

**SHAFTSBURY SELECTBOARD
SPECIAL MEETING
DECEMBER 5, 2011
MINUTES**

ATTENDING: Board Members present: Lon McClintock, Karen Mellinger, Bill Pennebaker, Craig Bruder. **Absent:** Carl Korman; **Town Staff:** Margy Becker, Town Administrator. **Town Officials:** Chris Williams, Planning Commission; Jennifer Viereck, Zoning Administrator; Phylis Porio, DRB; **Visitors:** Trevor Mance, TAM; Mike Foley, Mitchell Race, Jeri Schoof, Jay Palmer.

1. Call to Order

Chairman McClintock called the meeting to order at 7:05pm.

2. Announcements

Lon McClintock announced a 6:00pm budget meeting had taken place.

Karen Mellinger thanked everybody involved in the tree lighting ceremony on Sunday. Some groups thanked included the Garden Club, Brownies, Cub Scouts, North Shaft Lions, and the Fire Department.

Bill Pennebaker announced that he would not be running for re-election next term.

Lon McClintock voiced his appreciation for Bill Pennebaker's many years of service.

3. Public Comments

Mike Foley commented on a trip to Montpelier made by a group of Shaftsbury residents. The group observed the Senators and representatives of the Agency of Natural Resources discussing proposed composting regulations. The Senate rejected the ANR report for lack of sufficient information. Mike Foley stated that it was a great experience to attend the meeting.

Mitchell Race said he attended the composting lecture at Bennington College. He learned the scale of the operation is important when considering composting.

The Post Office will have 250th Anniversary stamps available Saturday, December 10th.

4. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

5. Financial Reports

Tabled

6. Proposed Zoning Amendments

A. Home Occupations

Home Occupations are considered in the Rural Residential and the Village Residential districts. Phylis Porio stated some elements of Home Occupation proposals to be considered include storage space and where it occurs - i.e. in the home or an outbuilding; deliveries and parking and the number of employees. The impact on the neighborhood should be considered.

Jennifer Viereck suggested a flexible scale when considering the impact on the community.

The square footage differs in each zone; The Board discussed if it should be the same in both districts. Chris Williams consulted the zoning bylaw and stated that the square footage does not include the use of any out buildings. This issue will be reconsidered at the Planning Commission's next meeting.

B. Special Regulations: fencing, plantings, etc. in Highway ROW

The Board Members discussed changes to the regulation. Jennifer Viereck, Zoning Administrator stated that not permitting anything in the right-of-way may be a solution. Already existing structures would not be grandfathered and could be subject to removal.

Under Ordinance 7.14 the first sentence will remain and the last paragraph. **Bill Pennebaker made the motion to accept the amendment to the insertion at the end of Section 7, Special Regulations as follows:**

7.14 with the deletion of paragraph 2 and 3. Karen Mellinger seconded. Motion carried 4-0.

The Board decided to keep the last sentence in paragraph 3 concerning Title 19 and add it to the beginning of paragraph 4 (7.14.2). **Craig Bruder made the motion to amend section 7.14.2. Bill Pennebaker seconded. Motion carried 4-0.**

7.14 as amended now reads as follows:

7.14.1. No person shall have the right to construct or to make any planting within a town highway right-of-way.

7.14.2. Any construction or planting within the right-of-way shall be subject to the provisions of V.S.A. Title 19, Chapter 11: Protection of Highways, and to the rights of the Town of Shaftsbury in the right-of-way. (language remains as proposed for the remainder of the paragraph)

7. Town Administrator Report

Margy Becker stated that there have been delays concerning the Fire House repair contract. Karen Mellinger will call the attorney about the contract.

Lon McClintock inquired about the status of the traffic study regarding Buck Hill Rd. and the school. Margy Becker stated that VTrans did the study and the report has not been received.

8. Other Business

Karen Mellinger informed the Board that the water system will be centralizing their financial functions. Water users will be informed to pay their water bills at Cole Hall instead of at the Treasurer's Office.

Karen Mellinger stated that in the future, and after the Town completes its network and software upgrades, the public will have access to parcel I.D. numbers from home.

Chris Williams stated the Planning Commission would like to find a better process when it comes to amending the zoning-by-laws. The Commission needs more input into their draft amendments and improved communications with the Selectboard.

Lon McClintock suggested contacting the Selectboard to invite it to meetings when input is needed.

Margy Becker suggested using the Town's website and the Yahoo group to get information out.

9. Approval of Minutes-Nov. 28, 2011

Tabled

10. Approval of Warrants

CHECK WARRANT #W18 IN THE AMOUNT OF \$1,620,254.50 CORRECTION OF OVERPAYMENT OF \$500.00.

Bill Pennebaker made the motion to approve corrected check warrant #W18 in the amount of \$1,620,254.50. Craig Bruder seconded. Motion carried 4-0.

RETIREMENT WARRANT #W21R IN THE AMOUNT OF \$135.44.

Karen Mellinger made the motion to approve retirement warrant #W21R in the amount of \$135.44. Bill Pennebaker seconded. Motion carried 4-0.

CHECK WARRANT #W23 IN THE AMOUNT OF \$25,766.38.

Karen Mellinger made the motion to approve check warrant #W23 in the amount of \$25,766.38. Bill Pennebaker seconded. Motion carried 4-0.

11. TAM Host Town Agreement

The Selectboard met with Trevor Mance and Mary Beth McGuire. Margy Becker read aloud TAM's proposed changes to the Host Town Agreement concerning the TAM Transfer Station. The Host Town Agreement provides the Town approximately .50/ton (depending on the CIP Index) in revenue, which is a tax on the tonnage processed at the TAM facility. TAM has to report its processed tonnages to the State of Vermont on a quarterly basis. A copy of these reports are sent to the Town. Possible changes to Page 1 would be to insert: "term of contract is 5 years", insert the month and day when signed, increase the fee from .50 to .53/ton. On page 2 add: "unless hosting a hazardous waste event". Change litter clean up to "every two months" vs. every month. Under provision 7 delete "apply asphalt" and add "TAM shall maintain paved surfaces". In section 15 the mailing address needs to be corrected. The Board and Trevor Mance discussed TAM's concern regarding having to renegotiate within a 12 month period, since TAM plans to submit an application to the DRB to amend its zoning permit. No formal action was taken. Chair McClintock stated the Board would continue its discussions in executive session.

12. Executive Session

Craig Bruder made the motion to adjourn to executive session at 9:35pm. Bill Pennebaker seconded. Motion carried 4-0. The Board exited executive session at 10:10PM.

Karen Mellinger made the motion to approve the Host Town Agreement with its modifications to TAM's proposal. Bill Pennebaker seconded. The motion carried 4-0 (Car Korman absent).

13. Adjournment

Bill Pennebaker made the motion to adjourn at 10:10PM. The motion was seconded and carried unanimously.

Submitted by
Carol MacLean