

**MINUTES OF THE SHAFTSBURY SELECT BOARD
APRIL 3, 2006
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: Wynn Metcalfe, Chairman, Karen Mellinger, Cinda Morse, Jim Mead

Board Absent: Bill Pennebaker

Others Present: Michael Bidy, Harvey Rutheiser, Audrey Rutheiser, Scott Bernard, Trevor Mance, Mary Beth Maguire, Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:05 PM. He asked if any Board member needed to recuse himself or herself from discussion of any agenda topic scheduled for tonight. None did.

Chairman Metcalfe announced summer landfill hours: 11AM to 6PM Tuesdays, 11AM to 4PM Thursdays, and 7AM to 4PM Saturdays. He also announced hazardous waste and free tire day on April 29 from 9AM to 1PM, open to Shaftsbury residents only. Free metal week will be held on April 25, 27, and 29 and is open to Pownal residents as well.

Green-Up Day this year will be on May 6, with more information to come later on the event.

The Board recognized the efforts of Tom and Sandy ??? in cleaning up Paran Road.

2. Minutes:

March 27, 2006 Minutes:

Karen Mellinger made motion to approve minutes. Jim Mead seconded.

One correction to the minutes was requested. The date on the heading will be changed from "March 20, 2006" to "March 27, 2006."

The motion to approve amended minutes carried 4-0-0.

3. Warrants:

The following warrants were presented for approval:

- PR#39 – \$ 9,770.32 Payroll Warrant
- AP#43 – \$ 4,469.32 General Warrant (includes salt)
- Transfer Warrant – \$ 32,060.00 transfer from Equipment Fund

Ms. Morse made motion to pay warrants. Ms. Mellinger seconded. Motion carried 4-0-0.

4. Public Comments:

Audrey and Harvey Rutheiser asked again about the town's landfill violation, referring back to last week's discussion of this topic. They want to know whether TAM or the town bears responsibility for exceeding the town's tonnage in filling in the hole in the landfill. Chairman Metcalfe replied that the violation of the tonnage limits, and resulting fine, were the responsibility of the Select Board. Mike Bidy noted that there is still a depression in the landfill footprint, and Chairman Metcalfe said that it will remain that way until a contractor is hired for closing.

Mr. Bidy asked what happened to the wood chips generated from the town brush pile, stating that most of them seem to have ended up across the road at the TAM site. Chairman Metcalfe replied that this is true, and that he has been told that he gave permission for TAM to take the chips. He does not specifically recall doing so, but noted that he has many conversations with TAM and that this may well have taken place during one of them. Chairman Metcalfe stated that the size of the pile left at the landfill is equivalent to what townspeople have used in past years.

Trevor Mance stated that TAM had donated an excavator, trucks, and labor to move the wood chips, had taken the same amount as last year, and had called in to ask permission to do so. Ms. Mellinger said that she had understood the chips were to be ground more finely this year, which is one of the reasons residents have not wanted them in the past. She was disturbed by the amount taken by TAM and feels town residents should have been informed of availability. Mr. Rutheiser asked who had paid the \$2000 chipping machine charge, and was told that the town had. Chairman Metcalfe stated that he takes responsibility for giving TAM permission.

5. Road Report:

Mr. Mead reported that both the town grader and the rented grader have been at work. He assured town residents that the highway crew will be getting to all roads. Some potholes remain in graded roads because the frost has not permitted deep enough grading to remove them.

Mr. Mead stated that Road Foreman Ron Daniels plans to do ditching on the west side of Cross Hill Road, and that this will produce some topsoil that may be of use for landfill capping. The topsoil will be dumped at the landfill near the upper gate, with care to keep access unobstructed.

Mike Bidy expressed concern that road crews are piling dirt against trees, stating that it is necessary to leave root collars uncovered for the health of the trees.

6. Town Administrator's Report:

The Board had asked Aaron Chrostowsky to look at the highway budget to see if there were any possible funds available for gravel, since the gravel budget has been exhausted. Mr. Chrostowsky reported on projected highway department expenses and on expenditures thus far, concluding that there is a surplus. After discussion of various expenses, it was agreed that there is \$24,000 available, some of which may be spent on gravel.

7. Landfill Update:

Chairman Metcalfe reported that the town now has a signed, stamped landfill closure plan from KAS, and that soil sample tests are back from Vermont Testing and have been reviewed by Bill Pennebaker. Material from the Harrington site passed preliminary tests and looks like a good possibility for landfill capping.

Mr. Chrostowsky has discussed the changes to the plan suggested by Casella Construction with KAS, who is willing to work with them to generate an addendum to the closure plan. KAS's engineer will look at the proposed changes and talk to Buzz Surwilo about them this week.

Mr. Chrostowsky reported that Vermont Testing is not interested in acting as certifying engineer for landfill closure, but may be willing to oversee the project. There will be further discussion when more details are available.

8. TAM Transfer Station Contract:

Ms. Morse made motion to put the town transfer station contract out to bid. Ms. Mellinger seconded.

Scott Bernard asked if the town will learn from what has happened in the past in putting out the bid. He was informed that the Board has received information from

the state and from other towns in order to prepare for the bidding process.

Mr. Mance stated his concerns that a bid process will result in higher fees and a budget shortfall for the town. Ms. Morse replied that it may, and that this will be dealt with when the time comes, but that the Board felt that there were enough changes to the contract to justify putting it out to bid.

Motion carried 3-1-0.

Chairman Metcalfe cited concerns about costs in voting against bidding out the transfer station contract.

8. Fire Department Reimbursement Ordinance:

Chairman Metcalfe stated that the Fire Department Reimbursement Ordinance that had been passed on February 20, 2006 will have to be redone because it is necessary to have a 15-day waiting period and a public hearing. Ms. Morse confirmed that there would be no changes to the ordinance, just the addition of a waiting period. Chairman Metcalfe stated that the Fire Department Reimbursement Ordinance would also have to be redone in order to hold a 15-day waiting period.

Ms. Morse made motion to redo the Fire Department Reimbursement Ordinance. Ms. Mellinger seconded. Motion carried 4-0-0.

Ms. Morse made motion to redo the Interim Zoning Bylaw Amendment for Solid Waste. Ms. Mellinger seconded. Motion carried 4-0-0.

10. Update Liaison List:

Chairman Metcalfe stated that it will be necessary to postpone updating the liaison list once again until all Board members are present.

11. TAM Host Town Agreement:

Chairman Metcalfe stated that the agreement has been looked at by Board members and the town's lawyers. Mr. Chrostowsky read specific changes in wording that had been made today. Ms. Morse asked if changes regarding spills were to state standards, and Mr. Mance said that they were, and that a significant spill was considered over two gallons.

Mr. Mance discussed pavement at the site. He asked if the Board intends to have all areas that are not grass paved, or just highly traveled areas. If all areas are paved, he believes storm water runoff might be adversely affected. Ms. Mellinger replied that her intention was to have all areas paved in order to better control dust and spills. Chairman Metcalfe suggested that Mr. Mance and Board members get together and highlight areas to be paved on the planning map. Ms. Morse verified that this will then be approved by Attorney Woolmington, and Ms. Mellinger stated that copies with any changes should be made available to the public.

There was a discussion on section three of the agreement concerning recyclables, for which TAM will pay no fee to the town. It is not clear whether this is to be based on inbound or outbound weight slips. Inbound slips would include recyclables contained in construction and demolition waste, while outbound slips would be lower because these materials will have been removed.

Ms. Mellinger stated that she wants to reduce the town's expenses for any impact of the facility, and does not want to pay for recycling brought in from elsewhere. Ms. Morse suggested doing more work on this section to be sure everything is clear before a decision is made.

Mr. Bidy asked if safety issues on Airport Road and damages to the construction of the road are being addressed in the agreement. Chairman Metcalfe said that there is currently discussion between the town, Peckham, and TAM to do some work at the two corners.

Mr. Bidy stated that there is a serious safety issue at the intersection of Airport Road and Route 7A and asked how this is being addressed, since North Road is to be closed to commercial traffic. Chairman Metcalfe replied that discussion on North Road is not complete, and that this issue will be taken under advisement.

Ms. Rutheiser asked who will be paying for road changes mentioned by Chairman Metcalfe. He replied that this is under discussion by the three parties mentioned, but that it is the town's road. Mr. Rutheiser asked if the changes in roadways are part of the host town agreement, and was told that they are not. He stated that if no one is required to make the changes, they may never happen. Chairman Metcalfe agreed that this is true, but he believes that the three parties are accepting responsibility for the changes. The town has a construction easement. Ms. Morse noted that the safety issue has also been addressed by lowering the speed limit on Airport Road.

9. Other Business:

Ms. Mellinger announced that there will be a Solid Waste Committee meeting tomorrow night at 7:30. They will discuss a "safety net" for those who would have trouble paying under a Pay-As-You-Throw system, as well as other details. It would be great to see townspeople there.

Ms. Morse announced the Economic Development Committee meeting to be held Thursday at 4:30. They will be discussing the final copy of the sewer advisability study.

Ms. Bernard asked why it is taking so long to develop a conflict of interest policy. Ms. Morse said that she will try to have something on the table by the end of April. She explained that once all Boards have adopted their own standards of procedure, everyone will use the same conflict of interest policy. Mr. Bernard stated that his concern is that someone serving on a Board not be able to step off that Board in order to represent a matter to the Board. Chairman Metcalfe said that he does not know the exact language, but that Mr. Chrostowsky can probably give him a copy of the current planning and zoning policies.

Ms. Morse made motion to go into Executive Session (Contract) at 8:26PM. Ms. Mellinger seconded. Motion carried 4-0-0.

Ms. Mellinger made a motion to approve the following appointments. Mr. Mead seconded. Motion carried 4-0-0.

Town Officers Elected

1-YEAR TERM (EXPIRES APRIL 1, 2007)

Grand Juror.....
Town Agent..... Ben Hulett

Town Officers Appointed

1-YEAR TERM (EXPIRES APRIL 1, 2007)

Animal Control Officer Traci Mulligan
Building Inspector..... Steve Eddington
Energy Coordinator
Fence Viewers..... Peter Niles
Fence Viewers..... John Williamson
Fence Viewers John Tiffany
Health Officer Barth VanderEls, MD
Inspector of Lumber John Tiffany
Inspector of Shingles John Tiffany
Inspector of Wood John Tiffany
Road Commissioner Ronald Daniels
Town Service Officer Kathy Cardiff
Tree Warden
Weigher of Coal..... John Tiffany

FIRE DEPARTMENT OFFICERS

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Fire Chief Joe Vadakin
First Assistant Chief Jay Coonradt
Second Assistant Chief Jason Burnham

Fire Warden Oliver Durand
Deputy Fire Warden Paul Maitland
Deputy Fire Warden David McKeighan

CEMETERY COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Angie Abbatello
Marilyn Harrington
Fritz Ludwig
Wynn Metcalfe, Chair
Joyce Scarey
Judith Stratton

ECONOMIC DEVELOPMENT COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Nancy Garrison
Trevor Mance
Cinda Morse
Phylis Porio
Art Whitman, Chair

POLICIES AND PROCEDURES COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Henrietta Billow
Janet Daniels
Bob Holmes
Jim Meskun
Cinda Morse, Chair
Lucy Robinson

RECREATION COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Francis Broomhall
Curtis Merrow, Chair
Andrew Nuttin
Helen Olney

SOLID WASTE TASK FORCE COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Michael Bidy
Katherine Keys
Karen Mellinger
Will Pennebaker, Chair
Forrest Snyder

VETERANS COMMITTEE

(1-YEAR TERM EXPIRES APRIL 1, 2007)

Mark Bolhardt
Charles Bushey
Jim Meskun
Bruce Niles, Chair
Barry Quigley
Philip Young

Development Review Board

Gary Burgess
Jim Carter, Chair
William Jakubowski
Fritz Ludwig
David Mance
Wynn Metcalfe
Phylis Porio, Vice-Chair

Anthony Zazzaro, Zoning Administrator3-year term expires 2007

PLANNING BOARD

Craig Bruder
Art Carlucci
Bob Carter
Bill Pennebaker
Chris Williams

Meeting adjourned at 9:25 PM.

Respectfully Submitted,

Susan M. Swasta