

MINUTES OF THE SHAFTSBURY SELECT BOARD  
MARCH 9, 2009  
COLE HALL  
SHAFTSBURY, VERMONT

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

**Others Present:** Harvey Rutheiser, Larry Johnson, 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.Board Reorganization:**

Chairman McClintock stated that board reorganization needs to be taken care of before anything else on the agenda.

**Bill Pennebaker nominated Lon McClintock as Select Board Chairman. Karen Mellinger seconded.**

Cinda Morse stated that she would like to support Mr. McClintock's nomination as chair. She said that her issues are not about decisions, but about process. She would like the five Board members to have a conversation about how they are going to do business. Chairman McClintock replied that a conversation, especially after recent events, would be a good starting point.

**Nomination to elect Lon McClintock as Select Board Chairman carried 5-0-0.**

**Ms. Morse nominated Wynn Metcalfe as Select Board Vice Chairman. There was no second. Motion failed.**

**Ms. Mellinger nominated Bill Pennebaker as Select Board Vice Chairman. Chairman McClintock seconded. Motion carried 3-2. (Mellinger, McClintock, Pennebaker for; Metcalfe and Morse opposed)**

**3. Announcements:**

Chairman McClintock announced that there will be an interactive television program on the economic stimulus program Friday from 5:00 to 7:00 PM. Representatives from Vermont agencies will be on the program. He encouraged Board members to attend.

Ms. Morse announced that Senator Leahy had held a meeting in Burlington last Friday and will hold another in Brattleboro on March 30.

**4. 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.

**5. Public Comments:**

There were no public comments.

#### **6.Select Board Rules of Procedure:**

Chairman McClintock stated that the rules had been circulated to Board members by Mr. Chrostowsky. He suggested that they not act on it now, but discuss it. Ms. Morse said she has some minor edits but no real problems, since the rules had already been adopted by the Board in the past. She suggested that Board members review the Select Board handbook, especially the elements of consensus procedure. Ms. Morse noted that consensus can be cumbersome and takes longer but can be valuable.

Ms. Mellinger and Mr. Metcalfe said they had not received the rules. Mr. Chrostowsky will resend them and the discussion will be on the next agenda.

#### **7.Meeting Schedule:**

Chairman McClintock asked if Board members are willing to go back to twice-monthly meetings. Ms. Morse said she prefers to schedule meetings weekly and cancel a meeting if there is not a lot on the agenda. Mr. Pennebaker recommended twice a month most of the time, but weekly during budget season. Chairman McClintock suggested twice-a-month meetings, with special meetings to be called if the agenda is too full. Ms. Morse said they could try that out and revisit it to see how they are doing.

**Mr. Metcalfe made motion to hold regular Select Board meetings the first and third Mondays of the month. Mr. Pennebaker seconded. Motion carried 4-1-0. (Ms. Morse opposed)**

#### **8.Annual Appointments:**

Mr. Chrostowsky reported that he had posted and placed a newspaper notice on the Trustee of Public Funds vacancy. He said there are several Planning Commission and Development Review Board (DRB) vacancies, which will be filled by the boards themselves. It is up to the Select Board how to handle committee vacancies; in the past they have reappointed members. He listed other open positions. Ms. Mellinger said that she thought some of these positions had been eliminated by the legislature, and they should get rid of them. Ms. Morse agreed. Mr. Chrostowsky will check on this.

Ms. Morse recommended that they start this process in January next year, since terms expire in late March and early April and it doesn't give them enough time to start after Town Meeting. Others agreed.

Board members agreed that open positions should be noticed in the newspaper. Mr. Chrostowsky will also contact current appointees to see who is interested in staying on. They went through the list of positions and agreed to eliminate fence viewers, inspector of lumber, shingles and wood, and weigher of coal.

**Ms. Morse made motion not to make appointments to positions they are not required by the state to fill. Mr. Pennebaker seconded. Motion carried 5-0-0.**

There was a brief discussion of the Environmental Issues Committee and the issues it will focus on.

#### **9.Adoption of Town Highway Financial Plan:**

Chairman McClintock stated that the Town has to adopt this plan annually. It lists roads by class and verifies maintenance allocations, and is based on the budget passed by Town voters.

**Ms. Morse made motion to adopt the Town Highway Financial Plan. Ms. Mellinger seconded. Motion carried 5-0-0.**

#### **7.Meeting Schedule (cont'd.):**

Ms. Morse stated that they had not talked about the meeting schedules of other boards and committees. They went over meetings schedules of the Economic Development, Ancient Roads, Recreation, Environmental Issues, and Sidewalk Committees, Ms. Mellinger said she would like the Water Board to have a regular quarterly meeting preceding the Select Board meeting. Schedules of the Planning Commission and DRB are unchanged. Mr. Chrostowsky will circulate a revised meeting schedule.

#### **10.Budget Status Report:**

Chairman McClintock said that they have a complete report through March 5 and an estimated cash flow through the end of the fiscal year. There may be a budget shortfall of \$26,324; the deficit reduction plan addressed a deficit of \$23,500.

There was a discussion of the report and of the numbers used by Treasurer Henri Billow and by Mr. Chrostowsky. Ms. Morse asked that the two of them work together to generate a budget report for each meeting. Ms. Mellinger asked if tax revenues should be coming in to Ms. Billow's mailbox, since no one else can get into it when she is out. Mr. Chrostowsky will look into this. There was a brief discussion of money to be reimbursed to the General Fund by the Water Department when bond money comes in. Mr. Chrostowsky reported that the \$5800 VComm grant money had been received.

#### **11.Conflict of Interest Policy:**

Chairman McClintock asked how people would like to proceed. He suggested adoption of a town-wide policy and noted that under current policy there is no recourse if a person does not recuse himself or herself. Ms. Morse said she had thought the Planning Commission and DRB had already adopted the same Town-wide conflict of interest policy as the Select Board. Chairman McClintock said he proposes replacing the current policy with a new one to cover all three boards. Ms. Morse said they need to have a conversation with all who will be affected. She noted that the assumption has been that each board would have its own rules of procedure and share the same conflict of interest policy.

Chairman McClintock recommended that they disseminate the policy to all boards, give them time to discuss it, and then hold a multi-board hearing. Ms. Morse said this should be done soon. She recommended using language that a layperson can understand.

Chairman McClintock said he will revise to make the language more readable, then circulate the policy. They can hold the first public hearing in about a month. He asked Board members to send suggestions on language changes.

#### **12.Review and Approve Warrants:**

The following warrants were presented for approval:

Transfer Warrant: \$32,350.00 (transfer from Water Department, Reappraisal Fund, Howard Park)

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

Warrant #38:\$33,381.48 (reappraisal, sand, health insurance)

**Ms. Morse made motion to pay Warrant #38. Ms. Mellinger seconded. Motion carried 5-0-0.**

Warrant #37:\$ 4,847.17 (salt, oil drum disposal, sheriff)

**Ms. Morse made motion to pay Warrant #37. Ms. Mellinger seconded. Motion carried 5-0-0.**

Payroll Warrant #35:\$10,650.41

**Ms. Morse made motion to pay Warrant PR#35. Ms. Mellinger seconded. Motion carried 5-0-0.**

Payroll Warrant #36:\$6,950.90

**Ms. Morse made motion to pay Warrant PR#36. Mr. Pennebaker seconded. Motion carried 5-0-0.**

### **13.Review and Approve Meeting Minutes:**

#### December 18, 2008 Select Board minutes

- **Ms. Morse made motion to approve December 18, 2008 minutes. Ms. Mellinger seconded. Motion carried 3-0-2. (Mr. Metcalfe and Mr. Pennebaker did not attend.)**

#### February 23, 2009 Select Board minutes

- **Ms. Mellinger made motion to approve February 23 minutes. Mr. Pennebaker seconded.**

One correction was requested: time of adjournment was 10:00 PM.

**Motion to approve February 23, 2009 minutes as amended carried 4-0-1. (Ms. Morse did not attend.)**

### **14.Other Business:**

Ms. Mellinger reported that the sidewalk project contract amendment, to cover additional work required, has to be approved. They will then be ready to go out to bid. The amount is almost \$9,000.

**Ms. Morse made motion to approve the sidewalk project contract amendment. Mr. Pennebaker seconded. Motion carried 5-0-0.**

Miss Mellinger said that she wants the water project easements to be approved by the Select Board. This will be on the agenda for next week.

Mr. Metcalfe said that he wants the Board to do a follow-up to the budget season and

have discussions department by department. There was a brief discussion of the budget process. Chairman McClintock suggested they brainstorm a discussion list for next week.

Ms. Morse stated that, according to the Select Board handbook, they are not supposed to put Executive Sessions on the agenda, but put the issue on the agenda and use Executive Session to address it if needed.

Mr. Pennebaker said he has drafted a letter on insurance reimbursement to the fire department with Fire Chief Joe Vadakin. He is missing information and would like input. Chairman McClintock suggested contacting the insurance regulatory agency to get more information.

Mr. Pennebaker said that the transfer station building needs work on gutters, missing shingles, and damage to a wall caused by packed dirt. He will get an estimate.

Mr. Pennebaker asked that the TAM transfer station contract and fuel and oil contracts be put on the next agenda.

There was a brief discussion of the possibility of a Goodwill collection box at the transfer station. It was decided this is impractical. There will be a box to recycle batteries.

**Ms. Mellinger made motion to go into Executive Session (Personnel) at 9:46 PM. Mr. Pennebaker seconded. Motion carried 5-0-0.**

**The Board came out of Executive Session and the meeting adjourned at ??? PM.**

Respectfully Submitted,  
Susan Swasta