

**Town of Shaftsbury  
Selectboard Minutes  
Regular Meeting  
September 16, 2013**

Board members attending: Craig Bruder, Chair; Karen Mellinger, Vice Chair; Carl Korman, Ken Harrington, Mitch Race.  
Board members absent: None  
Staff/Visitors: Margy Becker, Town Administrator; Tim Scoggins, Tom Huncharek, Mary Gronning, Constable Paul McGann, VT State Police Lt. Reg Trayah, Arlington Selectboard member Keith Squires, Tim Criss, Richard and Norma Peebles.

**Call to Order**

Chair Craig Bruder convened the meeting at 6:10PM;

**2. Conflict of Interest Statements – there were none.**

**3. Approval of Minutes** – Approval of Minutes of Sept 9<sup>th</sup> special meeting was tabled until the next meeting.

**4. Approval of Warrants:**

RETIREMENT WARRANT 06R in the amount of \$130.37.

**Karen Mellinger made the MOTION to approve Retirement Warrant 06R in the amount of \$130.37. Carl Korman seconded. The MOTION carried.**

PAYROLL WARRANT #06 in the amount of \$16,283.31.

**Karen Mellinger made the MOTION to approve Payroll Warrant 06 in the amount of \$16,283.31. Carl Korman seconded. The MOTION carried.**

CHECK WARRANT #10 in the amount of \$119,394.13, inclusive of payments to BCBS of VT (\$7,217.82 monthly premium), Capital Tractor (\$1,112.98 parts), Dailey's (\$2,695 gravel and \$928 Chloride); John Ray & Sons (\$1,834 diesel); Sovereign Leasing \$90,886 (lease payment on Fire Truck and Hwy Truck); Sycamore Landscaping (\$2,000 Aug. Cemetery mowing); Wholesale Distributors (\$1,491 culverts);

**Karen Mellinger made the MOTION to approve Check Warrant #10 in the amount of \$119,394.13. Mitch Race seconded. The MOTION carried.**

**5. Announcements:**

It was noted October 26 is the date for the next household hazardous waste day (9AM-noon) for Shaftsbury, Pownal, and Stamford residents. Shaftsbury residents may also drop off up to 4 rimless tires for free at the Transfer Station all day.

**6. Public Comments:**

Tim Criss spoke to the Selectboard regarding his concerns about gravel application and grading practices on Blueberry Hill Road. Richard and Normal Peebles also expressed similar concerns. Some discussions followed with regards to the need to provide more training to the road crew in grader operations. Margy Becker reported she had been in touch with a grader operator recommended to her by VT Local Roads and Keith Squires of Arlington.

**7. Town Garage Committee Status Report:**

Karen Mellinger reported the Garage Committee is now meeting every Wednesday at 6:30PM in Cole Hall. It is putting together an educational campaign for a potential December 3<sup>rd</sup> bond vote. Details of the public education campaign were briefly discussed. Should the December 3<sup>rd</sup> bond vote pass, the Town would be able to take advantage of a late winter construction bid deadline, which is optimal for competitive bidding. Karen Mellinger further reported time is not on the Town's side. Interest rates have climbed one percent, since the March defeat of a proposed \$1.5 million bond. The Garage Committee is very concerned that a delay in a positive bond vote would directly translate into lost square footage for the garage and salt sheds.

**8. Health Insurance Reform:**

Larry Smith, Member Relations of VT League of Cities and Towns, spoke to the Selectboard concerning the major changes in the delivery and purchase of health insurance as a result of the Affordable Health Care Act and the new Vermont Health Exchange. Beginning October 1<sup>st</sup> the Town will be able to register with the Exchange, select a preferred plan (if any), and provide an employee census. Employees may shop for insurance on the Exchange beginning October 1<sup>st</sup> and through November 30<sup>th</sup>. The Town will have to decide a) if it will continue to offer health insurance, and b) what (if any) assistance it will provide to employees to offset costs for premium and medical services. Should the Town elect to get out of the health insurance business, employees might be able to take advantage of federal tax credits – if they meet income eligibility requirements.

**9. Constables and Potential Future Roles**

VT State Police Lieutenant Reg Trayah and Constable Paul McGann met with the Selectboard. Paul McGann is a certified law enforcement who currently works for the Manchester Police Department. He was elected as a Shaftsbury 1<sup>st</sup> Constable for a one year term in March 2013.

Lieutenant Traya and Mitch Race reported that Mr. McGann's status as a certified law enforcement officer presents an opportunity for the Town. Because Mr. McGann is a certified law enforcement officer, he has the required training to be able to assume law enforcement duties in the Town in accordance with new state laws.

Shaftsbury has historically elected Constables. Mitch Race recommended the Town consider changing from elected to appointed Constables in order to give the Selectboard better control of its Constable(s). An appointed term could be for 3 years.

Lt Trayah acknowledged that having local policing options is a benefit to the town. It was also mentioned that the Selectboard would determine what policing options an appointed 1st constable would have. If the constable were to retire, it would be up the Selectboard to seek a qualified candidate with law enforcement certifications. If none were available the position could be left vacant until a qualified individual could be appointed.

Lieutenant Trayah reviewed the investments that would be needed to provide for a certified Constable. VSP will not offer dispatch services. The Town would have to make arrangements with Bennington PD or Bennington County Sheriffs for dispatch services. A uniform, protective equipment, evidence room or safe with limited access, computer, communications devices, possibly a vehicle, and a weapon(s) would be required. Mitch Race noted that a used vehicle could be purchased.

Carl Korman expressed concerns regarding the Town's liability for a Constable with law enforcement authority. Margy Becker questioned Lieutenant Trayah concerning what appeared to be a change in his recommendations from prior discussions on the same topic in 2009. At that time the Selectboard decided it did not want to proceed with law enforcement certification for its Constables.

Lieutenant Trayah clarified that in 2009 the Town did not have Constables with any law enforcement training. He stated he would not recommend the Town consider upgrading the status of its Constables unless and until they had law enforcement training. This, he pointed out, is the current circumstance.

Paul McGann stated the Town must decide what law enforcement duties should be assigned to its Constable(s). He reminded Selectboard members he would only be authorized to practice LE duties within the borders of Shaftsbury.

Karen Mellinger pointed out the voters have the ultimate say in whether Constables are appointed or elected. Mitch Race suggested the question be put on the ballot in December, when the voters are asked to vote on the garage bond.

Town Administrator Margy Becker spoke in favor of more law enforcement presence in town. She expressed some concerns with the general proposition of enabling Constables to be trained to carry out law enforcement and noted the Selectboard had not discussed any other options for obtaining such coverage. Lieutenant Trayah noted the VSP does contract directly with Towns.

Margy Becker questioned whether the Constable would be an employee or an independent contractor. If an employee – an open recruitment process would be required. Carl Korman noted the Constable is an agent of the Town. Brief discussions ensued regarding the option of balancing the investment in Sheriff's Department coverage and the hours a Constable would be available.

It was agreed discussions will resume on October 7<sup>th</sup>. Karen Mellinger noted the Garage Committee has yet to confirm its recommendation for the December 3 bond vote date.

### **10. Appointment Policy:**

Selectboard member Mitch Race led discussions and review of a proposed policy for appointments to boards and commissions. The second reading of the proposed policy will take place at the Selectboard's next regular meeting on October 7, 2013.

### **11. Town Administrator's Report:**

Margy Becker reported she will contact VTEL and inquire about a meeting with the Town if VTEL submit its application to the PSB for a telecommunications tower on Buck Hill Road. She noted regional meetings concerning collection of household hazardous wastes and other waste streams continue, and she will attend a meeting at the BCRC on Wednesday regarding same. She has completed review of applications/resumes for the Administrative Assistant position and will begin interviews shortly. The vendor for the 2013 Dodge Ram was finally paid from the lease escrow account.

### **12. Other business:**

Ken Harrington requested that ditch repairs on Twitchell Hill begin immediately. He noted that repairs should occur between addresses #150 and #252. Carl Korman will draft a letter to landowners on Twitchell Hill. Margy Becker will ask the Road Foreman to prepare labor and materials estimates for ditch repairs. Should the estimate be less than \$3,000 – the crew will proceed with repairs as soon as possible. If the estimate exceeds \$3,000 – the Board will be asked to approve the repairs on October 7<sup>th</sup>.

Ken Harrington inquired about how fog lines could be put down on White Creek Road. The Road Foreman will be directed to look into this matter.

Craig Bruder confirmed he is resigning from the Selectboard effective September 30<sup>th</sup>. Board members extended hearty 'thank you's' for all his years of service on the Planning Commission and Selectboard.

### **13. Executive Session – Personnel**

**Karen Mellinger made the MOTION to enter executive session at 9:10PM to discuss a personnel matter. Carl Korman seconded. MOTION carried unanimously.**

The Board exited Executive Session at 10:15PM. No formal action was taken.

**14. Adjournment**

**Carl Korman made the MOTION to adjourn at 10:10PM. Mitch Race seconded. MOTION carried.**

Submitted by,  
Margy Becker