

**MINUTES OF THE SHAFTSBURY SELECT BOARD  
MARCH 24, 2008  
COLE HALL  
SHAFTSBURY, VERMONT**

Board Present: **Lon McClintock, Karen Mellinger, Cinda Morse, Bill Pennebaker, Wynn Metcalfe (arrived 7:10 PM)**

Others Present: **Henri Billow (Treasurer), Mitchell Race, Mike Gleason (Bennington Banner), Jim Meskun (Town Auditor), James Weber, Jim Vincent, Harold Meehan, Steve Reed, 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.**

4. Minutes:

**March 17, 2008 Select Board minutes**

Cinda Morse made motion to approve March 17, 2008 minutes. Bill Pennebaker seconded.

**The following corrections to the March 17 minutes were requested:**

***On page 2, under item 6 (Budget Status Report), in first paragraph, second sentence is changed to:***

**She reported a General Fund balance as of March 15 of \$83,697.**

***On page 2, under item 6 (Budget Status Report), in first paragraph, third sentence is changed to:***

**However, \$45,579 of this amount is still due to the General Fund from other funds, leaving \$38,118 actual cash available.**

***On page 3, under item 6 (Budget Status Report), in second paragraph, first sentence is changed to:***

**There was discussion of an accounting error in which it appears expenses were not properly apportioned between the General Fund and the Grant Fund.**

***On page 3, under item 6 (Budget Status Report), third paragraph, in third sentence "before" is changed to "between".***

***On page 3, under item 6 (Budget Status Report), fourth paragraph, in first sentence "incoming" is deleted.***

***On page 4, under item 7 (Liaison List), in fourth paragraph, first sentence is changed to:***

**Chairman McClintock noted that there are three open seats and two alternate vacancies on the DRB, two open seats and one alternate vacancy on the Planning Commission, one open seat on Trustees of Public Funds, and one open seat on Listers.**

***On page 4, under item 7 (Liaison List), in sixth paragraph, third sentence is changed to:***

**Chairman McClintock ruled that Mr. Metcalfe's motion is out of order because it does not follow correct procedure.**

***On page 4, item 7 (Liaison List), in seventh paragraph, last sentence is changed to:***

Ms. Morse agreed to pull together a proposal for hiring a professional assessor for the meeting three weeks from tonight.

*On page 5, under item 11 (Review Swap Shed Proposal), in sixth paragraph, first sentence is deleted.*

Motion to approve March 17, 2008 minutes as amended carried 5-0-0.

3. Warrants:

The following warrant was presented for approval:

Payroll Warrant #40: \$ 6,560.72

Ms. Morse made motion to pay the payroll warrant. Karen Mellinger seconded. Motion carried 5-0-0.

4. Public Comments:

Town resident James Weber stated that the grader had scraped ice off of Shaftsbury Hollow Road, but that the road has still not been fixed two weeks after the storm. He described damage to his car. Mr. Chrostowsky replied that the road crew cannot do anything more until the road thaws because the grader blade cannot get through. Chairman McClintock noted that the second grader is available and will be out as soon as the roads are soft enough.

Harvest Hills resident Jim Vincent described a situation in which a resident on Harvest Hills Drive built a garage that was larger than specified in his permit. The garage extends onto his neighbor's property. Mr. Vincent said this has caused a lot of hard feelings, and has tied up both properties. It would not be possible to sell either property. He said that Zoning Administrator Tony Zazzaro sent letters to both property owners to have the garage removed.

Chairman McClintock described the process by which the Zoning Administrator gets a complaint and either cites for a violation or does not. In either case, the affected party can appeal to the DRB, which acts as the judicial body as to whether there is or is not a violation. Mr. Metcalfe said that only the person who built the garage should have received a violation. Ms. Morse asked if the neighbor had said that the garage is on his land, and Mr. Vincent replied that he did not realize it right away because it is off away from his house.

Mr. Metcalfe [a DRB member] offered to speak to Mr. Zazzaro about the matter. Chairman McClintock stated that the Planning Commission supervises Mr. Zazzaro and should deal with it. Mr. Vincent said that it's awful for neighbors to have to go through this and that a person should have to have a lot surveyed before building. Chairman McClintock thanked him for bringing the matter to their attention.

Resident Steve Reed stated that the Town used to put gravel down to help with potholes while the roads are still frozen. He noted that Trumbull Hill Road is pretty bad and asked if it is possible to do this. Chairman McClintock replied that Road Foreman Ron Daniels says there is very little gravel left, and they are trying to put it on really damaged areas. Mr. Chrostowsky noted that gravel bounces off of a frozen road, so they are waiting for roads to thaw to deal with them.

Ms. Mellinger said that many residents are in the same situation and that the second grader will be out as soon as roads thaw. Mr. Weber, who is on the Fire Department, said that it would be hard to get a fire truck out to Shaftsbury Hollow, and that he would hate to damage a fire truck or risk having a house burn down. Mr. Chrostowsky said they will bring it up with Mr. Daniels this week.

**Jim Meskun, a Town auditor, stated that he had heard about the discussion of Hawkins Fund money to pay for copier replacement. Ms. Morse clarified that the discussion concerned only the second floor copier, and an amount up to \$600. Mr. Meskun stated that the Fund is now at \$100,000, and that funds over \$80,000 may be used, but that it must stay at \$80,000. Chairman McClintock asked if there are any earmarks for Fund use, and Mr. Meskun replied that there are not.**

**Town lister Angie Abbatello stated that her impression is that the Hawkins Fund is to be used for Cole Hall maintenance. She does not think it should be used for equipment when so much needs to be done to the building.**

**5. Current Expense Note Authorization:**

**Town Treasurer Henri Billow stated that the \$150,000 line of credit will be effective from April 1 to June 27, at 2.5 % interest. They will not use all of it.**

**Ms. Mellinger made motion to sign the \$150,000 line of credit for current expenses. Mr. Pennebaker seconded. Motion carried 5-0-0.**

**Ms. Morse asked how the gap between anticipated revenues and anticipated expenses for the remainder of the fiscal year is being funded. She wants to make sure there is a strategy for addressing it. She asked how the \$11,000+ surplus shown on June 30, 2007 was allocated. Mr. Chrostowsky replied that \$10,000 went to the landfill reserve fund and the rest was put toward taxes.**

**There was discussion of the grants and matching funds issue raised at the last meeting, concerning expenses that evidently were not properly apportioned between the General Fund and the Grant Fund. Chairman McClintock described the grants accounting process. Ms. Morse stated that when the accounting gets straightened out there will be a \$33,000 deficit, and they need to know now so they can strategize. Chairman McClintock said that will be the first thing addressed at the next meeting. He stated that they need a definitive explanation by Monday of both accounting and fund balances.**

**6. Village Center Designation:**

**Ms. Morse explained the intent of the Village Center Designation to limit sprawl and support commercial activities in village centers. She went over the process involved, which includes input from the Select Board and regional commissions and definition of village center boundaries. Ms. Morse noted that boundaries may be noncontiguous, so both South Shaftsbury and Center Shaftsbury could be included. The area abutting North Bennington is also being looked at, but they are not sure it would make sense to include it. She said that the Economic Development Committee (EDC) will look at boundaries at their next meeting.**

**Ms. Morse described the advantages of the Village Center designation. These include tax credits for work on commercial buildings. The credits may be sold. She stated that the designation also brings prioritized consideration for state municipal planning grants and federal grants.**

**Ms. Mellinger made motion to express strong Select Board support of EDC efforts to gain Village Center designation status for Shaftsbury. Mr. Pennebaker seconded. Motion carried 5-0-0.**

**7. Zoning Application Fee Waiver:**

**Chairman McClintock stated that, according to Zoning Administrator Tony Zazzaro, the Select Board has historically waived zoning application fees for the school. The application is to build a new playground.**

**Ms. Morse made motion waive the zoning fee application for the Shaftsbury Elementary School. Ms.**

Mellinger seconded. Motion carried 5-0-0.

8. Cemetery Lot Purchase:

**Chairman McClintock stated that Carleen Lindgren's mother had purchased two grave sites in 1991. One will not be needed, and Ms. Lindgren would like the Town to buy it back. It was confirmed that the two lots had cost \$320, and that she wants \$160 for the single lot. Mr. Chrostowsky noted that there would be a \$95 charge to move the corner markers. Mr. Metcalfe said that he would move them at no charge.**

Ms. Morse made motion to repurchase a cemetery lot from Carleen Lindgren for \$160. Ms. Mellinger seconded. Motion carried 5-0-0.

9. Pauper burial:

**Chairman McClintock stated that the name of the individual involved will not be disclosed. He said that the person has been declared indigent, in which case responsibility can fall on the Town. Burial costs were \$1350, and the state would reimburse \$250.**

**There was discussion of whether or not the person was truly indigent, given that the person had owned property sold at tax sale for an amount that more than covered taxes. Ms. Mellinger said that it may need to wait until the estate goes through probate. After discussion, Chairman McClintock stated that the delinquent tax collector will be called, and the funeral home will be informed that the Board understands that there are assets available. The Board will act on this matter when more information is obtained.**

10. Request for Financial Assistance:

**Chairman McClintock stated that an elderly person needs \$1125 for a root canal. The Lions Club has pledged \$300 and is asking for funds from the Town. Jim Meskun referred to the description of the Julia Mattison Fund, showing that this is an appropriate use of the fund. Ms. Mellinger agreed that this fits the intent of the fund.**

Mr. Metcalfe made motion to authorize payment of \$750 from the Julia Mattison Fund to the specified Shaftsbury resident. Ms. Mellinger seconded.

**There was discussion of the specific costs involved. Mr. Chrostowsky said that the total is \$1125 and the Lions Club is paying \$300. The Town would pay \$750, leaving a \$75 balance.**

Motion carried 5-0-0.

11. Appointment Process:

**Mr. Chrostowsky stated that he has put out notices for Trustees of Public Funds and Listers. The notice for the DRB and Planning Commission will go out tomorrow. Letters of interest are due April 7. Ms. Morse said she would like the job descriptions to include information on time commitment involved.**

**Angie Abbatello stated that she needs help now and the money is in the budget. She said the Select Board does not hire, just approves or disapproves of a hire. Board members noted that it is appropriate for the Board to appoint a lister for the unexpired term. Chairman McClintock stated that Elaine Coonradt has said she is available for clerical help, and when a new person comes on board she would stop. He is not sure if the Board would have to approve clerical assistance.**

**The Board decided to cancel the lister ad Mr. Chrostowsky had prepared and place the notice under announcements instead. People will be directed to contact the Town office or Web site for**

more information about the position. There was discussion of whether all committees need to be reconstituted. Ms. Morse said that some committees are running fine, and it doesn't make sense to make people submit letters of interest. She noted that they have never had to submit letters for the EDC. Now may not be a good time to make this change. It was agreed that committees do not need to go under the appointment process.

Chairman McClintock stated that he would like the applications for the statutory positions to be discussed in executive session. Mr. Metcalfe said that last time the DRB had interviewed people and come back with recommendations, and that it makes sense to do it that way. Ms. Morse pointed out that the Select Board interviewed candidates last year only because the DRB and Planning Commission were reorganized.

Ms. Mellinger stated that that they had decided on a seven member DRB with two alternates, but the Vermont League of Cities and Towns (VLCT) recommends five members and two alternates. Mr. Metcalfe said they recommend either five or seven. He said that right now the DRB is working well with its seven members, and asked who would be asked to become alternates instead.

Ms. Mellinger said there is one DRB member whom she thinks would be better as an alternate, noting that he has recused himself in recent meetings. Chairman McClintock suggested putting a DRB discussion on the agenda and inviting DRB chairwoman Phylis Porio to participate. Ms. Morse said she does not see restructuring as the way to deal with a personnel issue. Chairman McClintock said it is the proper time to get feedback.

12. LaClair Road Box Culvert:

**Mr. Chrostowsky stated that he has prepared the bid invitation. There is a 90% state matching grant for the box culvert.**

Ms. Morse made motion to put the LaClair Road box culvert out to bid. Ms. Mellinger seconded. Motion carried 5-0-0.

13. Paving:

**Chairman McClintock stated that the paving projects are ready to bid.**

Ms. Morse made motion to put the Cleveland Avenue and Church Street paving projects out to bid. Ms. Mellinger seconded. Motion carried 5-0-0.

14. Large Dump Truck:

**Mr. Chrostowsky stated that the large dump truck approved by the Town is ready to bid. He is including the financing package in the bid.**

Ms. Mellinger made motion to put the large dump truck purchase out to bid. Mr. Pennebaker seconded. Motion carried 5-0-0.

15. Other Business:

**Ms. Morse stated that, in reference to an email from John Tiffany, she wants it to be clear that the conversation she had with him at the transfer station is not what came out in his email. The conversation concerned his contention that the road plan's incorrect number of houses for Shaftsbury Hollow Road affected its priority on the road plan. She had asked him if he has the final, revised road plan.**

**Mr. Pennebaker stated that methane measurements at the Eastman residence were again 0.0%, so he thinks methane is not a problem there. He discussed options for pumping the landfill either at**

the edge of the cap or from the vent cap. He favors the second option, which would be less expensive, and has sent copies of his report to Buzz Surwillo of the Agency of Natural Resources and to consultant Dan Marsh. They will meet at the landfill in April to do measurements for a pump.

Jim Meskun asked if there is any knowledge concerning contamination of Lake Paran headwaters from the landfill. There was a brief discussion of this. Mr. Pennebaker replied that no problems are showing up.

Chairman McClintock stated that he would like agenda items by Thursdays at noon. He said he had discussed a working session on setting Select Board goals with Ms. Morse, and agrees that it's a good idea. Chairman McClintock stated that Mr. Chrostowsky has sent out invoices for reimbursements. He announced that the Ancient Roads grant will be retroactive, so the committee will have \$5000 to work with.

Chairman McClintock stated that Ms. Morse had pointed out that it might be a good idea to have the same person be liaison to the Planning Commission and the zoning administrator, since the Commission supervises the Zoning Administrator. Ms. Morse noted that they still need to have forms and procedures put in place for the zoning administrator. Ms. Morse and Mr. Pennebaker agreed to get together on these issues.

Ms. Mellinger noted that the road crew is to switch to a four-day work week on April 1. She asked if that is most efficient, given that there is lots of road maintenance to be done. Mr. Metcalfe said the change does not have to be April 1, but could be anytime. Ms. Morse said that the road crew should be part of this conversation. Chairman McClintock said they will bring it up with Mr. Daniels on Wednesday.

Ms. Morse made motion to adjourn. Ms. Mellinger seconded. Motion carried 5-0-0.

The meeting adjourned at 9:25 PM.

**Respectfully Submitted,  
Susan Swasta**