

MINUTES OF THE SHAFTSBURY SELECTBOARD  
NOVEMBER 2, 2009  
COLE HALL  
SHAFTSBURY, VERMONT

**Board Present:** Lon McClintock (Chairman), Bill Pennebaker, Karen Mellinger, Craig Bruder.

**Board Members Absent:** Cinda Morse

**Others Present:** Margy Becker, Town Administrator; Larry Johnson (Lister), Henri Billow (Treasurer), Deena Ruege (Rec Committee), Dave Herzfeld and Bob Perry (Constables), Chad Schmidt (Bennington County Sheriff), Lieutenant Traya (VT State Police), Bob Mattison (resident).

**1. Call Meeting to Order:**

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

**2. Announcements:**

Karen Mellinger thanked the Fire Police for their assistance with traffic control on Halloween. She also thanked MacDonald Secor and Steve Tatro for completion of construction activities needed to make sidewalks safe for trick-or-treaters.

Lon McClintock stated the Town had faced a \$53,000 deficit at the end of fiscal year 2008 (June 30, 2008). The Selectboard looked at deficit-reduction measures and put together a 1 year plan to retire that deficit and a projected June 30, 2009 deficit of \$20,000 – based upon uncertainties with gas prices, increased health insurance and highway expenses.

He then stated the Treasurer's most recent reports confirm that the Board's 1 year plan to retire the \$53,000 June 30, 2008 deficit and the projected FY2009 deficit has been successful. Both deficits have been retired, and the Town commenced the new fiscal year beginning July 1<sup>st</sup>, 2009 with a \$13,712 fund balance. Mr. McClintock thanked Henri Billow for all her hard work. He thanked the Selectboard as well.

**3. Conflict of Interest Statement:**

Lon McClintock asked if any board member had a conflict of interest with any topic on the agenda. No member stated a conflict of interest.

**4. Public Comments:**

Larry Johnson thanked Bill Pennebaker for his part in the deficit reduction plan, noting the \$30,000 savings in landfill closure expenses due to Bill Pennebaker's initiatives.

**5. Bennington County Sheriff Department – COPS Grant**

Sheriff Chad Schmidt introduced himself and briefly summarized the status of his Department's activities. The Department is in receipt of a COPS grant through the COPS Hiring Recovery Program. The grant funds one deputy for patrol in the towns of Bennington County. Sheriff Schmidt explained there are 40 hours available per week to the towns on a first-come-first serve

basis. The grant program helps subsidize this additional law enforcement coverage to contract towns. Sheriff Schmidt pointed out towns would have to enter into a 4 year contract with the Department, in order to benefit from the COPS grant. Additional law enforcement coverage would be funded for 3 years by the grant. The towns would have to pay for the 4<sup>th</sup> year of additional coverage. The Town presently contracts with the Sheriff's Department for 10 hours per week. The Department provides traffic control services, in addition to other services. After some discussion it was agreed that an additional 10 hours per week of coverage would be helpful to the Town. The Board discussed - but did not reach consensus on - how to pay for the additional 10 hours per week for the 4 year contract period.

After further discussions **Bill Pennebaker made the motion to enter into a 4 year contract with the Sheriff's Department for 20 hours per week (an addition of 10 hours per week), and to accept the possibility of fuel surcharge if fuel prices exceed \$3.40/gallon. Karen Mellinger seconded. The motion carried unanimously.** Chad Schmidt agreed to prepare a 4-year contract to replace the existing contract with the Town.

Constables Bob Perry and Dave Herzfeld joined the Board for further discussions **pertaining to law enforcement training requirements for Constables.** Dave Herzfeld stated his understanding that if Constables are elected, the law now requires them to be 'part-time certified'. He asked if the Town want its Constables to do law enforcement, and then explained that he and Constable Perry already respond to matters such as illegal dumping or illegal burning.

Sheriff Schmidt reviewed the training requirements for Sheriff deputies. Lon McClintock asked how expensive it was to keep a part-time officer trained. Sheriff Schmidt explained the initial certification costs were \$500 - \$600 per officer exclusive of the cost of a uniform. There would be additional costs for additional class time (i.e. a full-time officer is required to have 80 field training hours) in addition to the costs of a vehicle, radar (est. \$1,000), video/cameras (est. \$1,000), and a LED light bar (est. \$1,700). The Department also carries an umbrella insurance policy.

Lieutenant Traya of the VT State Police joined discussions. He said Pownal has budgeted \$27,000 for its Constables for 32/hours/week and a cruiser. Lieutenant Traya spoke of shortcomings in law enforcement certification for Constables, noting their limitations for reporting and provision of evidence. The Sheriff's Department and State Police have access to computer-aided dispatch services – not Constables. Lieutenant Traya said that initially his deputies relied quite often on Pownal's Constables – now less often. The Rutland PSAP cannot take on any additional dispatching responsibilities – hence Shaftsbury would have to look into the costs of dispatching. His concluding remarks were that he would appreciate more police on the roads, and that if done right – certified Constables could be a benefit to all.

Lon McClintock asked whether Constables could become a burden on law enforcement, if they are not screened rigorously. Lieutenant Traya encouraged the Town to do its homework on who it appoints. It was then noted that if Shaftsbury's Constables were trained and they were subsequently not re-elected, the Town has lost its investment in training.

Lon McClintock inquired whether enforcement of municipal ordinances is considered law enforcement. Lieutenant Traya noted that the VT State Police can enforce local ordinances. Pownal uses its Constables to respond to miscellaneous complaints – i.e. issuance of tickets. Bill Pennebaker pointed out that a clear definition of 'law enforcement capability' would determine whether or not Shaftsbury Constables have to receive part-time certification.

Lieutenant Traya suggested the Town contact Cindy Taylor Patch at the Police Academy in answer to this question.

## **6. Shaftsbury State Park Access Road**

Bob Mattison introduced himself, explaining that he helped establish Shaftsbury State Park. He expressed concern over the deterioration of State Park Road, stating that it was very important that something be done to repair the road. Mr. Mattison said he has been in contact with the Governor regarding his concerns. Subsequently the Director of State Parks, Craig Whipple, is proposing the State contribute 50% towards maintenance if the Town could contribute 50%. This option may be palatable to the Legislature. Mr. Whipple's absence was noted. Karen Mellinger agreed to follow-up with him. The Board took no formal action.

## **7. Planning Commissioner Resignation**

Craig Bruder paid tribute to Bill Pennebaker for his involvement with Shaftsbury Planning Commission and suggested the Selectboard accept, with regret, his notice of resignation. The resignation is in response to the fact that 2 Selectboard members serve on the Commission, as a result of Craig Bruder's recent appointment to the Selectboard. The Commission has agreed that Bill Pennebaker should continue to attend meetings as an ex officio (non-voting) member. Mr. Bruder said he has resigned as Chair, and Norm St. Onge has been appointed Chair.

**Craig Bruder made the motion to accept Bill Pennebaker's resignation from the Planning Commission. Karen Mellinger seconded. The motion carried 3-0 in favor, with 1 abstention (Pennebaker).** The Planning Commission vacancy will be advertised.

## **8. Cole Hall Assessment – Keefe & Wesner**

Lon McClintock asked whether the Board had a recommendation as to how to proceed with Mark Wesner's estimates for elevation drawings, revised site plans, etc. It was agreed the Facilities Committee should review and discuss these estimates and make the recommendation to the Selectboard as to how to proceed to bring more definitive Cole Hall expansion plans to the community.

## **9. Treasurer's Reports**

Henri Billow met with the Selectboard and confirmed the general fund balance July 1, 2009 was \$13,712.49. Tax collections continue for another week. An update on the Town's Line of Credit was presented

## **10. Minutes:**

Approval of minutes for October 19<sup>th</sup> were tabled.

## **11. Warrants:**

The following warrants were presented for approval:

Payroll Warrant #17 in the amount of \$5,948.95:

**Karen Mellinger made the motion to approve Payroll Warrant #17. Bill Pennebaker**

**seconded. The motion carried unanimously.**

Retirement Warrant #14R in the amount of \$229.07:

**Karen Mellinger made the motion to approve Retirement Warrant #14R. Craig Bruder seconded. The motion carried unanimously.**

Payroll Warrant #18 in the amount of \$8,326.61:

**Craig Bruder made the motion to approve payroll warrant #18. Karen Mellinger seconded. The motion carried unanimously.**

Check Warrant #W14 in the amount of \$318,710.63. #W14 included, in part, the following payments:

Partial payment of the Chittenden Bank Tax Anticipation Note (\$225,000), Airport Road culvert expense (\$12,079.78), Cole Hall Repairs (\$2,000), Otter Creek Engineering (\$17,984.60) for over-sight of the water main replacement project.

**Karen Mellinger made the motion to approve Check Warrant #W14. Bill Pennebaker seconded. The motion carried unanimously.**

## **12. Other Business:**

Bill Pennebaker asked if the Conflict of Interest Policy could be further discussed and finalized. He also requested further discussions on the broadband issue at the next meeting.

## **13. Executive Session (Personnel)**

**Lon McClintock made the motion to enter executive session to discuss a personnel matter at 9:40PM. The motion was seconded and carried unanimously. The Board exited executive session at 10:10PM. No formal action was taken.**

## **14. Adjournment:**

**Lon McClintock made the motion to adjourn the meeting at 10:10 PM. The motion was seconded and carried unanimously.**

Respectfully submitted,

Margy Becker