

**MINUTES OF THE SHAFTSBURY SELECT BOARD
JULY 16, 2007
COLE HALL
SHAFTSBURY, VERMONT**

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

Others Present: **Mike Gleason (Bennington Banner), Peggy Price, Jim Henderson (BCRC), Ed Armstrong, Linda Weber, Nancy Riker, Henry Riker, Ed Colvin, John Tiffany, David Campbell, Chris Williams, Joe Hall, Scott Maguire, Loyal Westcott, Christy Nevins, David Mance, Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:03 PM. He asked if any board member needed to recuse him/herself from any matter on the agenda. None did.

2. Minutes:

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July 2, 2007 minutes

Bill Pennebaker made motion to approve the July 2 2007 minutes. Karen Mellinger seconded.

Lon McClintock requested one correction to the July 2 minutes:

On page 3, agenda item 13 (TAM Stipulation), the first sentence is changed to:

Chairman Metcalfe reported that Rob Woolmington did not find any problems with the stipulation. Chairman Metcalfe then relinquished the chair to Ms. Morse and recused himself.

Motion to approve July 2 minutes as amended carried 5-0-0.

3. Warrants:

The following warrants were presented for approval:

AP #1 -	\$ 875.00	General Warrant	
AP #2 -	\$ 88,848.29	General Warrant (includes payments to	
		Bennington County, New England Municipal Resources;	calcium
chloride, transfer station fee)			
PR #1 -	\$ 7,384.67	Payroll Warrant	
PR #2 -	\$ 6,111.18	Payroll Warrant	
Warrant 4R -	\$ 3,323.00	Retirement Warrant	

Cinda Morse made motion to pay warrants. Ms. Mellinger seconded. Motion carried 5-0-0.

4. Public Comments:

Chairman Metcalfe stated that Public Comments are reserved for those who are not on the agenda but who wish to address the Board. He asked those with comments to address them to the Chairman, and noted that the Board will not engage in debate on comments. Issues raised will be

researched and put on the agenda for the next Select Board meeting.

Loyal Westcott of Bennington commented that the Board should not have withdrawn Phylis Porio's name from consideration for the Select Board position replacing James Mead. He cited numerous laws and statutes in explaining his views as to why the Board's action was illegal.

Shaftsbury resident John Tiffany stated that he was here to complain about lack of road maintenance, citing visibility and road clearance problems due to overgrown brush on Shaftsbury Hollow Road, Murphy Hill Road, and West Mountain Road.

Mr. Tiffany also stated that there have been problems with snow removal and sanding on Shaftsbury Hollow Road the past two years. He noted that the road plan draft considers Shaftsbury Hollow Road and East Road the same, when in his opinion they are like "night and day." Mr. Tiffany said that East Road has gravel, while Shaftsbury Hollow Road is clay-based, and when East Road is dry Shaftsbury Hollow Road is wet.

Shaftsbury resident Linda Weber commented that the road plan draft classifies Shaftsbury Hollow Road as moderate density, with 8-14 homes, but she counts 41 homes on the road. Chairman Metcalfe replied that they know there are problems with the density issue, and it's being worked on. This is still a draft.

Ed Armstrong of Shaftsbury stated that people watching at home have a hard time hearing Aaron Chrostowsky and Bill Pennebaker. He asked that Mr. Chrostowsky be supplied with a microphone and that Mr. Pennebaker's microphone be moved closer.

Shaftsbury Hollow Road resident Hank Riker stated that last winter he had slid off the road into a four-foot ditch, because of the pitch of the road and the solid ice surface.

Shaftsbury resident Ed Colvin addressed concerns that had been expressed by Mr. Pennebaker in a newspaper article regarding possible effects of a work camp on property values. Mr. Colvin stated that he had spoken with a St. Johnsbury realtor who told him that, if anything, the camp had had a beneficial effect on property values, because the free labor for the town helped keep taxes low. The realtor noted that even the local prison did not affect property values because it is so well managed by the state.

5. Ancient Roads

Jim Henderson of the Bennington County Regional Commission (BCRC) came forward to talk about Vermont Ancient Roads legislation. He gave some background on these roads that are relics of Vermont's agricultural past, explaining that as land use changed and severe floods occurred in 1927 and 1936, many roads were abandoned. They are no longer used, and may not be observable. Such roads are considered Class 4 Town Highways, and are not required to be put on town maps or included on mileage certificates. Towns receive no maintenance funds for them.

Mr. Henderson said that the Ancient Roads statute requires towns to place Class 4 roads on their highway maps by July 1, 2009 if they wish to keep them. After that, unmapped roads will become unclassified highways, and in 2015 they will disappear and become the property of the landowners whose property they cross.

Towns can still take action between 2009 and 2015 if they have not mapped a road or roads, but at this point payment to property owners might be involved. If towns choose to do nothing, all of their Class 4 roads will disappear. If a town chooses to discontinue all of the roads it should give 45-day notice of a public hearing. Any citizen may speak against discontinuance of a road or roads, and may petition to get 5% of voters against discontinuance. The Select Board would then decide.

Mr. Henderson stated that it is important for towns to think about where they want to go on this.

There is a lot of work to be done. Some towns have appointed committees to look at old maps and records to determine road locations. He noted that in some cases where towns have tried to reclaim old roads, there have been disputes and litigation between recreational groups in favor of reclamation and property owners whose land is crossed by roads. He discussed some examples in Chittenden County.

Ms. Morse asked about grant funds, and Mr. Henderson confirmed that there are \$5,000 grants available from the state through 2012. He described the process necessary to add a Class 4 road to a town highway map. This includes documenting the road, including surveys and the minutes of the Board meeting where action is taken to add the road.

Ms. Mellinger asked if payment to a property owner would be avoided by identifying a road prior to 2009. Mr. Henderson replied that it would, because these are legal roads up to 2009. After that, if a town has not added them to its highway map, they are classed as "unidentified," and have a new legal status.

Ms. Mellinger asked if grant applications are due in November, and Mr. Henderson replied that the deadline has been extended. The initial grant fund of \$100,000 has been increased, and the grant program extended to 2012.

David Mance stated that most of the roads the town would be interested in are observable. He asked if these would need to be mapped before 2009. Mr. Henderson replied that they would, and added that "observable" is an ambiguous term. As a surveyor, Mr. Mance would recognize a road where others would not.

Bennington resident Joe Hall asked about the difference between a pent road and a Class 4 road. Mr. Chrostowsky replied that a pent road is one that is closed to through traffic, no matter what its classification. Landowners may get permission from Select Boards to close roads.

Mr. Henderson discussed maps that are available to help identify ancient roads. He said that he and Rex Burke are planning a workshop for later in the summer.

Chris Williams of Shaftsbury stated that there are a number of Ancient Roads in the Maple Hill area that he uses for recreation. He encouraged the Select Board to view these roads as a possible resource for future generations. He asked if copies of the Town highway map could be made to use as a starting point for the process. Mr. Chrostowsky said that it will be possible to put the map on the Town web site.

Peggy Price asked what happens when Ancient Roads cross town lines. Mr. Henderson gave an example of cooperation between Bennington and Woodford to keep a historically significant Class 4 road on the maps. Ms. Price said there will probably be roads that are located in both Shaftsbury and Arlington.

Ms. Morse stated that there may be good opportunities to link communities. Mr. McClintock noted that it will be important to let property owners know about the Ancient Roads process so that they can protect their property rights.

Chairman Metcalfe asked who would be interested in serving on an Ancient Roads Committee. Davis Mance, Peggy Price, Hank Riker, Linda Weber, John Tiffany, and Christy Nevins expressed interest.

6. Paran Trail:

Ms. Morse asked for Board support of an application by the Vermont Land Trust to purchase land that will continue the Paran Trail to the Robert Frost Museum.

Ms. Morse made motion to sign a letter supporting purchase of the Apgar land by the Vermont Land

Trust. Mr. McClintock seconded.

Donald Campbell described the trail along Paran Creek, and noted that David Mance will grant an easement for a wetland causeway. Mr. Campbell said that they hope to eventually add a spur to take the trail to the Cleveland Avenue sidewalk extension.

Motion to support the land purchase carried 4-0-0.

7. Trustee of Public Funds:

Chairman Metcalfe stated that Walter Hyjuk has resigned as Trustee of Public Funds. Mr. Chrostowsky will post a notice of vacancy in the Bennington Banner. This will be a three-year term, until 2010.

8. Liaison List:

Chairman Metcalfe asked Board members about liaison list positions. He said that he would be willing to trade off the Highway Liaison position with Mr. McClintock, since it seems unfair to ask a new Board member to serve in this position. Other Board members agreed to keep their present assignments. Chairman Metcalfe and Mr. McClintock agreed to leave the assignment list as is, and work together on the highway position.

9. Other Business:

Mr. Pennebaker reported that he had had a "contentious" meeting with methane remediation contractors Heindel and Noyes on Monday. He would like to discuss the contract in Executive Session.

Mr. McClintock stated that he had asked Mr. Chrostowsky to get information from the Secretary of State regarding the petition on a special Select Board election. He said that she had gotten back to them right away, and that she is satisfied that they are on good shape on this.

Mr. Chrostowsky said that he will email his evaluation form to Board members tomorrow,

10. Executive Session (Contract):

The Board went into Executive session at 8:13 PM.

Meeting adjourned at ?? PM.

Respectfully Submitted,

Susan Swasta