

**MINUTES OF THE SHAFTSBURY SELECT BOARD  
DECEMBER 17, 2007  
COLE HALL  
SHAFTSBURY, VERMONT**

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

Board Absent: **Wynn Metcalfe**

Others Present: **Art Whitman (Economic Development Committee), Lew Levin, Phil Young, Brent Peacock, Mike Ryan (Water Board), Joe Hermann (Water Board), Lisa Murdock (ESPC), Mark Youngstrom (Otter Creek Engineering), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

**Vice Chairman Cinda Morse called the meeting to order at 7:01 PM. She thanked Joe Hermann, Jerry Mattison, Phil Harrington, Aaron Chrostowsky, and the Fire Department for their response to the water main break on Twitchell Hill Road. She also thanked the road crew for their work over the last four days.**

**Ms. Morse announced that the Town transfer station will be closed the Tuesdays of December 25 and January 1. Town offices will close Friday, December 21 at noon and reopen Thursday, December 27. They will also be closed December 31 and January 1. The Select Board will not meet on December 24 or 31.**

**Ms. Morse reminded residents that Christmas wrapping paper is not recyclable.**

**Karen Mellinger and Bill Pennebaker expressed concern that there will be no budget meeting until January 7. They think this may not leave enough time to pull things together. Ms. Morse said she would pass this along to Select Board Chairman Wynn Metcalfe, and they can see if they want to schedule a meeting before January 7.**

2. Minutes:

**December 3, 2007 Select Board minutes**

Ms. Mellinger made motion to approve the December 3, 2007 minutes. Lon McClintock seconded. Motion carried 4-0-0.

**December 6, 2007 Select Board working session minutes**

Ms. Mellinger made motion to approve the December 6, 2007 minutes. Mr. McClintock seconded. Motion carried 4-0-0.

3. Warrants:

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

<b>Payroll Warrant #24:</b>	<b>\$9,151.37</b>
<b>AP Warrant # 28:</b>	<b>\$1,152.38</b>

Mr. McClintock made motion to pay warrants. Ms. Mellinger seconded. Motion carried 4-0-0.

4. Public Comments:

**Art Whitman of the Economic Development Committee (EDC) was invited to the table for a brief presentation on the EDC budget request. Ms. Morse stated that Mr. Whitman had not received the information that tonight's budget session was canceled, and since he is here he may as well**

address the Board. They won't do an extensive discussion, but can call Mr. Whitman back if there are questions.

Mr. Whitman said that the EDC's biggest goal last year was the sewer project. Using funds from a state loan they did a sewer feasibility study and a public survey. The survey indicated that only one third of residents are interested in a sewer, so the sewer project has been tabled.

Mr. Whitman reported that the EDC will continue to keep in touch with North Bennington on their trail. It may be possible for Shaftsbury to continue the trail down to Cleveland Park. Mr. Whitman noted that the EDC had produced a new Shaftsbury brochure in 2007.

He said their biggest 2008 goal is to contact new businesses and stay in touch with existing businesses. They will also work on the village center designation. The EDC is asking for \$1250 in 2008 funding. Mr. Whitman passed out copies of his report. The Board thanked him for his presentation.

Ms. Morse introduced Phil Young, here to request that a change in the veteran's tax exemption be placed on the Town ballot. Mr. Young stated that at this time veterans who are rated 50% or more disabled receive a \$20,000 property tax exemption. He requests a ballot item for a vote to double it to \$40,000.

Ms. Mellinger noted that surrounding towns have increased the exemption to \$40,000. She said the state allows \$10,000. Since this would be \$30,000 over what the state allows, the Town would have to make it up. According to other towns' figures, this would amount to a very small number - less than \$2 on a \$100,000 home.

Lew Levin said there are only seven to ten disabled veterans in Shaftsbury. Mr. Young gave the Board a copy of the ballot language used in Sunderland. Ms. Morse said they will put it on the next agenda so that anyone who wants to comment may do so.

Brent Peacock asked which Town board he should go to concerning permission to increase the size of his business sign to include the start-up businesses in the facility. The Board responded that a request for a variance in the sign ordinance would go to the Zoning Administrator and the DRB. A request for a change in the ordinance itself would go to the Planning Commission.

Mr. Peacock asked about the time frame for a response from the Planning Commission, and was told that it would not be considered until after Town Meeting.

#### 5. Sidewalk Presentation:

Ms. Morse introduced Lisa Murdock of ESPC for a presentation on the sidewalk project. Ms. Murdock distributed documents to Board members. Mr. Chrostowsky stated that these documents are available in the Town office for anyone who wants to see them.

Ms. Murdock reported that preliminary plans have been sent to the the Agency of Transportation, Town boards and departments, and adjoining landowners. Comments have been received from the Agency's District Office concerning paving height, catch basins, roadway alignment, and water mains under the planned sidewalk.

Ms. Murdock stated that adjustments to paving thickness and catch basins have been made, and that the jog in roadway alignment is not really there so requires no adjustment. There is not much they can do about the water main beneath the sidewalk. Ms. Morse asked Joe Hermann if the water main location is an issue, and he said it is not.

Ms. Murdock went over comments from the Bike and Pedestrian Department of the Agency of Transportation. She said plans will be sent to the Utility and Permits section for review. A traffic

control and signage plan will be needed. Ms. Morse asked if road closure will be required, and Ms. Murdock replied that she does not think so.

The Bike and Pedestrian Department requested a list of pay items and quantities, which will be sent. They had concerns about the width of the right of way along Rte. 7A. Current plans show a four-rod right of way, which would have to be verified by surveyor if contested. To avoid this they could go with a three-rod right of way, and Ms. Murdock recommended making this change.

Ms. Murdock said that they need to make sure signage is in place at the crosswalk marking on 7A at Ledgley. She stated that several mailboxes will have to be moved, and suggested jogging the sidewalk around the mailboxes and providing a green space to avoid having them obstruct the sidewalk.

Ms. Mellinger pointed out that these are Pennysaver boxes, not mailboxes. She and Ms. Morse said that the Town should not pay to move them. Mr. Chrostowsky will talk to Pennysaver about it. Mr. McClintock stated that he does not want newspapers thrown in the street if the boxes are removed.

Ms. Murdock continued with comments from the Bike and Pedestrian Department. They said no bituminous curbing is allowed, and none was planned anyway. Private driveways and walkways that are torn up have to be replaced with the same or better materials and reconstructed to allow for a smooth transition.

Ms. Murdock said that the State wants a structure for storm water collection on Cleveland Ave. They also require that road signs that are moved be placed higher.

A permanent easement will be required at the corner of Cleveland Ave. Ms. Mellinger noted that they have not been able to contact that property owner. Mr. Hermann said he will talk to Jay Coonradt, who does snowplowing for the property owner.

Ms. Murdock said that most of the requested changes have already been incorporated in the plans. She stated that the DRB wants to see other options for storm water near the Gratz residence. This needs to be addressed tonight. A location for the flow is needed.

There was discussion of how to handle the storm water. Suggestions included a dry well and hooking into the Cleveland Ave, storm water system. Ms. Murdock said she will investigate water volume and the possibility of a dry well.

Ms. Murdock stated that the cost estimate is high because it does not include any work to be done by the Town, which is an option. She said that she does not think the state would allow the Town to be its own contractor.

The Board can decide which of the jobs on the itemized list can be done by the Town to reduce costs. Ms. Murdock listed the breakdown of jobs included in the project and distributed figures from the state on estimated prices.

Ms. Murdock stated that construction should take three to four months once a contractor is signed on. She said that there should be a pre-construction meeting with adjoining landowners and the contractor to work things out.

Ms. Mellinger noted that on Brent Peacock's property he wants a wider curb cut, so there will only be six feet or less between curb cuts. Ms. Murdock said the contractor would agree with having one slope instead of an up and down between curb cuts.

Ms. Murdock outlined the steps still to be taken. The storm water question needs to be resolved. She will work with Mr. Hermann and Mr. Chrostowsky on this.

Requested changes need to be made to the final plan. The categorical exclusion document needs to be submitted, including the final plan. A signage and traffic control plan should be created. While the exclusion document is being reviewed, they should work on right of way plans and submit them. Finally, they should bid for construction.

The right of way department will be the sticking point. Ms. Murdock will stay on them so that they can be sure to be ready for spring construction.

Mr. McClintock made motion to adopt a three-rod wide right of way plan. Ms. Mellinger seconded. Motion carried 4-0-0.

There was discussion of whether having the sidewalk over the Rte. 7A water main is OK. Ms. Murdock said it will just be underneath in parts of 7A. Mr. Hermann said it would be necessary to go through the sidewalk to fix a break, but he would rather fix a Town sidewalk than a state street.

Brent Peacock asked if high storm drains will be lowered. They cause a runoff problem. Mr. Murdock replied that they will be adjusted to the right level. Mr. Peacock said there might be a problem with a dry well because of drainage problems in that area. Ms. Morse thanked Ms. Murdock for her presentation and said they will hear back on storm water issues.

6. Water System Presentation:

Ms. Morse introduced Mark Youngstrom of Otter Creek Engineering. Mr. Youngstrom stated that two years ago Otter Creek had done a small water system study paid for by a state loan. They made recommendations for improvements at that time. Now the Town has asked to be put on the state priority list for funding the improvements.

Mr. Youngstrom said that it looks like Shaftsbury is high on the list for this year or the next. The Town has applied for a 0% planning loan for engineering plans, to prepare for construction when state funds are available.

Mr. Youngstrom described the planned project to improve the existing distribution system by upgrading four inch water mains to eight inches for hydrants, and by looping water mains. He said that four inch mains mean you can't fight fires without lowering water pressure. The state is getting serious on this issue.

Otter Creek is now doing the plans, and he has prepared a newsletter to inform Town residents about the work. Mr. Youngstrom showed Board members a map with the planned changes. The work will be done in the area of Sycamore, Meadow, and Ledgley, and will involve connections to lines at the school and on Church Street and Rte. 7A.

Ms. Morse asked if all four inch mains will be replaced, and Mr. Youngstrom replied that only hydrants with four inch mains will be fixed. He described it as an affordable, well-conceived project. The interest rate will be between 0% and 3%.

Mr. McClintock asked how long construction will take. Mr. Youngstrom replied that it should be about three months. Ms. Mellinger asked how the state responds to bond votes. He replied that in order to get on the active state list it is necessary to be ready to go, and the state views a positive bond vote as evidence of interest in the project. He would be willing to make a presentation and draft a newsletter to Town residents to answer people's questions before a bond vote.

Project plans will be completed in January. Mr. McClintock asked what happens if the bond is not approved, and Mr. Youngstrom replied that the state will begin to apply pressure. They are requiring towns to sign compliance schedules. Shaftsbury's next inspection is in 2009, and if the work is not done the Town would get a conditional water permit.

Mr. McClintock noted that a bond vote gives them permission to borrow, but does not commit them to borrow. Mr. Whitman asked if only water users pay back the loan, and Mr. Youngstrom confirmed that this is true. Mr. Whitman asked if other people who then tap into the improved system pay, and Mr. Youngstrom replied that they would.

Mr. Youngstrom noted that Shaftsbury has the best-maintained water plant in the state. The Board thanked him for his presentation.

7. Heindel and Noyes:

Ms. Morse stated that they have received a letter back from Heindel and Noyes, and that Wynn Metcalfe has spoken to them. The next step will be for Mr. Chrostowsky, Mr. Metcalfe, and Mr. Pennebaker to get together and discuss the matter. Then Mr. Metcalfe will continue the discussion with them. Ms. Morse said that it is moving forward.

8. Other Business:

Ms. Mellinger reported that she had attended a great Efficiency Vermont presentation in Manchester. Shaftsbury is to be included in geographic targeting on more efficient ways of using energy, including light bulbs.

Fire Chief Joe Vadakin is interested in having an energy audit of the fire houses. Ms. Mellinger thinks it would be helpful to form a strong connection with Efficiency Vermont.

Mr. McClintock stated that the Planning Commission will meet on December 27 on the solid waste bylaw. Mr. Pennebaker informed him that this has been postponed to January 8. Mr. McClintock reminded residents that this meeting and the subsequent Select Board public hearing will be the last chance to comment on the bylaw. Ms. Morse noted that they want the process to be completed by Town Meeting.

Mr. McClintock reported that they will have a final meeting with Road Foreman Ron Daniels on the road plan. The Bennington County Regional Commission (BCRC) evaluated culverts, and they meshed BCRC's priorities with the Town's.

Ms. Mellinger asked if Mr. Daniels has looked at the sidewalk project work list, and Mr. Chrostowsky said that he has. Mr. Chrostowsky said that he has not brought up the topic of using a roller on Town roads, suggested by Andy Crosier, with Mr. Daniels, but will do so. Mr. Chrostowsky was informed by a former road foreman that rollers did not work.

Mr. Pennebaker said that at the meeting with TAM last week Airport Road maintenance had come up, and they had discussed trying a salt solution applied ahead of storms. Mr. Chrostowsky stated that Mr. Daniels feels this is not yet a tried and true method, and wants to wait and see. Mr. Pennebaker said it is worth learning more about.

The meeting adjourned at 8:58 PM.

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