

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

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

**Others Present:** Norm St. Onge (Planning Commission), Chris Williams (PC), Craig Bruder (PC), Brian Lent (Peckham), Audrey Rutheiser, Harvey Rutheiser, 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 7:01 PM.

**2.Announcements:**

Chairman McClintock announced that Treasurer Henri Billow will be out for about a week after her husband's surgery. Board members wish them all the best.

**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:**

There were no public comments.

**5.Public Hearing on Town Plan:**

Chairman McClintock opened the public hearing on the Town Plan. He stated that this is the second of the two hearings required before acting on the proposed renewal of the Plan. He asked for comments from the Select Board. There were none. He then asked for comments from the public.

Brian Lent of Peckham Industries asked if the changed language in paragraph 19, page 34, of the Town Plan will also be included in section 2.4, subsection 11. He said that he is fine with the change, but just wants to know if it will be included in both places. Planning Commission Chairman Craig Bruder confirmed that that paragraph 19 will be changed, and that the same language will be added to 2.4, subsection 11.

There were no other comments. Chairman McClintock closed the hearing at 7:07 PM.

**Ms. Morse made motion to approve the February 28, 2009 minutes of the public hearing on the Town Plan. Mr. Pennebaker seconded.**

The following corrections were requested:

*On page 1, sixth paragraph, second sentence changed to: "He noted two initial concerns."*

*On page 2, last paragraph, first sentence changed to:*

"XII. Housing, 4th Paragraph: Language talks about the possibility of putting housing on post-industrial sites, perhaps one of the previously used gravel pits."

*On page 3, third paragraph changed to:*

Suggestion then made to change the language in Paragraph #19, and to include this same language in Section 2.4, Subsection #11. Fourth sentence: "Policies should be considered, developed and implemented for future reclamation of gravel pits in collaboration with landowners and extraction companies."

**Motion to accept the February 28 minutes as amended carried 5-0-0.**

The final language changes to the Town Plan will be made by Planning Commission member Norm St. Onge.

## **6.Select Board Rules and Procedures:**

Chairman McClintock said that a revised copy of the rules had been distributed. Ms. Morse had not received it, and looked at it now. Ms. Mellinger said that they need to include language on identifying the paper of record. Mr. Pennebaker pointed out several instances where "will" should be changed to "shall." It was decided to change the language on making decisions on Board liaisons to "may" be determined "at or after" the organizational Board meeting.

**Ms. Morse made motion to approve the Select Board Rules and Procedures as amended. Mr. Pennebaker seconded.**

Chairman McClintock said he wants to make the selection of paper of record a separate item so that they are reminded of it each year. He suggested making it item d under section 3. All agreed.

**Motion to approve rules as amended carried 5-0-0.**

**Ms. Morse made motion to designate the Bennington Banner as paper of record. Ms. Mellinger seconded. Motion carried 5-0-0.**

## **7.Water Easement:**

Ms. Mellinger reported that Water Department head Joe Herrmann has not been able to get in touch with the last person they are waiting for on an easement. He will contact her at work. Ms. Mellinger will check with him to make sure they can wait three weeks for the Select Board meeting.

## **8.Select Board Goals and Projects:**

Chairman McClintock stated that Mr. Metcalfe had requested that the Board have a budget process debriefing. Mr. Metcalfe now asked that this be put on the next agenda. Mr. Pennebaker noted that there had been eight goals set out for the Board at the Town Meeting presentation. Chairman McClintock said that he would like to discuss the appropriations process, and suggested that perhaps organizations should have to fill out a form on the service they are providing to the Town. All agreed that a discussion of goals will be put on the agenda for the next meeting.

## **9.TAM Contract**

Chairman McClintock asked if all Board members have seen the contract, and all said that they have seen it. He would like to discuss the contract in Executive Session. Ms. Morse said she would like to discuss ways of doing things differently to save money on the contract, and would be happy to have that conversation with TAM at a Board meeting. Ms. Morse emphasized that this is not about closing the transfer station, but about being as efficient as possible. Board members agreed to invite TAM to the next meeting.

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

Chairman McClintock reported that Mr. Chrostowsky had distributed a draft of the policy to department heads and Town committees for feedback. He only heard back from Fire Chief Joe Vadakin, who is happy with the proposed policy.

There was a discussion of when the three required public hearings will be held, and the regular meeting dates of April 20, May 4, and May 18 were agreed upon. No formal warning is required.

Mr. Pennebaker pointed out that Robert's Rules of Order does not agree with the policy on recusal, and states that a person has the right to vote on whether or not he or she is to be disqualified. The person may choose not to exercise their vote, but it is permitted. All agreed that this is valid and should be included in the policy.

Ms. Mellinger asked if Town employees should also be referred to in Article 3. Chairman McClintock said that he will add that. There was a discussion of whether there should be a reference to ex parte communication. This only applies to quasi-judicial boards, such as the Development Review Board (DRB), but the conflict of interest policy is intended to cover all Town boards. Chairman McClintock will look into this.

Ms. Mellinger suggested several small edits. Chairman McClintock asked that Board members email any other changes to him.

#### **11. Budget Status Report:**

Chairman McClintock said that they had just received the report tonight. He noted that nothing has changed in the highway budget since last week. Mr. Chrostowsky said that sand is over budget, and Ms. Mellinger noted that a lot of areas of the Fire Department budget have broken through the spending ceiling. Mr. Metcalfe said that highway equipment maintenance is \$7,000 over budget, and that they have to come up with a way to include money in the budget for unexpected equipment repairs.

There was discussion of the fact that there is a significant discrepancy between last week's numbers and this week's; a change from \$77,000 to \$88,000. Chairman McClintock asked Mr. Chrostowsky to find out what accounts for the discrepancy. Ms. Morse said that it would be helpful if Mr. Chrostowsky and Treasurer Henri Billow coordinate to make sure they are using the same information, and that numbers reconcile.

There was a brief discussion of other budget items. Ms. Mellinger noted that fire and highway department communications expenses are over budget, and asked whether the move to Sovernet is saving money. Mr. Chrostowsky will look into this.

#### **12. Town Administrator Search:**

Chairman McClintock said that he had contacted everybody on this. He has references for

the finalists and would like to discuss them in Executive Session. All agreed.

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

The following warrants were presented for approval:

Retirement Warrant: \$ 480.80

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

Payroll Warrant #37: \$ 7,409.56

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

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

#### March 2, 2009 Town Meeting minutes

**Ms. Morse made motion to approve March 2, 2009 Town Meeting minutes. Ms. Mellinger seconded.**

The following corrections were requested:

*On Page 2, third paragraph, first sentence changed to:*

Chairman McClintock stated that the decision has been made to change the Town's accounting method effective July 1, 2009, so that everything is accounted for in the correct fiscal year, with nothing carried forward.

*On Page 3, second paragraph, second sentence changed to:*

In the ballot articles on pages 5-12 and 5-13: line #390 (Total Ballot Articles), which reads \$98,258, should be \$109,258; and line # 462 (Total Amount To Be Raised By Taxes), which reads \$1,109,762, should be \$1,120,762.

*On Page 5, third paragraph, fourth and fifth sentences changed to:*

Chairman McClintock replied that this is the first time they have been reduced in his memory. Ms. Morse and Ms. Mellinger stated that they have been reduced in the past.

*On Page 5, fourth paragraph, following sentences added at the end:*

Restricted funds cannot be used for General Fund deficit reduction.

*On Page 5, eighth paragraph, first sentence: "Durant" changed to "Durand."*

*On Page 5, tenth paragraph, third sentence changed to:*

Chairman McClintock stated that the Fiscal Year 2008-09 \$44,000 management fee is not covered by access or PAYT fees.

**Motion to approve March 2, 2009 Town Meeting minutes as amended carried 5-0-0.**

The changes will be made to the text of the Town Meeting minutes, and the revised copy distributed to Board members.

March 9, 2009 Select Board minutes

Approval of March 9 minutes was postponed because Board members had not received them.

**15. Other Business:**

Ms. Mellinger stated that Mr. Chrostowsky has not been able to get in touch with Clean Harbors regarding Hazardous Waste Day. He did send a notice to Pownal and Stamford.

**Mr. Metcalfe made motion to go into Executive Session (Personnel and Contract) at 8:23 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