

**MINUTES OF THE SHAFTSBURY SELECT BOARD  
FEBRUARY 4, 2008  
COLE HALL  
SHAFTSBURY, VERMONT**

Board Present: **Wynn Metcalfe, Bill Pennebaker, Lon McClintock, Karen Mellinger, Cinda Morse**  
Others Present: **Mitchell Race, Mike Gleason (Bennington Banner), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

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 topic on tonight's agenda. None did.**

**Chairman Metcalfe thanked the road crew for their hard work sanding roads last Friday, Saturday, and Sunday. He also thanked Town Auditors Jim Meskun, Janet Daniels, and Bob Holmes for a very good job on the Town Report.**

2. Minutes:

**January 28, 2008 Select Board minutes**

Karen Mellinger made motion to approve the January 28, 2008 minutes. Bill Pennebaker seconded.

**The following corrections to the January 28 minutes were requested:**

***On page 2, under item 5 (Road Priority List), fifth paragraph is changed to:***

**Mr. McClintock said they had looked at Bennington County Regional Commission (BCRC) evaluation of culverts. The BCRC assigned about one third of Shaftsbury's culverts to each category of terrific, good, and in need of replacement.**

***On page 2, under item 5 (Road Priority List), eighth paragraph, in first sentence, "low priority" is changed to "low volume."***

***On page 6, under item 12 (Other Business), eleventh paragraph is changed to:***

Motion as amended carried 4-1-0. (Ms. Morse opposed.)

***On page 7, under item 11 (Budget and Budget Notes, continued), in second paragraph, fourth sentence is changed to:***

**#170 will be \$186,000.**

**Motion to approve January 28 minutes as amended carried 5-0-0.**

**Ms. Mellinger asked if information on the Veterans' Exemption had made it into the Town Report, and Aaron Chrostowsky replied that it had not. Ms. Mellinger asked if she should do a letter to the editor explaining the exemption, and Board members agreed that this would be OK.**

3. Warrants:

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

AP Warrant #35:	\$ 5,707.02
Payroll Warrant #31:	\$10,144.11
Transfer Warrant:	\$55,707.02 (box culvert)

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

4. Public Comments:

**There were no public comments.**

5. Heindel and Noyes:

**Chairman Metcalfe reported that he, Mr. Pennebaker, and Mr. Chrostowsky had discussed the Heindel and Noyes invoice and concluded that it would be best to pay it and get it behind them. He said there is still over \$47,000 in the landfill reserve fund.**

Ms. Morse made motion to pay the Heindel and Noyes invoice for \$7,807.79. Ms. Mellinger seconded.

**Mr. McClintock asked if they are paying \$1500 for the meeting, and Chairman Metcalfe replied that they are, but that they are not paying interest charges.**

**Ms. Morse asked where they are in hiring an engineer. Chairman Metcalfe replied that two have turned down the job, and that there are leads on two others.**

**There was a discussion of whether the Town runs the risk of problems with the state by ending the agreement with Heindel and Noyes before having another engineer. Chairman Metcalfe stated that Buzz Surwillo of the Agency of Natural Resources (ANR) is aware of the situation. Mr. McClintock said that the predicament is no different now than if they had kept Heindel and Noyes on.**

**Mr. Pennebaker reported that methane readings at the Eastman's have been zero over the past week. They will repeat the measurement in March. Measurements are affected by the weather, and they may see trace amounts in March.**

**Ms. Mellinger asked about readings from landfill wells. Mr. Pennebaker replied that they change from day to day, and that the well which always measures highest varies as much as 40%. They need to measure over a long period of time to be accurate.**

Motion to pay the Heindel and Noyes invoice carried 5-0-0.

**Ms. Morse asked what they will do with the landfill reserve fund balance. Mr. Chrostowsky replied that \$37,000 of the \$47,000 will go to the loan payment next September. Ms. Mellinger said this is in the budget, and Mr. Chrostowsky said that they don't have the cash in hand in September. Ms. Morse said this is a matter of cash flow.**

**Ms. Morse asked what the cost of monitoring will be, and Mr. Pennebaker said he does not know yet. Mr. McClintock asked if Heindel and Noyes will be paid out of the landfill reserve fund, and was told that they would.**

6. Certificate of Highway Mileage:

Ms. Morse made motion to sign the highway mileage certificate. Mr. Pennebaker seconded.

**Mr. McClintock asked if the mileage is the same as last year. Chairman Metcalfe replied that it is.**

Motion carried 5-0-0.

7. Other Business:

**Mr. Chrostowsky gave a presentation in Stamford on plans for hazardous waste days and on**

Shaftsbury's road report process. Mr. Chrostowsky stated that Stamford has asked if the hazardous waste day charge for fall of 2008 can be lowered. They agree to pay \$1000 for spring 2008 and \$1500 for spring 2009. Mr. Chrostowsky recommended asking them for \$1250 for fall 2008.

He asked if Pownal should be offered the same deal. Ms. Mellinger said that depends on whether Pownal will host one of the hazardous waste days. Mr. Chrostowsky does not know if they will yet, but will find out. It was agreed to set Stamford's amount as stated and to offer the same to Pownal.

Mr. Chrostowsky reported that he had talked to sidewalk consultant Eric Sandblom, and they are close to terms with the storm water issue. He explained that Rte. 7A is not a problem, but Cleveland Avenue is. They may be able to use a concrete box under the sidewalk. Ms. Mellinger noted that Water Superintendent Joe Herrmann does not see this as a big issue because the area is all gravel and stone. She said that Road Foreman Ron Daniels was going to talk to Dig Safe about a test dig. Mr. Sandblom wants a sample to assuage the state that a concrete box would handle storm water. Chairman Metcalfe said he is sure it would handle it.

Ms. Morse said that she would like to revisit last week's motion to withdraw the sidewalk permit from the Development Review Board (DRB). She noted that Town Attorney Rob Woolmington's decision very clearly says that they do need a DRB permit. He said this could be changed going forward by changing the bylaw, but as of now they do need one.

Ms. Morse made motion to return the sidewalk permit process to the DRB.

Mr. McClintock disagreed, stating that they have not obtained permits for past sidewalk projects. He said that the DRB is an extension of the Select Board, working on the Select Board's behalf. The terms of the sidewalk grant already specify a procedure. A DRB permit just adds bureaucratic duplication of effort, which Town residents do not want.

Ms. Morse and Chairman Metcalfe thought it would set a bad precedent to go against the Town counsel's opinion. There was further discussion of whether the DRB should finish the process, or whether the bylaw should be amended now and the permit not be sent back to the DRB. Some Board members were concerned that this might mean the Town would be in violation for other building projects that had not received permits.

It was unclear when Board members had received copies of counsel's letter, which had been sent to Zoning Administrator Tony Zazzaro in October, 2007. Chairman Metcalfe asked that it be noted for the record that this Board has on a regular basis sought the opinion of the Town counsel, and this is the first time that opinion has been rejected.

Mr. Pennebaker seconded the motion to return the sidewalk permit process to the DRB.

Mr. McClintock noted that since Ms. Morse had opposed last week's motion to withdraw the permit from the DRB, she may not make a motion to return the permit.

Mr. Pennebaker made motion to return the sidewalk permit process to the DRB. Ms. Morse seconded.

Motion carried 3-2-0. (Ms. Morse, Mr. Pennebaker, Chairman Metcalfe for and Ms. Mellinger, Mr. McClintock against)

Chairman Metcalfe asked Mr. Chrostowsky to put the bylaw change on the Board agenda. Mr. McClintock asked that this be sooner rather than later. Chairman Metcalfe agreed.

8. Town Meeting Presentation:

**Chairman Metcalfe has asked the Facilities Committee to attend the February 11 Board meeting to discuss what they want to bring up at Town Meeting. Mr. McClintock said that residents really need to hear about the immediate needs and structural conditions of Cole Hall and the highway department shed.**

**Ms. Morse said that they have been working up to this for the last four years. It would be good to present a slide with a chart containing information on facilities, roads, vehicle replacement, and water. She noted that the sewer issue has not totally disappeared. She said there has to be a conversation about priorities.**

**Chairman Metcalfe noted that Town Meeting is a long night, and he does not want to present so much that they lose people who leave before it comes up. Mr. McClintock suggested taking an informal survey, explaining it during the meeting and collecting responses as people are leaving. He said a lot of people don't speak up at meetings.**

**Board members agreed that the road plan should be presented in a controlled way, with explanation of the process and criteria. There was discussion of the Village Center designation, and Ms. Morse said the Economic Development Committee is working on it.**

**Chairman Metcalfe asked that Board members email ideas on the presentation to Mr. Chrostowsky. They agreed to run through the budget part of the presentation at the Board meeting before Town Meeting.**

**7. Other Business (continued):**

**Mr. McClintock stated that he met with Mr. Daniels on the sidewalk project and three other projects that need to be planned for. He does not have complete information yet.**

**The meeting adjourned at 8:10 PM.**

**Respectfully Submitted,  
Susan Swasta**