

**MINUTES OF THE SHAFTSBURY SELECT BOARD  
OCTOBER 22, 2007  
COLE HALL  
SHAFTSBURY, VERMONT**

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

Others Present: **Mike Gleason (Bennington Banner), Jeff Mast (BCRC), Ronald Conroy, Karl Martin, Jim Logan, Ken Moriarty, Richard Heyniger, Laurie Johnson, Michael Bidy, Oliver Durand, Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

**Chairman Wynn Metcalfe called the meeting to order at 7:00 PM. He asked if any Board member needed to recuse himself or herself from discussion of any topic on tonight's agenda. None did. Chairman Metcalfe wished Cinda Morse a happy birthday.**

2. Minutes:

**October 15, 2007 Select Board minutes**

Cinda Morse made motion to approve the October 15, 2007 minutes. Bill Pennebaker seconded.

**The following corrections to the October 15 minutes were requested:**

***On page 2, under item 5 (Treasurer's Report on Taxes), in the sixth paragraph, first two sentences are changed to:***

**Ms. Billow replied that the Town voted the veteran's exemption of \$20,000, and may vote to increase it to \$40,000. She said that Shaftsbury has about ten veterans now at the \$20,000 rate, so this can be multiplied by the tax rate to get the amount.**

***On page 3, under item 7 (Transfer Station Update), in the first paragraph, second sentence, "Chairman Metcalfe" is changed to "Mr. Chrostowsky,"***

Motion to approve October 15, 2007 minutes as amended carried 4-0-0. (Karen Mellinger arrived after the vote was taken.)

3. Warrants:

**The following warrants were presented for approval:**

|                 |                    |  |
|-----------------|--------------------|--|
| <b>AP #19 -</b> | <b>\$ 6,153.02</b> | <b>General Warrant (includes stone and gravel)</b> |
| <b>PR #16 -</b> | <b>\$ 5,418.05</b> | <b>Payroll Warrant</b>                             |

Ms. Morse made motion to pay warrants. Lon McClintock seconded. Motion carried 5-0-0.

4. Public Comments:

**Ronald Colman asked about the veteran's exemption, and Board members explained the exemption.**

5. BCRC Intersection Analysis:

**Jeff Mast of the Bennington County Regional Commission (BCRC) came to the table to give his report. Mr. Mast noted that the BCRC had moved its headquarters from Arlington to Bennington**

today.

Mr. Mast presented his analysis of two intersections that had been identified as problems. He said that both intersections (Maple Hill and Old Depot Roads, and Maple Hill, Potter Montgomery, Harrison Roads) qualify as low volume.

Mr. Mast stated that because of the extreme angle, merging traffic does not have time to see oncoming traffic on Old Depot Road. He said this intersection is a good candidate for a stop sign. He did not find any accident reports for the intersection, but noted this is often true of low-volume intersections.

Ms. Mellinger asked if mirrors could help, and Mr. Mast said that he had not considered that and could go back and look. Mr. Pennebaker said that a car coming down the hill might have trouble stopping in winter, but Mr. Mast replied that a car would have to stop anyway if there were oncoming traffic. Stopping would be less dangerous if the driver knows there is a stop sign.

Ms. Mellinger asked about the possibility of a warning sign, and Mr. Mast replied that an intersection advisory sign would be possible. He said that the intersection meets all the criteria for a stop sign, but it's a low traffic road so they could go with either option.

Ms. Morse asked what the procedure for signage would be. Mr. Mast said there is no procedure necessary for an advisory sign, but most towns have a process for a stop sign. Chairman Metcalfe said it is just necessary for the Select Board to warn it and vote on it.

Mr. Mast said he could look into what advisory signs are available. Mr. McClintock said that if a stop sign is put in there should also be a warning sign.

Mr. Mast next discussed the intersection at Maple Hill, Potter Montgomery, and Harrison Roads. He noted that Maple Hill has the most traffic, so it would make sense for Potter Montgomery to have the stop sign, but the traffic on the curve of Maple Hill cannot be seen. He said that re-engineering would be the best way to solve the problem, but this would be expensive.

Ms. Mellinger said that there used to be a stop sign on Maple Hill, then it was moved to Harrison. Mr. Pennebaker asked about the possibility of a four-way stop. Mr. Mast said that because of the curve the signs would be well off where you'd want cars to stop. He noted that it is not really an intersection, but a curve.

After further discussion, Mr. Mast said that he would evaluate the intersection for a four-way stop and safety improvements, then present possibilities to the Board. Chairman Metcalfe asked Mr. Chrostowsky to warn a public meeting for next week on stop signs at Myers Road and Peters Four Corners, and on Maple Hill and Old Depot Roads.

6. Noise Ordinance:

Chairman Metcalfe explained that the noise ordinance goes back three years. At that time the Select Board had discussed the ordinance, but decided to hold off on a decision about it because of issues going on with the Hale Mountain Fish and Game Club. He said the Ms. Mellinger had suggested that the Board bring it back to the table. He stated that no decisions will be made tonight.

Noting that members of Hale Mountain were present at the meeting, Chairman Metcalfe stated that the former Planning Commission had suggested removing impulsive sounds from the ordinance. With a new Planning Commission and Select Board, it's possible this would be put back in. Tonight is just an open discussion.

Mr. Pennebaker suggested changing "without limitations" in section one to include the limitations in section six. He asked if a town may limit the noise from moving vehicles, and Chairman

Metcalfe replied that Bennington does. Mr. Pennebaker noted the problem of enforcement.

There was discussion of the different types of noise that might bring complaints under a noise ordinance. Ms. Mellinger noted that there is currently a law against disturbing the peace, and Chairman Metcalfe confirmed that this is in effect beginning at 10:00 PM. Ms. Mellinger said she has had complaints about working on cars at night.

There was a discussion of noise limitations in the ordinance, which Mr. Pennebaker noted are stricter than the limitations in the current bylaw. He felt that stricter limitations are reasonable, given the decibel level that causes hearing damage and the recommendations of the World Health Organization.

Chairman Metcalfe asked for public comments. Laurie Johnson asked if limitations in residential areas would include rural residential, and Board members said that it would. Richard Heyniger asked if it would cover the Village or the whole Town, and was told it would be Town-wide.

Jim Logan, president of the Hale Mountain club, stated that this is a very sensitive issue and asked that the Boards look carefully at pre-existing facilities. He noted that Hale Mountain is the only facility used by law enforcement officers for training, and perhaps could be exempted. Chairman Metcalfe replied that it probably could not, noting that Dailey's uses noise reduction, and what's expected of one has to be expected of all.

Mr. Heyniger and Ms. Johnson asked about agricultural machinery and noise, and Chairman Metcalfe said that the state has statutes to protect agriculture that supersede Town ordinances.

Chairman Metcalfe stated that it would be good to have someone speak to the need for an ordinance before proceeding, noting that no one here is expressing that need. Ms. Mellinger pointed out that the ordinance had been unanimously voted out of the former Planning Commission. She suggested they talk to members who had served on that Commission.

Chairman Metcalfe asked who would enforce a noise ordinance. Mr. Pennebaker agreed that enforcement is an issue, but said that without an ordinance their hands are tied if a bad situation arises. He said enforcement can be devised if necessary.

Ms. Morse said that enforcement must be consistent, that someone would have to respond to complaints. Chairman Metcalfe said he had not been aware of problems except for the Shaftsbury Hollow incident.

Ronald Conroy asked for an explanation of the situation, and Board members explained the history of the noise ordinance.

Mr. McClintock stated that he does not believe an ordinance is needed, but that it would be good to know if residents are interested in one. Any ordinance needs to be consistent with the bylaws they adopt. He suggested sending it to the Planning Commission and having them hold a public hearing.

Chairman Metcalfe noted that the Planning Commission has a pretty full plate, and said that he doesn't know how important it is to send a noise ordinance forward at this time. Ms. Morse said that the Select Board is televised and can invite comments. They can find out if there is an interested contingent, and if so, ask the Planning Commission to revisit the ordinance.

Chairman Metcalfe recommended they include it in the meeting three weeks from now. Mr. Pennebaker said that the present bylaws draft should not be held up because of this, and all agreed that it should not.

Mr. Heyniger asked Ms. Mellinger what complaints she had received, and she replied that residents had complained about evening noise from working on cars. Mr. Heyniger asked about

ATVs, and Ms. Mellinger said there are lots of complaints about that.

7. Solid Waste Implementation Plan (SWIP):

Chairman Metcalfe stated that Ms. Mellinger, Mr. Pennebaker, and Mr. Chrostowsky had met and discussed the SWIP. He announced that there will be a meeting for Select Board representatives from all of the towns involved in the SWIP on Wednesday at 6:00 PM in Arlington. Ms. Mellinger, Mr. McClintock, and Mr. Pennebaker agreed to attend the meeting.

Mr. Pennebaker said that they had seen the main problem as the coordinator doing activities that the Town already addresses. He noted that the SWIP diversion rate is 10%, and the Town already does 30%, so it is aimed at laggards rather than leaders. Mr. Pennebaker stated that the Town might use the SWIP to get a better idea of what private haulers are doing, since all solid waste is included in the plan.

There was discussion of the numbers involved, and of possible focus on solid waste handled by private haulers. Ms. Morse said that one of the questions for the Arlington meeting should be how individualized areas addressed by the SWIP can be.

Mr. McClintock stated that the towns involved also need to agree on a supervisory mechanism for the coordinator. Mr. Chrostowsky said that Lissa Stark's letter indicated that the BCRC will supervise. Mr. Pennebaker asked if the coordinator will be coming up with ideas only, or will be implementing also. Chairman Metcalfe said he does not see how the coordinator would have time to implement, but that PR would be useful. Mr. Pennebaker said that implementation is needed.

Mr. McClintock said that if the BCRC has agreed to supervise, it means they are staking their reputation on this, so he does not have a problem with it. Ms. Mellinger and Mr. Pennebaker said that it is still necessary to find out what the coordinator will do for the Town.

Ms. Morse said the purpose of the Arlington meeting is to get those answers. She noted that the SWIP does not involve a lot of money, and that good things could come of it. Mr. McClintock noted the possibility of a regional swap shed. The Board will decide whether to sign on at the next meeting.

8. Other Business:

Chairman Metcalfe asked for a motion to close Cleveland Avenue for Halloween.

Ms. Morse made motion to close Cleveland Avenue from 4:30 to 7:30 PM on Halloween. Ms. Mellinger seconded. Motion carried 5-0-0.

Chairman Metcalfe announced that a meeting and a work camp will be held Wednesday at 6:00 PM. He reported that the Hoedown Committee had met, and put \$5600 in a savings account for the Cleveland Avenue park. Mr. Chrostowsky said he has applied for a recreation grant for park improvements.

Mr. Pennebaker reported on the automated methane measurement system he has devised. He said it will allow constant monitoring at the Eastman's. The costs were just under \$500. He said this system can be duplicated to monitor the landfill methane wells. Chairman Metcalfe asked if they have heard from Heindel and Noyes, and was told they they have not.

Ms. Morse asked about the breakdown of the grand list. Mr. Chrostowsky said that the information is in the Board packets, and that he still needs to get more details. He will also get the recycling information from Trevor Mance that the Board requested.

Ms. Morse commented that she had been shocked to read about the TAM fine, and said that she had thought that the Town, as employer, bore full responsibility. Mr. Pennebaker noted that both

parties had made money on landfill fill-in, and maybe this had been the state's reasoning. Mr. McClintock reported that he and Mr. Chrostowsky are still working on the road plan. He also said that he is receiving comments from residents they they want to see the bylaws finished and voted on.

Mr. Chrostowsky reported on the sidewalk project. The next steps are categorical exclusion, to be sent to the state for review in two weeks, and the drafting by ESPC of right-of-way plans. He expects it to go out to bid in January. Mr. McClintock said they need to consider accessibility. Chairman Metcalfe said they will need to get a DRB permit for the sidewalk.

Meeting adjourned at 8:50 PM.

**Respectfully Submitted,**  
**Susan Swasta**