

MINUTES OF THE SHAFTSBURY SELECT BOARD
JULY 10, 2006
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Wynn Metcalfe, Chairman, Karen Mellinger, Cinda Morse, Bill Pennebaker, Jim Mead (Mr. Mead arrived at 7:10, missing the vote on warrants and minutes.)

Others Present: Walter Hyjek, Michael Bidy, Audrey Rutheiser, Harvey Rutheiser, Matt Tuthill (Bennington Banner), Henri Billow (Treasurer), Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:05 PM. He asked if any Board member needed to recuse himself or herself from discussion of any agenda topic scheduled for tonight. None did.

2. Minutes:

June 26, 2006 Minutes:

Cinda Morse made motion to approve June 26, 2006 minutes. Bill Pennebaker seconded.

Two correction to the minutes were requested:

On page 3, section seven (Transfer Station Agreement), paragraph three is changed to:

Ms. Mellinger asked about the portable toilet at the landfill. Mr. Mance will continue to provide this service at no cost to the town.

On page 4, section nine (Pay As You Throw), the last sentence is changed to:

A tent for the attendant will be borrowed from SCPG until the shed is delivered.

June 26, 2006 minutes were approved as amended 4-0-0.

3. Warrants:

The following warrant was presented for approval:

- AP#1 - \$ 74,974.24 (includes county tax, Myers Road culvert, transfer station management fee)

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

4. Public Comments:

Walter Hyjek asked why the town budget includes \$133,250 for the landfill when residents are being charged for Pay As You Throw (PAYT). He said this constitutes double dipping from taxpayers' pockets. Aaron Chrostowsky and Board members explained that this budgeted amount includes estimated income from PAYT, which will be used for solid waste disposal. Cinda Morse noted that this had been discussed at town meeting.

Chairman Metcalfe announced that incident command system training for Board members and others will be held

this Thursday from 6:00 to 9:00 PM at the firehouse.

He reported that there had been a committee meeting to plan for the upcoming street dance, which will take place on August 26. The 1950's themed event will feature a dance contest, costume contest, and a DJ. The dance will start with kids' activities at 4:00 PM and run until 10:30 PM. Church Street and part of Cleveland Avenue will be closed, and a large tent will be available in case of rain. Publicity is being planned. There will be another committee meeting on Thursday, July 20.

5. Municipal Planning Grant:

Chris Williams, head of the Shaftsbury Planning Commission discussed the municipal planning grant awarded by the state. The \$15,000 grant will be used to study abandoned lands from gravel excavation; in order to achieve a clearer understanding of who owns these tracts, how big they are, and what possible uses there may be for them, and whether any zoning changes are suggested. The Planning Board feels that these tracts have the potential to attract undesirable low end industry. While the town plan includes a goal to reclaim the lands, nothing has ever been done toward this end, and this study will start the process.

Mr. Williams stated that two good bids have been received, from SVE Associates of Vermont, and from Vincent Gutlow of Williamstown, Massachusetts. The Planning Board concluded that the SVE bid is the better choice, even though \$400 higher, because of the firm's wide range of specialists with expertise in many areas and its practical understanding of Vermont land use. In accordance with town purchasing policy, Select Board approval is required.

Ms. Morse made motion to approve the bid of SVE Associates for the municipal planning study. Mr. Pennebaker seconded.

Karen Mellinger brought up a phone call she had received from a town employee regarding possible issues involved with the use of GIS mapping in the study. Chairman Metcalfe explained that this has to do with the fact that the town maps don't match up with maps produced by the GIS system. GIS is becoming the standard, and the Bennington County Regional Commission (BCRC) recommends that towns adopt it so that all maps are standardized. Since conversion to the GIS system will eventually need to be done, Chairman Metcalfe suggested that GIS specialist Jim Henderson comes in to do a presentation on it.

Mr. Williams noted that the Planning Commission has a vacancy, and asked the Select Board to help find a fifth member.

The motion to approve the SVE bid for the municipal planning study passed 5-0-0.

6. Rutheiser Presentation:

Harvey Rutheiser stated that there are several pieces of correspondence between Jeff Boudreau of the Agency of Natural Resources (ANR) and Trevor Mance of TAM from earlier in the year, but that no one on the Select Board seems to know about this. The correspondence concerns the use of crushed glass as piping bed by TAM without the permission of the Waste Management Division. Mr. Rutheiser asked that three letters be entered into the record. (The text of the letters is included with these minutes as Appendices A, B, and C.)

Mr. Rutheiser asked why no one on the Board knew about these letters, even though Jim Mead is mentioned in one of them. Mr. Mead stated that he does not recall the conversation referred to in the letter of February 6, 2006. He does not think it would be in his jurisdiction to classify glass, and said that if he had done so, then he misspoke.

Chairman Metcalfe stated that the Board allows groups that have specific responsibilities to deal with them, and has a hands-off policy. In this case, the Board received the correspondence, but the state was responsible and took care of the situation.

Mr. Rutheiser said that he would hope that the Board would want to have some knowledge of what was going on, and asked if Board members had seen the letters. It was unclear whether or not Board members had seen the letters. Chairman Metcalfe and Mr. Chrostowsky said that they had. Ms. Mellinger said that she had not. Ms. Morse said that it was possible she had read them and concluded that the state was handling the matter. She noted that the Board does not keep tabs on area businesses, and that it is not part of its job to do so.

Mr. Rutheiser said he could not understand why this matter, which was a hot issue, would not have been considered important to discuss by the Board. Audrey Rutheiser stated that they had asked the state to send someone down to watch the procedure correcting the problem, which the state did with reluctance. She also noted that ANR had been missing one of the TAM letters. She expressed concerns about contamination of the landfill by the glass.

Mr. Pennebaker said that he was disturbed that the state had not planned to send someone to inspect and that it had required a citizen request. He stated that if something like this comes up in the future the Select Board could delegate it to a subcommittee if it was not sure it was important enough to take up.

Ms. Mellinger said that she had not received copies of these letters and that she would have been interested in the matter.

Ms. Rutheiser noted that ANR is not a big operation, and has only one person covering southern Vermont. If there is no local enforcement, she is concerned about what will happen in the future when problems arise. Mr. Rutheiser asked the Board to give this some thought.

7. Transfer Station:

Mr. Chrostowsky commented on how the new PAYT system is working out. He reported that Treasurer Henri Billow has set up a night deposit so that the landfill attendant, Joe Bamford, can drop off PAYT funds. Mr. Bamford submits a daily report when he turns in the \$50 cash kept on hand and the leftover stickers.

The town has been selling close to 1000 stickers on Tuesdays and Thursdays, even more on Saturdays. The stickers are kept in the Cole Hall vault. There has been one cash discrepancy of \$14, but this will be a matter of concern only if it becomes a regular occurrence. Mr. Chrostowsky said that there had been lots of activity in the town office last week, but it dying down this week. He is planning signage for the transfer station and will send Board members a memo on this.

Michael Biddy stated that someone had told him that he had been required to have only one sticker each for oversized bags. Mr. Pennebaker noted that they may have been unusually light bags, but if not, this was probably an error. In his view, the system was running pretty well and stickers seemed to be matching bags.

8. Landfill Update:

Mr. Chrostowsky reported that town attorney Rob Woolmington has looked at the landfill closure contract and thinks that it is fairly good. He had some questions which have been addressed.

Ms. Rutheiser had a question concerning whether the host town agreement takes priority over the ANR in determining whether weight slips are to be handwritten or computerized. She said that the state permits handwritten slips. Chairman Metcalfe replied that the host town agreement overrules the ANR.

Mr. Pennebaker had not received a copy of the contract and wanted to have a chance to read it before deciding. Chairman Metcalfe asked that Board members get back to Mr. Chrostowsky with any issues right away, so that on Monday the Board will be voting on a finalized form.

Mr. Pennebaker noted that the contract does not mention screening of soils or the price if screening is required.

Rifenberg has suggested using soil at the edge of the landfill, which would be cheaper for them because it is closer to transport, but more expensive for the town because it would require screening. Rifenberg would also get free swale material from the screening process if this material were used. The Board should make sure the contract includes proper tradeoffs if material needing screening is used.

Ms. Billow asked if she should renew the certificate of deposit for landfill closure funds for another thirty days, and Chairman Metcalfe replied that she should.

Mr. Chrostowsky said that he has been in touch with the state concerning landfill closure grant funds. The town will receive the funds as a reimbursement, and must file an application for the money.

9. Other Business:

Ms. Mellinger asked about the ANR letter to Mr. Woolmington concerning the town's violation of its trash tonnage. Nothing is decided at this point, and Mr. Woolmington will report back to the Board when the process is further along. Mr. Pennebaker noted that whatever fine the town ends up paying will be required by the state to be used for a supplemental environmental project. The town will need to come up with a project.

Ms. Mellinger asked Mr. Chrostowsky if he has been in touch with the state on the sidewalk grant, and he said that he has not. She stated that it is time to get in touch with the state and get the process started.

Mr. Mead reported on a problem caused by resetting of a culvert on Cold Spring Road, which resulted in water and gravel being dumped onto the lawn of Tom and Kathy Vachon. It also caused a drainage line that runs under the Vachon's lawn to become blocked. Mr. Vachon had asked Road Foreman Ron Daniels to let him know before the culvert work was done, but the road crew had not done so. (Mr. Daniels is on vacation.)

Mr. Mead said that he thinks that Timmy should go to their property and remove the gravel from their lawn. It might be possible to clean out the drainage line by forcing water through it. Mr. Chrostowsky will check with the fire chief about this. It might also be possible to use a snake. Mr. Mead will talk to Timmy.

Chairman Metcalfe stated that all Board members had received a copy of an evaluation form for Mr. Chrostowsky. He asked them to please work on their evaluation.

Chairman Metcalfe reported that mowing is going pretty well.

Mr. Mead observed that the town must be saving money on calcium chloride, and Mr. Chrostowsky confirmed that this is true.

Mr. Bidy stated that he had been informed by Zoning Administrator Tony Zazzaro that he is required to ask the Select Board for a copy of the Development Review Board (DRB) meeting tape recording. Chairman Metcalfe said that there is no reason why a copy of the tape cannot be made available to Mr. Bidy, and asked Mr. Chrostowsky to talk with Mr. Zazzaro about making a copy of the tape.

Ms. Morse made motion to adjourn at 8:30 PM. Motion carried unanimously.
Meeting adjourned at 8:30 PM.

Respectfully Submitted,
Susan M. Swasta

[APPENDIX A]

Waste Management Division
103 South Main Street
West Building
Waterbury, VT 05671-0404
FAX 802-241-3296

January 31, 2006

Mr. Trevor Mance
TAM, Inc.
217 Holliday Drive
Shaftsbury, VT 05262

Dear Trevor:

It has come to the Program's attention that you have used Processed Glass Aggregate (PGA) as pipe bedding at your proposed North Road transfer station site, and you have confirmed this to be the case.

Glass that has been satisfactorily processed into a marketable, useable product is considered to be a recycled commodity and is then not subject to the Solid waste Management Rules. Acceptable PGA comes from glass of a known quality, is processed to a "safe" shape, screened to remove the non-glass fraction, and is sized to substitute for a specific type of aggregate. I have enclosed the Program's policy on PGA, which explains the specifications and allowed uses.

Regarding the PGA that was used at North Road site, please respond to the following questions in writing prior to February 15, 2006:

1. What was the origin of the PGA?
2. Specifically, how was the glass processed? Do you know if processed in a glass crusher, screened, and sized?
3. What was the quantity of PGA used?
4. How was the PGA placed? (Around the pipe? How thick?)

What, if any, action that the Program requires will be contingent on the forthright information that you provide. Please call me if you have any questions on this letter, or call Buzz Surwilo at 241-3481 with questions regarding PGA.

Sincerely,

Jeff Bourdeau
Certification and Compliance Section

C: Shaftsbury Selectboard
: Barb Schwendtner, SWMP

[APPENDIX B]
Waste Management Division
103 South Main Street
West Building
Waterbury, VT 05671-0404

February 6, 2006

Dear Jeff,

The following letter is a response to your letter dated January 31, 2006 in regards to the use of glass as pipe

bedding. As I discussed over the phone with you and in person with Mr. Surwilo I contacted the program in the spring of 2005 about the use of crushed glass as either fill or bedding material. At that time I was told that while it cannot be considered recycled it can be classified as "diverted waste." This classification was discussed with Jim Mead, selectman with the Town of Shaftsbury's and the tonnage was recorded in the Town's quarterly filings with the state.

In response to your specific questions please find the following answers:

1. What was the origin of the PGA?

The origin of the PGA was exclusively from the Town of Shaftsbury's recycling center located across the street. This glass was collected by residents dropping off their recyclables at the town facility.

2. Specifically, how was the glass processed? Do you know if processed in a glass crusher, screened, and sized?

The glass comes in from residents and is inspected by the operator of the facility to make sure it has no tops, labels, and is clean. At that point he usually throws by hand the bottles into a concrete bunker set up by the Town. Once a week any glass that had broken in the collection bin would be scooped out with a skid steer and dumped into the bunker. At that time the skid steer was used to turn the material until it was crushed. Periodically, during the time period the glass was collected the Town's trucks-cavator (a 977 Cat, with an approximate weight of 60,000 pounds) would be used to further crush and turn over the glass to assure pulverization. When the glass was trucked out the large machine was again used to load the material. The glass was not processed in a machine for crushing glass and was not screened and sized.

3. What was the quantity of PGA used?

After reviewing our records we have a total of 83 tons of glass that was handled. However, I am not completely sure if all of that had been used in the bedding for the culvert we installed. If it was not all used the remainder was taken to County Waste in Clifton Park, NY.

4. How was the PGA placed?

The glass was placed as a base for a culvert we installed at our yard. The approximate depth was probably about a foot thick and a few feet wide. (I must admit I was not there for the entire process but did give the operator his instructions). The reason for the use of the glass is this area is prone to having rocks moving with freeze and thaw cycles. Area contractors advised me that using a bedding of sand or the equivalent (crushed glass) would reduce the likelihood of culvert damage or separation of the joints in the culvert caused by heaving rocks.

I hope I have answered your questions to the level of detail you need. If any additional information is needed please don't hesitate to call or write.

Best regards,

[signature]

Trevor Mance
TAM, Inc.

[APPENDIX C}

*[State of Vermont seal
and letterhead]*

Agency of Natural Resources
Department of Environmental Conservation
Waste Management Division
103 South Main Street
West Building

Waterbury, VT 05671-0404

FAX 802-241-3296

TEL 802-241-3888

April 4, 2006

Mr. Trevor Mance
TAM, Inc.
217 Holiday Drive
Shaftsbury, VT 05262

Certified Mail: 7000 0600 0024 0869 5614

Dear Trevor:

I am responding to your February 6, 2005 explanation of the use of crushed glass as drainage material at the TAM, Inc., facility on North Road, Shaftsbury.

Glass is reusable and recyclable, but it is also solid waste. In order to facilitate its safe and environmentally benign usage as an aggregate substitute the solid Waste Management Program developed the attached Acceptable Uses of Processed Glass Aggregate (PGA) policy. The policy sets forth material specifications and acceptable for properly processed glass aggregate.

PGA is prepared from known feedstock, and is processed in a specially designed glass crusher that results in cullet that is free of shards and sharp edges. Labels and other contaminants are removed if necessary to adequate and specified levels. The material is then screened, if need be, to correspond to the size specifications in the Policy. Once suitable material is created, the Program allows the PGA to be used in a variety of civil engineering and other applications.

Based on your description, the crushed glass that was used as pipe bedding at the TAM facility was not PGA as defined in the Policy and should not have been used in this or any other reuse application, and constitutes unauthorized disposal. There are tremendous quantities of waste glass produced in Vermont, most of which is recycled, but some of which is turned into proper PGA. We cannot allow haphazard processing to occur and then allow the waste material to be indiscriminately used in an uncontrolled fashion. Not only would it be a future danger, it undercuts those who are legitimately reusing or recycling glass.