

**SHAFTSBURY SELECTBOARD  
SPECIAL MEETING DRAFT MNUTES  
Cole Hall, 61 Buck Hill Rd  
Aug 6, 2012**

Board Members present: Lon T. McClintock (Chair), Craig Bruder Carl Korman, Billy Obenauer

Board Members absent: Karen Mellinger (Vice Chair)

Others present: Margy Becker (Town Administrator), Sandra Mangsen (Interim Recording Clerk), Sue Baluto, Abigail Beck, Michael Bidy, Mike Blody, Jim Cassidy, Guy Collins, Kristin Bornholdt Collins, Michael Foley, Kathleen Geneslaw, Robert Geneslaw, Ruth Bornholdt Olsson, Jay Palmer, William Pennebaker, Phylis Porio, Mitchell Race, Joanne Race, Ron Schoof, Jennifer Viereck, Arthur Whitman, Chris Williams

**1. Call to Order**

Lon McClintock called the meeting to order at 6:01 p.m.

**2. Announcements**

Margy Becker reminded those in attendance about the upcoming Household Hazardous Waste Collection Day Oct. 6, which she is starting to advertise.

Lon McClintock reminded those in attendance about upcoming August primaries.

**3. Public Comments**

Michael Bidy reported feeling uncomfortable about some procedures during the recent DRB hearing.

**4. Conflict of Interest Statement**

There were none.

**5. Public Hearing and Deliberations on proposed Zoning Bylaw Amendments**

**a) Sec. 7.13 Industrial Composting**

The Public Hearing was opened at 6:10 p.m. to consider the proposed bylaw amendment to Sec. 7.13, Industrial Composting, which has been approved by the Planning Commission.

Lon McClintock read written comments from **Carl Goodwin** on technical requirements that an industrial composting facility must meet according to government regulations. The written comments noted recent problems experienced

with herbicide contamination of commercial composting operations.

**Arthur Whitman.** Described existing industrial zone properties, where there is either no interest or insufficient space for commercial composting. He feels that Shaftsbury's industrial zone is so restricted that commercial composting may not be feasible in the town.

Mr. Whitman also mentioned that in his view the definition of backyard composting is too lenient (100 cu yards). That volume would be comparable to a pick-up load each week. This is much more than ought to be considered backyard composting.

There was discussion with Board members about possible approaches, such as locating a composting facility in a non-industrial zone.

Billy Obenauer asked Art Whitman for his recommendation on backyard composting. Mr. Whitman responded that five cubic yards would be normal; and ten cubic yards would therefore be quite sufficient as a limit.

Board members discussed whether the town will actually have to make property available for such industrial composting. Art Whitman believes this is the case.

**Kathleen Geneslaw** stated that she believes backyard composting to be exempt from state regulation. There was discussion about the possible prerogative of the town in regulating such composting. She noted as well that an applicant wishing to create an industrial composting facility would be responsible for finding an appropriate site, considering that existing industrial zone land might be put to a different use or a zoning change might be requested for land outside a current industrial zone.

**Michael Biddy.** Made a comment with respect to groundwater issues on land in an industrial zone (owned by Putman), which would need to be considered if that property were to be used for industrial composting.

There being no more public comments, Lon McClintock invited Chris Williams (Chair of Planning Commission) to respond to question about the proposed bylaw.

Lon McClintock suggested the impact of a facility be required to be "no greater than." a baseline standard, rather than the proposed wording of "less than or equal to." A discussion about the manner in which the DRB might be expected to determine such a baseline standard ensued. Abigail Beck supplemented Chris Williams's comments by saying that the baseline in question should be considered the worst case scenario with open windrow composting, which is the simplest type. The DRB might need to consider engineering reports bearing on this question, provided by applicant.

There was a discussion of the qualifications and certification of an engineer providing expert evidence. If the evidence offered by a professional engineer should be required, that individual should be described in the bylaw as an engineer licensed

in Vermont.

Several other comments were made, but were taken under advisement as not immediately germane to the amendment proposed. In addition Carl Korman suggested that in Sec. 7.13.2.3, the term “baseline system” might be confusing, and ought to be clarified by using the phrase “baseline composting facility.” Billy Obenauer noted that the limit on backyard composting of 100 cubic yards ought to be compared to the volume of grass clippings from a large yard, amounting in his case to approximately three cubic yards for each mowing. Lon McClintock proposed a slight revision to clarify the term “animal mortality.” The following sentence should be appended to the existing statement: “Animal mortality” does not include or refer to food scraps.

Lon McClintock asked if there were other relevant public comments. None were offered.

The Public Hearing was closed at 7:00 p.m.

The Selectboard agreed that all of the changes proposed could be considered minor rather than substantive. The Board declined to go into executive session, opting to deliberate in public. Members of the Board thanked the public for their comments.

There was a consensus that the proposed bylaw should be adopted with minor changes. Lon McClintock noted that there is a need to have this composting bylaw in place, and that it will not be an impediment if the town needs to establish a facility by 2014, when the zoning can be re-examined if necessary.

**MOTION: To adopt the proposed industrial composting bylaw with the minor revisions suggested. Moved by Craig Bruder; seconded by Carl Korman. Carried 4-0-0.**

#### **b) Sec 7.2.2 Flood Hazard Regulations**

The Public Hearing was opened at 7:10 p.m.

**Rebecca Pfeiffer** (Agency of Natural Resources) responded to questions from the Board.

Lon McClintock asked about need to adopt the bylaw and the consequences were it not to be adopted, or were not compliant with FEMA regulations. Rebecca said the town would be then suspended from the flood insurance program.

Chris explained the map (a compilation of eleven FEMA maps covering town of Shaftsbury). It is not clear how many homes are built on the flood plain in Shaftsbury. Rebecca reported that the average cost of flood insurance backed by FEMA in Vermont is approximately \$900; private insurance would be much more costly. Mortgage lenders generally require flood insurance, which implies that it is not optional for most property owners.

Within flood zone, buildings in need of rehabilitation would not be eligible for FEMA backed loans.

No new homes could be built in the flood zone and substantially expanding the footprint of an existing building in the flood zone is not permitted

The Public Hearing was closed at 7:23 p.m.

**MOTION: To accept the bylaw as proposed. Moved by Craig Bruder; seconded by Billy Obenauer. Carried, 4-0-0.**

Carl Korman expressed concern about effect of the changes on permitted uses of existing property. Lon McClintock pointed out that the proposed bylaw protects those who have and need to maintain flood insurance.

Lon McClintock thanked the Planning Commission for its work on the bylaw. Chris Williams asked how the changes should be handled and noted that the entire set of bylaws needs to be reissued incorporating all of the recent and pending changes. There was a discussion about the time frame for approving further changes and reissuing the bylaws.

## **6. Roadside Mowing**

Terry Stacy (Road Foreman).

Lon McClintock asked for an update on roadside mowing. Terry Stacy reported that, although one machine broke down and led to some delay, all roads have been mowed at least once.

Lon asked if the end of June is realistic as a deadline for completing the first roadside mowing. There was a discussion of the costs and advantages or disadvantages of the town's doing the mowing itself, or of contracting it out, as was the case last year. Contracting it out could free personnel and machinery for grading and other road maintenance.

Billy Obenauer asked whether guidelines were given to the Highway Department for this summer's mowing. The possibility of using overtime in order to keep up with roadside mowing was considered. It was noted that this year mowing has been handled differently as compared with last year, and there is a need is for data on cost this year to feed into next year's budget discussion.

## **7. Town Administrator's Report**

Margy Becker updated the Board on the reorganization of office files and the progress toward establishment of a secure internal wireless network. She recently attended a seminar on payroll tax, and is consulting with the town treasurer on Shaftsbury's procedures, especially as they pertain to classification of individuals as independent contractors or town employees, and the question of stipends versus

wages. The matter will be placed on a future agenda. Consulted with FEMA and VTrans this week. At the next SB meeting, the Treasurer will update the Board on the financial situation of the town after the first quarter of the fiscal year. She noted that the transfer station operating agreement with TAM may need to be renegotiated due to changes in technology and changing regulations. The DRB and PC jointly interviewed candidates for the position of zoning administrator; the Planning Commission will discuss these at its next meeting and make a recommendation.

#### **8. Other Business**

There was none.

#### **9. Minutes: July 16 (regular), and 23d (special)**

**MOTION: To approve the minutes of July 16, 2012 as corrected. Moved by Craig Bruder; seconded by Carl Korman. Carried, 4-0-0.**

**MOTION: To approve the minutes of July 23, 2012 as circulated. Moved by Billy Obenauer; seconded by Carl Korman. Carried 4-0-0.**

**MOTION: To approve the minutes of July 2, 2012 as corrected. Moved by Billy Obenauer; seconded by Craig Bruder. Carried, 4-0-0**

#### **10. Warrants**

**MOTION: To approve Payroll Warrant PRW 05 in the amount of \$6471.38. Moved by Carl Korman; seconded by Craig Bruder. Carried, 4-0-0.**

**MOTION: To approve Check Warrant PRW 05 (Retirement) in the amount of \$116.20. Moved by Craig Bruder; seconded by Carl Korman. Carried, 4-0-0.**

**MOTION: To approve PRW 04 in the amount of \$10,597.62. Moved by Craig Bruder; seconded by Carl Korman. Carried, 4-0-0.**

#### **11. Executive Session for contract matter**

**MOTION: To go into executive session for discussion of a contract mater. Moved by Craig Bruder; seconded by Billy Obenauer. Carried 4-0-0.**

The Executive Session began at 8:25 p.m. and ended at 9:00 p.m.

**MOTION: To approve Check Warrant Report # W05 in the amount of \$66,111.40. Moved by Craig Bruder; seconded by Billy Obenauer. Carried 4-0-0.**

**12. Adjournment**

**MOTION: To adjourn the meeting. Moved by Craig Bruder; seconded by Carl Korman. Carried 4-0-0.**

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Sandra Mangsen  
Recording Clerk