

Shaftsbury Selectboard Minutes

June 4, 2012

Attendance: Selectboard Members Lon McClintock, Karen Mellinger, Craig Bruder, Carl Korman, Billy Obenauer. Town Officials/Staff: Road Foreman Terry Stacy; Town Administrator Margy Becker; Visitors: Norshaft Lions Art & Cathy Whitman, Walter Merritt, Phylis Porio, Joyce Scarey, Jake Jakubowski; Bill Pennebaker, Deena Ruege, Ken Coonradt, Steve Peckham, Jim and Linda Meskun, Jeri Schoof, Norm and Mary Gronning, Jay Palmer, Joanne Race.

1. Call to Order: The Chair convened the meeting at 7pm.

2. Announcements: The Chair announced he had received calls for and against the Cider Mill Road improvement project. The Road Foreman will be developing a written plan, and a meeting with Dailey's will take place. The project will move ahead after the review of the Foreman's plan has taken place.

Karen Mellinger thanked the Veterans Committee for a successful Memorial Day Parade. The Garden Club was thanked for their plantings by the Memorial in front of Cole Hall.

Alice Miller spoke about redistricting, saying the outcome had been successful and that Shaftsbury will remain a single-representative district. 237 residents from Sunderland have been carved off and put with Shaftsbury, to make up a whole district. She thanked Chairman Lon McClintock, who had spoken before the Government Operations Committee in Montpelier.

3. Public Comments: There were none.

4. Conflict of Interest Statement: The Chair inquired whether any board member had a conflict of interest regarding upcoming agenda items. There was no conflict of interest so stated.

5. Norshaft Lions Proposals for Howard Park Art Whitman, representing Norshaft Lions, spoke to the Selectboard regarding the volunteer work the Lions had just completed at Howard Park (cleaning of tennis courts). He spoke of the Lions' continued interest in taking on projects at Howard Park. But he expressed concern over apparent vandalism and asked who was responsible for the Park. Selectboard members and Town Administrator Margy Becker noted a lack of administrative resources in support of the volunteer Howard Park (Rec) Committee. Carl Korman suggested a 'docent' program, whereby someone would live in the Park during the summer months. Billy Obenauer suggested establishing closing times for each season. Lon McClintock asked the Recreation Committee for recommendations for improvements needed. Howard Park will be added to an upcoming agenda.

6. Sidewalk Grant: Margy Becker reported that she was preparing the RFP for design services for completion of the last segment of the 'around the block' sidewalk in the Village.

7. Truck Body Bids: Margy Becker read aloud the bid amounts as had been received by 3PM June 4, 2012 for a full side dump body and plow. Terry Stacy then presented his bid tabulations.

LOUGHBERRY

Body and Plow	\$54,088.00
Hard steel option	\$ 864.00

Carbide Blade	\$ 805.00
Total Adjusted Bid	\$55,757.00
Add Patrol Wing	\$ 9,921.00
Total with Wing Plow	\$65,757.00

HP FAIRFIELD

Body and Plow	\$58,500.00
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VIKING CAVES

Viking ProLine Body & Plow	\$55,995.00
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Add Patrol Wing	\$ 7,420.00
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Total Adjusted Bid w/Wing	\$63,415.00
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Viking Duraclass Body/Plow	\$58,995.00
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Add Patrol Wing	\$ 7,420.00
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Total Adjusted Bid w/Wing	\$66,415.00*	*approved by Selectboard
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He explained the need for a full side dump body. HP Fairfield’s bid specs did not conform. Terry Stacy explained the differences in the two bodies that Viking had bid. He asked the Selectboard to consider accepting the patrol wing with the bid. The patrol wing was not part of the bid specs. He said the cost of the body and truck are under-budget, and therefore he suggested the Town give the patrol wing a try. Many other towns use patrol wings, and find this apparatus to be a time-saver. The Board discussed the patrol wing and the condition of the budget.

Karen Mellinger made the motion to approve purchase of the Viking Duraclass body for \$58,995 and a Patrol Wing for \$7,420 for a total expenditure of \$66,415. Craig Bruder seconded, noting he was in favor of purchasing a heavier body of tempered steel with better supports for the added cost of approximately \$3,000 over other bids.

It was agreed that a side airbag would also be ordered, but that this \$700 item would be taken care of administratively. Carl Korman asked for more information regarding the Viking vs. Loughberry bodies. After further clarifications from the Road Foreman, **the Board voted 5-0 and the motion carried.**

Terry Stacy was then asked to get written approvals from Peckham for the work on **Cider Mill Road.**

8. Fuel Bids – Bid Opening:

Osterman Propane bid \$1.999/gallon pre-buy price or .70 cents per gallon over the price at the Port of Selkirk. HL Fuels bid #2 fuel at .35 cents per gallon over their costs on day of delivery to Port of Albany. HL Fuel also bid propane at \$.49 cents per gallon over their costs at the Selkirk pipeline, assuming yearly usage of 400 to 1500 gallons per year. There were no diesel bids.

Craig Bruder made the motion to accept the bid for \$1.99/gal from Osterman. The motion was seconded. Margy Becker noted that the present vendor for propane, Haskins, has questioned how long their contract is for. The bid specs mention July 1 through June 30, but Haskins has noted that the Town did not accept bids until August 2011. The Selectboard agreed with Margy Becker that the RFP would be re-worded to assure that the Town was purchasing on an as-needed basis. **Craig Bruder withdrew his motion. The second was withdrawn.** The Town will re-solicit.

9. Industrial Composting Bylaw Amendment:

The Selectboard and Planning Commissioners in attendance agreed upon a joint meeting for June 11th at 6PM for a work session on proposed flood hazard regulations and the proposed industrial composting bylaw amendment. Chris Williams will provide the Selectboard with his Planning Commission Report, as required by statute. Chris Williams explained the goal of the industrial composting bylaw amendment was to compliment state regulations. The Agency of Natural Resources regulates industrial compost as a solid waste. Industrial compost facilities, if proposed and approved locally, would be subject to Host Town agreements similar to the Town's agreement with TAM for its commercial transfer station.

10. RCS Consulting-Agreement for Services: Tabled approval until the regular meeting of June 18th, 2012.

11. Outwater Appeal: Lon McClintock summarized the status of this appeal of a DRB decision to the Environmental Court. The appeal claims the DRB erred in two ways 1) improper notice of hearing continuance, 2) the written decision did not include factual statements in support of the decision. The case will proceed to trial. The Board discussed whether the services of the Town Attorney would be required. Lon McClintock explained his view that the Mr. Woolmington need not attend the de novo hearing nor file a brief. Carl Korman expressed concerns regarding not having representation, since the Town is a party to the case. Lon McClintock explained the Environmental Court would make its own findings as to the substance of the permit, and the Town Attorney has indicated he does not think it is worth arguing via a brief whether or not the DRB met its obligations for noticing the hearing discontinuance. He has further suggested the Town is party to 2 procedural issues, not the merits of the permit. The Environmental Court acts as the DRB in hearing the case.

Billy Obenauer said he understood why the Town's Attorney was not needed to attend the hearing. There is no benefit to the Town to argue one way or another that the DRB acted properly. The Court's decision will be instructive.

Karen Mellinger made the motion to instruct the Town Attorney that he does not need to participate in the Environmental Court Hearing. Billy Obenauer seconded. Carl Korman stated his objections, stating the Town should be represented. **The motion carried 4-1-0, with Carl Korman voting against the motion.**

12. Town Officer Appointment Process: Billy Obenauer explained he is preparing a brief policy for town appointments, but that it is not ready for the Board's consideration.

13. New Town Garage Status: Karen Mellinger reported she met with MSK to confirm access options. Survey work should be completed next week. Lon McClintock is preparing an RFP for architectural services.

14. Town Administrator's Report: Road crew evaluations to be completed June 14th. The Board agreed performance evaluations will be scheduled for Monday, June 18th.

15. Other Business: Billy Obenauer commented on the Letters to the Editor in the Banner as to why people were or were not appointed to the DRB. Karen Mellinger informed Board members regarding the need for a Water Board meeting. It was agreed the Selectboard would meet as the Water Board at 6PM on June 18, prior to the regular meeting. Karen Mellinger then announced the Board of Listers was holding Grievance Hearings on June 14.

16. Minutes: **Karen Mellinger made the motion to approve the minutes of May 21, 2012 with changes,** page 1: Public Comments: correct "statue" to "statute 24 VSA Sec. 4461"; "Mike Foley asked why the question of having a Sheriff at meetings ADD "had been on a past Selectboard agenda"...strike "it raised general concern"...REPLACE with "The request from the DRB Chair had raised general concerns."

Page 2: Annual Appointments: Correct spelling to "Coonradt"

Page 3: Other Business: Billy Obenauer stated his appreciation with the adopted Interim Zoning Administrator and ADD "asked if there" were an active plan to move forward.

Carl Korman seconded. The motion carried unanimously to approve the minutes of May 21st.

Karen Mellinger made the motion to approve the minutes of May 14, 2012 with one change to p. 4: Other business: Correct spelling to "Traci Mulligan". Carl Korman seconded. The motion carried unanimously.

17. Warrants:

CHECK WARRANT 47 IN THE AMOUNT OF \$5,255.33.

Karen Mellinger made the motion to approve Check Warrant 47 in the amount of \$5,255.33. Motion seconded and carried unanimously.

PAYROLL WARRANT 48 IN THE AMOUNT OF \$9,677.00.

Craig Bruder made the motion to approve Payroll Warrant 48 in the amount of \$9,677.00. Motion seconded and carried unanimously.

VMERS DC RETIREMENT WARRANT 47R IN THE AMOUNT OF \$130.37.

Karen Mellinger made the motion to approve DC Retirement Warrant in the amount of \$130.37. Motion seconded and carried unanimously.

PAYROLL WARRANT 47 IN THE AMOUNT OF \$7,931.68.

Carl Korman made the motion to approve payroll warrant 47 in the amount of \$7,931.68. Motion seconded and carried unanimously.

18. Adjournment: Craig Bruder made the motion to adjourn at 9:45PM. Billy Obenauer seconded. The motion carried 5-0.

Submitted by,

Margy Becker