

MINUTES OF THE SHAFTSBURY SELECTBOARD
NOVEMBER 16, 2009
COLE HALL
SHAFTSBURY, VERMONT

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

Others Present: Margy Becker, Town Administrator; Larry Johnson (Lister), Deena Ruege (Rec Committee), Ancient Roads Committee Members Peggi Price, Dave Durfee, Annette Jenks, and Tyler Resch; Fran Kinney, Resident; Craig Whipple, Director, Vermont State Parks.

1. Call to Order:

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

2. Announcements:

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:

Ed Corey submitted a tape of a recent DRB meeting to the Selectboard. He stated his complaints regarding conduct of meeting, inclusive of concerns over a conflict of interest. Mr. Corey is involved in appealing a judicial ruling of that Board.

5. State Park Road

Director of State Parks, Craig Whipple, joined the Board to continue discussions concerning the poor state of repair of State Park Road. Mr. Whipple is in full accord that repairs are badly needed, but he stated he could not offer any financial assistance. He stated his interest in forging a partnership with the Town in order to finance repairs to the estimated half mile of State Park access road, which serves few residents yet weathers 17,000 visitor trips per year. The Board discussed several options available for financing paving costs. Lon McClintock suggested impact fees or user fees as an option. Bill Pennebaker suggested requesting Rte. 7A Scenic Byway funds, though the funds would not be available for a few years. Cinda Morse suggested viewing the Park as a regional asset. She said the State should consider partnering with other area towns and VTRANS District 1 to finance road improvements. Karen Mellinger noted many Arlington residents use the State Park. After further discussions Mr. Whipple agreed the option of a surcharge on the \$3.00/day user fee may be a politically acceptable option to his Agency's Commissioner and to the Legislative Administrative Rules Committee. The Selectboard agreed to have Ron Daniels identify options for repairs and associated costs and to report back to the Board. No further action was taken.

6. Ancient Roads Committee Report

Peggi Price, David Durfee, and Tyler Resch met with the Selectboard to present the results of several years of research concerning old "observable" roads that are forgotten (unmapped) and that exist as Class 4 roads or legal trails. The Committee decided to focus on three roads with lots of history. The Committee has met with Town Attorney Rob Woolmington, who has concluded that there is sufficient

evidence of the existence of the old roads or legal trails to warrant inclusion on the State highway map – if the Town so desires. The Committee presented its findings regarding 3 roads as follows:

1. The extension of Granger Hollow Road to the Arlington Town Line – a Class 4 Road;
2. The extension of Shaftsbury Hollow Road to the Arlington Town Line – a Legal Trail;
3. A cross road between Old Depot Road and the Rhode Island Cemetery – a Class 4 Road.

The Committee stated its interest in the recreational value of the old roads and suggested the Town consider adopting a policy for establishing and managing recreational trails. Discussions concluded with an agreement that Ancient Roads Committee members will seek the advice of Town Attorney Rob Woolmington as to how to proceed with a public discussion and hearings over the next several months with the objective of including these roads on the State highway map either as Class 4 roads or legal trails. The Selectboard applauded the work of the Ancient Roads Committee. Though the Town is in receipt of an Ancient Roads Grant for \$5,000, the Town has not had to dip into the funds to-date due to the commitment of volunteer researchers. The funds can now be used to finance legal advice as needed. Peggi Price stated there are other class 4 roads and trails to be investigated, inclusive of old rights-of-ways in the southeast quadrant of town.

7. Broadband Services

Bill Pennebaker further discussed the findings and results of the Broadband Survey. The survey confirms the practicality of the concept of providing town-wide access to broadband services through a partnership with Comcast. He stated it is also evident that another source of funding, apart from subscriber fees, is needed to bring monthly fees down to an affordable rate. Mr. Pennebaker suggested grant monies or a bond may provide these revenues. Mr. Pennebaker stated the question facing the Town is when to bring Comcast to the table to begin negotiations.

The Selectboard discussed what ‘take rate’ (% of residents likely to subscribe) is required to make broadband services through Comcast affordable to residents. Cinda Morse inquired how it can be assured the Town would not be left with paying the bond. Bill Pennebaker responded that broadband services are becoming essential services – much like sewer and water and that users would pay off the bond. Karen Mellinger suggested the Town look for ARRA money for connectivity. Fran Kinney inquired about the amount of the bond. Bill Pennebaker said he estimates that a \$500,000 bond is needed to achieve monthly rates of \$10.00/month. Roughly 86% of survey respondents said they would pay \$10.00/month. Lon McClintock noted that residents now pay for “a la carte” choices for TV, phone, and broadband (internet). The cost of these services from separate providers is more than a ‘bundled’ service from Comcast – even with a surcharge to pay off a bond. He then suggested forging a partnership with Comcast first. Craig Bruder concurred. Karen Mellinger and Bill Pennebaker will proceed with door-to-door surveying over the next few weeks.

8. Conflict of Interest Policy – Draft 3: Discussions tabled to future meeting.

9. Curb Cut Ordinance

Rex Burke, Director of Bennington County Regional Commission, has submitted comments concerning whether the proposed curb cut ordinance should remain a ‘stand alone’ ordinance versus a zoning bylaw amendment. He recommends that the ordinance remain intact as a separate bylaw under the purview of the Selectboard. Craig Bruder noted that Rex Burke’s language will help the Planning Commission finalize language for the proposed ordinance. The Selectboard agreed to forward Rex Burke’s comments to the Planning Commission and DRB.

10. Revised Budget Schedule

The Board further discussed and made changes to the budget preparation schedule. The Selectboard's first work session is scheduled for Monday, November 23rd. The work session will start off with discussions on budget priorities. The Road Foreman will be asked to join the Board at 6:30PM. Health insurance benefits will also be discussed. The next work session will be November 30th.

11. Selectboard Liaison Appointments:

Craig Bruder agreed to accept Wynn Metcalfe's liaison assignments which include the following: Animal Control, Development Review Board, Tree Warden, Fire Warden, Law Enforcement, Health Officer, Veterans Committee, Emergency Management. Craig Bruder and Cinda Morse will confer regarding the Cemetery Committee liaison assignment.

12. Cemetery Committee Status

Cinda Morse reported the Committee's next meeting will be Tuesday, November 17, 2009 at 4PM. It was agreed that the Selectboard will discuss the Town Auditors' report concerning the state of cemetery operations at the December 7th regular meeting.

13. Other Business

Karen Mellinger reported on school district issues and the status of discussions on consolidation. She then provided an update on the Water Project, noting the importance of executing bond documents as soon as they are received in order for the Town to submit reimbursement requests to the State.

Ms. Mellinger provided a status report on final construction activities underway for the Sidewalk Project. One remaining problem is the steep grade from the sidewalk elevation down into Cleveland Park. This is difficult for some people to negotiate. Concrete steps would make pedestrian access much safer. Karen Mellinger said a Project change order in the amount of \$2,400 has been prepared. The Town is waiting for confirmation from the VTRANS as to whether this expense is an eligible project expense. Ms. Mellinger reported that the Recreation Committee is fully supportive of allocating Cleveland Park monies towards to finance the project. Cinda Morse cautioned that some Street Dance donations have restrictions on how they are to be used. Margy Becker was asked to follow-up with Phylis Porio on this matter.

Karen Mellinger then made the motion that \$2,400 in general fund monies be made available to construct concrete steps into Cleveland Park from the new sidewalk IF Sidewalk Project funds are unavailable for the project. Bill Pennebaker seconded. The motion carried 5-0-0.

Margy Becker reported on the progress of hiring a new road crew member and a part-time bookkeeper.

14. Minutes of October 19 and November 2, 2009:

Karen Mellinger made the motion to approve the minutes of October 19, 2009 with the following changes:

Re: Law Enforcement Discussions

Page 2 line 4 – ~~strike~~ the sentence beginning “Karen Mellinger added the Selectboard has exercised the authority to appoint them in the past” Replace with “Karen Mellinger noted the elected term can be 1 – 2 years.”

Re: Broadband

Page 2 line 7 – strike “and/or Comcast’s direct help”.

Re: Construction Activities

Page 5 line 4 – strike the sentence beginning “It was also stated there would be a meeting to discuss removal of the old telephone pole”. Replace with “It was also stated there would be a meeting to discuss the outside curve radius on Cleveland Avenue”.

The motion was seconded and carried 5-0-0. The minutes were approved.

Karen Mellinger made the motion to approve the minutes of November 2, 2009 with one amendment to Public Comments Page 1 line 1 – strike “Larry Johnson” and replace with _____. The motion was seconded and carried 4-1-0 with Cinda Morse abstaining.

15. Warrants:

The following warrants were presented for approval:

Payroll Warrant PR#19 in the amount of \$6,044.37.

Cinda Morse made the motion to approve payroll warrant #19. Karen Mellinger seconded. The motion carried 5-0-0 to approve.

Payroll Warrant PR#20 in the amount of \$8,145.66.

Craig Bruder made the motion to approve payroll warrant #20. Cinda Morse seconded. The motion carried 5-0-0 to approve.

Retirement Warrant #W15R in the amount of \$226.38.

Karen Mellinger made the motion to approve Retirement Warrant #W15R. Cinda Morse seconded. The motion carried 5-0-0.

Accounts Payable Check Warrant #W15 in the amount of \$269,154.58.

Cinda Morse made the motion to approve Check Warrant #W15. Karen Mellinger seconded. The motion carried 5-0-0.

16. Executive Session: Brownell’s Junkyard

Lon McClintock made the motion to enter executive session at 10:00PM. Bill Pennebaker seconded. After some discussion Cinda Morse departed the meeting at 10:10PM. **The motion carried 4-0-0.** The Selectboard exited Executive Session at 10:30PM.

17. Adjournment:

Lon McClintock made the motion to adjourn the meeting at 10:30 PM. The motion was seconded and carried unanimously.

Respectfully submitted,
Margy Becker