

MINUTES OF THE SHAFTSBURY SELECT BOARD
FEBRUARY 16, 2009
COLE HALL
SHAFTSBURY, VERMONT

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

Others Present: Larry Johnson, Harvey Rutheiser, Audrey Rutheiser, Frances Kinney, Tyler Resch, Joe Vadakin (Fire Chief), 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:

There were no announcements.

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 Larry Johnson asked for an apology from Cinda Morse and Wynn Metcalfe for leaving last week's meeting, which then ended for lack of a quorum. He said that they had wasted his and other Board members' time and had chosen not to do the Town's business, which they were elected to do. This led into the next item on the agenda, discussion of the Town Report process issue.

5. Town Report Process Issue:

Ms. Morse stated that a draft of the report had circulated by email among Board members last Wednesday, and edits were made back and forth. At the end of Thursday Mr. Chrostowsky sent out a final draft, and Ms. Morse called him to say that it was not the correct version because it did not include edits. She assumed the wrong version had been sent out. Ms. Morse said she called Mr. Pennebaker to report the wrong version had been sent, and that he had said that he did not think anything could be done about it at this point. She stated that he called her back to say that the majority of the Board had approved this version of the report.

Mr. Pennebaker stated that he does not recall receiving any phone calls from Ms. Morse. He described making a phone call to her during which she hung up on him. He also reported two phone conversations with Ms. Mellinger, and a phone call to Town Auditor Jim Meskin to tell Mr. Meskin that the report represented the will of the majority of the Board. Mr. Pennebaker said that one paragraph that Ms. Morse had requested to

be struck was taken out. He said that the majority was himself, Ms. Mellinger, and Mr. Metcalfe, and that Mr. Metcalfe had never called or emailed comments on the report but made a few comments when contacted by Mr. Chrostowsky.

Ms. Morse insisted that she had made the phone call to Mr. Pennebaker. She also denied that she had had "chewed out" one of the Town auditors, as described by Mr. Pennebaker. Ms. Morse said that the process of how the report is done, not the content, is the issue here.

Chairman McClintock stated that this is not the first time Board members have walked away from a meeting. He said that disagreement is part of the process and that leaving is not acceptable. He also stated that Bennington College cancelled an event because its liquor license was not approved at the meeting. Ms. Morse reiterated that she does not disagree with Chairman McClintock and Mr. Johnson that they are here to do Town business, but they are also here to follow process. She said business is not all getting done at the table and some Board members don't know what's going on.

Ms. Mellinger said that she thought most of the edits Ms. Morse submitted during the day on Wednesday were made, but that Ms. Morse then edited out a large section on finances Wednesday night. Ms. Mellinger said she responded to her that the Board had decided that the finances needed to be explained. Ms. Mellinger noted that it's hard to track so many changes from four different people when editing a document. She also stated that last week's meeting cancellation had prevented a resident from getting a \$900 check the next day, and the resident was angry.

Mr. Metcalfe stated that this is one of many examples of the Board waiting until the last minute and then expecting to do their best work. They should have done it around the table two weeks ago. Ms. Mellinger said that this is about more than the Town report, but is about other issues.

6. Fire Department Reimbursement Fees:

Fire Chief Joe Vadakin came to the table. He reported that he and Mr. Chrostowsky have gone over the amounts that went into the General Fund, but were to have gone into the Fire Department Equipment Reserve Fund. They came up with the same amount: \$1,001.25.

Ms. Morse made motion to adopt the policy of putting insurance reimbursement monies generated by the Fire Department into the Fire Department Equipment Reserve Fund. Ms. Mellinger seconded.

Chairman McClintock noted that the Board will always look at fund allocations in terms of the overall budget. Mr. Pennebaker brought up the issue that Vermont does not require insurance reimbursement, and asked if they should solicit help from their state representative. It was agreed that he will draft a letter to Rep. Alice Miller.

Motion to adopt the policy carried 5-0-0.

Ms. Morse made motion to move \$1001.25 in insurance reimbursement monies from the General Fund to the Fire Department Equipment Reserve Fund (FDERF). Mr. Pennebaker seconded.

Chairman McClintock stated that he thinks they can afford to do this.

Motion to move \$1,000.25 to the FDERF carried 5-0-0.

7. Dog License Fee Increase:

Chairman McClintock reported that the Town Clerk informed him that if dog license fees are raised by 25 cents it will cover the animal control budget at its current level. If the fee is raised by \$1.00, it will generate a \$300-\$400 buffer. There was a brief discussion.

Ms. Morse made motion to increase Town dog license fees by \$1.00 next year. Mr. Metcalfe seconded. Motion carried 3-2-0. (Chairman McClintock, Ms. Morse, Mr. Metcalfe for, Ms. Mellinger and Mr. Pennebaker opposed.)

8. Liquor License Renewal:

Mr. Chrostowsky read the license renewal application for Thyme Tables.

Ms. Morse made motion to approve the liquor license renewal for Thyme Tables. Mr. Pennebaker seconded.

Mr. Metcalfe asked if there are any violations noted. Mr. Chrostowsky replied that there are not.

Motion to approve liquor license renewal carried 5-0-0.

Ms. Morse made motion to approve the liquor license renewal for Bennington College, to cover events to be held at the President's House between February 16 and June 12, 2009. Ms. Mellinger seconded. Motion carried 5-0-0.

9. Certificate of Highway Mileage:

Mr. Chrostowsky noted that this has to be done every year in order to get state reimbursement funds. He listed the mileage for the various Town road classes. There were no changes from last year. Chairman McClintock noted that Deer Run Road in Hidden Valley is not included. It was established that future Ancient Roads decisions will affect Town mileage.

Ms. Mellinger made motion to certify Town highway mileage as presented by the Town Administrator. Ms. Morse seconded. Motion carried 5-0-0.

10. Historic Preservation Grant:

Chairman McClintock stated that the Town will receive a \$7,000 state matching grant if they accept it tonight.

Ms. Morse made motion to accept the \$7000 state historic preservation grant, to be matched by the Town. Ms. Mellinger seconded.

Mr. Metcalfe asked if they will put out repairs as one bid or as separate items. Mr. Chrostowsky replied that they will offer contractors the option to bid for all or as individual items. He will put out bids for roof repair, door repair, window repair, and stonework repointing.

Motion to accept the grant carried 5-0-0.**11. Open Architectural Services Bids:**

Mr. Chrostowsky opened statements of qualifications to evaluate Town facilities from Tim Smith & Associates, BMA Architects, Centerline Architects, and Keefe & Wesner. He proposed that these qualifications be reviewed by the Facilities Committee, who would select a contractor and negotiate a price.

Ms. Morse made motion to delegate the Facilities Committee to interview prospective architects and then make a recommendation to the Select Board as to which one to retain for facilities analysis. Ms. Mellinger seconded.

Ms. Morse asked how the expense will be covered, Mr. Chrostowsky replied that they may use the Hawkins Fund or Cole Hall or Town Garage funds. Ms. Mellinger recommended using the Act 200 fund balance. This fund contains almost \$12,000. The Bennington County Regional Commission (BCRC) said that it may be used for this purpose.

12. Discuss House Bill 103:

Chairman McClintock reported that House Bill 103 would eliminate the 8% penalty for late payment of taxes. He said that Tax Collector Mert Snow told him this would reduce the incentive to pay taxes on time, and the Town would have to come up with another way to pay for delinquent tax collection.

Ms. Morse made motion to have the Select Board send a letter advising the state representative to oppose the bill. Ms. Mellinger seconded. Motion carried 5-0-0.

Ms. Mellinger will draft a letter to be ready for Board signatures next week.

13. Review and Approve Meeting Minutes:

February 2, 2009 Select Board minutes

Ms. Morse made motion to approve February 2 minutes. Ms. Mellinger seconded.

The following correction to the February 2, 2009 minutes were requested:

In motions throughout the minutes, "Mr. Morse" is changed to "Ms. Morse."

Motion to approve February 2, 2009 minutes as amended carried 5-0-0.

February 9, 2009 Select Board minutes

Ms. Morse made motion to approve February 9 minutes. Mr. Pennebaker seconded.

Motion carried 4-0-1. (Chairman McClintock abstained because he did not attend the meeting.)

14. Review and Approve Warrants:

The following warrants were presented for approval:

General Warrant AP#33: \$18,790.49 (reappraisal, sand, TAM management fee)

Ms. Morse made motion to pay AP Warrant #33. Ms. Mellinger seconded. Motion carried 5-0-0.

General Warrant AP#34: \$ 898.00 (state tax rebate)

Ms. Mellinger made motion to pay AP Warrant #34. Ms. Morse seconded. Motion carried 5-0-0.

Payroll Warrant #32 : \$ 7,864.11

Ms. Morse made motion to pay PR Warrant #32. Ms. Mellinger seconded. Motion carried 5-0-0.

Payroll Warrant #33: \$ 7,510.86

Ms. Mellinger made motion to pay AP Warrant #32. Ms. Morse seconded. Motion carried 5-0-0.

15. Other Business:

Chairman McClintock reported that he has drafted a conflict of interest policy he would like to take up. He will circulate it for comments tomorrow.

Ms. Mellinger reported that she has heard from the sidewalk project engineer, who said the state has given the Town the go ahead to put it out to bid. They will advertise at the end of the week. There was a brief discussion on advertising.

Mr. Pennebaker reported that he had given the Economic Development Committee a draft for a broadband survey. He said that Comcast is willing to collaborate, but estimates a low take rate of 20%-30%, which would be a problem. Mr. Pennebaker said that the Town needs to do its own survey.

16. Town Meeting Presentation:

Mr. Pennebaker said that, given time constraints, they need to do this as a cooperative effort via email, although he is concerned because of the problems with this process last week. Chairman McClintock noted that all will be present next week to approve it. There was discussion of who will work on various sections, and which sections should be eliminated. It was agreed to send names for special recognition to Mr. Chrostowsky by Thursday, then discuss them next week. Board members will submit drafts of their sections to Mr. Chrostowsky by Friday.

Chairman McClintock said that the Board will meet at 5:00 PM Monday to discuss the Town Administrator position, then hold the regular meeting. Mr. Metcalfe requested that shovel-ready projects be on the agenda.

Mr. Chrostowsky reported that a portion of White Creek Road is settling. There was a brief discussion. He suggested they consider digging up and removing clay under the road for just that section.

Ms. Morse made motion to adjourn. Mr. Pennebaker seconded.

The meeting adjourned at 9:00 PM.

Respectfully Submitted,
Susan Swasta