

MINUTES OF THE SHAFTSBURY SELECT BOARD
JANUARY 15, 2007
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Wynn Metcalfe, Chairman, Bill Pennebaker, Karen Mellinger, Jim Mead

Board Absent: Cinda Morse

Others Present: Lew Levin, Ed Colvin, Judy Stratton, Janet Daniels, Robert Holmes, James Mehr, Harold Rowe, Liz Putnam, Michael Bidy, Jim Carter (DRB), Sandy Carter, Donald Tuller, Laurel Tuller, Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:00 PM. He announced that the Board would take agenda items out of order in order to hear from the public first.

2. Public Hearing on Australian Ballot:

Chairman Metcalfe announced that there would be a discussion on the possibility of voting on the town budget by Australian ballot, as had been announced in a Bennington Banner article and in Karen Mellinger's letter in the Banner. He stated that there will be no decision tonight, that this is an opportunity to allow everyone to speak on the issue without holding a debating session. He then opened the floor to discussion.

Ed Colvin asked if this would include the school meeting as well, and Chairman Metcalfe replied that it would not, but would just include the town budget. Ms. Mellinger noted that another question to be answered is whether we want all public questions to be decided by Australian ballot, or just the budget.

Lew Levin stated that we have been talking about this for a few years, and he believes we should make the change. He noted that the town is lucky to get 100 people here to vote on a million dollar budget, and that many who can't attend don't get the opportunity to vote. He would like to see town meeting held on Saturday two weeks before the vote to give everyone a chance to express an opinion. Ms. Mellinger stated that the law requires town meeting to be held within ten days of voting, and Mr. Levin said that ten days would be enough time for people to write letters to the newspaper to express their opinions.

Harold Rowe said that he is highly in favor of the change, so that everyone has the opportunity to vote on the budget. He is not as concerned about having other questions voted by Australian ballot. Mr. Colvin noted that times have changed, and most people no longer work locally, so all-day Tuesday town meetings are a thing of the past. He agrees with Mr. Levin that town meeting should be held ten days before voting, but thinks just the budget should be decided by Australian ballot. Otherwise, people won't have any reason to attend town meeting.

Liz Putnam agreed with Mr. Colvin and Mr. Levin on holding a town meeting ten days before voting, stating that an opportunity for people to learn about the issues is important. She asked if voting could revert back to the old method if the Australian ballot doesn't work out, and Ms. Mellinger replied that it could.

Jim Meskum, a town auditor, reminded everyone that the town report needs to be in the hands of voters ten days before town meeting, and the printers require two weeks. This would mean that the Select Board would have to start the budget process very early.

Mr. Levin asked what other questions are voted on at town meeting, and Ms. Mellinger explained the votes on compensation for town officials and the authority to borrow money. Mr. Colvin added the question of whether to impeach the president.

Chairman Metcalfe asked for other comments. He announced that there will be a potluck supper again this year, to be held between the school meeting and the town meeting.

Ms. Putnam asked how much time the Select Board needs to act on the Australian ballot, and Chairman Metcalfe replied that first it is placed on this year's ballot, and if it passes the Australian ballot goes into effect next year. He noted that the Board

informs the public when it goes into budget deliberations each year so that people can come in and comment.

Ms. Mellinger pointed out that if the budget and other questions go to Australian ballot, they will already have been decided and approved by the Select Board. People will only be able to vote yes or no, rather than being able to change numbers.

There was a discussion of whether cost would be a consideration, and Town Clerk Judy Stratton stated that it would not cost any more to use the Australian ballot. Chairman Metcalfe noted that the Australian ballot would also allow the use of absentee ballots, so there would be no excuse for not voting. Ms. Stratton agreed that absentee ballots would give all taxpayers an opportunity to vote.

Mr. Colvin said that he thinks there will be some dissatisfaction among the 100-150 people who regularly attend town meeting because they won't be voting there. Mr. Levin and Mr. Meskum felt that the same people will attend the earlier town meeting, and more residents will have an opportunity to attend a Saturday meeting.

Chairman Metcalfe thanked everyone for their comments and stated that the Board will probably make a decision next Monday. Ms. Mellinger asked anyone else who has opinions to please let the Board know.

Before proceeding to other agenda items, Chairman Metcalfe asked if any Board member needed to recuse himself or herself from any matter on tonight's agenda. None did.

3. Public Comments

Mr. Colvin suggested opening up town government a little more and combining town and school reports into one, which would only be sent to people who signed up to be on a mailing list. He would like to have salaries, benefits, and hours of elected and appointed officials included in the report because he thinks more people would run for office if they knew what the hours and pay will be.

Mr. Colvin suggested putting a note in November tax bills asking people to indicate if they want a town report. A notice could also be put in the newspaper, for non-taxpayers. He thinks this would save money. Mr. Colvin would like to have this put on the ballot by the Board, although he is also willing to get signatures on a petition.

Mr. Mead stated that he does not think it would be cheaper to do it this way. Chairman Metcalfe noted that the auditors put in a lot of time and effort on the town report, and he is not sure it would be possible to add in the school report. Mr. Mead said that the supervisory unit would want control over the school report.

Chairman Metcalfe stated that some people who may not normally read the report do so if another family member has it in the house. Mr. Meskum said that reports are retrieved from the trash in the post office and saved for distribution at town meeting and the town office, so not many go to waste.

Bob Holmes noted that we're trying to encourage people to vote, and the town report is the way for them to be informed. He does not think they should have to request one. Mr. Colvin stated that the people should decide. Aaron Chrostowsky pointed out that even if money is saved on postage, it would cost \$600 to put a required notice of town meeting warning in the paper.

4. Development Review Board (DRB) Update:

DRB Chairman Jim Carter came forward to make a presentation. He distributed copies of a Vermont League of Cities and Towns (VLCT) open meetings law document and of the letter he intended to read. Chairman Metcalfe stated that Michael Bidy had sent the Select Board a letter complaining about DRB meeting procedure, and that Mr. Carter had been invited to respond. Mr. Carter then proceeded to read the following:

After Mr. Carter's presentation, Chairman Metcalfe noted that the Select Board is in no way suggesting that it oversees what happens at the DRB, recognizing that the next step up is Environmental Court. It solely thought that both sides should be heard.

Bill Pennebaker stated that he had been present at the Zoning Board (which preceded the DRB) meeting referred to in Mr. Bidy's letter, concerning deliberative session. His impression, contrary to Mr. Carter's statement, was that Trevor Mance had been asked to stay for deliberative session. He does not know what happened after that because he left the room with

everyone else.

Mr. Carter replied that deliberative session does not begin until the room is cleared, and that Mr. Mance was asked to stay because an engineer's report was needed from him, not for deliberative session. Even if deliberative session had begun, he believes that the open meetings law does not apply. Mr. Pennebaker repeated that his impression had been that Mr. Mance remained for deliberative session.

Ms. Mellinger stated that perception is important, and she urged that the Board be sure everyone has left before going into deliberative session. Mr. Carter stated that his recollection differs from Mr. Pennebaker's, and agreed that impression is important, but reiterated that there is nothing in the law that states what may happen in deliberative session.

Ms. Mellinger asked if it would be useful to contact VLCT for guidance on deliberative session. Mr. Chrostowsky agreed to contact them.

Mr. Bidy stated that at that meeting citizens had been asked to leave the room because the Board was going into deliberative session. Some had complained when it became clear that Mr. Mance was going to stay. Ms. Mellinger then recalled that she had been at the meeting, and had also been confused, wondering why Mr. Mance was at the table when the Board was going into deliberative session. Mr. Bidy stated that he had no further reply at this time because he needs to go over Mr. Carter's statement.

5. Liquor License:

Chairman Metcalfe asked for a Board vote on a second class liquor license for Paulin's.

Mr. Mead made motion to approve the Paulin's second class liquor license. Ms. Mellinger seconded. Motion carried 4-0-0.

6. Minutes:

January 8, 2007 minutes

Mr. Pennebaker made motion to approve January 8 minutes. Ms. Mellinger seconded. Motion carried 4-0-0

7. Warrants:

The following warrants were presented for approval:

PR#28 -	\$	7,220.78	Payroll Warrant
AP#W3 -	\$	10,669.37	General Warrant
#W30R -	\$	1,018.29	Retirement Warrant
Transfer Warrant -	\$	102,205.62	To General Fund

Jim Mead made motion to pay warrants. Ms. Mellinger seconded. Motion carried 4-0-0.

8. Other Business:

Chairman Metcalfe asked whether the Board wants to have Mr. Colvin petition to place his suggested town report changes on the ballot. He stated that he is not in favor of the changes. He doesn't think combining town and school reports will work, and also believes all citizens should receive a report. In addition, he thinks it would be a "logistical nightmare" to include all of the information on town officials.

Mr. Pennebaker stated that he thinks it is not a bad idea to include some additional information on hours and compensation. Ms. Mellinger agreed that it might be a good way to get more information out. Chairman Metcalfe thought that talking to

people directly is more effective in attracting volunteers.

Board members agreed that they are not comfortable putting it on the ballot because they lack information about costs and the ability to make the changes. They will vote on it on the Thursday meeting, so that Mr. Colvin will have more time to circulate his petition if it is voted down.

Mr. Pennebaker requested a short Executive Session on personnel.

Ms. Mellinger announced a Grange event on January 22 at 7:00 PM. It will be a presentation on meth labs by Trooper Michael Smith, to be preceded by a potluck supper at 6:30. She also announced that the February 12 Water Board meeting will include discussion of a water improvement project.

Chairman Metcalfe thanked the road crew for their great job on the roads over the past couple of days. He announced that the Planning Board still needs a member, and that volunteers are also needed for a Facilities Committee. Ms. Mellinger noted that the Recreation Committee also needs members.

Ms. Mellinger made motion to go into Executive Session (Personnel). Mr. Mead seconded. Motion carried 4-0-0.

The meeting went into Executive Session at 8:40PM.

The meeting adjourned at 11 P.M.

Respectfully Submitted,

Susan M. Swasta