

**MINUTES OF THE SHAFTSBURY SELECT BOARD**  
**August 4, 2008**  
**COLE HALL**  
**SHAFTSBURY, VERMONT**

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

Others Present: **Larry Johnson, Henri Billow (Treasurer), Joe Herrmann (Water Dept.), Angie Abbatello (Lister), David Beach (Lister), Mike Gleason (Bennington Banner), Pete Sternberg, Mark Rainmaker, Paul Olmstead, Iris Olmstead, Joe McGovern, 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.**

2. Announcements:

**There were no announcements.**

3. Meeting Minutes:

**July 21, 2008 Select Board minutes**

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

**The following corrections to the July 21, 2008 minutes were requested:**

***On page 3, under Item 9 (Review and Discuss Plowing Policy), second paragraph is changed to:***

**Chairman McClintock proposed a new plowing policy of running a full crew to clear the roads between 3:00 AM and 10:00 PM, and having the crew off duty between 10:00 PM and 3:00 AM. Mr. Daniels will have discretion to send people out during those hours if necessary. If the road crew starts at 3:00 AM roads should all be plowed once by 7:00 AM. Morse asked if it would be possible to limit overtime by having the work day end earlier if plowing is done. Chairman McClintock replied that trucks and equipment require maintenance. There was discussion of how much time is required to do maintenance and how long it takes to plow, sand, and salt all roads. It takes approximately twelve hours to plow and sand the Town roads.**

***On page 4, under Item 12 (Town Administrator Report), in the first paragraph and in the following motion "the Town Attorney" is changed to "an attorney."***

Motion to approve July 21, 2008 minutes as amended carried 4-0-0. (Wynn Metcalfe arrived after the minutes were approved.)

4. Conflict of Interest Statement:

**Chairman McClintock asked if any Board member has a conflict of interest with any topic on tonight's agenda. Ms. Mellinger stated that she has a potential conflict of interest with a discussion of a stone wall on East Road. Chairman McClintock replied that no recusal is necessary because they are just getting a statement. The Select Board will not be acting on the matter tonight, and it may not be under Select Board jurisdiction.**

5. Warrants:

The following warrants were presented for approval:

**Payroll Warrant #4: \$ 6,867.25**

Ms. Morse made motion to pay PR Warrant #4. Ms. Mellinger seconded. Motion carried 5-0-0.

**Payroll Warrant #5: \$ 8,001.55**

Ms. Morse made motion to pay PR Warrant #5. Bill Pennebaker seconded. Motion carried 5-0-0.

**General Warrant AP#3: \$35,133.08 (BCRC, truck parts, roadside mowing, landfill venting engineer, fuel)**

Ms. Morse made motion to pay AP Warrant #3. Ms. Mellinger seconded. Motion carried 5-0-0.

**General Warrant AP#4: \$ 3,617.77 (misc. small expenses)**

Ms. Morse made motion to pay AP Warrant #4. Ms. Mellinger seconded. Motion carried 5-0-0.

6. Public Comments:

**Joe McGovern of McGovern Masonry described the situation with a stone wall he has been building at an East Road property. Mr. McGovern stated that construction was stopped because the wall is 20 feet from the center of the road instead of 25 feet. He said that the owners, who could not be here tonight, sent a letter stating that the Town would have the right to remove the wall if the road ever needed to be widened.**

**Chairman McClintock noted that the Town zoning bylaws prohibit walls over three feet in height to be situated on rights of way. This seems to indicate that anything less than three feet is OK. This wall is two feet tall. He stated that the Planning Commission has control over changing bylaws, and if the Road Foreman has concerns he should inform the Planning Commission. Chairman McClintock said that the Select Board cannot tell the landowners that they can't build the wall.**

**Mr. McGovern stated that work had been stopped after a visit by Road Foreman Ron Daniels and Town Administrator Aaron Chrostowsky. He has received no violation letter from Zoning Administrator Tony Zazzaro. Chairman McClintock said that if the Zoning Administrator feels there is a violation he should issue a letter.**

**Mr. Chrostowsky said that construction of the wall would violate state statute, and he read the statute. Chairman McClintock replied that the Town has adopted a policy in its zoning bylaw. Ms. Mellinger noted that the statute specifies problems from runoff, which doesn't seem to apply in this case. Chairman McClintock said it is not a maintenance issue.**

**Mr. Metcalfe noted that other landowners had had to remove a wall from a right of way. Allowing a wall under three feet in height to be constructed on Town right of way could set a precedent. Chairman McClintock reiterated that the only policy is the current zoning bylaw. He would be happy to schedule a discussion of this policy on a future Select Board agenda.**

**Mr. Metcalfe asked if Town Attorney Rob Woolmington has been asked for input. Chairman McClintock replied that he has not, and it would be a good idea to seek his input. Ms. Morse recommended that Mr. Zazzaro be directed to get any opinions needed and speak to the landowner. After further discussion, Mr. McGovern was directed to contact Mr. Zazzaro on this matter because it is a zoning issue.**

7. Water System Project Update:

Joe Herrmann distributed documents related to the water project. He described the easements for the upcoming water project. Chairman McClintock asked if the state has said how much will be approved for the project. Mr. Herrmann replied that they have not, but that a meeting is set for August 16. Mr. Chrostowsky added that they have been told that a loan will be issued.

Chairman McClintock asked for a cost estimate, and Mr. Herrmann replied that the approximate cost is \$425,000. He described the planned replacement of four-inch water mains with eight-inch mains in the Meadow Lane-Route 7A and Sycamore Lane-Church Street loops. Mr. Herrmann stated that easements have been arranged and the paperwork is being signed. He said the Town will be reimbursed by the state to have the water main cross Church Street. This will be done before the street is paved.

Mr. Metcalfe asked what will happen if the project cost exceeds \$425,000. Mr. Herrmann replied that it will be scaled back, or the Water Department will do part of the work themselves. He said that engineer Mark Youngstrom will have a more accurate project figure next week. Mr. Herrmann confirmed that they will be asking for a fifty-year bond. Ms. Mellinger added that the project will be funded through a state loan with an interest rate that ranges from negative interest up to three percent interest, depending on average household income.

Mr. Metcalfe asked if it has been decided whether or not the project will be paid for by water users. Ms. Mellinger and Chairman McClintock stated that this has not been decided. Chairman McClintock noted that the project will serve 301 water system users. Ms. Morse said that the whole Town may be willing to fund the project if there is significant public benefit.

The meeting with Mark Youngstrom will provide needed information on cost and timeline. Everyone agreed on the importance of informing residents about the project before the bond vote. A Water Board meeting will be scheduled. Ms. Mellinger agreed to write a letter to the editor about the project and the importance of the meeting. Mr. Chrostowsky said that a state representative is willing to attend the meeting.

#### 8. Reappraisal Agreement:

Town Listers Angie Abbatello and David Beach came to the table for the discussion. Chairman McClintock reported that the Listers had sent letters to all of the appraisers approved by the state, and had received four proposals. One had been chosen by a 2-1 vote. Ms. Abbatello stated that they had chosen the bid of Ed Cladfelter of APAS, at a cost of \$156,500. She said that they are familiar with Mr. Cladfelter and that he uses the system that they have been using. APAS had the second lowest bid. The lowest bidder, at \$154,500, uses a different system.

Ms. Mellinger asked if reappraisal will start right away. Ms. Abbatello replied that it will begin right away and extend through 2010. She asked that any questions from residents on reappraisal be directed to the listers, and noted that the state has ordered the reappraisal; it is not the Town's choice.

Ms. Morse asked some questions on the APAS proposal. She noted that it says sketches will be done of "major" properties, and asked what that means. Ms. Abbatello replied that sketches will be done of all properties. Ms. Morse and Ms. Mellinger suggested that "major" be removed so that it's clear that all properties will have sketches.

Ms. Morse asked about Internet compatibility of the data. Mr. Beach replied that they do not know if APAS data will be Internet compatible. He would like to ask if it is compatible, and find out how much it would cost to make it compatible if it is not. Ms. Abbatello said that she wants to get moving on the reappraisal, and does not want to start adding anything else.

Chairman McClintock and Mr. Chrostowsky said that Internet compatibility is a separate issue. Mr. Pennebaker said that if it could be done at no cost he could see a benefit. He asked about costs in addition to the \$156,500. Ms. Abbatello estimated additional costs of \$40,000-\$50,000.

**Ms. Morse said she thinks they should at least ask about Internet compatibility. She asked if there is any incentive to finish sooner. Ms. Abbatello replied that there is not. Mr. Pennebaker said they should go ahead with the proposal, but ask about Internet compatibility.**

Mr. Metcalfe made motion to approve the reappraisal contract from APAS, as recommended by the Board of Listers. Ms. Mellinger seconded.

**Ms. Morse amended the motion to include the stipulation that the word "major" be redacted from paragraph I.C.a. of the contract. Other Board members agreed.**

Motion to approve the reappraisal contract from APAS, as recommended by the Board of Listers, provided that the word "major" be redacted from paragraph I.C.a. of the contract, carried 5-0-0. **There was a brief discussion of the state's agenda concerning reappraisals and the Vermont League of Cities and Towns (VLCT) recommendations on reappraisal. Mr. Beach stated that extensions on reappraisal have been granted in the past, and he thinks they need to be careful about the state's agenda.**

9. Brush Pile Fee Schedule:

**Mr. Pennebaker stated the Solid Waste Committee recommends a brush disposal fee of \$5.00 per cubic yard, which would cover the cost of tub grinding. A bag of yard trimmings would be free, a pickup truck load would be \$10.00, a one-ton truckload \$20.00, and other truckloads calculated per cubic yard. Ms. Mellinger noted that tub grinding costs increased from \$2000 to \$8000 this year.**

10. New Access Sticker Fees:

**Mr. Pennebaker stated that Town transfer station management costs had increased 8% this year, so the Solid Waste Committee recommends higher access sticker fees to help cover costs. They propose a cost of \$10.00 per sticker. Ms. Mellinger noted that metal disposal is still free, and that a Swap Shed will be opening on October 1. There will be no increases in the Pay as You Throw (PAYT) fee. Ms. Morse asked if the PAYT fee covers the cost of disposal and attendant's salary, and Ms. Mellinger replied that it does.**

Ms. Morse made motion to adopt the brush disposal and access sticker fees as recommended by the Solid Waste Committee, effective September 1, 2008.

**Paul Olmstead asked about the problem of dumping brush on vacant lots if a fee is imposed. Mr. Pennebaker replied that there had been no increase in dumping when PAYT was instituted, so they don't expect a problem.**

Mr. Pennebaker seconded the motion to approve fees. Motion carried 5-0-0.

11. Budget Accounting Method:

**Chairman McClintock reported that he, Ms. Morse, and Mr. Chrostowsky had a very productive meeting on accounting with VLCT consultant Bill Hall. The Town has been using a cash system which closes the books on June 30, making it difficult to accurately account for June and July revenue and expenses. If a modified accrual system were to be used instead, the books could be left open for up to sixty additional days. As late bills and revenue come in, they could still be included in the old fiscal year, to give a more accurate picture of income and expenses.**

**Chairman McClintock said that if they leave the books open until August 31, they will know exactly what the deficit is. Mr. Hall believes this can be done without undue expenditure of time. Chairman McClintock supports this move because expenses from 2007 contributed to the 2008**

deficit, and if they continue as is, the 2009 deficit will be even higher. If they keep the books open any taxes that come in could offset the deficit. Ms. Morse agreed that switching to a modified accrual system is a good idea. She said that Mr. Hall will submit a proposal with costs of working with them on this.

Mr. Metcalfe asked Treasurer Henri Billow her views on changing accounting systems. She said they have been using a cash system for eighteen years with no one questioning it, but she is willing to try a new system. Mr. Pennebaker said he is not against it, but it does not solve budget projections based on increased costs. Chairman McClintock stated that they need to do this to have more accurate budgets, but still need to deal with expenditures. Ms. Mellinger agreed that she would rather have clearer numbers. Ms. Morse said they should have a proposal from Mr. Hall by the next meeting. Chairman McClintock said the work would be done by September 1.

12. Budget Deficit Reduction Plan:

Mr. Metcalfe recommended changing the Town tax rate as the cleanest way to take care of the deficit. He stated that, after deducting the fund balance and paving savings, the tax increase would be \$15 on a \$100,000 home. As a taxpayer, he would rather pay this than lose services.

Chairman McClintock went over a list of numbers that reflected the cost of deficit reduction to property owners if the fund balance and paving were deducted, if the fund balance or paving alone were deducted, and if neither amount were deducted. The amounts ranged from about \$15 to \$30 per \$100,000 home.

Mr. Metcalfe made motion to pay the deficit by first deducting the fund balance and paving amounts, then raising the tax rate, at a cost of about \$15.50 per \$100,000 home. Mr. Pennebaker seconded.

Ms. Morse noted that there are two problems -- the deficit and underbudgeting for 2009. She believes the paving savings will be needed to address the underbudget. Mr. Metcalfe said that other things, such as calcium chloride, could be adjusted. Chairman McClintock stated that the paving amount has already been taken out of the budget. so should be used for the deficit. He suggested carrying the \$11,000 fund balance forward and just using the paving deduction. Chairman McClintock noted that the voters will be making the decision, so this discussion is just for Board consensus.

Mr. Chrostowsky stated that he had gone over heating oil and diesel fuel figures, and that they will go \$24,000 over budget. Ms. Mellinger noted that the school and Town tax rates will be going up. She thinks they need to take another look at the 2009 budget, and that it's too easy to add a few cents to the tax rate. Mr. Metcalfe replied that they had worked incredibly hard on the budget, and he does not think the savings are there. Chairman McClintock and Ms. Morse agreed that they would prefer to address the deficit with a tax rate increase rather than cutbacks.

Chairman McClintock asked Ms. Mellinger if she would like an opportunity to come up with an alternative proposal. She asked if she would have Board approval to talk with department heads, and it was agreed that she would. Mr. Metcalfe offered to help, as did Shaftsbury resident Larry Johnson. Mr. Johnson noted that Board members don't represent the full spectrum on ideas of things that should be cut. Paul Olmstead commented that Ms. Mellinger makes good points, but that he would like to see a number and get rid of the deficit this year.

It was agreed to defer action on Mr. Metcalfe's motion.

13. Cole Hall Preservation Report:

Mr. Chrostowsky noted that Board members had received the report in their packets. He would like permission to work with the Facilities Committee on a historic preservation grant for Cole Hall. This would be a 50/50 grant. Ms. Mellinger said she is concerned that they not let too much

time go by to begin high priority work on Cole Hall. She recommended getting bids because they already have enough to cover this work. Ms. Morse strongly recommended hiring a consultant for the building grant, given Mr. Chrostowsky's time constraints.

14. Sidewalk Update:

**Ms. Mellinger reported that there is still a holdup in the state right of way division. They keep calling, but are still in the queue. There may not be time to start the project this year.**

15. Town Administrator Update:

**Mr. Chrostowsky stated that he has the Bennington County Sheriff's Department contract for approval. It is for ten hours per week, and the price has not changed.**

Mr. Metcalfe made motion to accept the Bennington County Sheriff's Department contract for 2009. Ms. Mellinger seconded. Motion carried 5-0-0.

**Mr. Chrostowsky stated that he needs approval of the letter of agreement for computer appraisal services, at a cost of \$192.**

Ms. Mellinger made motion to approve the computer appraisal services agreement. Mr. Metcalfe seconded. Motion carried 5-0-0.

**Mr. Chrostowsky asked if there were any questions on the monthly budget report. Ms. Mellinger said that she thought cemetery and park maintenance funds were line items. Ms. Billow said they are handled as a separate fund.**

**There was a discussion of Howard Park expenses, which are not covered by the Howard Park Fund. Chairman McClintock explained that the fund would need to be about double the present amount to generate enough interest to cover expenses. Ms. Morse and Ms. Mellinger said that they should be budgeting enough to cover Howard Park expenses.**

16. Other Business:

**Ms. Morse reported that she had met the Solid Waste Implementation Plan (SWIP) coordinator, who has distributed a work plan. Ms. Mellinger asked if they could call on him for help with the Swap Shed. Ms. Morse replied that they could.**

**Mr. Pennebaker reported on methane remediation, saying that the state will be willing to cut the Town some slack since they are trying to solve the problem. He said that Buzz Surwillo of the Agency of Natural Resources is getting information on measurement policy.**

**Mr. Olmstead asked if there would be any situation where there would be Town liability on Swap Shed items. Ms. Mellinger said she would discuss it with the SWIP coordinator.**

**Mr. Johnson said he had read a VLCT article on increases in salt prices this winter. Mr. Chrostowsky said he will be following up on collective purchase of salt.**

Ms. Mellinger made motion to adjourn, Ms. Morse seconded. Motion carried unanimously.

The meeting adjourned at 9:45 PM.

**Respectfully Submitted,**

**Susan Swasta**