

**MINUTES OF THE SHAFTSBURY SELECT BOARD
FEBRUARY 11, 2008
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: **Bill Pennebaker, Lon McClintock, Karen Mellinger**

Board Absent: **Wynn Metcalfe, Cinda Morse**

Others Present: **Mitchell Race, Mike Gleason (Bennington Banner), Chris Williams (Planning Commission), Craig Bruder (PC), Bob Carter (PC), Brian Lent, Trevor Mance, Peter Olney (Facilities Committee), Rick Kobik (FC), Dave Beach (FC), Joe Vadakin (Fire Chief), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Karen Mellinger made motion to appoint Bill Pennebaker chairman for tonight's meeting, since the chairman and vice chair are both absent. Lon McClintock seconded. Motion carried 3-0-0.

Chairman Pennebaker asked if any Board member needed to recuse himself or herself from discussion of any topic on tonight's agenda. None did.

2. Zoning Bylaw Public Hearing:

Planning Commission Chairman Chris Williams stated that he wants to talk about the zoning map changes that will be voted on tonight, since these changes have not been discussed as much as the bylaw revision.

Mr. Williams described the proposed zoning change of the seven lots in the Peacock subdivision, located on the north side of Airport Road, from Roadside Commercial (RC) to Commercial Industrial (CI). He said these lots predate zoning and have minor noncompliance issues in setback and frontage. They are contiguous to the present CI zone. Most are residential, with the exception of the Peacock lot, which has leased spaces for startup businesses.

Mr. Williams described the proposed zoning change of four North Road lots from Rural Residential (RR40) to Industrial (I-2). The lots are the Town landfill, two adjacent quarter-acre lots with residences, and a small non-developable wetlands parcel owned by Paran Acres, Inc.

He stated that an issue that came up with the North Road properties zoning change is the zoning status of the railroad running through the lots. He has heard from Town Lister Angie Abbatiello and Town Attorney Rob Woolmington on this, and it appears that the railroad land is state owned. Mr. Williams said it would be wise to include the railroad in the rezoning because it may impact the TAM property if not included in the I-2 area.

Mr. McClintock asked if the railroad rezoning is part of tonight's proceeding, and Mr. Williams replied that it has not been warned. Brian Lent, representing Peckham, said that they have also asked the Planning Commission to have the former Green property, just purchased by Peckham, included in this rezoning to I-2. Mr. Williams stated that the Planning Commission wants to get input from the neighbors.

There was further discussion of the railroad and Peckham property rezoning. Mr. McClintock and Chairman Pennebaker agreed that the rezoning makes sense because it is contiguous to the present I-2 zone. Mr. Lent stated that they have no current plans for the parcel and that Ms. Green has a lifetime rental of it. He described the location and dimensions of the lot.

Trevor Mance asked if zoning changes may be made by the Select Board or have to go to a Town vote. Chairman Pennebaker replied that the Board may make changes. Mr. McClintock stated that neighboring property owners should be notified. Mr. Williams said that the Planning Commission

will take up the matter right away.

Mr. McClintock made motion to adopt the changes to the zoning map as presented by the Planning Commission. Ms. Mellinger seconded.

It was established that this does not include the railroad or Peckham lot rezoning. Mr. McClintock thanked the Planning Commission for acting quickly on the zoning changes.

Motion carried 3-0-0.

Mr. McClintock stated that he would like to vote on the zoning bylaw in four parts. The first vote would be on all bylaw amendments made by the Planning Commission except for sections 7.11, 7.12, and 8.6. This would cover revisions that were made to bring the bylaw into compliance with state statute.

Mr. McClintock noted that 7.11, 7.12, and 8.6 had drawn a fair amount of comment and concern. If someone objects to something here, voting on them separately would allow the Board to approve the part of the bylaw that has to be changed to comply with statute. 7.11 and 7.12 have to do with setbacks and lot size, 8.6 with air quality.

Ms. Mellinger noted that the bylaw pagination does not correspond with the index and should be corrected. Chairman Pennebaker said that they will redo the pagination, and noted that one section has incorrect numbering. The section on air quality referred to by Mr. McClintock is 8.11, not 8.6.

Mr. McClintock made motion to adopt all bylaw amendments as proposed by the Planning Commission except sections 7.11, 7.12, and 8.11, which will be voted on separately. Ms. Mellinger seconded. Motion carried 3-0-0.

Mr. McClintock made motion to adopt bylaw section 7.11 as proposed by the Planning Commission. Ms. Mellinger seconded.

Trevor Mance thanked the Select Board and Planning Commission for working out a good compromise to a hard-fought battle. Mr. McClintock noted that Mr. Mance has always been a gentleman throughout the proceedings.

Motion to adopt 7.11 carried 3-0-0.

Mr. McClintock made motion to adopt bylaw section 7.12 as proposed by the Planning Commission. Ms. Mellinger seconded. Motion carried 3-0-0.

Mr. McClintock made motion to adopt bylaw section 8.11, with a minor change of section heading number, as proposed by the Planning Commission. Ms. Mellinger seconded. Motion carried 3-0-0.

3. Minutes:

February 4, 2008 Select Board minutes

It was decided to postpone approval of the February 4 minutes until the next meeting, when Wynn Metcalfe and Cinda Morse would be present.

Brian Lent asked if the noise ordinance has been dropped. The Board confirmed that it has been dropped.

4. Warrants:

The following warrants were presented for approval:

AP Warrant #36:	\$ 22,245.67 (includes landfill remediation bill, water system engineer, firehouse repairs. power)
Payroll Warrant #32:	\$ 9,244.79

Ms. Mellinger asked if they have received reimbursements yet. Mr. Chrostowsky replied that they have not.

Mr. McClintock made motion to pay warrants. Ms. Mellinger seconded.

Ms. Mellinger asked if the firehouse repairs were for windows. Fire Chief Joe Vadakin replied that they were for two replacement doors.

Motion to pay warrants carried 3-0-0.

5. Public Comments:

Mitchell Race commended Mr. McClintock for his idea to list facilities needs and options in the Town Meeting presentation.

6. Fire Chief's Report -- Purchase of Thermal Imaging Camera:

Fire Chief Vadakin came forward to report on the camera purchase. He stated that the camera now owned by the Fire Department is fourteen to fifteen years old, does not work, and cannot be repaired. After getting prices on three cameras and having demonstrations on them, he concluded that the ISG K1000 Elite is the best choice. At \$10,308 this is the least expensive of the three. In addition to thermal imaging capability the ISG has a digital camera inside.

Mr. McClintock asked if ISG is a solid company, and Chief Vadakin replied that the company has been around thirteen or fourteen years. The ISG camera can be retrofitted as technology changes. Ms. Mellinger asked if other fire companies have thermal imaging cameras. Chief Vadakin said all but North Bennington own them.

Ms. Mellinger made motion to approve the fire department purchase of the ISG thermal imaging camera. Mr. McClintock seconded. Motion carried 3-0-0.

7. Act 250 Municipal Questionnaire -- TAM site:

Trevor Mance stated that the questionnaire is part of TAM's Act 250 application. He said that the Development Review Board (DRB) has already approved the leachate building plans. Trenches will lead to an underground double wall tank.

Mr. Mance explained that after Michael Bidy's complaint about loaded trailers parked outside, the mediation process had resulted in a decision to add another bay to contain trailers. The leachate building will just be a garage, attached to the building to the south.

The other part of the application seeks a permit to remove gravel from an active gravel pit on the former Bidy property, now owned by TAM. The pit had no permit previously. TAM wants to improve the topography, which will involve removing trees, and probably creating a two-tiered property. Mr. Mance said that a fifty foot buffer will be maintained.

The permit also seeks to put in an access off of Airport Road so that trucks and empty storage containers can be put on the property. He noted that the Planning Commission had preferred location of the main entrance from Airport Road,

Ms. Mellinger asked if Mr. Mance envisions the North Road access as temporary, until they take out the gravel. He replied that he sees a developed use as a rental property, with an opportunistic parking area for things -- not for trailers. They now have two bays for trailers. Mr. McClintock asked if this would be rolloff storage, and Mr. Mance replied that it would be rolloffs or dumpsters in tidy rows.

Mr. Mance stated that the Town had received a copy of the Act 250 permit. This questionnaire just asks if the Town has a deficiency. He said he is just removing earth and trees. Mr. Mance asked if he can receive a copy of the signed questionnaire tonight.

Mr. McClintock made motion to approve the Municipal Impact Questionnaire as completed by Aaron Chrostowsky on behalf of the Select Board. Ms. Mellinger seconded. Motion carried 3-0-0.

8. Facilities Committee:

Facilities Committee members Peter Olney, Dave Beach, and Rick Kobik came to the table for discussion. Mr. Chrostowsky said that Select Board Chairman Wynn Metcalfe wants to get some direction from the Committee for the Town Meeting presentation.

Mr. McClintock stated that he wants to get information on facilities to voters. He said that in an informal survey he took of Shaftsbury residents, perhaps one third were not aware of Cole Hall's condition and needs. If they can inform residents, they will get more public support. Mr. McClintock said that it would be really helpful if the Facilities Committee made a presentation at Town Meeting.

Peter Olney said that the big issue is Cole Hall. Rick Kobik said he had looked at the roof, and that there seem to be no leaks or wet areas despite slipping slates and loose bridge caps. He said that a lot of structural work has been done to reinforce the tower and roof, and a lot of insulation was put in.

Mr. Kobik said that while it would be ideal to replace the roof, they could get away with repairs. Flashings, soffit and fascia need repair and trim should be painted. Some stone needs repointing. What makes repair hard is the height of the building.

Mr. Olney stated that if things are let go they deteriorate, and there has been a bandaid approach in the past. They should address outside issues first. Mr. Olney said they had received no feedback on the idea of moving meetings out of Cole Hall. The upstairs work space is really crowded and holding meetings here presents a security issue.

Ms. Mellinger noted that there had been reservations about moving meetings because of needing access to stuff that's here during a meeting. There were also difficulties with other meeting sites.

There was discussion of the possibility of going paperless by scanning records to create computer files. This would save storage space and make for ready access to documents. Mr. Chrostowsky noted that much of the stuff that is being kept is not needed from the standpoint of records retention.

Mr. McClintock asked how energy efficient Cole Hall is. Mr. Chrostowsky replied that Efficiency Vermont will be conducting an energy audit on Cole Hall and the firehouses. There was discussion of options and costs for adding air conditioning. It may be possible to use individual units.

Mr. Chrostowsky stated that they are coming up with small stopgap fixes, but he would prefer to restore Cole Hall and not lose the historical integrity of the building. It could be done in pieces.

There was discussion of what kind of presentation the Facilities Committee will do at Town

Meeting. Mr. Chrostowsky will work with the Committee to put together a presentation that will be incorporated into Chairman Metcalfe's report.

9. Review Draft of Town Meeting Presentation:

Mr. Chrostowsky handed out a new draft of the presentation and said there is still work to be done on it. There was discussion of doing a special recognition this year at Town Meeting. Ms. Mellinger will work on this with Mr. Chrostowsky.

Chairman Pennebaker stated that the draft requires extensive review by Board members. Ms. Mellinger asked if they will do a run through before Town Meeting, and Mr. Chrostowsky replied that they will go over it on February 25. Mr. McClintock said that the Facilities Committee should also be here.

Mr. McClintock asked if there will eventually be lease payments on all of the trucks. Mr. Chrostowsky replied that there probably will, and explained that these are lease purchases. There is no extra payment at the end.

10. Other Business:

Mr. Chrostowsky reported that Fairbanks can modify a scale to be used for the transfer station. Total cost would be \$1500. There was discussion of where the scale could be stored and whether it could be easily moved. Mr. Chrostowsky will look into where it could be stored.

Mr. Chrostowsky asked about question d on the Act 250 Municipal Questionnaire that was previously approved by the Board. He is not sure how that question should be answered. Mr. McClintock said that d should not be answered because there are no deficiencies. He said that question e should be answered no, but with a note that applicant already pays impact fees under the current Host Town Agreement,

Ms. Mellinger expressed concern about the TAM entrance onto North Road, and its proximity to the Town transfer station. She asked if TAM is looking at this as permanent. She does not want commercial vehicles coming out there. Ms. Mellinger wants this to be clarified by the DRB. Mr. Chrostowsky said he will send the DRB a letter.

Mr. McClintock made motion to amend the Act 250 Municipal Questionnaire answers as follows: the answer to e will be changed to no, including the comment that applicant pays a quarterly impact fee under the Host Town Agreement; the answer to d will be no answer to the yes or no question, but add the comment that the project does not create a deficiency. Ms. Mellinger seconded. Motion carried 3-0-0.

There was further discussion of North Road traffic. Ms. Mellinger said she is a little worried about trucks getting in and out. Chairman Pennebaker and Mr. McClintock said that they don't think truck activity for a storage facility will be a big deal, and that the traffic will not be going the whole length of North Road.

The meeting adjourned at 9:46 PM.

**Respectfully Submitted,
Susan Swasta**