

**MINUTES OF THE SHAFTSBURY SELECT BOARD
JANUARY 16, 2006
COLE HALL, SHAFTSBURY, VERMONT**

Board Present: Wynne Metcalfe, Chairman, Karen Mellinger, Skip Fagerholm, Jim Mead

Board Absent: Cinda Morse

Others Present: Bill Pennebaker, John Tiffany, Clover Whitham (Bennington Banner), Michael Bidy, Lucy Robinson, Chris Williams, Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynne Metcalfe called the meeting to order at 7:02 PM.

2. Minutes:

January 9, 2006 Minutes:

Karen Mellinger made motion to approve minutes. Jim Mead seconded.

Ms. Mellinger requested the following changes to section 4 (Public Comments), paragraph one:

Ms. Mellinger asked whether TAM charges the town for depositing solid waste collected from Shaftsbury customers in the town waste disposal facility. Trevor Mance answered that the town is charged because this is Shaftsbury waste. ... TAM is currently the only hauler using the town facility because in the past others had chosen not to conform to the town's rules requiring recycling and use of clear bags.

John Tiffany requested the following addition to section 4 (Public Comments):

John Tiffany stated that after Friday's ice storm Shaftsbury Hollow Road had not been sanded until Saturday afternoon, after numerous cars had gone off the road. The response to his past complaints has been that the road receives ample sanding; he asserts that this is not true, and that the situation requires attention. Chairman Metcalfe replied that the problem will be attended to.

The motion to approve minutes carried 4-0-0.

3. Warrants:

The following warrants were presented for approval:

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| • PR#28 – | \$ | 7,481.15 | Payroll Warrant |
| • AP#33 – | \$ | 7,432.42 | General Warrant (includes gravel, sand) |

Ms. Morse made motion to pay the warrants. Jim Mead seconded. The motion to pay warrants carried 4-0-0.

4. Public Comments:

Mike Bidy expressed concern about the timing of the decision regarding commingling of TAM recycling and town recycling. He asked what reason had been given by the state in requiring this activity to cease. Chairman Metcalfe replied that Buzz Surwillo had stated that the activity was not allowed under the town's solid waste disposal permit.

Mr. Tiffany noted that two maple trees on Gun Club Road are in poor condition and should be cut down for safety reasons. Mr. Bidy, as tree warden, asked for the specific location of the trees and also mentioned a tree on Twitchell

Hill Road that he believes should be taken down. There was discussion as to whether the electric company (CVPS) would remove these trees, and Mr. Bidy stated that he would prefer to deal with CVPS personally. Chairman Metcalfe asked Mr. Bidy to submit a priority list for tree removal, as had been discussed in the past, so that work can be put out to bid. Mr. Bidy said that he would have a priority list in two weeks.

5. Town Administrator's Report:

Town Administrator Aaron Chrostowsky distributed a draft of the financial report to board members.

Ms. Mellinger noted that this year's due date for taxes is Veteran's Day. She asked Mr. Chrostowsky to check on this to see when taxes will actually be due.

Mr. Chrostowsky reminded the board of Tuesday's landfill site visit. Chairman Metcalfe and Mr. Mead agreed to attend.

Mr. Chrostowsky has acquired a state handbook on how to manage the sidewalk grant received by the town. Skip Fagerholm noted that this is not a direct grant, but a reimbursement from the state, and expressed concern about how long reimbursement might take. Ms. Mellinger replied that the town already has seed money with which to start the project, and Mr. Chrostowsky stated that the town can put in for multiple reimbursements, and that the process is fairly quick.

6. Road Report:

Mr. Mead stated that several trees had come down during Saturday's storm. Residents had suggested having the road crew move some downed trees, but because they were on power lines CVPS did not want anyone to touch them. Chairman Metcalfe suggested calling the state police in this kind of situation.

Mr. Mead noted that roads were in poor condition in his neighborhood. The warm weather followed by freezing caused severe ruts. Ron Daniels hopes to be able to grade roads as the weather warms up later in the week.

7. Development Review Board:

Chairman Metcalfe opened discussion on a development review board (DRB) by noting that the planning commission, zoning board, and zoning administrator all favor this change. He suggested April 1, 2006 as a possible beginning date. Chairman Metcalfe stated that DRB's can have 3-9 members, and that there may be as many alternates as members. He suggested asking current zoning and planning board members to apply as well as advertising the positions. He also noted that the Vermont Administrative Procedures Act (statute 24) enables DRB's to go to Act 250 hearings.

Ms. Mellinger moved to establish a development review board as of April 1, 2006. Mr. Mead seconded.

Board members discussed the function of a DRB, noting that this body would replace the current zoning board in developing zoning bylaws and subdivisions. A DRB would unite planning and zoning, resulting in a streamlining of the permitting process. The redefined planning commission would no longer deal with applicants, but would only work on the town plan. Citizens would still vote on the town plan.

Some possible negatives of the change to a DRB would be the more extensive training required of its members, who would have to be knowledgeable about both planning and zoning. Members would also have to be committed to devoting the time to weekly meetings.

Any permit applications made before April 1, 2006 would still go through the old process, so the planning and zoning boards would not be dissolved until all of these permits had been resolved.

Mr. Bidy expressed concern that the board might be rushing into adopting a DRB, stating that the public has not heard about it before this. Chairman Metcalfe replied that this is not a new issue. Ms. Mellinger said that the zoning

administrator has long been in favor of a DRB, and that the current system is frustrating and confusing to permit applicants.

Motion to establish a development review board as of April 1, 2006 passed 4-0-0.

Chairman Metcalfe asked if the board wanted to deal with specifics as to size and term length tonight, and Mr. Fagerholm stated that he preferred to hear recommendations from the people already serving on boards. Chairman Metcalfe requested that Mr. Chrostowsky ask town planning and zoning board chairmen for recommendations on DRB size. He also asked Mr. Chrostowsky to draft an advertisement and a letter to current planning and zoning members about DRB positions.

Mr. Chrostowsky stated that he will also draft a resolution for statute 24. This resolution specifies how the DRB has to be put together and will give the DRB power of appeal.

Lucy Robinson asked if planning will still be able to make recommendations on permits, as the current planning commission has made to zoning with regards to the TAM application. Chairman Metcalfe replied that it would not; that planning would never meet with an applicant under a DRB system.

Ms. Robinson stated that she wants to ensure that there are checks and balances in place by having various views represented by the DRB. Chairman Metcalfe said that advertising and interviewing should result in a variety of applicants. Mr. Pennebaker stated that a possible weakness of a DRB system is that the planning commission will be divorced from day-to-day activities and the feedback that comes with this give and take.

8. Other Business:

Ms. Mellinger asked Mr. Chrostowsky about fire department reimbursement, and he replied that he needs to meet with the fire department chief before reporting back on this.

In reference to the TAM transfer station Act 250 process, Ms. Mellinger asked whether the 8000 ton-per-year limit recommended by zoning includes recycling. If it does not, she is concerned about how this would impact traffic, since the select board has stated that it will not advise a traffic study for a facility of this size. Chairman Metcalfe replied that he will ask zoning, but that he does not think that the 8000 ton capacity includes recycling. Ms. Mellinger reiterated that it is important to know how much tonnage will actually be processed through the transfer station so that traffic can be accurately assessed.

Ms. Mellinger asked if town residents should be asked whether they choose to adopt the Australian ballot. Chairman Metcalfe replied that there is not time to do so before town meeting, and it was decided to put it on the agenda for after town meeting.

Ms. Robinson asked if there would be further discussion on pay-as-you-throw (PAT). Ms. Mellinger summarized the board's decision to adopt PAT as a recycling incentive, stating that she had supported it in part because she thought residents who used private haulers would benefit as costs shift to those who take trash to the town waste facility. She is now concerned because TAM clear bag customers would have to buy stickered bags in addition to paying TAM for hauling. It would therefore cost them more. Because these residents would not be saving money, she wonders if PAYT should be put up to residents for a vote. Chairman Metcalfe and Mr. Mead stated that it is up to individuals if they want to use private haulers, and that it should not be a concern in adopting PAYT. Mr. Pennebaker stated that in his opinion the primary reason for PAYT is to promote recycling, not to save anyone money.

Mr. Bidy raised the issue of TAM's recyclables not being included in town totals and of tare weights not being required of TAM. Chairman Metcalfe replied that he did not want to discuss these issues because TAM was not present at the meeting.

Ms. Robinson asked if the \$1.50 per bag figure would change, and Mr. Pennebaker stated that it should not because it is based on solid data from state reports.

Chairman Metcalfe asked the board if they could meet Thursday at 3:30 as the select board, and at 4:30 as the budget committee. The members agreed.

Chairman Metcalfe reported that the Act 250 preliminary hearing had been people-oriented. He felt that the chairman had done a great job of listening to various parties and of running the meeting. He reminded everyone of the Act 250 hearing set for Thursday, January 26 at 9:30AM.

Mr. Fagerholm made motion to adjourn. Ms. Mellinger seconded. Motion carried 4-0-0. Meeting adjourned at 8:20 PM.

Respectfully Submitted,

Susan M. Swasta