

**MINUTES OF THE SHAFTSBURY SELECT BOARD**  
**JUNE 26, 2006**  
**COLE HALL**  
**SHAFTSBURY, VERMONT**

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

Others Present: Michael Bidy, Audrey Rutheiser, Harvey Rutheiser, Matt Tuthill (Bennington Banner), Henri Billow (Treasurer), Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:00 PM. He asked if any Board member needed to recuse himself or herself from discussion of any agenda topic scheduled for tonight. None did.

2. Minutes:

June 19, 2006 Minutes:

Karen Mellinger made motion to approve June 12, 2006 minutes. Jim Mead seconded.

Two correction to the minutes were requested:

*On page 3, section eight (Pay As You Throw), paragraph two, first sentence, "four-foot-by-eight-foot" is changed to "eight-foot-by-eight-foot."*

*On page 4, section nine (Transfer Station Agreement), first sentence, "Tom McGuire" is changed to "Tom Dailey."*

Motion to approve June 19, 2006 minutes as amended carried 4-0-0. (Cinda Morse arrived just after approval of the minutes, at 7:05.)

3. Warrants:

The following warrants were presented for approval:

- PR#50 – \$ 6,208.48 Payroll Warrant
- AP#52 - \$ 17,066.36 (includes Blue Cross/Blue Shield payment, PAYT stickers, backhoe pump rebuilding)

Mr. Mead made motion to pay the warrants. Ms. Mellinger seconded. Motion carried unanimously.

4. Public Comments:

Audrey Rutheiser brought up the issue of a series of letters between Buzz Surwilo and Jeff Bourdeau of the Vermont Agency of Natural Resources and Trevor Mance of TAM, dating from January to April, 2006. The letters concerned TAM's use of processed glass aggregate (PGA) as pipe bedding. The state concluded that the PGA was contaminated and should be removed.

Ms. Rutheiser noted that a copy of the January 31 letter from the state had been sent to the Select Board, and asked why the Board had never followed up on this matter. She is concerned about possible damage caused by contaminated glass and feels that Mr. Mance has a history of doing things without first getting permission. Chairman Metcalfe stated that the matter was up to the state to follow up on, not the Board.

Harvey Rutheiser asked if the Board considers this to be a matter of concern. Chairman Metcalfe replied that the Board was not prepared to go into it in depth tonight, but would be happy to put it on the next agenda and review the available information so as to be prepared for discussion. He is not disputing that the Board did or did not receive the letter, but said it is the first time he has seen it. Mr. Chrostowsky will make copies of the letters for Board members.

Ms. Morse noted that the Board often gets letters that are meant for informational purposes only, and does not jump in to act if it is someone else's responsibility to do so. She said that is not necessarily the case here, but it does happen.

#### 5. Treasurer's Report:

Town Treasurer Henri Billow presented her report to the Board. With the budget at 95%, there is a \$70,342 fund balance. About \$30,000 should remain after all payments are made. The Board approved Ms. Billow's recommendation that a \$156,971 CD be renewed for 31 days.

There was a discussion of the proposed landfill closure loan, and whether it made more sense to ask the town's permission to borrow \$100,000 or \$150,000, as has been warned for the upcoming special meeting. Even though all funds should be received from the state by August, in which case only \$100,000 should be required, it was decided to go ahead and ask permission to borrow up to \$150,000. A process this large and complex might go over budget, but if it does not, the Board need only borrow as much of the approved \$150,000 as necessary. Board members and Ms. Billow decided that a five-year bank loan, renewable for another five years, would be preferable to a bond. Chittenden bank will offer a five-year loan at 5% interest.

Ms. Billow asked the Board to approve a \$400,000 line of credit tax anticipation note, beginning July 5 and due November 10, at 3.95%. This amount is higher than last year because there are several big projects coming up before taxes are due.

Ms. Rutheiser asked why the town does not collect taxes twice a year so that borrowing is not necessary, and was told that a second tax collection process would cost more than the loan interest.

Ms. Morse made motion to approve a \$400,000 tax anticipation note at 3.95% interest. Ms. Mellinger seconded. Motion carried 5-0-0.

Chairman Metcalfe asked the Board to consider prepaying Dailey's for blacktopping so that next year's blacktopping funds could be used for other purposes, notably landfill closure. Ms. Billow stated that technically this cannot be done, because excess funds are supposed to go toward next year's taxes. Chairman Metcalfe asked Mr. Chrostowsky to check with Vermont Secretary of State Deb Markowitz to see if this can be done.

Ms. Mellinger said that it may require a special vote asking townspeople to apply the budget excess to the landfill rather than taxes. All Board members agreed that excess funds should apply to landfill closure if possible. Ms. Morse thanked Ms. Billow and Mr. Chrostowsky, as well as department heads, for good money management.

#### 6. Special Town Meeting:

Chairman Metcalfe asked Board members if they want to go ahead with the request for approval of a five-year loan of up to \$150,000, as warned. All agreed on this amount.

7. Transfer Station Agreement:

Chairman Metcalfe stated that the final draft of the transfer station agreement is ready for Board approval. One change has been made, requiring the contractor to weigh the collection vehicle when entering and again when leaving the facility.

Ms. Morse made motion to sign the transfer station agreement with TAM. Ms. Mellinger seconded.

Ms. Mellinger asked about the portable toilet at the landfill. Mr. Mance will continue to provide this service. It will cost \$35 to pump every several months, and Mr. Chrostowsky said that Mr. Mance will send the town the bill for this if he thinks to do so at the time of pumping.

Motion carried 5-0-0.

8. Landfill Closure:

Mr. Chrostowsky reported that town attorney Rob Woolmington has looked at the landfill closure contract with Rifenburg has made a few changes and comments, and has concluded that it is a good contract. They hope to get it resolved this week.

Mr. Chrostowsky stated that he had received a quote from Agresource, Inc. for compost from the Cambridge sewage plant. It would be \$12 per cubic yard for screened compost, \$9 for unscreened, not including delivery. Chairman Metcalfe asked him to follow up on this to get prices for Bennington compost, which would be cheaper to transport.

9. Pay As You Throw (PAYT):

Mr. Chrostowsky reported that Joe Bamford, former town manager of Dorset, has been hired as the PAYT attendant at \$10 per hour. He will start tomorrow. Gus Fagerholm has been hired at minimum wage to hand out access stickers at the landfill starting July 6, and Barbara Buxbaum has been hired at minimum wage to hand out stickers at Cole Hall.

Ms. Mellinger stated that North Bennington Variety has agreed to sell PAYT stickers for \$1.25, charging the extra .25 per sticker to cover their costs, the same as Paulin's and Shaftsbury Country Store.

Mr. Chrostowsky said that the shed for the attendant has been ordered and will arrive in two to three weeks. The town Web site has been updated with PAYT information, and the informational flyer has been printed.

Chairman Metcalfe asked Ms. Mellinger if the Solid Waste Committee would put up different sized bags for display, and she agreed that some members would go to the landfill to put up bags. They could be placed on the side of the building and/or the recycling shed. Mr. Mead will put up posters. The flyer will be enlarged and laminated to make posters.

Board members discussed the planned location of the trash truck to the right after entering the facility, all the way up at the end. The shed will be placed at the end of the large metal building.

Mr. Chrostowsky and Chairman Metcalfe plan to be at the landfill this Saturday at 7:00 AM. Other Board and Solid Waste Committee members will also help out if possible. A tent will be provided for the attendant until the shed is delivered.

10. Other Business:

Ms. Morse made reference to a letter from the highway department concerning issues that the Policy and Procedures Committee has been preparing background on. Chairman Metcalfe suggested discussing this as a Board next week, then putting it on the agenda for the next week. Ms. Morse said that she and Mr. Chrostowsky will prepare a background piece for Board members.

Ms. Mellinger stated that it is time to start talking about sidewalks; forming a committee, looking at costs and possible donated services. Mr. Chrostowsky will follow up on this by contacting the state.

Ms. Mellinger asked if rental income for parking lot has been taken care of, and Chairman Metcalfe replied that it will come in tomorrow morning.

Ms. Mellinger asked about disability coverage payment, and Mr. Chrostowsky said that it will be taken out of paychecks this week.

Mr. Mead stated that he had spoken with Tony Zazzaro concerning the matter discussed at the last meeting concerning a resident's objections to shooting on a neighboring property. Mr. Zazzaro told him that the Select Board may approve safety zones. Chairman Metcalfe replied that the state provides safety zone signs, and that the only thing they prevent is walking with a loaded gun in that area. There is no state ordinance restricting shooting within a certain distance of a house.

The only option would be a noise ordinance, and Bill Pennebaker noted that discharge of firearm had been removed from the noise ordinance sent to the Select Board by the Planning Commission. Ms. Mellinger asked if the Board could make an ordinance limiting shooting distance from a house, and Chairman Metcalfe replied that it could, and that Bennington has a 500-foot rule. But in his view, this is a civil lawsuit concerning damage to business, and the Board is better off staying out of it.

Chairman Metcalfe stated that Jerry Mattison has set up an emergency training session for Thursday July 13 from 6:00 to 9:00 PM at the firehouse.

Chairman Metcalfe suggested that the Board have a preliminary discussion about the budget at the next meeting.

The Board agreed not to meet on Monday July 5. Mr. Chrostowsky will take that day off because he will be at the landfill on Saturday for the first PAYT day.

Mr. Chrostowsky stated that he will be doing evaluations this week and holding interviews for a highway worker this Thursday.

Ms. Morse made motion to adjourn at 8:22 PM. Motion carried unanimously.

Meeting adjourned at 8:22 PM.

Respectfully Submitted,

Susan M. Swasta