful meeting, with much new information made available. The committee meets on the 2d and 4th Wednesday of every month, at 6:30 p.m.; the public invited to participate.

16. Town Administrator's Report

Margy Becker announced that the Road Crew summer hours will be in place until the week of September 30.

Sidewalk construction plans are now in hand (for the Church St.-Rte 7A intersection). The Sidewalk committee will meet and review the plans.

VTrans Traffic Committee: She is still awaiting response to the Town's request for lowering the speed limit in village, and on the installation of an "on demand" pedestrian crossing light. Haphazard parking near the intersection of 7A and Buck Hill Road and Church Street is also a concern, as it affects visibility of vehicles turning onto 7A.

Re: the proposed acquisition of mapping services, Margy Becker noted that both the Planning Commission is also interested in mapping services, in addition to the Listers.

17. Other Business

Craig Bruder again thanked Billy Obenauer for his service on the Selectboard.

Tom Huncharek asked about the procedure re filling the vacant position, so that public would be properly informed. Craig Bruder responded that he needed to check the relevant rules; if they give the Selectboard flexibility, the procedure will be chosen at the next meeting.

18. Adjourn

Motion. To adjourn the meeting. Moved by Carl Korman; seconded by Ken Harrington. Carried unanimously.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Sandra Mangsen
(Recording Clerk)