

**Town of Shaftsbury**  
**Regular Selectboard Meeting**  
**Monday, February 4, 2013**  
**6:00 p.m.**

Members present: Lon McClintock, Craig Bruder, Karen Mellinger, Billy Obenauer.  
Members absent: Carl Korman  
Others present: Margy Becker (Town Administrator), Sandra Mangsen (Recording Clerk), Michael Foley, Kathy Geneslaw, Bob Geneslaw, Mary Gronning, Norm Gronning, Tom Huncharek, Jay T. Palmer, William Pennebaker, Joanne Race, Mitchell Race, Tim Scoggins, David Spurr, Chris Williams.

**1. Call to Order**

Lon McClintock called the meeting to order at 6:02 p.m.

**2. Announcements**

Lon McClintock announced that Jennifer Viereck has resigned from her position as an alternate on the Development Review Board. A replacement might possibly be named from the existing DRB candidate pool.

**3. Public Comments**

There were none.

**4. Conflict of Interest Statement**

None were stated.

**5. Planning Commission**

Chris Williams, Norm Gronning and Bill Pennebaker, and David Spurr joined the table as members of the Planning Commission.

**Town Plan Update**

Lon McClintock stated that Town Plan is revised at five-year intervals.

Chris Williams said that the Planning Commission will seek more community input than was achieved when the plan was last revised. This evening they are seeking input from the Selectboard.

Lon McClintock noted that the Development Review Board and other town groups often have occasion to refer to the Town Plan, which needs to be aligned with zoning bylaws. The Plan may include apparently contradictory statements, or statements that are at least seen as contradictory by its readers (e.g., encouragement of development vs. preservation of green space). Lon McClintock mentioned as well that composting (a requirement that towns

provide for compositing facilities will likely be in place by c. 2021) and renewable energy (should the town try to facilitate development of renewable energy projects) might also be addressed by the Town Plan.

Chris Williams sees open meetings, with encouragement for the public to attend, as a good means of receiving public input as the Plan is being developed.

Lon McClintock pointed out that the Town Plan must be in place before the town meeting in 2014.

Margy Becker asked about other means of seeking public input, such as neighborhood events. She also asked about the writing of the document. Chris Williams responded that the Regional Planning Commission has been very helpful in the past, in providing data and maps, and will provide read-through of final draft.

Billy Obenauer noted that the local newspaper offers a good means of communication with the public. He also sees a need for more communication with the school system, since these two units (town and school) ought to work in concert. He suggested that the Town Plan might include some discussion of the school system.

Chris Williams noted that the last census shows Shaftsbury losing population, while the school population is increasing. There may be no development pressure at this time; rather, the town may be in a state of equilibrium. Lon McClintock explained that the town and the school districts are separate municipalities, so that the school system has no direct connection with the town government.

#### Status of Bylaw revisions

Chris asserted that the Selectboard can expect to receive a proposal that development should be concentrated in the village of South Shaftsbury, since available open area seems not be suitable for residential construction. The Planning Commission will propose creation of new village residential zones (VR2) in which half-acre lots, already having town water available, would be permitted. A map showing three potential VR2 zones was exhibited.

A revision of the zoning regulations covering home occupation is also to be considered by the Selectboard, as is a bylaw covering open spaces (already submitted to the Selectboard).

Approval will require scheduled public hearings.

#### **6. Local Concerns Public Hearing and Presentation of Design Alternatives**

Federally-Funded 2010 Transportation Enhancement Grant EH10(3)  
Sidewalk Improvements – Shaftsbury Village  
KAS Inc. – Design Engineer Presenting

Erik Sandblom (KAS design engineer) reviewed the project. Sidewalk construction on 7A and Church St. will be completed to provide enhanced pedestrian safety and access at this intersection, which is near the Shaftsbury Elementary School and the Town Hall. The current truck maintenance facility at the corner has a wide unmarked driveway with no indication of where pedestrians and vehicles should be.

Erik Sandblom showed photos of the existing intersection; he also projected and distributed hard copies of three possible designs, of which he recommended Design Alternative 3. There was some discussion of the alternatives, including questions from the audience and Selectboard members about possible benches at the corner and street lighting, as well as the location of a crosswalk on Church Street.

**MOTION. To approve Design Alternative 3, with details to be refined. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.**

**7. Memorandum of Understanding: Town of Bennington – reserve sewer capacity**

Phylis Porio's communication (via e-mail), suggesting the Town have a conversation with Town of Bennington with a view to cooperating should there be a need to expand sewer capacity, was reviewed. Karen Mellinger noted that the Economic Development Committee recommends such a conversation, working through the Bennington Town Manager. Billy Obenauer will follow up.

**8. T.A.M., Inc. – Minor Act 250 Permit: Commercial Compost Facility, Bennington**

Shaftsbury was notified of T.A.M.'s application for an Act 250 Permit, because it is an abutting town. Margy Becker noted the invitation for public comment came from the Regional Planning Commission. Lon McClintock stated the Selectboard (and only the Selectboard) is entitled to respond.

Members of the Selectboard are supportive of the plan, as the facility will be located in an industrial zone.

Should the finished compost product be sold from T.A.M.'s site in Shaftsbury, a zoning amendment would be required. Kathy Geneslaw raised some questions, which Lon McClintock suggested would be appropriately posed at the Act 250 hearing.

Lon McClintock explained, in response to a question from Tom Scoggins, that the item was on the agenda simply because of the invitation for the Selectboard to respond as an abutting town.

**9. Conflict of Interest Policy - 1<sup>st</sup> reading**

A revised (sixth) draft of the policy was circulated last week. Drawing on legal opinion provided by the VT League of Cities and Towns, a policy would apply to

the Selectboard and to other committees for which the Selectboard appoints members.

Lon McClintock asked for feedback on the current draft, especially with respect to a policy on apparent vs. actual conflict of interest. The question is whether Selectboard members would not ever be able to do business with the town; or would simply be required to disclose any conflict of interest that might arise.

The members agreed informally that Selectboard members should not be prohibited from appearing before the Board as private citizens if they are personally impacted.

Lon McClintock will further revise language of the draft policy.

#### **10. 2013 Certificate of Highway Mileage – review approve**

Discussion was deferred until the next meeting.

#### **11. Other Business**

Billy Obenauer reported on approaches to management of the Town's web site. He has identified one possible solution, with no contract required. Lon McClintock suggested that a list of responsibilities agreed to by the provider and the Selectboard would be helpful. The proposed provider will be able to appear for consultation with the Board at its next meeting.

Town Administrator's report.

Margy Becker said that a Warning for the Bond vote will go to the Bennington Banner tomorrow. Additionally she is developing job descriptions as requested by the Selectboard and has solicited bids for the fire truck retrofit (to be opened on 2/25). The deadline (14 days) for posting information re the adoption of the Highway Access Ordinance has not been met; it will be adopted and posted by Feb 11.

There was a discussion of meeting dates. Members expressed some concern about meeting on a holiday, and so will meet Feb 11 and 25, rather than Feb 18.

Craig Bruder asked whether there been letters to Development Review Board applicants. Billy Obenauer responded that he had sent letters, as the Selectboard liaison to the Development Review Board.

Karen Mellinger suggested that the Water Board hold a meeting soon. (The Selectboard members also serve as the Town's Water Board.) The hope is to get the Water Board budget out before the Town Meeting, and to discuss any improvements that may be needed to the system.

The matter of enforcement of the dog licensing requirement was discussed, along with the role of the animal control warden and appropriate compensation. Margy

Becker and Billy Obenauer will consult, and bring back a proposal to the Selectboard for consideration.

Lon McClintock asked about member's views of how to fill a now vacant alternate position on the Development Review Board. Given that there is a candidate pool in place, Billy Obenauer will contact those who had applied, to see if any would want to be considered as an alternate. The appointment would likely be extended through the Town Meeting of 2014. The item will be on the agenda for the next meeting.

Members were asked to consider whether an oath of office should be required for all appointed town officials. Lon McClintock suggested that it should be required.

Lon McClintock asked how best to make the Bond Information Report available to residents. Karen Mellinger and Margy Becker will work with Lon McClintock to get this mailing out.

## **12. Minutes**

Consideration of the outstanding minutes was deferred until Monday 2/11.

## **13. Warrants**

**MoTion. To approve Payroll Warrant 30 in the amount of \$7429.53. Moved by Karen Mellinger; seconded by Craig Bruder. Carried, 4-0-0.**

**Motion. To approve Check Warrant Report # 22 in the amount of \$7803.72. Moved by Craig Bruder; seconded by Billy Obenauer. Carried, 4-0-0.**

## **14. Adjournment**

**Motion. To adjourn the meeting. Moved by Billy Obenauer; seconded by Karen Mellinger. Carried, 4-0-0.**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sandra Mangsen  
(Recording Clerk)