

MINUTES OF THE SHAFTSBURY SELECT BOARD
JANUARY 22, 2007
COLE HALL
SHAFTSBURY, VERMONT

Board Present: **Wynn Metcalfe, Chairman, Bill Pennebaker, Karen Mellinger, Jim Mead, Cinda Morse**
Others Present: **Mike Gleason (Bennington Banner), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:05 PM.

2. Public Comments

There were no public comments.

3. Minutes:

January 15, 2007 minutes

Karen Mellinger made motion to approve January 8 minutes. Jim Mead seconded.

The following correction was requested:

“Meskum” is changed to “Meskun” on pages one and two.

Motion to approve January 15 minutes as amended carried 4-0-1. (Cinda Morse abstained because she had not attended the meeting.)

January 18, 2007 minutes

Ms. Morse made motion to approve January 18 minutes. Ms. Mellinger seconded.
Motion carried 5-0-0.

4. Warrants:

The following warrants were presented for approval:

PR#29	-	\$	7,185.97	Payroll Warrant
AP#32	-	\$	23,232.17	General Warrant

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

5. Town Meeting Warning:

Chairman Metcalfe stated that he would like to sign the town meeting warning tonight, although it might have to be re-signed on Friday if any petitions come through. Ed Colvin’s petition and the petition on impeaching the president are still out.

Bill Pennebaker made motion to sign the town meeting warning. Mr. Mead seconded.

Ms. Mellinger asked Aaron Chrostowsky if all figures had been double checked, and he replied that they had.

Motion carried 5-0-0.

Mr. Chrostowsky noted that he had added a line item on mileage reimbursement, which had not been included last year but had been included in previous years. Ms. Morse asked if a specific amount for reimbursement should be recommended, reflecting the amount in the budget.

There was a discussion as to whether this question should be included on the ballot, since it is already in the budget, which may prove confusing and redundant. Mr. Pennebaker expressed concern that, should it be voted down, employees would not be reimbursed for using their private vehicles. After further discussion, the Board decided to remove the mileage question from the ballot and town meeting warning.

Ms. Mellinger asked if other questions, in addition to the budget, should be included in the vote on adoption of the Australian ballot. Chairman Metcalfe asked why we would have a town meeting if everything were decided by Australian ballot, and Ms. Mellinger replied that it would then become an informational meeting. Ms. Morse said that this issue could be dealt with if someone brings it up at town meeting.

Ms. Morse stated that she thinks items five and six on the warning should be reversed, so the budget discussion comes first, then the question on budget decision by Australian ballot. Others agreed that it could be reversed.

Mr. Pennebaker asked if changing budget approval to Australian ballot would mean that all budget-related matters, such as last summer's special meeting on borrowing funds for landfill closure, would have to be decided by Australian ballot. Chairman Metcalfe replied that it would just apply to adopting the budget, not other budget-related decisions. He is not aware of any state statute that would require this.

He suggested sending a quick email to Town Attorney Rob Woolmington to confirm. (Later in the meeting Mr. Chrostowsky said that he will first check with the Vermont League of Cities and Towns [VLCT].)

Other minor changes in wording and names of organizations were discussed.

6. Professional Services Agreement:

Ms. Mellinger expressed concern that the agreement puts the sidewalk project process two months behind where it should be. She also questioned service charge figures that are higher than those in the bid and the language dealing with "unforeseen occurrences." Ms. Morse suggested that Ms. Mellinger and Mr. Chrostowsky discuss these issues with ESPC and bring the information to next week's meeting.

7. Deliberative Session:

Chairman Metcalfe stated that clarification on the procedures for recusal had been received from the Secretary of State's office, but that the issue is still muddied because of conflicting information between the Secretary of State and the VLCT. According to the Secretary of State, a person who recuses himself or herself may stay in the room, but not speak. If the DRB were to go into deliberative session, this person would not be able to participate. The VLCT states that the person

must leave the room.

Mr. Chrostowsky added that another gray area is that a person does not have to recuse himself; it is considered best practice, but not required by statute. Ms. Morse said that the VLCT had made it clear that it is the appearance of conflict of interest, as much as actual conflict, which is important to ensure public trust.

Mr. Pennebaker brought up the matter of planning and zoning board members recusing themselves and then going to the other side of the table to conduct business. Ms. Morse explained that this is not a conflict of interest because the person is then not participating as a board member or taking part in the decision.

Mr. Pennebaker asked what the difference is between a recusal that involves stepping down and not participating and a recusal that involves stepping down and then going to the other side of the table to do business as an individual. Procedures as defined do not differentiate between the two.

8. Other Business:

Mr. Pennebaker discussed a draft plan from Heindel and Noyes on the methane remediation plan. They will drill four additional wells along the periphery of the cap, use these to pump out methane, and then measure the effect in the existing wells. Basic installation costs of \$13,688 do not cover extension of electrical service or burying the pipes.

He said that rough estimates of electrical service and burial of pipes in a four-foot trench might be about \$2000 and \$5000, respectively. This assumes that the town will dig the trench. The pipes would connect the wells to a pump, which would be housed in a small shed to reduce noise. The methane would be released into the atmosphere.

Mr. Pennebaker said that they advised not waiting until spring for safety reasons. Mr. Mead suggested a different location for the pump that might reduce the cost of electrical service and would be further from the Eastmans. Mr. Pennebaker reported that he had discussed the plan with Buzz Surwillo, who wants to be kept in the loop and asked for a copy of the plans. Mr. Chrostowsky will send them ASAP.

Mr. Pennebaker said that Mr. Surwilo recommended waiting until the system is up and running before putting additional measuring equipment on the Eastman property, because it may not be needed.

Mr. Pennebaker made motion to approve the Heindel and Noyes methane remediation plan. Ms. Mellinger seconded. Motion carried 5-0-0.

Mr. Pennebaker stated that the final plan, the Endres survey, and the data on distances should be sent to Heindel and Noyes right away. There was a brief discussion on whether the pipes would need to be buried or could be covered with fill.

Mr. Pennebaker said that he had received an email from Jim Serrao suggesting that the town sell advertising in the town report in order to raise money. Ms. Morse said that he should be informed that ad space can be purchased in the Economic Development brochure.

Ms. Mellinger stated that she and Mr. Pennebaker have drafted a letter to the state requesting any additional funds for landfill closure. Chairman Metcalfe asked that all Board members receive a copy.

Mr. Mead requested a short Executive Session on a legal matter.

Mr. Chrostowsky reported that he spoke to David Hosley about mowing the landfill cap, and that

Mr. Hosley is concerned that he does not have the right equipment to avoid damaging the cap. He recommends not mowing for a year, but will also get an estimate on a special mower.

Mr. Chrostowsky has contacted the three individuals who will serve as Select Board alternates. He reported that there are still sewer surveys coming in, so the Board decided to set the end of the month as cutoff date.

Mr. Mead made motion to go into Executive Session (Personnel). Mr. Morse seconded. Motion carried 5-0-0.

The meeting went into Executive Session at 8:45PM.

The meeting adjourned at 9 P.M.

Respectfully Submitted,

Susan M. Swasta