

**MINUTES OF THE SHAFTSBURY SELECT BOARD
APRIL 28, 2008
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: **Lon McClintock, Karen Mellinger, Cinda Morse, Bill Pennebaker, Wynn Metcalfe**

Others Present: **Mitchell Race, Ben Hulett, John Waller, Lt. Reg Trayah, Alex Sienkiewicz, Doreen Urquhart, Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Chairman Lon McClintock called the meeting to order at 7:00 PM. He asked if any Board member needed to recuse himself or herself from discussion of any topic on tonight's agenda. None did.

2. Minutes:

April 7, 2008 Select Board minutes

Chairman McClintock asked that approval of the April 7 minutes be tabled until missing information is added. All agreed.

April 21, 2008 Select Board minutes

Cinda Morse made motion to approve April 21, 2008 minutes. Karen Mellinger seconded.

The following corrections to the April 21 minutes were requested:

On page 1, under item 2 (Minutes), "April 14" is changed to "April 7".

On page 2, under item 3 (Warrants [announcements following]), in second paragraph, second sentence, "May 5" is changed to "May 3".

On page 3, under item 5 (Public Hearing for 911 Road Name Changes), in second paragraph, first two sentences are changed to:

There was discussion of changing 911 addresses of residents on the east end of Trumbull Hill Road from East Road to Trumbull Hill Road. The latter is a legal trail.

On page 6, under item 7 (Development Review Board Reorganization), the following is added at the end:

Regarding reorganization of the DRB, Chairman McClintock invited a motion. None was made.

On page 6, under item 8 (Open Cab and Chassis Bids), "Delurie" is changed to "Delurey".

Motion to approve April 21, 2008 minutes as amended carried 5-0-0.

One further correction to the April 21 minutes was requested:

On the last page, under item 15 (Executive Session), fourth paragraph, "Energy Trustee of Public Funds" is changed to "Trustee of Public Funds."

Ms. Morse made motion to approve April 21, 2008 minutes as further amended. Bill Pennebaker seconded. Motion carried 5-0-0.

3. Warrants:

The following warrants were presented for approval:

General Warrant AP#45: \$ 2,243.26 (methane remediation, Sovernet, weather service)

Ms. Morse made motion to pay AP Warrant #45. Ms. Mellinger seconded. Motion carried 5-0-0.

Payroll Warrant #43: \$ 7,727.03

Ms. Morse made motion to pay the Payroll Warrant #43. Ms. Mellinger seconded. Motion carried 5-0-0.

4. Public Comments:

Chairman McClintock invited State Police Lieutenant Reg Trayah to address the Board. Lt. Trayah stated that he is visiting all of the area Select Boards in order to introduce himself and discuss police patrol of towns and the use of constables by towns.

He noted that on a given day only two troopers and a patrol commander are on duty to cover the twelve towns who lack their own police force. Given this limited manpower, Lt. Trayah asked that towns work with police to head off small problems before they become big problems. He would like to have troopers residing in all the towns, because they become invested in their communities.

Lt. Trayah noted that Shaftsbury also uses Bennington County sheriffs. He said that the state police support any additional police presence. Mr. Chrostowsky asked if he feels that a town has less supervision over a constable than it would over an employed law enforcement officer. Lt. Trayah agreed that there is less control over elected officials like constables than there would be over appointed officials.

Lt. Trayah said that he would like to stay informed on the work camp issue. He has heard positive things about the St. Johnsbury work camp from the police there.

Wynn Metcalfe asked him to comment on the seriousness of car stops, and Lt. Trayah stated that they are the single most dangerous thing police officers do. He noted that they undergo a lot of training and have a backup system in place. Constables do not have that kind of support system.

Ms. Mellinger asked how towns could contract for additional police coverage if there are so few officers. Lt. Trayah replied that the additional coverage does not come from troopers working a regular shift, but from overtime. He noted that the town is charged for this extra coverage, which includes detailed activity sheets.

Ms. Mellinger asked if there is police representation on the work camp committee, and Mr. Metcalfe replied that there is. Lt. Trayah said he would like to stay informed on work camp discussion. Mr. Chrostowsky asked what the role of the state police in a work camp would be, and Lt. Trayah replied that they would be responsible for handling complaints within the facility. The Board thanked him for attending.

There were no public comments.

5. Forest Service Land Purchase:

Doreen Urquhart and Alex Sienkiewicz of the National Forest Service came to the table to discuss the proposed Settani land purchase. Ms. Urquhart distributed maps showing the 10.6 acre land parcel. She noted that it is contiguous to National Forest land and would provide access to public land to the west. Ms. Urquhart stated that the Select Board had voiced support of the National Forest Service purchase of two lots several months ago. They are trying to consolidate holdings in the area.

Ms. Mellinger asked if neighboring homeowners are notified, and Ms. Urquhart replied that they are not, but that people notice when the surveyors are out.

Mr. Sienkiewicz noted that adding a piece that allows better access increases the recreational value of larger chunks of Forest Service land. Ms. Mellinger asked if the Town would receive payment in lieu of taxes, and Ms. Urquhart replied that it would. The Town would receive \$24 per year in lieu of \$42 in municipal taxes, and \$9 in direct payment to make up for the loss of \$167 in school tax. Ms. Urquhart noted that the school taxes go to the state for redistribution, not to the Town.

Ms. Morse made motion to support the Forest Service in proceeding with the purchase of the Settani tract. Mr. Pennebaker seconded.

Ms. Mellinger asked if this land would be open for recreation. Ms. Urquhart replied that it would. Snowmobiles would be permitted. Chairman McClintock asked about ATV use. Mr. Sienkiewicz replied that they are undergoing a review of uses now. They are planning for multiple uses over existing trails, but no new trails.

Mr. Chrostowsky said that he has received a letter of support from Mrs. Settani.

Motion to support the National Forest Service land purchase carried 5-0-0.

Mr. Sienkiewicz stated that he is the new ranger for the southern region of the state. He invited people to call him with any questions.

6. Recreation Update:

Chairman McClintock stated that the Norshaft Youth Soccer League representative was unable to attend tonight and will attend next week's meeting. He introduced Ben Hulett to talk about a proposed community baseball league. Mr. Hulett referred to the flyer on this that had been distributed. The league would be for pickup baseball games for children aged seven and up, who would pay a donation of \$1 per person per game.

Chairman McClintock stated that insurance agent Dave Newell had informed him that it would cost \$350 for insurance coverage for the league. There was discussion of how this should be handled. Mr. Metcalfe suggested that Select Board members donate their June stipends to cover the insurance. Ms. Mellinger said that she strongly supports the league but has concerns about setting a precedent that would leave the Town open to other groups. Ms. Morse suggested donating money now so that the league can get started, then having Mr. Newell come in to discuss the larger issue of insurance for park activities. Chairman McClintock said that the Town should pay, and Select Board members will reimburse the Town.

Ms. Morse made motion for the Town to acquire the insurance to cover the discussed Town-sponsored athletic activities. Ms. Mellinger seconded. Motion carried 5-0-0.

Mr. Chrostowsky reported that Mr. Newell had told him there will no increase in

insurance premiums this year.

7. Pauper Burials:

Chairman McClintock stated that he had received more information on the chain of events leading up to the request to the Town for pauper burial. He reported that the person in question had property sold at tax sale in December 2006, for \$50,000. This amount was divided in two, and \$8000 was paid in taxes and penalties. The tax collector advised this person to save the balance for a one-year redemption period. In October 2007 the person died and burial costs were incurred. In December 2007 the redemption period expired. In January 2008 the tax collector's deed was given to the bidder.

Chairman McClintock stated that the state and the town of Bennington have denied responsibility for burial expenses, indicating that it is the responsibility of the town of domicile. The person was in a nursing home in Bennington. but it is not known if she intended to return to Shaftsbury. It is not known whether her estate was settled.

Ms. Mellinger made motion not to pay the bill for the burial. Mr. Pennebaker seconded.

Ms. Mellinger noted that the person had had \$42,000 that she was advised to hold onto for one year, and as a result did not qualify as a pauper. Chairman McClintock agreed that she does not qualify as a pauper under statute.

Motion not to pay the pauper burial bill carried 5-0-0.

Ms. Morse asked what the process is for property sold at auction for taxes. She wants to make sure it is done differently next time. Chairman McClintock there should be a conversation on this issue between the tax collector and his Board liaison.

8. Act on Cab and Chassis Bids:

9. Act on Plow and Dump Body Bids:

Mr. Chrostowsky presented figures on the bids for cab and chassis from Delurey, and for plow and dump body from Fairfield. He discussed financing, stating that it will come in under budget. He may be able to get even better financing, and will know next week. The Board decided to postpone action on the bids until next week, when Mr. Chrostowsky will present all of the figures.

10. Act on Paving Bids:

Mr. Chrostowsky described the budget figures for paving projects, going over the amounts to be provided by the state and by the Town. The two projects are: 1} Cleveland Avenue and Church Street, 2} Colvin, Meadow, Ledgley, Stevens, and Westview. He and Road Foreman Ron Daniels went over the four bids and decided to go with Peckham, the lowest bid. He noted that some of the companies had not bid on all of the projects.

Ms. Morse made motion to accept the Peckham paving bid. Ms. Mellinger seconded.

Mr. Pennebaker noted that Wilkes had the lowest bid for Church Street paving, and asked why the bid could not be split between vendors. Mr. Chrostowsky replied that Mr. Daniels had met with all bidders and strongly recommended Peckham. There was discussion of this issue.

Mr. Pennebaker offered a friendly amendment to the motion to check out why they went with

one vendor. There was no second to the amended motion.

Mr. Metcalfe noted that they are into paving season and should not delay the process. Mr. Pennebaker said that he would like to express reservations, but would be confident going ahead with acceptance of the Peckham bid.

Motion to accept the Peckham paving bid carried 5-0-0.

11. Act on Box Culvert Bids:

Mr. Chrostowsky went over the two bids and the budgeting for the LeClair Road box culvert. He stated that Mr. Daniels recommended the CSI bid of \$28,495 over the Camp bid of \$27,725 because Camp did not meet with him to visit the site, and may not have bid on the correct location. He noted that CSI has done work for the Town before and they are very confident in them.

Ms. Morse made motion to accept the CSI box culvert bid. Ms. Pennebaker seconded. Motion carried 5-0-0.

12. Appointments:

13. Cemetery:

Chairman McClintock requested a motion to take up these two agenda items, carried over from last week, in Executive Session at the end of tonight's regular meeting.

Ms. Mellinger made motion to take up Appointments and Cemetery business in Executive Session. Ms. Morse seconded. Motion carried 5-0-0.

14. Town Administrator's Update:

Mr. Chrostowsky distributed copies of the Memorial Day parade program. Chairman McClintock confirmed with Mr. Chrostowsky that Treasurer Henri Billow has not had to draw on the line of credit yet.

15. Other Business:

Mr. Metcalfe asked if they will hear where the Town is on the budget next week. Mr. Chrostowsky replied that they will. Mr. Metcalfe asked how they are dealing with Ed Colvin's request for a permit fee refund for Mr. Gessner. Chairman McClintock replied that it is under discussion and they will take it up next week.

Mr. Metcalfe stated that a citizen had asked him about serving on the financial planning committee. He wants to know if this will be discussed at the Select Board level. Chairman McClintock replied that it will be.

Ms. Mellinger thanked Mr. Chrostowsky and CAT-TV intern Cody Buck for filming this week's meeting. She reported that flagger training had gone well, with good turnout, and that she is now a certified flagger. Ms. Mellinger reported on sidewalk project progress, and announced Green-Up Day this Saturday from 8:30 to 3:00.

Mr. Pennebaker reported on methane remediation, and said that things are going in the right direction with his model.

Chairman McClintock stated that last week Mr. Metcalfe had suggested Select Board recognition of Charlie Becker. He asked for a motion on this.

Mr. Metcalfe made motion that the Select Board send Charlie Becker a letter commending him for 60 years of service to the fire department. Ms. Mellinger seconded. Motion carried 5-0-0.

15. Executive Session:

Ms. Mellinger made motion to go into Executive Session (Personnel). Ms. Morse seconded. Motion carried 5-0-0.

The Board went into Executive Session at 8:50 PM.
The Board came out of Executive Session at 9:00 PM.

Ms. Mellinger made motion to appoint David Beach to the Board of Listers. Mr. Pennebaker seconded. Motion carried 4-0-1.

Ms. Mellinger made motion to appoint Norman St. Onge to the Planning Commission. Ms. Morse seconded. Motion carried 5-0.

Ms. Morse made motion to approve the Cemetery Maintenance Contract between the Town of Shaftsbury and Jay Coonradt for mowing and trimming the Town's four major cemeteries (Center, Village, Waite & Maple Hill) and one minor cemetery (Little Rhode Island) for the amount of \$12,000 for one season. Ms. Mellinger seconded. Motion carried 5-0-0.

The meeting adjourned at 9:10 PM.

**Respectfully Submitted,
Susan Swasta**