

**SHAFTSBURY SELECTBOARD  
REGULAR MEETING  
SEPTEMBER 19, 2011  
MINUTES**

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Craig Bruder, Carl Korman. **Board Members Absent:** Bill Pennebaker. Town Officials: Margy Becker, Town Administrator; Chris Williams, Planning Commission Chair. **Guests:** Owen Beauchesne, John Tiffany, Loraine Mattison, Richard Mattison.

**1. Call to Order**

Chairman McClintock called the meeting to order at 7:05pm.

**2. Announcements**

The Environmental Issues Committee will be meeting at Cole Hall on September 20, 2011 at 7p.m. to discuss the State E-waste program.

October 1<sup>st</sup> is Household Hazardous Waste Day from 9a.m. to 1p.m. A list of accepted materials can be found on the Town's website. Four tires per household are allowed for free disposal.

A public hearing regarding the proposed interim bylaw regulating commercial composting facilities will be held at 7p.m. on September 22, 2011 at Cole Hall.

Chair McClintock informed the Board of the passing of Marge Carter, Bob Carter's wife. Bob Carter had served on the Planning Commission Board in the past. Our thoughts go out to the family.

**3. Public Comments**

No comments made

**4. Conflict of Interest Statement**

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

**5. August Financials**

Total assets are \$98,012.88 minus Liabilities of \$64,289.35 results in a total fund balance of \$33,723.53. Total liability, reserves, and fund balance is \$98,012.88. Budgeted Revenues. Current year revenues of \$68,750.05 less expenses to-date of \$294,225.10 leaves a negative fund balance of \$-225,475.05. Only 4% of budgeted revenues have been received to-date. Property tax collection occurs in the second quarter of the fiscal year.

**6. Beauchesne/Hale Mtn. Rod & Gun Club-Appeal of Zoning Permits**

Owen Beauchesne spoke to the Board regarding concerns with the Hale Mt. Rod & Gun Club. The Club has been there since the 1940's. In its early years there were no problems and they

worked with their neighbors. In the 1980's those dynamics started to change. The Club started to expand without zoning permits. Buildings were erected without permits. There are no regulations in place limiting as to what firearms can be fired there. The range serves three states, with police from these states firing at the range. At one time there were 25 zoning violations found, but the Club was found not guilty for any violations. Mr. Beauchesne stated that there was a conflict of interest at that time regarding some Town-appointed members of volunteer boards and commissions. Some Town board members were friends of people who belonged to the club. Mr. Beauchesne stated the Zoning Administrator shot at the Club. Eventually the DRB found the Club guilty of two violations. The Club appealed to the Environmental Court. Mr. Beauchesne asked why the Town is sitting on the sidelines. Mr. Beauchesne stated that the streams have been tested and lead has been found in the streams.

Chair McClintock stated that the DRB could not do a site evaluation due to the fact that the application from the club was incomplete. The Town Attorney agreed with Owen Beauchesne's attorney that he should be granted party status. The attorney asked the court to allow the DRB to review the case; the court refused.

The Environmental Court ruled against Owen Beauchesne. The Supreme Court sent the case back to the Environmental Court.

Carl Korman asked if Mr. Beauchesne wanted the Select Board to intervene or file a separate complaint. Mr. Beauchesne asked the Town to look at all options.

Lon McClintock will ask the Town Attorney to make an argument to the court to have Hale Mountain submit a complete application to the DRB and to not circumvent the public process.

John Tiffany stated that since 1985 he can't shoot out his back door, so he goes to Hale Mt. to shoot and says it is a safe place to shoot.

Loraine Mattison, a resident in the vicinity of the Club, stated that in the early years of the Club there were no problems. But the Club has changed and the shooting is so loud that she can no longer sit on her deck in the summer.

Richard Mattison stated that the guns they are shooting are so loud that he has to go to his basement when they are shooting.

## **7. Zoning Administrator's Hours**

Chris Williams, Chair of the Planning Commission, stated that there is back log of permits, environmental issues, zoning enforcement, and there are complaints coming in. In order to improve the performance in the Zoning Administrator's office hours need to be increased from 12 to 16 hours per week until June. **Karen Mellinger made the motion to increase the Zoning Administrator's hours from 12 to 16 hours per week. Craig Bruder seconded. Motion carried 4-0.**

## **8. Proposed Zoning Bylaw Amendments – Set Hearing Date**

Chris Williams stated the Planning Commission has completed the required notification process regarding the proposed zoning amendments. Hearings will be set for October. Chris Williams stated that due to FEMA requirements, the Town's flood hazard regulations need to be revised. FEMA has updated flood maps. The by-laws need to adopt the FEMA maps and definitions. This is a time-sensitive matter.

## **9. Irene Damage – Fire House Status**

Jim Secor validated the work to be done with an estimate of \$44, 230. The Town's property insurance policy will cover reconstruction. There is a question as to whether the policy will cover undamaged material if not compliant to code. The wording of the policy needs to be examined further.

## **10. Town Administrator Report**

Margy Becker, Town Administrator, reported that she is waiting for the site visits and assessment from a FEMA Project Officer regarding Tropical Storm Irene damages. The officer will then assist with the next phase of reimbursement.

There was minor damage done at Howard Park. There are now two volunteers who will be locking and unlocking the Park in the morning and at dusk.

Removal of the contaminated motor oil and tank at the transfer station is still being looked into.

Margy Becker is looking for back-up staffing at the transfer station. She has made arrangements for additional staff to assist with enforcement and sale of access permits.

Sullivan & Powers has received all the information asked for.

Joan Vargo is working a couple extra hours to help track Irene-related expenses and to provide information to Sullivan Powers.

The highway crew performance reviews are complete.

The Road Foreman will be looking at resumes for a sixth crew member.

## **11. Other Business**

A request from the Listers to adjust the Grand List due to an error for parcel ID #180145 acreage. **Karen Mellinger made the motion to adjust the acreage on parcel ID #180145 from 3.04 acres to 14.18 acres as advised by the Listers. Craig Bruder seconded. Motion carried 4-0.**

Dave Newell sent possible changes to the insurance policy for the Board to review. Item 1 is an increased cost of construction, #2 an increase coverage on Buck Hill Road Fire House and Cole Hall, #3 add the fences at cemeteries on 7A and Maple Hill Road and the pavilion at Howard Park, #4 increase the deductible on the property.

**Karen Mellinger made the motion to accept items 1-3 which will increase the policy by \$737 per year. Craig Bruder seconded. Motion carried 4-0.**

**Karen Mellinger made the motion to allow residents to bring 4 free tires throughout the day during Hazardous Waste Day. Carl Korman seconded. Motion carried 4-0.**

The Board agreed to have CATV air the hearing for composting on Thursday at 7p.m. for a fee of \$50.

**Carl Korman made the motion to authorize ID cards to be carried by all personnel – Select Board and Emergency people and the Chair be given the authority to declare an emergency with personnel reporting to the Chair or Town Administrator. Craig Bruder seconded. Motion carried 4-0.**

## **12. Approval of Minutes**

**Karen Mellinger made the motion to approve minutes for August 25, 2011 with amendments. Carl Korman seconded. Motion carried unanimously.**

**Karen Mellinger made the motion to approve minutes for September 6, 2011 with amendments. Craig Bruder seconded. Motion carried unanimously.**

**Craig Bruder made the motion to approve the Water Board minutes for September 6, 2011. Carl Korman seconded. Motion carried unanimously.**

**13. Approval of Warrants**

PAYROLL WARRANT PR#11 IN THE AMOUNT OF \$6347.67.

**Craig Bruder made the motion to approve payroll warrant PR#11 in the amount of \$6347.67. Motion carried unanimously.**

CHECK WARRANT #W12 IN THE AMOUNT OF \$40,578.82.

**Craig Bruder made the motion to approve check warrant #W12 in the amount of \$40,578.82. Carl Korman seconded. Motion carried unanimously.**

**14. Executive Session – Personnel**

**Craig Bruder made the motion to enter executive session at 9:25p.m. Carl Korman seconded. Motion carried unanimously. The Board exited executive session at 10:30p.m.**

Karen Mellinger made the motion to provide the Road Crew a 1% merit increase, retroactive to July 1, 2011. Craig Bruder seconded. The motion carried unanimously.

**15. Adjournment**

**Carl Korman made the motion to adjourn at 10:30PM. Craig Bruder seconded. The motion carried unanimously.**

Submitted by  
Carol MacLean