

ANNUAL TOWN MEETING MINUTES
Monday, March 2, 2010, Shaftsbury Elementary School

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Select Board Present: Lon McClintock, Chair; Bill Pennebaker, Vice-Chair; Karen Mellinger; Cinda Morse.

Moderator: Thomas Dailey

Others Present: Margy Becker, Town Administrator; Judy Stratton, Town Clerk; Richard Bump, Meeting Recording Secretary, and at least 66 other Shaftsbury Residents and several non-residents.

After calling the meeting to order at 7:40 pm, Moderator Dailey led everyone in the Pledge of Allegiance, and then asked for a moment of silence for those who passed away during the last year, including those whom the 2009 Annual Report is dedicated Dr. Elizabeth Faris, William Kelley and Anna Elizabeth Worth, VMD, as well as the 33 others listed on page 53 of the annual report, and Junior Harwood, who died within the last few days.

After introducing Selectboard members, the Town Administrator, Town Clerk, Recording Secretary, and noting the absence, due to illness, of Selectboard member Craig Bruder, Dailey then asked McClintock to make special recognitions.

Before announcing the special recognitions, McClintock wished his wife Maureen, who was in the audience, a Happy Anniversary, and then detailed the 28-year experience new Town Administrator Margy Becker has in municipal government, including 14 years as Assistant to the Sharon Selectboard, 5 years as Solid Waste Planner and Grants Administrator, and 9 years on the Hartford Planning Commission. McClintock then thanked the following people for their special efforts this past year, including

- Judy Stratton and Henrietta Billow, for taking on the responsibilities of the Town Administrator during the two months prior to Becker's arrival
- The Sidewalk Committee, comprised of Mellinger, Ken and Rose Carlsen, Jim Meskun, Ken Coonradt, Joe Herrman and Ed Armstrong, who were responsible for bringing in two grants, one for \$243,000 and the other for \$75,000 for sidewalk upgrades, as well as another \$92,000 grant which is in process
- Florence Beebe for her work organizing and tracking information about the cemetery and June White for helping with phones, filing, and "moral support" at Town Hall.

McClintock asked Karen Mellinger to announce the next person to be recognized, whereupon Mellinger asked Joe Herrmann to join her at the podium. After thanking Herrmann for his 30 years of service and his taking charge of a \$425,000 water project that "went off beautifully" Mellinger read aloud the following:

Whereas, Joseph Herrmann has been serving the Town of Shaftsbury in some capacity for 30 years, whether it be as Prudential Committee member, Water Superintendent, Fire Department Volunteer or Sidewalk Maintenance Engineer, to name a few, and

Whereas, Joe has tried to retire numerous times but his attempts have been rebuffed, and

Whereas, Joe is fondly referred to as The Mayor of Shaftsbury, and

Whereas, Mayor Herrmann is known to hold court daily while drinking coffee

1 with Shaftsbury citizens at the Country Store, and
2 **Whereas**, Superintendent Herrmann lays claim to the Water Department building
3 at the Town Transfer Station, and
4 **Whereas**, Joe faithfully maintains the water system in Shaftsbury, known around
5 the state as one of the best run systems in Vermont, and
6 **Whereas**, Joe has tremendous knowledge, personal skills, and a tireless work
7 ethic, and
8 **Whereas**, Joe's commitment to the Town of Shaftsbury and its water users is
9 nothing short of extraordinary, and
10 **Whereas**, because of these attributes, and many others, he was able to
11 successfully oversee the recent completion of a \$425,000 improvement of our Shaftsbury
12 water system,
13 **Now therefore be it Resolved** that on this day, March 1, 2010, the Shaftsbury Select Board hereby
14 declares the Town's deep and sincere appreciation to Joseph Herrmann for his many
15 displays of outstanding citizenship.
16 All of which was included in a plaque Mellinger then presented to Herrmann, as well as an album of the
17 water improvement project and a water meter. All present gave Herrmann a resounding round of applause.
18
19 Dailey then introduced Miss Eleanor B. Smith who delivered an original essay on the passage of time,
20 which "is always here and now and moving forward, as are we."
21
22 Dailey asked for a report from State Representative Alice Miller, who, after announcing that
23 - residents should fill out the survey forms and leave responses at the back of the room
24 - the Homestead Form HS122 needs to be completed and submitted no later than April 15, 2010
25 - Residents should check the list of "lost property" on file with the Town Clerk
26 reported that
27 - the legislature has been successful in reducing the state budget deficit to \$19,000,000 and that
28 as part of reaching this goal, teachers have re-negotiated pensions plans and state employees
29 have received cuts in pay
30 - there needs to be a "systemic change" and "greater transparency" in state government
31 - she has worked closely with the Shaftsbury Selectboard on many projects, including but not
32 limited to ancient roads funding, landfill closure, broadband access, sidewalk and energy
33 management grants, planning grants, child care, and ARRA funding for the water project
34 - and closed her comments, noting that "this [Select] Board is giving you its best!"
35
36 After Audrey Jones announced that Ruth Martin, a retired first grade teacher "forever" is celebrating her 97th
37 birthday on March 12, 2010, Dailey turned the meeting over to McClintock for the Selectboard presentation.
38 Using a series of power-point slides, McClintock reported that
39 - the 2.59% FY11 budget increase to \$1,283,023 results in a tax rate of \$0.5258
40 - of the \$543,325 needed to fund the Historic Preservation, VTRANS Structures, Sidewalk, Tilgner
41 Trail and VCOMM projects, \$445,948 was raised through grants, and \$97,377 was raised by the
42 town (and of this last amount, \$6,000 was provided as in-kind funding)
43 - the FY09 fiscal year ended with a \$13,712 surplus
44 - a part-time (8-10 hours per week) administrative assistant was hired to help in financial
45 assistance

- 1 - the modified accrual accounting system is fully implemented
- 2 - activities related to solid waste included state approval of a methane remediation system,
- 3 completion of the landfill closure, 2 household hazardous waste days, and an annual green-up
- 4 day
- 5 - highway improvements include installation of a box culvert at Airport Road, road
- 6 improvements/repairs on Myers Road, Shaftsbury Hollow Road, and White Creek Road, and
- 7 stream bank stabilization on White Creek Road
- 8 - a new Cemetery Committee has been formed which is reviewing the 1999 fee schedule as well
- 9 as all cemetery related policies
- 10 - town park activities include repairs to the Tilgner Trail (grant funded), installation of a new storage
- 11 shed, horseshoe pits and ice rink, and adoption of policies related to the use of town parks
- 12 - public safety grant applications have been submitted for renovation of buildings, facilities, and
- 13 communication equipment, and the Chief is determining the town's response to new state
- 14 statutes requiring the certification of constables
- 15 - repairs to Cole Hall have been completed using grant funding as well as some town reserve
- 16 funds, and the Keefe and Wesner Facilities Report was presented Fall 2009
- 17 - despite the repairs, problems still exist at Cole Hall including the lack of secure office space, the
- 18 lack of space for the Town Treasurer, lack of storage space, and lack of space large enough to
- 19 hold some public hearings
- 20 - problems also need to be addressed at the Town Garage including an upgrade of the roof to
- 21 meet state snow-load standards, insufficient land for sand and salt storage, lack of storage space
- 22 for all town equipment, and a need to construct a sand shed and larger salt shed.

23 McClintock also described the major goals for the upcoming fiscal year as follows

- 24 - complete the Facilities Plan and present that plan to the public
- 25 - complete sidewalk improvements on 7A and Church Street
- 26 - continue development of plan to extend Broadband Internet throughout the town
- 27 - complete road improvements on Paran Hill and Murphy Hill
- 28 - continue review and update of town policies and procedures – personnel, conflict of interest, and
- 29 cemetery.

30 McClintock noted that the FY11 budget is

- 31 - an estimate of expected revenues and planned expenses
- 32 - a policy document honoring existing commitments (debt service, contracts, taxes, insurances,
- 33 salaries, etc)
- 34 - based on previous years actual costs

35 and that highlights of that budget include

- 36 - increasing the Sheriff's service from 10 to 20 hours per week, which is 75% grant funded for four
- 37 years
- 38 - purchase of a new grader funded in large part through state aid (the 1987 grader will be kept in
- 39 service)
- 40 - a 5% increase for Highway Workers based on merit (not automatic), and these employees
- 41 received no pay increase last year
- 42 - an anticipated reduction in state aid of 10%

43 and that the \$0.5258 FY11 rate, up by \$0.0022 from FY10, will increase taxes by

- 44 - \$2.00 on a property valuation of \$100,000

- 1 - \$5.00 on a value of \$200,000
- 2 - and \$6.00 on a value of \$300,000.

3McClintock closed his presentation, reminding residents that the town election is scheduled for March 2,
42010 with polls open 7:00am to 7:00pm at the Buck Hill Fire Station.

5

6Dailey thanked McClintock for his presentation and then explained the process of discussion, making
7motions, making amendments to motions to be used for the remainder of the meeting, noting also that

- 8 - non-residents are not allowed to vote
- 9 - speakers should come to the microphone and announce who they are
- 10 - the meeting is being filmed and broadcast live by CAT-TV.

11

12In response to Dailey's request, a motion was made and seconded to dispense with the reading of the
13Warning, and the motion passed by voice vote.

14

15**Article 1:** A motion was made and seconded to accept the reports of the Town Officers as published, and
16the motion carried by voice vote.

17

18**Article 2, A-E:** A motion was made and seconded to pay an annual stipend to

- 19 - Selectboard members of \$500 (A)
- 20 - The Town Treasurer of \$16,000 (B)
- 21 - The Town Clerk of \$8,000 (C)

22and to pay an hourly wage to

- 23 - each auditor at \$10 per hour (D)
- 24 - all other town officers at \$8.06 per hour (E).

25In subsequent discussion, McClintock noted that

- 26 - the board "looked hard" at how everyone is being paid, and wanted to ensure equity between the
- 27 auditors and listers hourly rates
- 28 - the listers rate was increased to \$10 per hour last year
- 29 - the net budget impact of these increases is \$500

30and, after it was noted that this motion would reset the listers rate at \$8.06, the motion and its second was
31rescinded. A motion was then made and seconded to pay an annual stipend to

- 32 - Selectboard members of \$500 (A)
- 33 - The Town Treasurer of \$16,000 (B)
- 34 - The Town Clerk of \$8,000 (C)

35and to pay an hourly wage of \$10 to each auditor, and the motion carried by voice vote. (see article 2, E
36below for further consideration of the auditors' stipend)

37

38**Article 2, E:** A motion was made and seconded to continue to pay the Listers at \$10 per hour and to pay all
39other town officers not previously cited the prevailing rate of \$8.06 per hour. After a resident noted that the
40constables, who use their own vehicles, should also be paid \$10.00 per hour, a motion was made and
41seconded to amend the motion on the floor to pay listers and constables \$10 per hour, and all other town
42officers not previously acted upon the prevailing wage of \$8.06. After a brief discussion during which
43McClintock noted that

- 1 - assuming both the budget and this motion are approved, the constables will need to work fewer
2 hours (their line item is already fixed at a specific dollar amount)
3 - listers and constables are reimbursed for travel
4 - the new state statute regarding the certification of constables will make the constable position
5 more complicated than before
6 - the town needs “to have a meaningful plan in place for the type of law enforcement the
7 Constables will be expected to provide”
8the motion to amend the article passed by a voice vote. And with no further discussion, the motion to
9approve the amended motion also passed by a voice vote.

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12 **Article 2, F:** After McClintock noted that

- 13 - the only way a town can carry forward surplus revenues from one fiscal year to the next is to first
14 create a reserve fund designated for a specific use
15 - once that fund is created, residents then vote to approve (or not) the transfer of funds into that
16 reserve fund during business transacted by Australian ballot on the day following the annual floor
17 meeting.

18 McClintock noted that Article 2 asks the voters

- 19 - if a reserve fund should be established for future culvert repairs and upgrades
20 - and if this article is approved, then Article 15 to be voted on the following day, if successful,
21 would transfer \$3,500 to this fund.

22 A motion was then made and seconded to approve the establishment of a Culvert Reserve Fund for the
23 purposes of financing the repair or replacement of culverts, directly or as the Town’s grant match. After a
24 brief discussion, the motion carried by voice vote.

25

26 **Article 2, G:** McClintock reported that surplus revenues can also be set aside in a Fund Balance Reserve
27 Fund to be used to cover unanticipated shortfalls in revenue or increases in expenses in succeeding years,
28 and that, if this article is successful, voters have the opportunity to approve article 17 during balloting March
29 2, 2010, which, if successful, would transfer \$10,000 of the \$13,712 FY09 surplus to this Reserve Fund.
30 The remaining \$3,712 would be used to reduce the tax levy. A motion was made and seconded to approve
31 the establishment of a Fund Balance Reserve Fund in an amount never to exceed 5% of the general and
32 highway fund budget, to cover unanticipated revenue shortfalls or to pay non-recurring and unanticipated
33 general and highway fund expenses, and the motion carried by voice vote.

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35 **Article 3, A and B:** A motion was made to have taxes collected by the Town Treasurer and to set the date
36 for payment of taxes as Tuesday, November 9, 2010 at 5:00pm. After a brief discussion, a motion was
37 made and seconded to amend the motion by changing the date by which taxes should be paid to
38 Wednesday, November 10, 2010 at 5:00pm. The motion to amend the original motion carried by voice
39 vote. After Billow noted that the new date coordinates with the date set by North Bennington, the amended
40 motion then carried by voice vote.

41

42 **Article 3, C:** A motion was made and seconded to continue to levy an 8% penalty for late payment of Town
43 taxes, as allowed by state law, and the motion carried by voice vote.

44

1 **Article 3, D:** A motion was made to authorize the Selectboard to borrow money from time to time, as
2 needed, in anticipation of taxes. After McClintock noted that approval of this motion would allow the Town
3 to borrow money from banks to cover cash flow shortages before taxes are collected, the motion carried by
4 voice vote.

5

6 **Article 4:** A motion was made and seconded to approve the General Fund Budget for Fiscal Year 2011,
7 and as presented in the *Town of Shaftsbury Annual Report for the year ending June 30, 2009*. After a brief
8 discussion about the financial impact to the town if Vermont were to pass a universal health care option, the
9 motion carried by voice vote.

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11 **Article 5:** A motion was made and seconded to urge the Selectboard to closely examine their use of
12 Executive Session, and the Vermont Open Meeting law, limiting use of executive session to when
13 absolutely necessary to protect the Town's interest, and to clearly state reasons for the session and to take
14 a vote of the board prior to entering a closed session. Jim Therrien noted that he and the reporting staff at
15 the Bennington Banner wanted to provide an opportunity for open debate about the Open Meeting Law
16 during local town and school district annual floor meetings, and appreciated the fact that the Town of
17 Shaftsbury, the only town in the region, agreed to do so. Therrien also noted that there has been coverage
18 of this issue recently in Banner articles as well as on CAT-TV and radio talk shows. McClintock noted that
19 a Selectboard can enter Executive (or 'closed') Session to discuss 'sensitive information' regarding such
20 topics as personnel, contracts, or litigation. Tyler Resch commended the Selectboard noting that the Town
21 "has been very responsible in calling Executive Sessions, and has never abused the law". Larry Johnson,
22 noting that he was a frequent observer of board meetings, confirmed Resch's remarks. McClintock
23 reported that use of electronic mail could create problems with the Open Meeting law if e-mails are used as
24 "a means to get business done". And after McClintock further noted that

- 25 - e-mails should be used only for distribution of information, and never as a vehicle for debate or
 - 26 discussion between board members
 - 27 - electronic communications are public records
 - 28 - establishing an interactive blog would violate Open Meeting Law which states that all meetings
 - 29 must be warned and posted for specific dates and times
 - 30 - the full text of the Vermont Open Meeting Law is available on the website of the Secretary of
 - 31 State
 - 32 - an 'aye' vote on this motion does not in any way imply that the Board has done anything wrong
- 33 the motion carried by voice vote, with three or four against.

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35 **Article 6:** The following items were brought forward in response to Dailey's call for other business:

- 36 **A. Roads, Culverts and Gravel:** Andy Crosier, suggesting that "no town meeting would be
- 37 complete without a discussion of roads", reported that areas of Glastonview Drive have been
- 38 washed out five times in the recent past and that installation of a culvert could prevent this from
- 39 happening again. Crosier also suggested that the "poor quality" of gravel applied during the fall
- 40 resulted in that gravel turning to mud during the winter and spring, and then "washing off the
- 41 road". In response, McClintock reported that an engineer was hired to determine if the
- 42 Glastonview Drive problem could be fixed, and a new culvert will be installed in the next few
- 43 months.

1 **B. *Facilities:*** Dave Herzfeld asked whether or not the Town should consider renting and
2 relocating

3 Town Offices to the Dailey Office building, which has been empty for a long time. McClintock
4 reported that the Dailey Building had been considered, but, given that there is no adequate
5 storage facility at that location for material or equipment, it would be too costly for the town to
6 justify that expense just for office space. McClintock also noted that Cole Hall, the first Unitarian
7 Universalist church in the state, was gifted to the town, and that the town is its “custodian”.

8 **C. *Vermont Senate Resolution Regarding Vermont Yankee:*** Michael Biddy made a motion
9 to

10 support the Vermont State Senate in its vote to close the Vermont Yankee power plant and in the
11 Senate’s decision to recommend that the Vermont Public Service Board not approve any
12 extension to Vermont Yankee’s current licensing agreement. After the motion was seconded, and
13 after residents engaged in a lively discussion noting that

- 14 - Vermont Yankee’s projected cost of 6-cents/kilowatt hour is unrealistic, and future costs
15 are totally unknown
- 16 - the cost to close the nuclear reactor is also unknown
- 17 - Vermont should shift to hydropower as a major source of energy
- 18 - hydropower has its own problems, and although many problems with nuclear power
19 remain unresolved, it may be the best option we have right now
- 20 - the problem is not so much with nuclear power itself, but with who owns and operates
21 the reactors
- 22 - “necessity causes innovation” and should the “big supply [of energy] go away,
23 Vermonters are capable of resolving that problem (John Lampson)
- 24 - the ‘bloom box’ technology, which includes a fuel cell using hydrogen, is an efficient
25 generator, but hydrogen itself is costly to create
- 26 - alternative energy businesses should be encouraged to start up or relocate to
27 Shaftsbury
- 28 - “the only energy we need to solve the problem is energy we already have: our
29 imaginations” (Kevin Bushee)

30 the motion carried unanimously by voice vote.

31 **D. *Sidewalk Commemoration:*** After noting that the Town now has a new sidewalk on Cleveland
32 Avenue and Church Street, and that this is largely a result of Ed Armstrong’s “persistence in
33 pressuring the Selectboard to put away money for this project”, Ken Coonradt made a motion to
34 advise the Selectboard to name the new sidewalk/pathway in honor of Armstrong, and as
35 appropriate. After the motion was seconded, Mellinger noted that Armstrong had been “both
36 persistent and tireless’ in his efforts to have the Selectboard address this project, even to the
37 point of presenting the Selectboard with a petition signed by over 400 residents. The motion then
38 carried by voice vote.

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40At 9:50pm, and after an enthusiastic round of applause for the Selectboard and town administrators, a
41motion was made and seconded to adjourn the 2010 Town of Shaftsbury annual floor meeting, and the
42motion carried by voice vote.

43

44Respectfully submitted,

1Richard G. Bump