

**MINUTES OF THE SHAFTSBURY SELECT BOARD**  
**SEPTEMBER 25, 2006**  
**COLE HALL**  
**SHAFTSBURY, VERMONT**

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

**Others Present:** Jerry Mattison (Emergency Management Representative), Mike Gleason (Bennington Banner), Aaron Chrostowsky, (Town Administrator), Susan Swasta (Recording Secretary)

**1. Call Meeting to Order:**

Chairman Wynn Metcalfe called the meeting to order at 7:02 PM.

**2. Minutes:**

September 18, 2006 Minutes:

**Cinda Morse made motion to approve September 11 minutes. Jim Mead seconded.**

The following corrections to the September 18 minutes were requested:

*Page 2, Section 5 (Health Committee), paragraph three, "O'Brian" changed to "O'Brien" and "LaNew" changed to "Lanoue":*

*Page 3, Section 6 (Landfill Closure Update), paragraph seven, last sentence changed to :*

There was a discussion of whether a methane level increase is a normal consequence of the landfill closure process and should have been anticipated by the consultant (KAS).

**Motion to approve September 18 minutes as amended carried unanimously.**

**3. Warrants:**

The following warrants were presented for approval:

- PR#12 - \$ 6,228.39 payroll warrant
- AP#18 - \$ 520,867.08 (landfill closure)
- WW#18 - \$ 16,448.28 (water warrant)

**Ms. Morse made motion to pay warrants. Karen Mellinger seconded.**

Ms. Mellinger asked whether the question about payment for incorrect deed research, brought up last week, has been resolved. Aaron Chrostowsky replied that David Mance had cut his bill in half. Ms. Mellinger questioned whether there should be any payment at all if the work was done in error and did not prove useful. Mr. Pennebaker had obtained the information from researching the deed for the property.

It appears that the incorrect line was surveyed, in which case the Board agreed that the bill should not be paid. Mr. Chrostowsky will resolve the matter with Mr. Mance, and that portion of the warrant will not be paid in the meantime.

Ms. Mellinger also questioned the bill for disposal of trash left by the contractor after landfill closing. Mr. Chrostowsky replied that this is not included in the warrant and will be discussed in tonight's executive session.

**Motion to pay warrants, as amended to specify that the surveyor's bill for deed research not be paid until Mr.**

**Chrostowsky resolves the matter with the surveyor, carried 5-0-0.**

**4. Public Comments:**

There were no public comments.

**5. Emergency Management:**

Jerry Mattison came forward to report on emergency management. He stated that the Lake Paran emergency response drill had gone extremely well, and he praised the fire department's performance. The evaluators will provide an after-action report with recommendations.

Mr. Mattison has completed a Hazard Mitigation Plan, which qualifies the town for possible funding from FEMA for problems related to flooding, wind and fire damage, and other disasters. There would be a 25/75 match on any grants. Mr. Mattison noted that the grants are competitive, and that higher-risk areas are more likely to receive funds. Completing the plan at least opens the door for grants. He thanked Lissa Stark of the Bennington County Regional Commission (BCRC) for her help in completing the plan. Mr. Chrostowsky stated that the town had not set aside any money for matching hazard mitigation grants this year, but could consider doing so for next year.

**Ms. Mellinger made motion to adopt the Regional Hazard Mitigation Plan. Ms. Morse seconded. Motion carried 5-0-0.**

Mr. Mattison stated that a Continuity of Government meeting, related to planning for a possible flu pandemic, will be held in Arlington on September 28 at 6:00 PM. He will attend, and Board members are invited. Mr. Mattison has a draft of an emergency operation plan (EOP) for the town. The state has provided funding for Ms. Stark to help complete EOP's.

Mr. Mattison handed out certificates to the Board and Mr. Chrostowsky for completion of the ICS 100 level course. They will now need to do ICS 200 training, which will take twelve hours. This can either be done in a class setting or online. The Board discussed scheduling for the classes. Mr. Mattison will check with the fire department to see what scheduling works for them and get back to Mr. Chrostowsky.

**6. Landfill Closure Update:**

Chairman Metcalfe stated that there had been a meeting with Rifenberg last Friday, and that based on the meeting Mr. Chrostowsky has written up a new balance sheet. Referring to the balance sheet, Mr. Chrostowsky reported that the first Rifenberg bill has been paid and the second one just received. KAS has billed the town for design and certification. There will not be much more owed to KAS, since Mr. Pennebaker and John Endres of West Mountain Engineering saved the town a lot that would have gone to KAS for oversight. He estimated the amount saved at about \$15,000.

West Mountain Engineering was paid \$4500 for oversight and \$500 for a survey of the extra areas claimed by Rifenberg. This survey saved the town \$80,000 in extra charges. Charges have been received from Harrington's for sand and hydro-seeding, Dailey's for pond fill, Agresource for compost, and Whitman's for hauling. The total is \$781,000 to date. As of today, the town will need to borrow \$89,000 of the \$150,000 available. There was a discussion of other landfill closure expenses and revenues.

Mr. Chrostowsky passed out a proposal from Heindel and Noyes on remediation of high methane levels at the landfill. This company will provide the remediation plan at no charge, and do the work for \$6900. Mr. Mead noted that Heindel and Noyes had done some testing for the town when high methane levels had occurred in the past.

Ms. Morse asked if KAS has been paid in full and questioned whether KAS should have anticipated the potential for methane problems when preparing its closure design. Mr. Pennebaker stated that this bothers him quite a bit, since he would have thought that closure design would have anticipated the problem. He is not confident that levels will go down. The question is how well the methane system is working.

Mr. Pennebaker said that had spoken with Buzz Surwilo, who said that methane levels often go up when a landfill is closed. There was a discussion of buying or borrowing a meter that will measure specific methane levels. The state is charged \$25 per hour by the town for measuring the levels, and it may be possible to bill the state if the town has to pay Bennington for the use of its meter.

Mr. Pennebaker stated that Heindel and Noyes would deal with the methane problem by depleting the gas around the wells. This might prove a temporary solution that will have to be repeated. It might be permanent if the high methane level was caused by construction, but not if it is caused by trapped gas defusing to the west. It's possible this could not have been prevented, even if construction was done correctly, due to coarse, porous soil.

There was a discussion of installing a ventilation system on the Eastman property to deal with methane. Mr. Mead suggested putting in a ventilation system similar to that done for radon. This will be looked into.

**Ms. Morse made motion accept the Heindel and Noyes remediation proposal, subject to the approval of Buzz Surwilo. Ms. Mellinger seconded. Motion carried 5-0-0.**

Chairman Metcalfe noted that grass is growing on the landfill cap. Mr. Pennebaker asked if the roadway will be seeded, and Mr. Chrostowsky replied that wood chips will be put down.

## **7. Other Business:**

Mr. Pennebaker stated that he would like to see us get more active in terms of recusal policy. Chairman Metcalfe said that he has information to pass out.

Ms. Mellinger asked Mr. Chrostowsky how he is progressing on transfer station recertification. He replied that he making progress and expects to finish by the end of the week. Ms. Morse noted that there is little time, that the draft is behind schedule, and that help should be sought right away if needed. Chairman Metcalfe will call Mr. Chrostowsky Wednesday afternoon to check on progress, and KAS will be called in to help on Thursday if needed.

Ms. Mellinger asked Mr. Chrostowsky about the sidewalk project. He stated that he has received a bid of \$7000 for an archeological study. Ms. Mellinger expressed surprise at this high amount. She will have a look at the information for next week. Chairman Metcalfe stated that he has not yet spoken with engineer Jim Secor but will do so.

Ms. Mellinger reported that Jim Meskun and other residents have brought to her attention some very rough spots on Westview Place. A resident fell there recently. Chairman Metcalfe asked Mr. Chrostowsky to have Highway Foreman Ron Daniels look at it to see if it can be patched.

Mr. Mead reported that the Vachon's drainage pipe has been unclogged, using town equipment. Both tree roots and gravel were blocking the pipe.

Chairman Metcalfe reported that insurance to include Grandview Cemetery in town coverage, as the cemetery association had requested, would cost \$500. If the association decides to give up the cemetery, the town must take it over, according to state statute. He feels that the question of paying their insurance would have to be put on the ballot, and that payment would set a bad precedent. Ms. Mellinger asked how important this issue is to the association, and Chairman Metcalfe said that he would ask them.

Chairman Metcalfe once again raised the issue of recusal. He will send the page from the Selectman Handbook dealing with recusal to all town boards and committees, so that they know this is how it is to be handled. Recusal is defined as disqualifying oneself from participation due to prejudice or personal involvement. Recusals are mandated for the Development Review Board (DRB), and a recused member must leave the room to avoid being part of the discussion.

Ms. Morse asked what happens when a person sitting on a Board has business before the Board. Chairman Metcalfe replied that the person has a right as a citizen to present an issue, but cannot both present it and vote on it, and would recuse himself and leave for the decision process. Mr. Pennebaker asked when a person should recuse himself, and was told that this should be done at the beginning of the meeting.

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

**Mr. Pennebaker motion to go into Executive Session (Contract). Mr. Mead seconded. Motion carried 5-0-0. Board went into Executive Session at 8:40 PM.**

**Meeting adjourned at 9 PM.**

Respectfully Submitted,  
**Susan M. Swasta**