

**MINUTES OF THE SHAFTSBURY SELECT BOARD
AUGUST 20, 2007
COLE HALL
SHAFTSBURY, VERMONT**

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

Others Present: **Mike Gleason (Bennington Banner), Phylis Porio, Bob Doggett, Jim Harris (VTrans), Ron Lemaire (VTrans), Eric Boyden (JA McDonald), Henri Billow (Treasurer), Vt. Rep. Alice Miller, Joe Herman (Water Board), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:01 PM. He introduced Hoedown Committee member Phylis Porio. Chairman Metcalfe noted that Ms. Porio, Sue and Megan Metcalfe, and Aaron Chrostowsky had raised \$11,000 in four days to pay for Hoedown fireworks and other activities. He also recognized Bob Doggett and Ms. Porio for obtaining a \$1400 grant for the Town park project.

Ms. Porio encouraged residents to participate in the hoedown children's parade. She announced times for line dancing lessons and said that raffle tickets are available at Whitman's and at the Shaftsbury Country store.

Chairman Metcalfe said that there will be a mustache contest, a frying pan toss, and a moose antler toss. He thanked Dick and Paula Lyons for their many hours of work in building a hoedown express train.

2. Minutes:

July 30, 2007 Select Board minutes

Cinda Morse made motion to approve the July 30, 2007 minutes. Karen Mellinger seconded.

The following corrections to the July 30 minutes were requested:

On page 1, under corrections to the minutes, "Christy Nebius" is changed to "Christy Nevius."

On page 5, under 7 (Proposal for Paving), paragraph one, second sentence "They" is changed to "Mr. Chrostowsky and Mr. Daniels."

Motion to approve July 30 minutes as amended carried 5-0-0.

August 6, 2007 Select Board minutes

Approval of August 6 minutes was postponed because Board members had not received the minutes.

3. Warrants:

The following warrants were presented for approval:

AP #7 -	\$	9,147.40	General Warrant
AP #8 -	\$	2,500.00	General Warrant
AP #9 -	\$	135,859.97	General Warrant (includes truck lease payments, box culvert)

PR #7 - \$ 8,044.63 Payroll Warrant
Warrant #W-2W - \$ 294.63 Water Warrant

Ms. Morse made motion to pay warrants. Lon McClintock seconded. Motion carried 5-0-0.

4. Public Comments:

There were no public comments.

5. VTrans Bennington Bypass Update:

Chairman Metcalfe introduced Jim Harris, the VTrans Bennington Bypass Project Director, to report on bypass progress. Mr. Harris distributed handouts to accompany his report.

He stated that this segment of the project, contract 3, had been awarded to JA McDonald in July. The contractor has proposed a change in the way rock is removed from along the exit ramp. Rather than pre-splitting the rock, as originally planned, McDonald proposes to drill deeper and blast the rock. The slope will still be 1 on 1 1/2, but the shattered stone will be left on the surface instead of creating a sheer surface.

The contractor believes that a sheer face would be more subject to damage by water intrusion than shattered stone. The latter would also make a more uniform slope shape and require less maintenance. This process would reduce costs by around \$600,000, and may also take less time, permitting the exit to reopen earlier than expected.

Mr. Harris said that they had spoken to Bennington Town Manager Stuart Hurd and Town Planner Dan Monks, who had approved the change. VTrans is now seeking Shaftsbury's approval.

Mr. Chrostowsky asked Mr. Harris to review the progress of the overall bypass. Mr. Harris described the four segments of the bypass, the expected submission of contracts, and projected completion of the work. He stated that final completion, with the systems interchange and welcome center, is expected in 2012.

Chairman Metcalfe asked if Exit 2 will be reopened one year from now, and Mr. Harris replied that it is scheduled to reopen in September 2008, but the contractor may beat that schedule.

Chairman Metcalfe noted that the detour does not seem to be causing any problems. Mr. Harris said that he had heard this was the case. Chairman Metcalfe thanked Mr. Harris, engineer Ron Lemaire and JA McDonald supervisor Eric Boyden for attending the meeting.

6. Insurance Update

Chairman Metcalfe introduced Dave Newell of Wills Insurance to update the Board on the Town's 2008 coverage. Mr. Newell passed out copies of the insurance schedule, noting that the premium has decreased slightly, from \$55,440 to \$55,227. He went over the various areas of coverage.

Mr. McClintock asked whether worker's compensation covers volunteer workers, and Mr. Newell replied that it probably does not, but that he will check and provide a rate if this coverage is not included.

Mr. McClintock asked whether coverage is per occurrence or aggregate. Mr. Newell said that general liability is subject to an aggregate limit of \$3 million, with a \$1 million umbrella per occurrence. There is no aggregate limit on property or automobile coverage.

Mr. McClintock asked about coverage for civil rights claims, and Mr. Newell replied that this would be included under public officials coverage.

Mr. Newell noted that there is no depreciation on fire truck coverage; it is for replacement cost. He stated that law enforcement coverage includes constables.

Mr. McClintock asked whether sexual abuse coverage is included for all Town employees or just law enforcement officials. Mr. Newell said that he will check on this. He noted that the only area where there has been claims is in worker's compensation. He thinks it would be good to have a session or two on safety with the highway employees.

Bill Pennebaker asked if the medical expenses amount is high enough for accident coverage. Mr. Newell said he will check on this, and noted that the intent is to supplement the individual's coverage.

Mr. Pennebaker asked when was the last time general liability was increased, and Mr. Newell replied that the \$1 million umbrella had been added one or two years ago, He will check to see what more coverage would amount to.

Ms. Mellinger asked what had been budgeted for insurance. Mr. Chrostowsky said that \$56,000 had been budgeted for liability insurance. Board members thanked Mr. Newell for his presentation.

7. Prebate Privacy:

Chairman Metcalfe said that Mr. Chrostowsky had distributed an informational packet on this matter to Board members. He noted that Town Attorney Rob Woolmington had recommended to the town of Manchester that this information be kept private.

Ms. Pennebaker made motion to keep prebate amounts private. Ms. Mellinger seconded. Motion carried 5-0-0.

8. Set the Tax Rate:

Town treasurer Henri Billow came forward to present information on the 2008 tax rate. She distributed handouts and went over the figures. Ms. Billow stated that the 2007-2008 tax rate will be .468 per hundred, which represents a 5.5% increase.

Ms. Morse made motion to set the Town tax rate as proposed. Ms. Mellinger seconded. Motion carried 5-0-0.

9. Zoning Administrator Job Description:

Mr. McClintock reported that he had met with Ms. Morse, Development Review Board (DRB) members Phylis Porio and Jim Carter, and Planning Commission member Craig Bruder to go over the zoning administrator job description. He said that the group had redrafted the description and will meet to discuss any further changes.

One change that the group decided on is to have the zoning administrator prepare a summary of each case to come before the DRB, to be delivered along with the agenda at least one week in advance of the meeting so that members are prepared.

Another change requests the zoning administrator to provide revenue records to the DRB and the Planning Commission, not just the select Board and Town Administrator, so that these boards know where they stand financially. Mr. McClintock said that the group plans to talk with present zoning administrator Tony Zazzaro about how changes will be implemented.

There was a discussion as to whether it is permissible to change the job description from the one which was in place when the zoning administrator was hired. Board members agreed that a job

description may change according to the Town's needs.

The working group will help Mr. Zazzaro to implement changes and discuss drafting a procedures manual with him. Mr. McClintock stated that they hope to be ready to adopt the new job description at the next Board meeting.

Mr. Pennebaker said that the job description should include provision for vacation and holidays, and that item 15 on page 5 seems very broad and should have some scope attached to it.

Ms. Mellinger asked about Bianchi letters, which are sent by the zoning administrator to real estate agents concerning any zoning matters that would affect sale of a property. Ms. Morse said that she would like there to be a standard letter form, and that the group should draft language at their next meeting.

10. Zoning Bylaws Approval Process Discussion:

Chairman Metcalfe asked if the open working session should be scheduled for the next Board meeting. Mr. McClintock stated that the bylaw revisions, accompanied by the Planning Commission report, are to be distributed to surrounding towns. Mr. Chrostowsky said that this has been done. A working session will be scheduled for next week's meeting.

11. Town Administrator Report:

Mr. Chrostowsky stated that he has only one item for discussion and that it should be done in Executive session since it is a legal matter.

12. Other Business:

Ms. Mellinger reported that the Historical Society will hold a book and bake sale on September 1 from 10:00 AM to 4:00 PM. They are still accepting clean, salable books, which may be dropped off at the museum, or picked up by Angie Abatello.

Mr. McClintock asked if the Recreation Committee has a chairman yet. Mr. Chrostowsky replied that it does not, and that he will let him know when a chairman is selected.

Mr. McClintock asked whether the Town plan needs to be renewed before the next Town meeting. Mr. Chrostowsky replied that he has asked Rex Burke of the Bennington County Regional Commission (BCRC) and will have an answer next week.

Ms. Morse asked if the Ancient Roads Committee has met. Mr. Chrostowsky replied that it has not. Ms. Morse asked him to inform everyone of the upcoming BCRC training.

Chairman Metcalfe stated that he had talked to Bruce Lee Clark, who told him that the matter is still up for appeal. There is to be a decision this week.

Joe Herman of the Water Board came to the table for discussion of a planning loan. Ms. Mellinger stated that the Board had approved applying for the loan and the state had approved the Town to proceed. It now needs to be executed by the Board and submitted to the state.

She said this is a five-year no-cost loan, which is wrapped into construction costs if the Town proceeds to construction. The Town is eligible for \$25,000 loan forgiveness for the project.

The Water Board proposes that Otter Creek Engineering present the project at a Board meeting, and that a Town-wide meeting be held in December or January, followed by a bond vote in March. Ms. Mellinger stated that if the Town does not have a bond vote it will not receive state funding.

Mr. Herman said that the Town is required by the state to change four-inch water mains to eight-inch mains. Ms. Morse said that she does not think they have done enough outreach to water users. This will be a lot of money and a major impact.

Ms. Mellinger reiterated that they will not get state money when it becomes available without a bond vote. She said that they want to begin outreach now. Mr. Herman said that they will be reimbursed for the report even if construction is not done.

Chairman Metcalfe stated that the Facilities Committee may recommend a new Town garage, which would require a bond vote, It is necessary to seriously think about priorities.

He agrees with Ms. Morse that they have to start informing people of theoretical figures, because it will be a tremendous amount of money to be put on 301 water users. Chairman Metcalfe stated that they should have a Water Commission if they are going down this road.

Ms. Mellinger said that she understood that the Town received a permit this year because they are on the road to improvements. She asked if the Town could be denied a permit.

Mr. McClintock asked if the loan is built into the Town budget or the water budget, and when and how it is to be paid. Mr. Chrostowsky replied that the Town pays the engineer and is reimbursed by the state. If the Town does not go to construction within five years the loan must be repaid.

Ms. Morse said that she thought the loan did not have to be paid back unless they go to construction. They need to find out which is true. Mr. Chrostowsky will find out.

There was a discussion of how the rest of Town might benefit from the water project, and of when the Select Board took over control of water. Chairman Metcalfe suggested that three things be done: clarify the loan issue, vote on a chairman and vice chairman for the Water Board, and have Mr. Chrostowsky do research on a possible Water Commission.

There was a discussion of whether the state will continue to issue water permits to the Town. Mr. Herman said that the current permit requires the water main and hydrant change by 2011. Chairman Metcalfe stated that the Water Board will meet on this at 6:00 PM next Monday.

Concerning the Town garage matter, Chairman Metcalfe said that they had received a letter from the landowner stating that he wants all Town equipment off his property. It has been removed, and boundaries marked.

Mr. McClintock recommended that Mr. Chrostowsky make an official inspection with notes and photographs. Mr. Chrostowsky said he spoke to Brian Lent concerning salt storage and will report back on this.

Meeting went into Executive Session at 9:04 PM.

Meeting adjourned at ??? PM.

**Respectfully Submitted,
Susan Swasta**