

MINUTES OF THE SHAFTSBURY SELECT BOARD  
FEBRUARY 6, 2006  
COLE HALL  
SHAFTSBURY, VERMONT

Board Present: Wynn Metcalfe, Chairman, Karen Mellinger, Cinda Morse, Skip Fagerholm, Jim Mead  
Others Present: Bill Pennebaker, David Mance, William Jakubowski, Chris Williams, Phyllis Porio, Gary Burgess, Oliver Durand, Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:01 PM. He asked if any board member needed to recuse himself or herself from discussion of any agenda topic scheduled for tonight. None did.

Chairman Metcalfe made several announcements:

The Bennington Youth Center, located at the Methodist Church on Main Street, is now open on Tuesdays, Wednesdays, and Thursdays from 2:30 to 6:30 PM, and every other Saturday 3:30 to 8:30 PM. The Center serves youth ages 10 to 14 and is free of charge.

The third Act 250 hearing on the proposed TAM transfer station will be held this Thursday at Cole Hall, beginning at 9:30 AM.

The town clerk reminds Shaftsbury residents to have their dogs licensed and vaccinated. There will be a dog clinic this Saturday from 8:30 to 11:30 AM at the Buck Hill Fire Station.

This Thursday at 8:00 AM there will be a meeting at Cole Hall to discuss ideas for town meeting, including a possible pot luck supper.

Shaftsbury resident Andy Newell will be competing in the winter Olympics. The town has ordered an Olympic flag to fly for the occasion. Good luck, Andy!

2. Minutes:

January 30, 2006 Minutes:

Cinda Morse made motion to approve minutes. Karen Mellinger seconded. The motion to approve minutes carried 5-0-0.

January 16, 2006 Minutes:

Ms. Mellinger made motion to approve minutes. Jim Mead seconded.

Ms. Morse requested the following changes to the January 16 minutes:

*Section 3 ( Warrants), last sentence:*

Ms. Mellinger made motion to pay the warrants. Jim Mead seconded. The motion to pay warrants carried 4-0-0.

*Section 5 ( Town Administrator's Report), first sentence:*

Town Administrator Aaron Chrostowsky distributed a draft of the town meeting warning to board members.

*Section 7 (Development Review Board), third paragraph:*

Board members discussed the function of a DRB,

The motion to approve minutes carried 4-0-1.

3. Warrants:

The following warrants were presented for approval:

- PR#31 – \$ 7,435.08 Payroll Warrant
- AP#37 – \$ 16,624.20 General Warrant (includes fuel oil, sand)

Ms. Morse made motion to pay the warrants. Ms. Mellinger seconded. The motion to pay warrants carried 5-0-0.

4. Public Comments:

Chairman Metcalfe thanked the planning and zoning boards for their huge effort on the TAM transfer station process.

5. Town Administrator's Report:

Aaron Chrostowsky distributed a certificate of mileage chart from the state for board signatures. He reported that there had been no changes in the figures, which are used by the state to calculate the amount of funding provided by the state for highways. Ms. Morse asked Mr. Chrostowsky about Austin Road, and he replied that a correction had been made for that road last year.

Mr. Chrostowsky also distributed a state program development form reviewing town bridges to be read and signed by the board. He stated that the report had concluded that the town's bridges are in good shape. Highway Foreman Ron Daniels has reviewed the report.

Ms. Mellinger asked about the status of ancient highways legislation and the town's preparation for it. Mr. Chrostowsky said that he and Mr. Daniels are on top of it. Ms. Morse stated that legislation has not yet gone through and that it is expected that all state roads will not be documented until 2013.

6. Road Report:

In response to a *Bennington Banner* editorial criticizing that state of Shaftsbury roads, Mr. Mead said that he wants residents to know why the roads are in such poor shape. January was a month of warm days, freezing nights, and a lot of rain, which was very rough on road surfaces. The grader has been at work, but because of the weather road conditions deteriorate again right away.

Mr. Mead stated that throwing gravel on the roads does not fix the problem, and it would take much more gravel than the town can afford to permit proper crowning on all roads. He noted that roads where fabric has

been put down are in better shape, and the town wants to use fabric on Sawmill, Shaftsbury Hollow, and Murphy Hill Roads this summer. Mr. Daniels is looking into an alternative fill to use instead of gravel. It would cost more, but probably work better. Mr. Mead reported that the new truck should be here in a week or two.

7. Liquor Licenses:

Mr. Chrostowsky stated that three liquor licenses, for Paulin's, Thyme Tables, and Shaftsbury Country Store, are being renewed. He passed them to the board for signatures.

8. Acceptance of Box Culvert and Mowing Bids:

Mr. Chrostowsky reported that Mr. Daniels is still reviewing bids for the Myers Road box culvert, so that bid is not yet ready for a decision.

Mr. Chrostowsky reported on his conversation with David Hosley concerning Mr. Hosley's bid for roadside mowing. A one-year contract would be acceptable. Mr. Hosley tries to cut as far back as possible on each side of the road, and estimates the cut as five feet in width. He does cut brush as well. The cost for one complete mowing is \$8400.

Mr. Mead made motion to sign a one-year contract for mowing with David Hosley. Ms. Morse seconded.

After a brief discussion the board concluded that it would be a good idea to try Mr. Hosley's services for a year. This should allow the town mower to concentrate on intersections or other special areas.

The motion to sign a one-year mowing contract carried 5-0-0.

Mr. Fagerholm asked if it would be possible, since there is no snow cover, to have town employees doing some brush work. Mr. Mead replied that the men are busy with maintenance and repairs, but that he will mention this to Mr. Daniels.

9. Landfill Closure:

Chairman Metcalfe reported that the town has \$347,000 available for landfill closure, and that the only bid received was for \$680,000. When he spoke with Buzz Surwillo, who agreed that the bid was outrageous, Chairman Metcalfe reminded Mr. Surwillo that the state had given the town this low estimate for prospective landfill closure costs. He said that Mr. Surwillo had no response.

Mr. Chrostowsky reported on estimated cost of a synthetic liner from the Terrafix Co. of Maine, and said that Terrafix will be talking to KAS about the landfill closure project.

Chairman Metcalfe stated that discussions are still ongoing with Capital Earthmoving, an earlier bidder. He also reported that Rep. Alice Miller is checking out the possibility of state funds that may be available for landfill closure.

10. Development Review Board (DRB):

Chairman Metcalfe announced that candidates for the DRB and for the planning commission would now be interviewed. Each candidate briefly spoke about his or her experience and reasons for interest in serving, and took questions from board members. The candidates are:

1. David Mance -- Mr. Mance highlighted his service with the town's joint planning and zoning board, and subsequently with the planning commission, beginning in the 1980s. He has experience in land use planning, surveying, and forestry, and has dealt with various DRB's and planning and zoning boards in Vermont and New York. Mr. Mance stressed his longstanding commitment to the town and to planning, which he would like to continue with service on the DRB. He feels it is critical for the DRB to deal uniformly with everyone and believes that the creation of a DRB will streamline the application process. In reply to a question from Ms. Morse, Mr. Mance stated that he may have to recuse himself more often when serving on the DRB than he has had to do with the planning commission, but feels he has a clear understanding of "where the line is."

2. Bill Jakubowski -- Mr. Jakubowski described his experience as a zoning administrator for eight years, health officer for four years, and planning board member for more than six years. He feels that he has particular skills in talking to people and arriving at compromises and would bring those qualities to DRB service. Like Mr. Mance, Mr. Jakubowski feels that all applications should be treated equally. He also agreed with Mr. Mance that the zoning administrator should now have an increased role in helping applicants with preparation. He stated that the town needs to address affordable housing, which he feels will necessitate coming up with a code for multiunit housing. Mr. Jakubowski does not believe a select board member should serve on the DRB and in general would like to see a wider representation of town residents on boards.

3. Chris Williams -- Mr. Williams has served on the planning commission for six months and would like to continue on the newly defined planning board. He feels that this would dovetail with his current work in inventorying town gravel pits and mapping a strategy for dealing with them. Mr. Williams felt that a DRB would end artificial jurisdiction lines between planning and zoning. Citing his experience as an architect in dealing with numerous commissions and complex regulations, he advocated for keeping regulation to a minimum.

4. Gary Burgess -- In applying for the DRB, Mr. Burgess noted that he has served on the zoning board for eight years and chaired it for two years. He feels that a DRB will expedite the permit process. In response to a question from Ms. Morse, Mr. Burgess stated that he has had to recuse himself twice in zoning cases, and that, as a contractor, it is possible that there would be situations requiring recusal on a DRB. His planning priorities would be a consolidated, compact industrial zone and consolidated housing.

5. Phyllis Porio -- Ms. Porio has served on the economic development committee and has been on the zoning board for one year. She would like to serve a two-year DRB term. Ms. Porio feels that she would bring the unique perspective of a layman to the DRB, and that she has the ability to provide analysis and structure and to force a resolution. Like other candidates, she thinks that a DRB may help streamline an unwieldy process, and agrees that the zoning administrator will have a larger role in helping applicants to prepare. Ms. Porio's priorities would be to encourage business in order to broaden the tax base, and to protect the character of the town. She disagrees with Mr. Jakubowski that a select board member should not serve on the DRB, stating that serving on both boards would facilitate communication.

Chairman Metcalfe thanked the applicants. In further discussion of the DRB, Chairman Metcalfe stated that the planning and zoning boards had recommended seven members for the DRB, five for the planning commission. There are three more DRB applicants who were not at the meeting.

Mr. Jakubowski said that it may be necessary to hire a professional secretary to record DRB meetings, to ensure that the minutes will have full information in the event of controversy. Mr. Mance stated that he does not believe there will need to be more than two DRB meetings a month. Mr. Williams said that there will need to be some way to link planning with the DRB to avoid the danger of planning becoming isolated. Ms. Porio asked if someone could serve on both planning and DRB, and Mr. Chrostowsky replied that state regulations do permit this.

11. Other Business:

Ms. Mellinger asked Mr. Chrostowsky about fire department reimbursement, and was told that he still needs to hear from the fire department chief on this matter.

Ms. Mellinger stated that the board needs to set a date for a budget presentation, and Chairman Metcalfe suggested the next televised select board meeting, in two weeks. Other members agreed.

Mr. Mead said that he has been hearing more from residents about pay-as-you-throw (PAYT) and asked about scheduling a public meeting. After discussion, the board decided that they should wait until details have been worked out and a detailed presentation can be made. There is still time to determine details since PAYT will not begin until summer.

Mr. Mead asked Mr. Chrostowsky about the renewal date for TAM's transfer station contract. The town will need to prepare a new contract and put it out to bid before then. Mr. Chrostowsky will verify dates for the next meeting.

Ms. Morse stated that the economic development committee has a draft report on the sewer feasibility study. It has been amended, and a final report is expected around the time of town meeting. There will be a meeting on it after town meeting.

Chairman Metcalfe reported that Trevor Mance has asked the board to begin work on the TAM host town agreement. Chairman Metcalfe would like to set time aside at the end of next week's meeting for people to come in and comment, then go into executive session.

Chairman Metcalfe stated that he will attend the Act 250 meeting on Thursday, but will need someone to cover for him between 11:30 and 1:30. Mr. Mead will do so.

The board discussed having a pot luck supper for town meeting, and Chairman Metcalfe invited people from the community to help with planning. There will be a meeting Thursday at 8:00 AM to discuss town meeting ideas.

Mr. Fagerholm made motion to go into executive session at 8:50 PM. Ms. Mellinger seconded. Motion carried 5-0-0.

The board came out of executive session at 9:34 PM. Meeting adjourned at 9:38 PM.

Respectfully Submitted,  
Susan M. Swasta