

**MINUTES OF THE SHAFTSBURY SELECT BOARD**  
**FEBRUARY 23, 2009**  
**COLE HALL**  
**SHAFTSBURY, VERMONT**

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

**Board Absent:** Cinda Morse

**Others Present:** Henri Billow (Treasurer), 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 7:16 PM.

**2. Announcements:**

Chairman McClintock asked that Board members send their thoughts, prayers, and best wishes to fellow Board member Cinda Morse, whose family has suffered a loss.

**3. Public Comments:**

Shaftsbury resident Larry Johnson read a statement he had prepared concerning the recent incident of Select Board members Wynn Metcalfe and Cinda Morse walking out of a Board meeting, and concerning Mr. Metcalfe's recent letter to the editor supporting Select Board candidate Phylis Porio and criticizing Select Board Chairman Lon McClintock. Mr. Johnson stated that leaving the meeting had violated the Town Officials' oath of office regarding obligations to the Town. He went over points made in Mr. Metcalfe's letter and challenged them with information he had gathered from Town reports and meeting minutes. Several times Mr. Johnson asked Mr. Metcalfe for a response, and Mr. Metcalfe replied that he had no comment. Mr. Johnson concluded by asking that the Board Chairman put forth a motion to censure Mr. Metcalfe and Ms. Morse. This was not done.

**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. Review and Approve Meeting Minutes:**

December 18, 2008 Select Board minutes

Chairman McClintock noted that, since Ms. Morse is not present, there is not a majority of those who were present at this emergency meeting to approve the minutes. He said that the practice has been that Board members who were not present at a meeting abstain from voting on the minutes, but that this is not required.

Mr. Pennebaker and Mr. Metcalfe said that they prefer to abstain from approving minutes if they were not present at the meeting. Approval of the December 18, 2008 minutes was therefore postponed.

January 31, 2009 Select Board minutes

**Mr. Pennebaker made motion to approve January 31 minutes. Mr. Metcalfe seconded. Motion carried 3-0-1 (Ms. Mellinger abstained because she had not been present.)**

February 16, 2009 Select Board minutes

**Ms. Mellinger made motion to approve February 16 minutes. Mr. Pennebaker seconded. Motion carried 4-0-0.**

**6. Review and Approve Warrants:**

The following warrants were presented for approval:

Warrant #35:           \$5,001.25 (transfer from General Fund to other funds)

**Ms. Mellinger made motion to pay Warrant #35. Mr. Metcalfe seconded. Motion carried 4-0-0.**

Warrant #34R:        \$185.02

**Ms. Mellinger made motion to pay Warrant #34R. Mr. Pennebaker seconded. Motion carried 4-0-0.**

Payroll Warrant #34:   \$8,121.97

**Ms. Mellinger made motion to pay Warrant PR#34. Mr. Pennebaker seconded. Motion carried 4-0-0.**

General Warrant AP#36: \$48,526.866 (Town reports, salt, fire truck pump, sand, fuel)

**Ms. Mellinger made motion to pay Warrant AP#36. Mr. Pennebaker seconded.**

Mr. Pennebaker asked if they should look at going out to bid for fuel now. Mr. Chrostowsky said they can do that. He has a list of suppliers. There was a brief discussion of how to handle future fuel purchases.

**Motion to pay Warrant #AP36 carried 4-0-0.**

**7. Budget Status Report:**

Treasurer Henri Billow came to the table. There was a discussion of expenditures, liabilities, and revenues. Mr. Chrostowsky said that they have expended 70% of the budget over eight months, and things look pretty good. Ms. Mellinger reported on Water Department project expenditures and said there is a potential for economic stimulus money to reduce the bond amount. Chairman McClintock asked Ms. Billow for a cash flow projection in March. He said that it looks like they are ahead on the revenue side, and should touch base with Mert Snow to see what he expects in additional tax collections. Board members went over the Highway

Department winter maintenance budget, and all agreed that Road Foreman Ron Daniels and the crew should be commended for doing a terrific job.

#### **8. Liquor and Tobacco License Renewal:**

Mr. Chrostowsky read the liquor and tobacco license renewal application for Paulin's.

**Ms. Mellinger made motion to approve the liquor and tobacco license renewal for Paulin's. Mr. Pennebaker seconded. Motion carried 4-0-0.**

#### **9. Town Meeting Presentation:**

Chairman McClintock asked for comments on the presentation slides. Mr. Pennebaker said that special recognitions should include some information as to why they are being recognized. Board members agreed on recognizing the Highway Department for doing a terrific job with a tight budget, the Planning Commission (and especially Norm St. Onge) for Town Plan revision, the Economic Development Committee for the Town Center Designation, Joe Herrmann for the water project, Bill Pennebaker for methane remediation, and the Street Dance Committee and Phylis Porio for the street dance. Ms. Mellinger will write a recognition for skier Bucky Broomhall.

Board members went over the presentation slides and made revisions. They decided to drop two of the budget slides and the slide listing Select Board members.

**Mr. Metcalfe made motion to accept the Town Meeting presentation slides. Mr. Pennebaker seconded. Motion carried 4-0-0.**

#### **10. House Bill 103:**

**Mr. Pennebaker made motion to approve the Select Board letter opposing House Bill 103, (which would eliminate the 8% penalty for late payment of taxes). Mr. Metcalfe seconded. Motion carried 4-0-0.**

#### **11. Economic Stimulus Projects:**

Mr. Metcalfe said that he is not ready to report on projects. Ms. Mellinger stated that the water project is set. Mr. Pennebaker reported that he does not yet have good take rate numbers for the broadband project. He will keep working on it.

Chairman McClintock reported on road projects. Possible paving projects include Airport Road, Twitchell Hill Road, State Park Road, a sinking section of White Creek Road, Cold Spring Road at White Creek Road, and Paran Road. Shaftsbury Hollow Road would be a candidate for build-up but not paving. Other possible road projects include brush and sapling removal along gravel roads and a large box culvert on Cider Mill Road.

#### **12. Other Business:**

There was discussion of hiring a Meeting Recording Clerk. The Development Review Board (DRB) and Planning Commission have been without a recording clerk for over a month. Mr. Chrostowsky said there are

some possible candidates. This will be put on next week's agenda.

Mr. Chrostowsky reported that there has been a fourth complaint about burning trash on the same property. He asked the Board to authorize the constable to issue a ticket. Mr. Metcalfe replied that the Board does not authorize action by the constable, who is a Town officer. Chairman McClintock stated that the constable has Select Board support to use his judgment.

Chairman McClintock asked about the status of TAM's request to the DRB for increased tonnage. Mr. Metcalfe, a DRB member, replied that the DRB had already given permission for increased tonnage providing that TAM could prove that certain conditions are met. TAM provided a letter from the state and the Zoning Administrator indicating that there have been no violations, and went over the pre-set conditions. The DRB went into deliberative session and will issue a decision.

**Mr. Pennebaker made motion to go into Executive Session (Personnel) at 9:23. Ms. Mellinger seconded. Motion carried 4-0-0.**

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

Respectfully Submitted,  
Susan Swasta