

**MINUTES OF THE SHAFTSBURY SELECT BOARD
JANUARY 28, 2008
COLE HALL
SHAFTSBURY, VERMONT**

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

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:02 PM. He asked if any Board member needed to recuse himself or herself from discussion of any topic on tonight's agenda. None did.

2. Warrants:

The following warrants were presented for approval:

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|----------------------|--|
| AP Warrant #34: | \$ 8,753.59 (includes sand and gravel) |
| Payroll Warrant #30: | \$ 6,753.60 |

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

Lon McClintock asked how much is left in the sand and gravel budget, and Aaron Chrostowsky replied that there is \$8000 left. Mr. McClintock asked whether they are likely to get through the rest of winter without really overshooting the budget. Road Foreman Ron Daniels replied that it depends on the weather. Mr. Chrostowsky noted that he had received good comments on how the roads were handled last mud season.

2. Minutes:

January 21, 2008 Select Board minutes

Mr. McClintock made motion to approve the January 21, 2008 minutes. Ms. Morse seconded.

The following corrections to the January 21 minutes were requested:

On page 3, under item 5 (Other Business), in second paragraph, "Andres" is changed to "Endres."

On page 3, under item 5 (Other Business), eighth paragraph, a last sentence is added:

All were in agreement.

Motion to approve January 21 minutes as amended carried 5-0-0.

4. Public Comments:

There were no public comments.

5. Road Priority List:

Mr. McClintock reported on the road priority list that he, Mr. Daniels, and Mr. Chrostowsky have completed after working on it for two or three months. He said that the original plan had identified the most traveled roads, but that they had decided other factors were also important.

These factors are road safety, and roads that have trouble spots that demand more time and materials. It was felt that if trouble spots are identified and dealt with, there will be more time and resources to use on other roads.

Mr. McClintock explained the scoring system, which assigns roads with safety risks to the highest priority, roads that take up inordinate resources as middle priority, and roads that are passable and don't fit the first two criteria as lower priority.

He said that after roads had been scored, they went back for another look, and then adjusted the scoring. Mr. McClintock used the example of Myers and LeClair Roads as having the same level of safety priority.

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

He stated that they had broken roads down into sections, because different sections present different challenges, and therefore are assigned to different categories. They had considered the cost of repair or improvement in scoring. They recommend that one or two large projects and several smaller ones be taken on each year, as money permits.

Ms. Morse questioned the combining of paved and unpaved roads in the scoring, noting that paving money tends to come in chunks every three to five years. It's a different funding stream. Mr. McClintock replied that they had not really considered paving as a separate issue, and that the roads with safety issues are unpaved.

Ms. Mellinger said that she was surprised to see Buck Hill and Airport Roads scored as 1 (low priority). Mr. McClintock and Mr. Daniels said that this is an error, and that these roads should have been scored higher. They will make adjustments.

Chairman Metcalfe asked how the list will be used if adopted, and Mr. Daniels replied that it will be used as a guideline, and is not meant to be written in stone. Mr. McClintock said they will use it to knock off projects as money is available, starting at the top of the list and working down.

Chairman Metcalfe said it would then be fair to say to residents that we'll get to their requests once the projects that are ahead of them on the list have been taken care of. It may be hard to face people who come in to complain.

Chairman Metcalfe asked how the sidewalk project fits in. Ms. Morse said they have to plan for it, and that at least with the sidewalk they know what is happening. The difficulty is with things that are not planned.

Ms. Morse asked if there is a more detailed list of the top ten projects. Mr. McClintock replied that they have notes and could come up with a list, but the issue is what do you place the most value on. Do we value making a road safe over satisfying a lot of people who are annoyed at washboarding on their road? He thinks they should deal with safety issues and things that take up resources first.

Chairman Metcalfe asked what the mechanics of the process will be, and suggested quarterly schedules of what is being worked on. Mr. McClintock said they should have an idea of what they want to tackle each year. He noted that there are some things they must make time for, like culverts and sidewalks. It will be difficult to balance.

Ms. Mellinger asked if project costs include labor costs, and Mr. Daniels replied that they do. Mr. Daniels said that they could possibly meet on Friday and group up priorities. Mr. McClintock said they should also decide what can be done on the sidewalk project, and balance that with the road work.

Oliver Durand asked if they will review the plan on an annual basis, Mr. McClintock replied that after a project is done a road should be re-scored. Mr. Durand suggested reviewing at the end of each construction season.

Ms. Mellinger said it would be great to have the plan on Power Point for Town Meeting so everyone can understand the issues. Ms. Morse stated that she thinks the resource issue is as important as safety, so they can stop dumping money into the same holes year after year.

Ms. Morse made motion to approve the road priority list. Ms. Mellinger seconded. Motion carried 5-0-0.

6. Noise Ordinance:

Mr. McClintock stated that he feels the same as last week -- that a noise ordinance represents a new expense he is not comfortable with. He said that it could turn out to be a black hole in terms of expenditure.

Mr. McClintock made motion to retract the Select Board request that the Planning Commission review the noise ordinance, and to ask that the Planning Commission table the ordinance. Ms. Morse seconded.

Mr. Pennebaker stated that he is not sure that he agrees, but thinks it would be good if Mr. McClintock addressed the Planning Commission on what he has learned about alternative forms of enforcement. Mr. McClintock said he would be happy to do so. He is also happy to keep listening to people who favor the ordinance.

Ms. Mellinger said that she supports withdrawing the request. Her main reason in asking that it be reconsidered was that it had been left in limbo. Ms. Mellinger noted that the petitions in favor of the noise ordinance had included impulse noise, and this would open a huge can of worms. She thanked the Select Board for addressing the ordinance.

Motion to retract the request to review the noise ordinance carried 5-0-0.

7. Heindel and Noyes:

Chairman Metcalfe suggested that he, Mr. Pennebaker, and Mr. Chrostowsky compare the paperwork from Heindel and Noyes against the invoices, and report back next week. It was agreed by all the Heindel and Noyes will not finish the project.

Mr. Pennebaker stated that they still need a professional engineer to work on the project. Mr. Chrostowsky reported that Jon Endres has said no, and that he has left a message with Jim Secor. Mr. Pennebaker gave Mr. Chrostowsky an updated document on the project and said that questions may be directed to him.

8. Liquor Licenses:

Chairman Metcalfe requested a motion to renew liquor licenses for the Country Store and Paulin's. Ms. Morse asked if there have been any violations, and Mr. Chrostowsky replied that Paulin's has had one. He thinks it may have been selling to a minor.

Ms. Mellinger made motion to approve 2008 liquor license renewals for the Shaftsbury Country Store and Paulin's. Mr. Pennebaker seconded. Motion carried 5-0-0.

Ms. Morse asked that information on violations be included with requests for renewal in the future. Mr. Chrostowsky agreed.

9. Select Board Report:

Mr. Pennebaker said they might not want to consider the swap shed a done deal because there are still things to be worked out. Chairman Metcalfe asked if it should be taken out of the report, and Mr. Pennebaker said they should unless less definite language is used.

Ms. Mellinger suggested saying they are hopeful and are working on it. Mr. Chrostowsky will draft new language. Chairman Metcalfe said that they need any changes or corrections to the report by noon tomorrow.

Chairman Metcalfe said that they will hold off on budget notes tonight. Board members should look them over and see if there is anything to add or subtract. Mr. Chrostowsky stated that they need to get it to the Jim Meskun by next Monday at the latest. Chairman Metcalfe said he wants people to look at it, and they will be ready to approve it Monday.

10. Town Meeting Warning:

Ms. Morse made motion to approve the Town Meeting warning. Ms. Mellinger seconded.

Ms. Mellinger said they should be sure to have the correct name for #32, Bennington Area Home Health, in the ballot articles and the budget. Chairman Metcalfe said they will hold off on approving the Town Warning until the budget has been approved.

Mr. McClintock asked if #41, the veterans exemption, is only on primary residence, and Chairman Metcalfe confirmed that it is. It was agreed that the exemption should also be addressed in the Town Report and Select Board Report. Ms. Mellinger said it should include the number of veterans and impact on budget numbers.

11. Budget and Budget Notes:

Chairman Metcalfe said that he is ready to let the budget go. Mr. Pennebaker asked what the "Economic Development Study" in #352 is, and Ms. Morse replied that it should be "reserve fund," not "study." Ms. Mellinger asked if sewer feasibility should be removed, and Mr. Chrostowsky replied that it should. Mr. McClintock asked about dues to a forest and parks association consortium in #334, and Mr. Pennebaker said there is no need to list that as an appropriation.

Ms. Mellinger and Mr. Pennebaker stated that they want to make sure they are looking at the final budget version. Mr. Chrostowsky went to make copies of the final version; meanwhile Board members discussed Other Business.

12. Other Business:

Mr. Pennebaker stated that they will be reviewing the revised zoning bylaw and zoning map changes next week. He said a question has come up as to the zoning of the railroad line. They need to find out whether zoning applies, and if so, how it applies.

Ms. Mellinger asked about the outcome of the Airport Road parcel zoning change, and was told that the Planning Commission had approved it. She asked what had happened with Light Industrial zoning. Mr. Pennebaker replied that this has not been taken up yet.

There was discussion of the fact that the rezoned properties were nonconforming before, and will still be nonconforming, so there is not much difference, especially since all industrial uses are conditional.

Ms. Mellinger reported that TAM has received state approval to proceed with a swap shed, and the Solid Waste Committee is very much in favor of one. They want to be sure of the Select Board's

commitment before proceeding.

Ms. Morse stated that it is important to understand the longterm financial commitment. They need to know costs and have a budget and plan for funding. Ms. Mellinger said they have only vague information. There is potential cost if stuff is left and never gets picked up. Chairman Metcalfe agreed that there's a potential for cost. Mr. Pennebaker said the biggest potential cost would be stuff you don;t get rid of, and there may be some utility costs.

Ms. Mellinger said that they are looking for philosophical approval from the Select Board, since this is a goal set forth in the Town Plan. Ms. Morse and Chairman Metcalfe said that they want to make an informed decision and need to know how much a swap shed would add to the budget. Mr. McClintock said he does not think it will cost much, and that it is a matter of having procedures and being particular about what and how much they take. He thinks they can approve it as revenue neutral.

Mr. Durand said that the state needs to come up with recycling markets. Ms. Mellinger reiterated that they are very aware of revenue and are looking for philosophical support. Chairman Metcalfe stated that they do have that support.

Ms. Morse noted that there was a letter in the Bennington Banner from Barth VanderEls concerning problems with the Development Review Board (DRB) and the sidewalk project. She asked what this is about.

Ms. Mellinger replied that the issue is that they were told that a DRB permit was required, and that the DRB had questions on storm water runoff that the engineers had not considered. Chairman Metcalfe stated that the questions had come from three neighbors present at the DRB meeting, not from the DRB, which had to respond to the neighbors.

Mr. McClintock noted that they had received a legal opinion that a DRB permit is not needed for the sidewalk project, but it went before the DRB anyway. He said that the DRB's role is to comment to the Select Board on issues that need to be addressed. They cannot deny the permit.

Chairman Metcalfe stated that the DRB did not say they needed to approve the permit. He noted that the matter brought up by these three people would have had to be addressed at some point in the process.

Mr. McClintock stated that the sidewalk grant has a particular process for approaching neighbors, who are to be approached individually, not in a hearing. Chairman Metcalfe said that the DRB should have been informed of this.

Mr. McClintock made motion to withdraw sidewalk project approval from the DRB. Ms. Mellinger seconded.

Mr. Pennebaker offered a friendly amendment to the motion, stating that the DRB should be thanked for their efforts.

Ms. Morse asked if someone will assure the citizens that their concerns will be addressed, and Mr. McClintock replied that they are bound to do that by the grant terms.

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

Ms. Morse stated that she feels badly that this was in the paper. It was unfair to the DRB, whose members were just doing their job.

Mr. McClintock stated that he had looked at some of the Select Board priorities from last March, and that he would like to tackle personnel policies and revision of the conflict of interest policy.

He would like to make the BCRC-based policy more plain English and user-friendly. Ms. Morse said she had thought that had adopted a conflict of policy and were finished with it. Mr. Chrostowsky said that they have a simple one, but it is supposed to be more detailed.

11. Budget and Budget Notes (continued):

The Board resumed discussion of the budget. Mr. McClintock stated that he wants to see what happens when item #170 is reduced from 7% to 6%. There was discussion of whether it should be 7% or 6%. Mr. McClintock asked if it could be left at 6%, with a 5% raise across the board. Mr. Chrostowsky replied that it could, and probably could even at 7% because they were paying a lot more last year.

There was discussion of whether it should be \$186,000 with a 5% raise or \$184,000 with 4%. It was agreed to leave it at \$186,000. Mr. Chrostowsky said they will take \$260 out the sheriff amount on line item 161. #170 will be \$186. #309 will be removed. The sewer feasibility study will be removed. The Town administrator salary increase will be 5%, the same as the highway department.

Mr. Pennebaker made motion to approve the budget as presented. Ms. Morse seconded. Motion carried 5-0-0.

Mr. McClintock made motion to approve the Town Meeting warning. Mr. Pennebaker seconded. Motion carried 5-0-0. (This motion had been made earlier in the meeting by Ms. Morse, seconded by Ms. Mellinger, but not acted upon.)

The budget will represent a 6.98% increase. Mr. McClintock stated that everyone had done a great job.

Mr. Chrostowsky announced that there will be a tour of the water filtration plant on Tuesday, Feb. 5 at 10:00 AM. The Select Board is invited.

The meeting adjourned at 9:45 PM.

**Respectfully Submitted,
Susan Swasta**