

**MINUTES OF THE SHAFTSBURY SELECT BOARD
JULY 2, 2007
COLE HALL
SHAFTSBURY, VERMONT**

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

Board Absent: **None**

Others Present: **Deena Ruege, Monica Gibson, Stephen Gibson, Derek Gibson, Kanssa Gibson, Geoffrey Gibson, Jordan Sherman, Jeff Mast, John Tiffany, Phylis Porio, Henri Billow, Peter H. Olney, Helen G. Olney, Angie Abbatello, Peter Cross, Francis Kinney, Curtis Merrow, Ed Colvin, Jason Dolmetsch, Kathy Whitman, Arthur Whitman, Ben Benedict, Andy Nutting, Trevor Mance, Mary Beth Maguire, Aaron Chrostowsky (Town Administrator), Gary Peterson (Recording Secretary)**

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:02PM. He asked if any board member needed to recuse him/herself from any matter on the agenda. None did.

2. Minutes:

June 25, 2007 minutes

Lon McClintock made motion to approve the June 25, 2007 minutes. Karen Mellinger seconded. Motion carried 4-0-1 (Cinda Morse abstained because she had not attended the meeting).

3. Warrants:

The following warrants were presented for approval:

AP #55 -	\$	4,221.23	General Warrant
AP #55C -	\$	750.00	Transfer Warrant
PW #51	\$	7,482.94	Payroll Warrant
PW #52	\$	12,668.92	Payroll Warrant
54R	\$	270.26	

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

4. Public Comments:

There were no public comments.

5. Eagle Scout Project

Stephen Gibson introduced members of Troop 355. Scout Derek Gibson described his Eagle Scout project at Howard Park where he is working and organizing others in repairing and generally sprucing up the park. Derek noted that several town citizens and businesses have donated materials in support of his effort, and he specifically thanked town administrator, Aaron Chrostowsky, for his help. Derek will complete his work by August 1st.

6. Recreation Committee:

Chairman Metcalfe introduced some of the people who had volunteered to serve on the committee. He asked Mr. Chrostowsky to facilitate the committee's first meeting. Chairman

Metcalf expressed the hope that the committee would report back to the board in a couple of months with new and creative ideas about things the town could do during the next decade. It was suggested that surveying town residents and speaking with small groups might help to stimulate thinking.

Chairman Metcalfe indicated that a selectboard liaison would be identified at the next meeting.

7. Facilities Committee:

Chairman Metcalfe introduced some of the people who had volunteered to serve on the committee, and hoped that committee would explore what kind of facilities the town will need during the coming years. He encouraged the committee to think big.

Issues raised included where the town garage would be best located and how to address the repairs to Cole Hall.

Chairman Metcalfe asked Mr. Chrostowsky to facilitate the first meeting of the committee and indicated that a selectboard liaison would be identified at the next meeting.

8. Traffic Study RFP:

Mr. Chrostowsky indicated that the town should decide on a consultant for the traffic study by the end of July and Jeff Mast of Bennington County Regional Commission (BCRC) indicated that he had funds available to provide oversight for issuing an RFP. Mr. Chrostowsky indicated that the study would look at traffic issues related to both Airport Road and the center of town.

Ms. Morse made motion for the town to contract with BCRC to facilitate the traffic study. Ms. Mellinger seconded. Motion carried 5-0-0.

9. Mechanical Bull Contract:

Chairman Metcalfe reported that David Newell and Rob Woolmington had reviewed the contract and approved it.

Concerns were raised about the scope of liability insurance and the efficacy of a bull rider's waiver.

Ms. Morse made motion to approve the contract. Ms. Mellinger seconded. Motion carried 5-0-0.

10. Retirement Plan:

Ms. Morse made a motion to offer VMERS DB Group B to all eligible employees effective July 1st, 2008. Mr. McClintock seconded. Motion carried 5-0-0.

11. Diesel Fuel Contract:

Mr. Chrostowsky reported that one bid had been received for diesel fuel at a fixed price of \$2.728 per gallon. He reported that the current variable rate contract with John Ray had averaged \$2.35 per gallon and the current price is \$2.44.

Mr. McClintock made motion to approve a one year contract with the current diesel fuel provider. Ms. Morse seconded. Motion carried 5-0-0.

12. Bennington Banner Editorial:

Chairman Metcalfe read the June 21st Bennington Banner editorial which expressed the opinion that the selectboard had violated the spirit of the public meetings act during its selection of a board replacement for Jim Mead. Bill Pennebaker stated that he agreed that the closed discussion violated the spirit of the public meetings act.

Mr. Chrostowsky noted that he sought advise before the replacement process started and the secretary of state's office indicated that having public interviews of the candidates, the board holding private discussions, and then voting in public was a reasonable process. He added that town attorney Rob Woolmington stated that this process was standard practice. Mr. Pennebaker stated that it would have better to have the public vote when the public was likely to be present.

Ms. Mellinger noted that the public did not ask questions during the public interviews, and Mary Beth Maguire related that she didn't know that the public was permitted to ask questions of the candidates at that time. Chairman Metcalfe indicated that, while he didn't specifically ask for public questions, the public could have asked questions during the interviews.

In response to a question from Phylis Porio, Chairman Metcalfe reported that the first vote, after Ms. Porio was nominated to replace Jim Mead, was Chairman Metcalfe and Ms. Morse in favor, Ms. Mellinger against, and Mr. Pennebaker abstaining. A second vote, after the nomination of Lon McClintock, was unanimously in favor.

Ms. Morse stated that, after the first vote, the board probably should have brought the matter before the town for a vote. She indicated that the board should have shelved its concern about the time and expense of an election.

13. TAM Stipulation:

Chairman Metcalfe reported that Rob Woolmington did not find any problems with the stipulation. Chairman Metcalfe then relinquished the chair to Ms. Morse.

Mr. McClintock expressed the opinion that the stipulation was a relief to the community and congratulated the parties for settling the dispute.

Ed Colvin expressed the opinion that price paid for the Bidy property seemed excessive. Peter Cross expressed concern about the impact of such a price on the valuation of town properties. Mr. Pennebaker noted that the land involved is zoned industrial which may enhance the value.

When asked why the board needed to vote on the stipulation, it was explained that the town was a nominal party and the vote would permit the court to forgo a hearing.

Art Whitman noted that the stipulation brought the legal appeals related to TAM and Mr. Bidy to an end; he asked if someone else could enter and revive those actions. There was a general sense that those legal appeals would end when the stipulation was approved.

Wynn Metcalfe, speaking from the audience as a local taxpayer, read a statement in which he expressed the opinion that Mr. Bidy brought on the legal fray, and raised moral and environmental issues in a kind of chess game, with the ultimate goal of cashing in. Mr. Metcalfe wondered if Mr. Bidy would pay the town back for the money it spent during the process.

Mr. McClintock asked Trevor Mance if he wanted the town to stand in the way of the stipulation; Mr. Mance stated that his signature on the stipulation spoke for itself.

Concerns were raised about the amount of money expended by the town in legal fees. Mr. Chrostowsky indicated that the town monitored the mediation process and expended less than \$1,000 in legal fees.

Mr. McClintock made motion that the town did not object to the stipulation. Ms. Mellinger seconded. Motion carried 4-0-0 (Metcalf was absent).

14. Other Business:

Mr. Pennebaker reported that he would meet with consultants about methane remediation on July 9th.

Ms. Mellinger had confirmed that the road foreman would attend the July 16th meeting.

Ms. Morse related that the Economic Development Committee would like to be included in discussions about the work camp.

Mr. McClintock confirmed with Mr. Chrostowsky that Dave Woodward's references checked out.

Ms. Morse noted that the zoning administrator job description needs to be finalized. Chairman Metcalfe stated that it would be on the July 16th agenda.

Meeting adjourned at 8:38 PM.

Respectfully Submitted,

Gary Peterson