

**MINUTES OF THE SHAFTSBURY SELECT BOARD
NOVEMBER 5, 2007
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: **Wynn Metcalfe, Chairman, Bill Pennebaker, Lon McClintock, Cinda Morse**

Board Absent: **Karen Mellinger**

Others Present: **Ken Welch (Neighborworks), Mike Gleason (Bennington Banner), John Tiffany, Merton Snow, Lucy Robinson, Laurie Johnson, Rick Mattison, Lorraine Mattison, Serena Mattison, Richard Heyniger, Paul Williams, 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. 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:

October 29, 2007 Select Board minutes

Cinda Morse made motion to approve the October 29, 2007 minutes. Lon McClintock seconded. Motion carried 4-0-0.

3. Warrants:

The following warrants were presented for approval:

AP #21 -	\$ 14,185.23	General Warrant (includes diesel fuel, sand and gravel)
PR #18 -	\$ 7,439.80	Payroll Warrant

Ms. Morse made motion to pay warrants. Mr. McClintock seconded. Motion carried 4-0-0.

4. Public Comments:

There were no public comments.

5. Neighborworks Presentation:

Ken Welch of Neighborworks came to the table for his presentation. Mr. Welch described the services offered by Neighborworks, which he described as "the best-kept secret in Vermont." The organization offers low cost loans for home ownership and home repairs to low-to-middle income residents.

Mr. Welch said that an individual with concerns could call their office for a preliminary financial intake to determine eligibility. Those with 0 to 80% of the median county income qualify. Then a home inspection is done, followed by a report, a preliminary budget for repairs, and construction management services for the work.

Mr. Welch noted that Neighborworks offers service to a lot of handicapped people for things like accessible bathrooms and access ramps. They also work with a lot of senior citizens. USDA rural development funding is available. Most loans are a 50/50 split, with interest rates from 1% to 3%. He noted that some projects have been totally funded.

Mr. McClintock asked what loan amounts are available, and Mr. Welch replied that loans normally go up to \$30,000, but can go over that. He stated that there are five Neighborworks in Vermont, and the one covering Bennington County is headquartered in Rutland.

Aaron Chrostowsky asked if they have a lot of Shaftsbury clients, and Mr. Welch replied that Bennington County numbers are low, perhaps because Neighborworks is not as well known here. He said that Williams Jakubowski covers Bennington County.

Mr. Welch said he will check on the availability of posters and brochures. He reported that Neighborworks has just received over 1.5 million dollars from the Vermont Agency of Natural Resources (ANR) for replacement septic systems and wells. This is the first time the state has recognized that their regulations put financial obligations on individuals. These will be 1% interest loans up to \$25,000.

Bill Pennebaker asked if Neighborworks has a Web site, and was told that it does. He suggested that the Shaftsbury Web site include a link to the Neighborworks site. The Board thanked Mr. Welch for attending.

6. Public Hearing on Noise Ordinance:

Chairman Metcalfe explained that the Planning Commission had put together a noise ordinance three years ago. The Select Board had decided to hold off on it at the time, and a couple of Select Board members want to bring it up again.

He said that tonight the Board will hear public comments and concerns. It will then decide whether to have the Planning Commission update the ordinance. Chairman Metcalfe asked for comments on the need for a noise ordinance.

Rick Mattison confirmed that Shaftsbury currently has no noise ordinance. He asked why certain things are crossed out in the ordinance. Chairman Metcalfe replied that the Planning Commission at the time had decided to take things out.

Chairman Metcalfe said that if the ordinance is taken up again, the Planning Commission will start with a clean slate. The Select Board has to decide whether this is high priority, low priority, or no priority for the Planning Commission.

Rick Heyniger asked if the Board had decided who would enforce the ordinance, and was told that the Board had not decided. That will be a major issue.

John Tiffany spoke against a noise ordinance, saying it had been done in response to over half a dozen complaints from two people at the time. He noted that he had been on the Select Board that had decided to drop the ordinance because it was not needed.

Mr. McClintock asked Mr. Tiffany if he has looked at the proposed zoning bylaw on noise. He noted that there will be some noise control in the bylaw, and said that the bylaw and any noise ordinance should complement one another. Mr. Tiffany said he could see control of loud industry noise and intentional noise.

Mr. Pennebaker described the present decibel limits in the bylaw, noting that the approved level in residential zones is at the threshold of serious hearing damage. He thought this should be brought more in line with World Health Organization standards.

Mr. Tiffany stated that the wind itself can be 65 decibels. Mr. Pennebaker said that would only be under certain conditions. Mr. Tiffany said he hopes the Select Board votes down the noise ordinance.

Lucy Robinson spoke in support of a noise ordinance, saying it is needed to protect people, many of whom now live closer together on smaller lots.

Laurie Johnson pointed out that disturbing the peace still exists as an upper limit on conduct.

She saw the need to protect residents with children, pets, and businesses, and did not know if a decibel level can be invoked to limit the normal noise of people's lives.

Mr. Heyniger asked if any other towns have rural noise ordinances. Mr. Pennebaker replied that he thinks the Bennington noise ordinance covers the whole town, not just the village.

Ms. Robinson said that maybe decibel levels in the bylaw can be revised to specify repeated or ongoing noise. Mr. Pennebaker said that the present one hour LEQ standard is meant to ensure noise is continuous and loud.

Lorraine Mattison said that complaints from four or five people in a rural area is a lot. Ms. Robinson said that without an ordinance maybe people feel they can't complain.

Mr. McClintock noted that an ordinance would permit people to get permission to have an event go later than 10:00 PM. Currently police may shut down a party at that hour.

Ms. Johnson said the best thing is to complain to neighbors directly. Ms. Robinson said that not all neighbors are reasonable.

Ms. Morse asked how much is currently going on that might be addressed by a noise ordinance. Ms. Robinson said there are loud engine noises in her neighborhood, and she is not the only one who has noticed.

There was further discussion of whether approaching neighbors directly is an effective way of dealing with noise problems.

Mr. McClintock distributed information he had found that explains what various decibel levels mean in terms of actual examples of noise.

Paul Williams asked how this would affect Peckham's crushing plant. Chairman Metcalfe replied that there are standards in the present zoning bylaw that they have to go by. There was a discussion of changes made by Peckham (formerly Dailey's) over the last several years to modify noise. Mr. McClintock noted that one neighbor has said that the noise is better but continues to be a problem. Ms. Robinson said that, while she recognizes the need for industry, perhaps a decibel limit is needed for industry.

Chairman Metcalfe thanked people for coming out to comment.

7. Animal Control Officer Report:

Traci Mulligan, Shaftsbury Animal Control Officer, came to the table for her report. She discussed continuing problems with one dog owner who owes the Town for removal of quills from two dogs and costs of an impounded dog. She said he had made partial payment and agreed to pay the rest, but has not followed up. Chairman Metcalfe said that Town Attorney Rob Woolmington should send him a letter.

Ms. Mulligan described another situation with a Paran Acres dog owner whose animal had been picked up and treated, and whose owners still owe the Town. They wrote a check and then stopped payment on it.

Ms. Mulligan said she has also issued tickets for two unlicensed dogs with no response. She said that the Town needs to enforce. The Judicial Bureau was supposedly going to crack down, but this has not happened.

She mentioned the possibility of small claims court, and there was a discussion of this option. Chairman Metcalfe said she should contact the state police lieutenant, not a state police trooper. It was also agreed that Mr. Woolmington will be asked to write letters.

8. Other Business:

Mr. Pennebaker said that the Grange needs to have its tax exempt status renewed, and spoke in favor of renewal. Chairman Metcalfe noted that this is done by public vote on the ballot.

Mert Snow described the current situation with the Grange, which has signed an agreement to have a day care operate in its building. They had to borrow money from the state Grange for repairs in order to do this. They hope to build up their income so they can contribute to the community again.

Mr. Pennebaker made motion to place renewal of the Grange tax exempt status on the Town ballot. Mr. McClintock seconded. Motion carried 4-0-0.

Ms. Morse announced that the solid waste subcommittee will meet Thursday at 5:00 PM.

The Board went into Executive Session (legal) at 8:13 PM.

Meeting adjourned at 8:40 PM.

**Respectfully Submitted,
Susan Swasta**