

**MINUTES OF THE SHAFTSBURY SELECT BOARD**  
**AUGUST 28, 2006**  
**COLE HALL**  
**SHAFTSBURY, VERMONT**

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

**Others Present:** Craig Bruder (Planning Commission), Mike Gleason (Bennington Banner), Henri Billow (Treasurer), Aaron Chrostowsky, (Town Administrator), Susan Swasta (Recording Secretary)

**1. Call Meeting to Order:**

Chairman Wynn Metcalfe called the meeting to order at 7:05 PM. He reported on Saturday's street dance, congratulating all who worked to make it a success. A total of about \$1600 was raised (about \$1500 after expenses). About 1500 attended.

Chairman Metcalfe stated that the North Shaftsbury Lions Club would like to be involved in redoing the park, and have asked that the street dance funds be given to them to be combined with their finds in this effort. Karen Mellinger asked if the town's Recreation Committee is also involved, and Chairman Metcalfe replied that they can be if they want to be. Ms. Mellinger suggested that the Recreation Committee be invited to take part.

**2. Warrants:**

The following warrants were presented for approval:

- PR#8 - \$ 6,886.02 payroll warrant
- AP#12 - \$ 185,535.00 (landfill closure)
- AP#13 - \$ 2,285.00 (petty cash -- street dance)
- Warrant# - \$ 19,614.69 (funds owed to General Fund)

**Cinda Morse made motion to pay warrants. Karen Mellinger seconded. Motion carried 5-0-0.**

**3. Minutes:**

August 21, 2006 Minutes:

There was a technical problem in distributing the August 14 minutes, so approval of minutes was postponed.

**4. Public Comments:**

Mike Gleason of the Bennington Banner introduced himself. He will be the new reporter covering Shaftsbury.

**5. Capital Improvement Note:**

Treasurer Henri Billow stated that the voter-approved \$150,000 capital improvements note, with an interest rate of 5% over five years, needs to be signed by the Board. Ms. Morse asked if it is known whether all the money will be needed for landfill closure. Ms. Billow responded that the note may be prepaid if all of the funds are not needed.

**Ms. Morse made motion to sign the \$150,000 note. Ms. Mellinger seconded. Motion carried 5-0-0.**

**6. Landfill Closure Update:**

Mr. Pennebaker reported that the contractor is starting to put on the barrier protection layer and has not quite finished with the drainage sheet. The sand continues to require no screening. The amount of sand used may run a bit over estimates; Mr.

Pennebaker will check on how Rifenburg is judging the thickness.

Chairman Metcalfe stated that Phil Harrington is concerned that more sand is going on the trucks than is being accounted for, and has come up with a way to measure and weigh a truckload in order to check the discrepancy. Mr. Pennebaker agreed that there is a significant discrepancy. 26 cubic yards per load would be the average weight based on what had been figured. Chairman Metcalfe said that he would have Mr. Harrington talk with Mr. Pennebaker about this.

Chairman Metcalfe asked if KAS has been at the landfill, and Mr. Pennebaker said that he saw their representative there when the membrane was being put on. Mr. Pennebaker believes that this process was done properly.

Ms. Mellinger asked about the last piece of money from the state, which was to have been \$39,700. Aaron Chrostowsky stated that the amount will actually be \$37,000, and that this is all that is available. The state had asked him for a tax exempt number and for a change in a few numbers on the balance sheet in order to approve the grant. He has made those changes and expects the funds to be processed shortly. No other municipality has requested the funds.

Chairman Metcalfe said that State Representative Alice Miller has expressed confusion about this amount because she had been sure that it was \$39,700. Mr. Chrostowsky replied that he can check with the state, but that they had indicated that they were happy to give the town all available funds.

Mr. Pennebaker noted that the northwest corner of the landfill had not been done quite right, and it turned out that the contractor had been dumping trench tailings there. Mr. Pennebaker had insisted that these be covered by the membrane, which was done.

## **7. Newsletter Discussion:**

Chairman Metcalfe stated that last year each Board member had written something about his or her own liaison list, and then given the information to Ms. Mellinger to prepare for the newsletter. He asked if it should be done that way again this year. Ms. Mellinger said that she thinks it is good to communicate with residents as fully as possible.

Ms. Morse suggested using the topics listed in the Power Point handout that had been prepared for town meeting. The newsletter can include an update of those topics, plus anything new and a few pictures from the sock hop. Mr. Chrostowsky will e-mail the Power Point document to everyone, and Ms. Mellinger will put the newsletter together. Chairman Metcalfe suggested that Board members send anything they want to include from their liaison lists to Ms. Mellinger by next Monday.

## **7. Other Business:**

Chairman Metcalfe reported that the Board has received a request from the Levin family to close part of Cleveland Avenue from 5:45 to 10:15 PM on September 23 for a 50th anniversary celebration. Ms. Levin said that all of the neighbors affected by the street closure would be at the event. Ms. Morse asked if this would set a problematic precedent. Chairman Metcalfe said that he thinks it is probably correct that all of the Cleveland Avenue residents affected would be in attendance, and noted that the street would be open at each end.

It was decided that Ms. Levin should go door to door and hand out written notice of the closing, and that notification should be done this week so that the Board can hear of any objections. There was a discussion of barricades to block off that section of the street. Chairman Metcalfe will call Ms. Levin.

Mr. Pennebaker introduced Craig Bruder of the town Planning Commission to discuss the solid waste zoning amendment. Mr. Bruder asked if Board members had received the memo sent out on the amendment, and they replied that they had not, so he made copies and distributed them. He explained that the interim bylaw expires next year, and in preparation the Planning Commission has come up with a rough draft for a solid waste amendment and now seeks input from the Select Board before the "legalese" is added.

Ms. Morse asked where the numbers on setback, building size, and so forth had come from, and Mr. Bruder replied that they had tried to follow the town zoning ordinance numbers where these seemed appropriate. Zoning documents from other municipalities had also been consulted. He said that Mr. Pennebaker had made the Planning Commission aware that if the amendment is too restrictive, it could cause problems with the state. They had also used some of what was learned from the recent TAM proceedings.

Ms. Morse asked if the amendment is consistent with what had been approved for TAM, and Mr. Bruder noted that the current TAM site would not fit what they would zone for in the future. Some of the things from that facility have been incorporated into this document.

Board members noted the lack of specifics for performance standards and in some other areas. Mr. Bruder agreed that some of the performance standards will need to be quantified, but that the Planning Commission likes the “sensibilities of the average person” definition of adverse impacts, and had taken this from Rockingham’s solid waste zoning. They are trying to find a balance between strict definition and allowing leeway.

Ms. Morse noted that adverse impact may mean one thing to one person and one thing to another, and that zoning needs to be more black and white. Mr. Pennebaker said that they are hoping to get more specific information, but that this had seemed like a place to start. Chairman Metcalfe suggested taking the draft to the Development Review Board, since they will be the ones enforcing it. There was a discussion of required site size with Mr. Pennebaker pointing out that it is irrelevant if all parcels of this size are already owned. Ownership may be transferred.

Mr. Pennebaker asked how the zoning amendment will be approved, and Chairman Metcalfe replied that it can be approved by the Select Board under Chapter 117, which provides specific procedures to be followed. The Board thanked Mr. Bruder for attending.

Ms. Mellinger reported that she and Mr. Chrostowsky had met with the state representative on the sidewalk grant, who had agreed that Mr. Chrostowsky will be project manager. A contract will be signed at the next Board meeting. In the meantime, an archeologist must be hired to sign off on the corner of the cemetery where the sidewalk will go. There was a discussion of other matters involved in the sidewalk grant, and Chairman Metcalfe asked Mr. Chrostowsky to bring a checklist and timeline for the project to the next meeting.

Ms. Mellinger said that she had received a call from Donald Peters concerning speeders on his road. The speed machine will be taken up there the day after tomorrow.

Ms. Morse reported that the Economic Development Committee had met last week. Production of an updated informational brochure on the town has been postponed because of a problem with the company that was producing it. The Committee is preparing a survey for residents to get more information on attitudes and issues concerning sewers. In September the Committee will resume the process of meeting with Shaftsbury businesses in order to get to know them and their plans and issues.

Ms. Mellinger expressed concern over notifying residents that the state will be involved in sewer changes beginning next July. Ms. Morse stated that the Committee wants to get more information on sewer-related issues before addressing any changes that will happen. To say something now seems premature. Ms. Mellinger thought it would be good to get basic information out, and Ms. Morse said that perhaps that information could be put at the beginning or end of the new survey.

Mr. Mead reported that he had met with Mr. Daniels concerning tree removal in Shaftsbury Hollow. The tree warden does not want to take down one of the designated trees, and Mr. Daniels thinks that leaving it up will make the road narrower. Chairman Metcalfe asked that Mr. Chrostowsky, Mr. Daniels, and the tree warden go out there right away and reach a decision, because the tree cutting needs to be put out to bid right away.

Mr. Mead stated that Mr. Daniels had tried to snake the clogged pipe on the Vachon property, and that the rotary snake had broken off in the pipe. Mr. Daniels believes this is because it ran into roots. He is looking into getting a small excavator to dig up the pipe, because the town’s large excavator would make too big a mess. There was a discussion of whether it would be appropriate for the town to pay for the excavator if the pipe is clogged with gravel, and the Vachon to pay if it is clogged by roots. Mr. Pennebaker noted that it may be some of both. Chairman Metcalfe stated that he will accompany Mr. Daniels to meet with the Vachon and figure out a deal.

Chairman Metcalfe stated that he would like to schedule an update on Pay As You Throw for the next meeting. He has heard that some people are not being checked for stickers. Ms. Morse would like to schedule a follow-up discussion of disability insurance.

Mr. Chrostowsky gave an update of completed and current road work. He stated that town Attorney Rob Woolmington would like to meet with Board members who will be going with him to meet with the state concerning the landfill violation.

Mr. Chrostowsky stated that Board members had not been paid last week because they had agreed to donate last month's salary to the street dance. This turned out not to be the proper procedure; instead they will be paid and then write the town a check, so that they will get the tax deduction.

Mr. Chrostowsky asked for clarification on employee raises. The Board confirmed that the raises are approved and that they will be retroactive. Mr. Chrostowsky stated that once he handles raises, there will need to be a retroactive deduction for group life and disability insurance, for all of last year. Chairman Metcalfe requested that he handle this with a personal visit to employees.

Mr. Chrostowsky asked whether the McCarthy parking lot lease should require payment for 2004. Payment for 2005-2006 has been made. Chairman Metcalfe asked him to call them and find out what the situation is.

Mr. Mead stated that the Town Line Road matter will be taken care of by Mr. Daniels when he returns from vacation.

**8. Executive Session (Personnel):**

**Ms. Mellinger made motion to go into Executive Session (Personnel). Mr. Mead seconded. Motion carried 5-0-0. Board went into Executive Session at 8:30 PM.**

**Meeting adjourned at PM.**

Respectfully Submitted,  
**Susan M. Swasta**