

**MINUTES OF THE SHAFTSBURY SELECT BOARD
SEPTEMBER 8, 2008
COLE HALL
SHAFTSBURY, VERMONT**

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

Others Present: **Henri Billow (Treasurer), Ron Daniels (Road Foreman), Larry Johnson, Alice Miller (VT Rep.), Paul Olmstead, Iris Olmstead, Charles Hall, Lisa Birmingham (Comcast), Beth Fastiggi (Fairpoint), Andy Crosier, Mike Gleason (Bennington Banner), 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:

Wynn Metcalfe reported that the street dance, which had relocated to the school because of rain, had pretty good attendance. The band was terrific and the event made money mostly due to corporate sponsors.

Karen Mellinger went over the new transfer station fees for access stickers and brush disposal. She said that anyone with questions should check the Town web site or call Aaron Chrostowsky.

Mr. Chrostowsky announced that Hazardous Waste and Free Tire Day will be held on October 11. There is a limit of four tires (without rims) per household. Tire rims, and all scrap metal, may be disposed of for free at any time.

Mr. Metcalfe reported that he, Ms. Mellinger, and Cinda Morse had attended the Grange meeting where Art Whitman was named citizen of the year.

Ms. Mellinger announced that the sidewalk grant application had been submitted. She announced that the swap shed at the transfer station will open October 11.

Ms. Morse reported that the Village Center application has been submitted to the state.

3. Conflict of Interest Statement:

Chairman McClintock asked if any Board member has a conflict of interest with any topic on tonight's agenda. None did.

4. Public Comments:

Shaftsbury resident Andy Crosier stated that certain Town road locations have repeated problems. He said that an area of Glastenview Road washed out again last weekend, and that it has washed out three times this summer and repeatedly in the past. Mr. Crosier had prepared a diagram showing how the road could be fixed. He noted that there are no cones or barrel to mark the washout. Mr. Crosier asked if the Town keeps a map showing repeated road problem areas.

Chairman McClintock replied that there is a road plan which classifies lengths of roads based on maintenance issues, and that there is a priority list. However, there is a limited amount of money to deal with roads. Mr. Crosier said that the more times an intersection has to be repaired, the less money there is to buy gravel. He suggested a cumulative system to keep track of repeated repairs. He also suggested placing a barrel at the site to protect people. Chairman McClintock thanked him for his comments.

5. Expansion of Broadband Technology in Shaftsbury:

Chairman McClintock introduced Lisa Birmingham of Comcast and Beth Fastiggi of Fairpoint. Ms. Birmingham distributed maps to illustrate her discussion of Comcast's extension of broadband into Shaftsbury. She said that the state requires Comcast to extend lines at company expense when a density of 25 homes per mile is reached. The company will also extend lines if there are twelve committed subscribers per mile. Otherwise, line extension costs must be paid by customers. The cost is \$25,000 per mile. Ms. Birmingham said that Comcast currently serves 1300 homes and has four miles of cable in Shaftsbury. The company evaluates expansion possibilities once a year, but will respond to individual calls or work with groups. She said they will be looking to upgrade for higher speeds and more bandwidth in 2009-2010.

Ms. Birmingham reported that the federal government is requiring a shift to all digital signals, so analog televisions must switch to digital. Coupons are available for analog-to-digital converters. Mr. Pennebaker noted that televisions will require a UHF antenna, not a VHF, or the converter will not work.

Beth Fastiggi discussed Fairpoint's broadband plans in Vermont. She said they had started in Shaftsbury in May and will expand a little to the north. Ms. Fastiggi stated that 75% of Fairpoint's Vermont customers will soon be able to get broadband, and this will increase to 80% by 2010. Half of the state's exchanges will be at 100% in two years; these exchanges will be announced soon. Ms. Fastiggi described the process of bringing fiber to a hub point which serves customers within 3.5 miles. Fairpoint is also extending wireless service and technology. In response to a question from Mr. Crosier, Ms. Fastiggi said that Fairpoint will be rearranging its service in order to take customers out of long loops that currently exist. Ms. Birmingham stated that Comcast provides courtesy cable or Internet service to schools, libraries, and town facilities.

6. Drainage Issue on Hall Property on West Mountain Road:

West Mountain Road resident Charles Hall and Road Foreman Ron Daniels came to the table. Chairman McClintock read a letter from West Mountain Road resident Richard Bernasconi in support of Mr. Hall's position. Mr. Hall explained that in 2005 the Town removed two culverts across West Mountain Road, then replaced just one of them. He was not informed of the removal in advance.

The culvert located higher up the hill from his property, which took most of the water coming down the hill and allowed it to drain into a hedge row, was not replaced. Mr. Hall stated that the water now goes into his field and causes erosion, requiring him to put in fill. He said that he had sent two certified letters to the Town and discussed the matter with Select Board member Wynn Metcalfe and Road Foreman Ron Daniels. Mr. Hall said he was told that West Mountain Road is a high priority. but not the highest. He is requesting that a second culvert be installed.

Chairman McClintock noted that the second culvert had been put in at the request of Mr. Hall's aunt, who paid for it. The Town supplied labor and machinery. Mr. Daniels described and drew diagrams of possible solutions to the problem. Ms. Mellinger asked Mr. Hall if he would agree to pay for culvert pipe if the Town installs another culvert. Mr. Hall replied that, given the Town's unsatisfactory response and the fact that he had not been informed before the culvert was removed, he should not be asked to pay.

Board members explained that the Town budget is very tight and that this section of road is not near the top of the priority list. Ms. Morse noted that the purpose of the road plan is to address safety, but if the Town creates a new problem they have an obligation to address it. She suggested that they have a conversation and try to reach an agreement.

Ms. Morse made motion to table the decision on West Mountain Road until the next meeting, after

Chairman McClintock and Charles Hall discuss the matter. Mr. Pennebaker seconded.

Mr. Hall asked if he would have to be present at the next meeting if an agreement is reached, and was told that he would not.

Motion to table the decision on West Mountain Road carried 5-0-0.

7. Dust Control Plan:

Chairman McClintock suggested that this discussion be postponed until the next meeting. All agreed. He thanked Mr. Daniels for attending.

8. Budget Deficit Reduction Plan:

Treasurer Henri Billow came to the table and presented final figures on the tax rate.

Mr. Metcalfe said that he wanted to address the budget deficit reduction decision. He stated that the compromise the Board had agreed to at the last Monday meeting had been changed, and he wants to know what these changes are because he had been unable to attend the special meeting.

Chairman McClintock said that he had planned to address this matter first. He explained that the minutes of what had happened at the special Wednesday meeting did not go out until today. Chairman McClintock reviewed the decision made at the last Monday meeting to combine budget cuts and a special tax of \$17,000 to cover the budget deficit. The Wednesday meeting had been scheduled to approve the ballot article for the special tax. At that meeting they had learned that the required appeal period for the article warning is thirty days, not fifteen. This would have required setting a new tax collection date in late November or early December. Treasurer Billow had asked that tax collection not be delayed.

Chairman McClintock stated that the only choices were to warn the article for the special tax and delay tax collection, or make the special tax part of the next Town meeting. Ms. Morse stated that the Board may set a tax rate without voter approval, but Chairman McClintock noted that statute requires 5% increments, which would have required raising \$76,000. He feels that dealing with the \$17,000 at Town meeting is in the spirit of what they had decided. Ms. Mellinger said that they are responding in the same way to the original motion; the only difference is when the \$17,000 is collected.

Mr. Metcalfe stated that this should have been decided at a warned Monday meeting so the public could hear about it. Ms. Morse agreed that the decision could have been delayed. Other Board members felt that the decision needed to be made at the time. Ms. Mellinger suggested that they go back to meeting weekly if any of them feels that a meeting should be held.

9. Tax Anticipation Note:

Ms. Billow stated that \$125,000 will need to be added to the note, for a total of \$475,000, at 2.7% interest.

Ms. Mellinger made motion to approve the \$125,000 increase in the tax anticipation note. Ms. Morse seconded. Motion carried 5-0-0.

10. Set Tax Rate:

Ms. Billow went over the Town tax rate figures for 2008-2009. The rate will be .5047 per hundred, which is an increase of 4 to 4.5 cents, or about 1%.

Ms. Mellinger made motion to set the Town tax rate as outlined by Treasurer Henri Billow. Mr.

Pennebaker seconded. Motion carried 5-0-0.

11. Coin Drop:

Chairman McClintock explained that the state requires Select Board approval for a fire department coin drop. A coin drop is planned for Columbus Day weekend. He noted that they are also trying to make sure firemen are covered by insurance when they are out on Rte. 7A. They will hear from insurance agent Dave Newell on this.

Ms. Morse made motion to approve the fire department coin drop. Ms. Mellinger seconded.

Ms. Morse asked that in the future the fire department send Mr. Chrostowsky notice when they are planning a coin drop so that the Board is informed.

Motion to approve the coin drop carried 5-0-0.

12. Review and Approve Meeting Minutes:

August 18, 2008 Select Board minutes

Ms. Morse made motion to approve August 18, 2008 minutes. Mr. Pennebaker seconded. Motion carried 5-0-0.

August 20, 2008 Select Board minutes

Ms. Morse made motion to approve August 20, 2008 minutes. Mr. Pennebaker seconded.

The following correction to the August 20, 2008 minutes was requested:

The vote on the motion is changed to "3-1-0."

Motion to approve August 20, 2008 minutes as amended carried 4-0-1. (Mr. Metcalfe abstained because he had not been present.)

13. Review and Approve Warrants:

The following warrants were presented for approval:

Transfer Warrant: \$ 89,618.33

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

Payroll Warrant PR#8: \$ 6,475.24

Ms. Morse made motion to pay PR Warrant #8. Ms. Mellinger seconded. Motion carried 5-0-0.

Payroll Warrant PR#9: \$ 9,642.09

Ms. Morse made motion to pay PR Warrant #9. Ms. Mellinger seconded. Motion carried 5-0-0.

Payroll Warrant PR#10: \$ 5,409.75

Ms. Morse made motion to pay PR Warrant #10. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#10: \$ 16,616.21 (reappraisal, water project parts)

Ms. Morse made motion to pay AP Warrant #10. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#9: \$ 63,580.25 (truck leases)

Ms. Morse made motion to pay AP Warrant #9. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#8: \$ 2,306.25 (diesel fuel, landfill stickers)

Ms. Morse made motion to pay AP Warrant #8. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#7: \$ 27,408.33 (election expenses, health insurance, water project parts)

Ms. Morse made motion to pay AP Warrant #7. Ms. Mellinger seconded. Motion carried 5-0-0.

14. Town Administrator Report:

Mr. Chrostowsky reported that they are \$1100 over budget in culverts, which is a concern, especially if they need to do the West Mountain Road culvert. He will need to check details to see why they went over budget.

Mr. Chrostowsky reported that the grader had required \$4,000 in repairs. This will deplete or come close to depleting the grader fund.

He stated that they have spent 26% of the budget because of front end payments on truck leases, dues, and insurances. Mr. Chrostowsky said that he and Ms. Mellinger worked on the cash accounts, and that Bill Hall of the Vermont League of Cities and Towns will help them change the accounting method. He will finish pulling the invoices Mr. Hall will need tomorrow.

15. Other Business:

Mr. Metcalfe asked if the Board had voted on a motion to send the note that went out to department heads. Chairman McClintock replied that they had not, and that he had requested Mr. Chrostowsky to send the note out to keep department heads mindful of spending and to tell them to keep the Board informed.

Mr. Chrostowsky stated that the highway department pickup truck had failed inspection. He asked Board permission to tell the highway department not to use the truck, and to authorize using highway reserve fund money to buy a used truck. The old one will be sold for salvage for \$200.

Ms. Mellinger made motion to authorize Mr. Chrostowsky to tell the highway department to purchase a used truck for \$1800. Mr. Pennebaker seconded. Motion carried 5-0-0.

Ms. Mellinger returned to the topic of the letter to department heads and the budget. She said she is fearful that the deficit may increase. She thinks they need to discuss budget caps. Ms. Mellinger noted that she had proposed a plan to cut the budget, and she'd like to hear from others.

There was discussion of budget cuts and of communications with departments through Board liaisons. Mr. Metcalfe said they should have a working session with department heads so all are hearing and talking about the same thing. He also said that Board members should inform their department liaisons that budgets will be cut. Chairman McClintock asked if they should set a percentage cut, and recommended that they decide on this at the next meeting. Board members agreed to put this at the top of the agenda and to meet next week.

Mr. Pennebaker reported that he heard from Agency of Natural Resources representative Buzz

Surwillo that the Town is doing a good job on methane remediation. He said they will not be expected to always have methane levels below 5%, just most of the time, which is the case at present. Mr. Pennebaker said the project may be complete and just require monitoring. This may free up as much as \$20,000 from the landfill reserve fund.

Chairman McClintock stated that Treasurer Billow has been very helpful with the project to change the Town accounting method. He thanked her.

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