

**MINUTES OF THE SHAFTSBURY SELECT BOARD
SEPTEMBER 10, 2007
COLE HALL
SHAFTSBURY, VERMONT**

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

Board Absent: **Lon McClintock**

Others Present: **Mike Gleason (Bennington Banner), Art Whitman, Kathy Whitman, Nancy Merritt, Jeff Mast (BCRC), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

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 topic on tonight's agenda. None did.

2. Minutes:

August 27, 2007 Select Board minutes

Cinda Morse made motion to approve the August 6, 2007 minutes. Bill Pennebaker seconded.

The following corrections to the August 27 minutes were requested:

On page 3, under item 5 (Opening of Paving Bids), fourth paragraph is changed to:

Ms. Morse asked if the state will participate in the work on State Park Road. Chairman Metcalfe replied that the Commissioner has been called about this and is supposed to come and talk about it. Ms. Morse suggested that our local legislators should also be involved in the discussion.

On page 4, under item 6 (Zoning Bylaw Review Working Session), next-to-last last paragraph, in the first sentence, "Mr. Williams" is changed to "Mr. Whitman."

On page 5, under item 6 (Zoning Bylaw Review Working Session), seventh paragraph, in the first sentence, "Ms. McClintock" is changed to "Mr. McClintock."

Motion to approve August 27 minutes as amended carried 4-0-0.

3. Warrants:

The following warrants were presented for approval:

AP #13 -	\$ 20,358.46	General Warrant (includes calcium chloride)
PR # 9 -	\$ 9,925.55	Payroll Warrant
PR #10 -	\$ 7,549.89	Payroll Warrant

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

4. Public Comments:

Chairman Metcalfe introduced Art Whitman, president of the NorShaft Lions Club. Mr. Whitman introduced Nancy Merritt, chairman of the club's school committee, who reported that the Lions Club had raised \$280 selling ice cream at the hoedown. This money will be donated to the Cleveland Avenue Park group. Ms. Merritt presented a check to Chairman Metcalfe. Board members thanked the Lions Club.

5. Traffic evaluation of Peters Flat:

Chairman Metcalfe introduced Jeff Mast of the Bennington County Regional Commission (BCRC) to report on his traffic study of the intersection of Coulter, Tinkham, Cross Hill, and Myers Roads. There had been reports from residents that this is a dangerous intersection. Mr. Mast said that he had found average speed to be 36 mph; the speed limit here is 35 mph. However, he noted that there were some speeders, one as high as 51 mph.

Mr. Mast stated that this could be addressed by posting an intersection warning sign north of the intersection, and possibly an advisory speed limit sign, or by putting in a stop sign. He said that a stop sign would be merited in his opinion, although it might bring complaints from local residents.

Ms. Morse asked what the procedure would be to pass an ordinance for a stop sign. Mr. Mast explained that it would have to be on the agenda for a Select Board meeting, then read and approved at the meeting, posted in a public place, and published in the newspaper.

There was discussion of whether putting in a stop sign would bring complaints from those who live in the area. Ms. Morse and Mr. Pennebaker said that in that case the Board would say that there had been complaints of a dangerous situation, and the Board did a study and responded.

Ms. Morse noted that this is a difficult area to police, and stop signs would help slow people down. Mr. Mast suggested advance warning signs as well as a stop sign.

There was discussion of other intersections for Mr. Mast to look at. Chairman Metcalfe stated that the intersection of West Mountain Road and Rte. 7A is dangerous, and that it is time to remove the flower bed there. Mr. Chrostowsky said he had talked to the Garden Club, and they did not seem to mind putting a flower bed in a different location. Chairman Metcalfe said he would like to have this done before winter, and Highway Foreman Ron Daniels should look at it.

There was discussion of the Town speed ordinance. Mr. Chrostowsky said it is currently a hodge-podge and that he needs to compile it. Chairman Metcalfe stated that it would be good to compile and ratify the speed ordinance.

There was discussion of changing the speed limit on Airport Road. Mr. Mast said that a speed study would be necessary to do this. He noted that a speed study takes a lot of time, but a stop sign study does not. Board members discussed the bottom of the hill on Harrison Road as another possible place for a stop sign. Mr. Chrostowsky brought up Old Depot Road and Maple Hill Road as a dangerous spot. Mr. Mast will have a look at the intersections.

6. Paving Bid Contract Award:

Chairman Metcalfe said Mr. Daniels wants to do the Grandview and Grant Street paving projects. There will not be enough money to do Ledgeley as well. Ms. Mellinger asked if there is enough in the paving fund, and was told that it will go over by about \$500.

Ms. Morse made motion to award the paving contract for Grandview and Grant Streets to Peckham. Ms. Mellinger seconded. Motion carried 4-0-0.

7. State Park Road:

Chairman Metcalfe reported that Mr. Daniels adamantly opposes having State Park Road go back to a dirt surface. He said that Mr. Daniels will talk with guys from Peckham about other ways to reclaim the road, such as chip seal or reclaimed asphalt.

Ms. Morse asked if the state will contribute, and Chairman Metcalfe replied that they absolutely will not. He stated that the Commissioner had told him that if the state contributes to this road it will have to contribute to others. The Commissioner intends to get some people together to talk about the problem.

Chairman Metcalfe said that Mr. Daniels wants Board members to call the state police if they get a call from a resident after hours about a road problem. The state police will call Mr. Daniels. Ms. Morse said it would be a good idea to have a protocol written up so that everyone is doing the same thing.

8. Water System Improvement Plan:

Ms. Morse made motion to sign the \$19,000 contract with Otter Creek Engineering to pursue the evaluation of the water system. Mr. Pennebaker seconded.

Ms. Morse said that this study will give the Town a clear evaluation of what is needed. Ms. Mellinger noted that the study is financed by a five-year no cost loan from the state, with payments to begin in 2012.

Motion carried 4-0-0.

9. Other Business:

Mr. Pennebaker said that the Board needs to work on the letter to Heindel and Noyes. He asked if they should wait to hear back from them before sending it. Board members saw no problem with sending the letter before hearing from Heindel and Noyes. It will be revised for the next meeting and sent. Mr. Pennebaker reported that he had been successful in automating methane measurements.

Mr. Chrostowsky stated that he will email the proclamation for next week's meeting to Board members. Ms. Mellinger has written a letter to the editor for the newspaper.

Ms. Morse noted that Shelly has done a wonderful job setting up a library at the transfer station. She suggested that they publicly take note of this "above and beyond" work. Chairman Metcalfe suggested that the Board award her a gift certificate to a restaurant. Other Board members agreed.

Chairman Metcalfe reported that DRB chairman Jim Carter has resigned for personal reasons, and read Mr. Carter's resignation letter. He stated that Phylis Porio was elected as new chairperson, and that William Jakubowski will be vice chairman.

Ms. Mellinger asked if there would be any reason to go to a five-member DRB from the present seven-member DRB. Chairman Metcalfe (a DRB member) stated that the current DRB is doing a great job and that there are no attendance issues. He sees no problem with finding a new alternate for the DRB and keeping it at seven members.

Ms. Morse made motion to accept Jim Carter's resignation from the DRB with regret and appreciation. Ms. Mellinger seconded. Motion carried 4-0-0.

Chairman Metcalfe reported that he had received a letter from the county road commissioners indicating that the Town has won the case. He praised Mr. Daniels' work in going above and beyond the call of duty.

Chairman Metcalfe said that he had discussed the Zoning Administrator job description with Tony Zazzaro and Town Clerk Judy Stratton. Ms. Stratton had a job description from the Vermont League of Cities and Towns (VLCT) that she wanted them to see. Chairman Metcalfe will meet with Lon McClintock to finalize the job description.

Chairman Metcalfe stated that the West Mountain Road intersection should be dealt with soon. He wants Mr. Daniels to look at it and tell them what needs to be done. Ms. Morse and Ms. Mellinger

said that the Garden Club should be informed of this so they have time to work on another flower bed.

Mr. Chrostowsky asked who would serve as liaison with TAM and himself on transfer station issues. Mr. Pennebaker will fill this position.

Mr. Chrostowsky reported that he has sidewalk plans in his office. Next week there will be a meeting with the consultant. The DRB, sidewalk committee, and others will be invited. Ms. Mellinger asked about the moving of the fence that seems to be shown in the plan, and Mr. Chrostowsky replied that the consultant understands and will cover this matter.

Ms. Mellinger said that she would like to begin a conversation about the Town's lot. She worries about the adjoining lot becoming available and the Town missing an opportunity to expand. There was discussion about approaching the owners of the lot.

Ms. Morse asked if the Facilities and Recreation Committees will have information to incorporate into budget planning and the Town Meeting presentation. Mr. Chrostowsky reported on the activities of these committees, noting that both are "moving along." Board members asked to be informed of committee meetings and to be sent copies of their minutes.

Chairman Metcalfe opened a discussion of the solid waste bylaw by recalling how Town residents had come together in response to a proposed construction and demolition dump. They had worked together to revise the Town plan on which the present interim solid waste bylaw is based.

Chairman Metcalfe stated that this bylaw had worked in the process of approving the TAM transfer station permit, and that it reflected Town consensus. He asked why a new bylaw is needed when this one worked, noting that the new one will not have consensus.

Ms. Mellinger recalled that when 9.2 had been put together some had wanted it to be more specific. It had been decided that specifics were better held for the bylaw, not put in the Town plan.

She also recalled that the TAM permit process had been fairly contentious, and that at the time Trevor Mance had wanted more specificity so that an applicant could know exactly how to comply. Ms. Mellinger sees the idea of measurable standards rather than setback and lot size as opening a real can of worms for enforcement.

Mr. Pennebaker stated that the interim bylaw had been put together quickly to reflect 9.2, and that during the TAM deliberations several zoning board members had been uncomfortable with the minimal bylaw. He said that the present Planning Commission had concluded that a small town can't afford enforcement of performance standards, and that setbacks and minimum lot size are a cheaper and easier way to mitigate impact.

Mr. Pennebaker said that his chief concern is protecting residential zones. Chairman Metcalfe said that large setbacks don't take care of noise, odor, and pollution, but just move them back farther.

Ms. Mellinger noted that the argument that increased volume would require increased lot size even if the increase was cardboard rather than municipal solid waste (MSW) is incorrect. Only MSW would require increased lot size, not recyclables.

Ms. Mellinger asked how other Board members feel about approaching the owner of the lot adjoining the Town lot. Chairman Metcalfe said that he would be happy to accompany her on a visit.

Meeting adjourned at 8:35 PM.

Respectfully Submitted,

