

**MINUTES OF THE SHAFTSBURY SELECT BOARD
FEBRUARY 13, 2006
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: Wynn Metcalfe, Chairman, Karen Mellinger, Cinda Morse, Skip Fagerholm, Jim Mead

Others Present: Bill Pennebaker, Trevor Mance, Rep. Alice Miller, Mary Beth Maguire, Michael Bidy, Joe Vadakin, Mike Taylor, Jay Coonradt, Aaron Chrostowsky, Susan Swasta

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 agenda topic scheduled for tonight. None did.

2. Minutes:

February 6, 2006 Minutes:

Cinda Morse made motion to approve minutes. Karen Mellinger seconded.

The following change to the February 6 minutes was requested:

Page 6, Section 11 (Other Business), seventh paragraph:

Chairman Metcalfe stated that he will attend the Act 250 meeting on Thursday, but will need someone to cover for him between 11:30 and 1:30. Mr. Fagerholm will do so.

The motion to approve minutes carried 5-0-0.

3. Warrants:

The following warrants were presented for approval:

- Water Warrant #4 – \$ 40,884.00
- PR#32 – \$ 5,884.73 Payroll Warrant
- AP#38 – \$ 27,325.26 General Warrant

Ms. Morse made motion to pay the warrants. Ms. Mellinger seconded. The motion to pay warrants carried 5-0-0.

4. Public Comments:

Chairman Metcalfe solicited public comments. There were none.

5. Road Report:

Mr. Mead reported that Ron Daniels, in planning the upcoming work on Shaftsbury Hollow Road, has recommended a two rod (24 feet) road width in the area to be widened, even if it is listed as a three rod road. He sees no need for a three rod width there. Shaftsbury Hollow Road resident John Tiffany had expressed concern that if the road is to be three rods wide, property owners may have property stakes in the right of way. Aaron Chrostowsky said that he would research the road width.

Mr. Mead stated that tree warden Mike Bidy should be contacted about trees in the project area that may need to be removed. He also said that it would be good to inform Shaftsbury Hollow Road residents that the work will be coming up this summer.

Mr. Mead reported that the new grader blade is in, but that nothing will be done until the new truck has arrived. Mr. Chrostowsky asked that Mr. Daniels keep a log of wet spots on the roads so that work may be scheduled.

6. Fire Chief's Report:

Fire Chief Joe Vadakin briefly reviewed the topic of fire department reimbursement, which was introduced about a year ago. A proposed ordinance instituting reimbursement has been reviewed by town attorney Peter Holden, who noted that there is no Vermont statute permitting such reimbursement. Mr. Vadakin stated that there is no statute prohibiting reimbursements. Other towns in the state, including Arlington, do have reimbursement programs in place.

Mr. Vadakin explained that the town would be seeking reimbursements from insurance companies rather than individuals, and he recommended using an established company to handle the billing. Bills could be submitted to the company via an online form, and the service would cost 10% of the fee, with no charge if no funds are recovered. Mr. Vadakin and Mr. Chrostowsky decided that reimbursement fees would be charged at a flat rate to simplify the process. Chairman Metcalfe asked Mr. Vadakin to submit a clean final copy of the ordinance to the board so that a vote can be held next week.

Mr. Vadakin reviewed a problem concerning a drive shaft recall for one of the fire engines. The manufacturer, International, has developed a new drive shaft, but it does not fit the town's truck. It would cost \$30,000, to be paid by International, to make the drive shaft fit, and this would require the truck to be out of service for three months, with no guarantees that the shaft would work properly after installation. The other option, recommended by Mr. Vadakin, is to replace the drive shaft every year, also to be financed by International, for as long as the truck is in use.

He does not think this would pose a significant safety hazard because the only drive shaft failures have occurred on the west coast under high speed conditions. To further ensure safety, a cage would be installed to contain the shaft in case of failure. It would take only about three hours to change a drive shaft.

Ms. Mellinger asked if the company could provide a written guarantee that this service would continue for the life of the truck, in the event that the town wants to sell it. Mr. Vadakin agreed that this should be done. The board established that Mr. Vadakin will acquire commitments in writing, to be provided to the board, before any agreement is signed.

Mr. Vadakin reported that the new trucks are expected around May 1, 2006. He asked the board if there were any questions on the list of requested equipment that he had provided, noting that the department is still well within its \$18,000 equipment budget. Mr. Vadakin would also like to purchase three radios for the trucks at \$300 apiece, using the communications fund.

Ms. Mellinger made motion to purchase the equipment on Mr. Vadakin's list. Ms. Morse seconded. Motion carried unanimously.

7. Town Administrator's Report:

Mr. Chrostowsky provided details on Shaftsbury resident Andy Newell's Olympics events schedule.

Mr. Chrostowsky reported that the TAM contract expires on June 30, 2006, and that TAM requires 60 days notice, or the contract automatically renews for three years.

Mr. Chrostowsky stated that budget expenditure stands at 65%, and that several items will require review. Expenses for sand, gravel, and diesel fuel are very near the budgeted amounts.

Mr. Chrostowsky reported on emergency management plans. The Bennington County Regional All Hazards Emergency Response Plan is a mutual aid system that is done through the Bennington County Regional Commission. Town emergency representative Jerry Mattison recommends that the town get on board with this plan. The Vermont Rapid Response Plan requires board approval for an update, which Mr. Chrostowsky and Mr. Mattison completed. He described items on the list that have been completed, and others that are being worked on.

Ms. Morse made motion to approve the Vermont Rapid Response Plan update. Ms. Mellinger seconded. Motion carried 5-0-0.

Mr. Chrostowsky reported that a change in town meeting date must be warned, and then voted on by the electorate. Ms. Mellinger asked if it could go on the November ballot, and Mr. Chrostowsky replied that this should be possible. She suggested having a panel discussion on it over the summer.

Chairman Metcalfe thanked Mr. Chrostowsky for his herculean efforts in getting everything done that had to be completed last week. Chairman Metcalfe noted that the gravel budget is exhausted, but that more will be needed. He asked the board if Mr. Daniels should be given the go-ahead to purchase it or should be asked for an estimate. The board agreed that it would be good to have an estimate.

Mr. Mead stated that the road crew will be trying to get out to cut some brush.

8. Curb Cut Application:

Mr. Chrostowsky reported on a curb cut application from Marshall Case on Eric Road. He noted that the 15-inch curb cut has a good line of sight and that the application is complete, including pictures.

Mr. Fagerholm made motion to approve Marshall Case's curb cut application. Mr. Mead seconded. Motion carried unanimously.

9. Acceptance of Box Culvert Bid:

Mr. Chrostowsky reported that Mr. Daniels has decided that the best bid for the Myers Road box culvert is the \$28,262 bid from CSI of Hudson, New Hampshire.

Ms. Mellinger made motion to accept the CSI box culvert bid. Mr. Fagerholm seconded. The motion carried 5-0-0.

10. Development Review Board (DRB):

Chairman Metcalfe reported that the board had met in executive session to discuss DRB make-up, and had concluded that there should be seven DRB members, 5 planning board members.

Ms. Morse made motion to approve a seven member DRB and a five member planning board. Mr. Fagerholm seconded. The motion carried 5-0-0.

Chairman Metcalfe asked the board to approve the appointment of Chris Williams to a three-year planning board term.

Ms. Mellinger made motion to approve Chris Williams for a three-year planning board term. Mr. Mead seconded. The motion carried unanimously.

Chairman Metcalfe asked the board to approve the appointments of the following individuals to the DRB: David Mance (three year term), William Jakubowski (one year term), Gary Burgess (one year term), Jim Carter (three year term), Fritz Ludwig (two year term), Phylis Porio (two year term), Wynn Metcalfe (two year term).

Ms. Morse made motion to approve the DRB appointments as listed above. Mr. Mead seconded. The motion carried unanimously.

Mr. Chrostowsky distributed documents concerning DRB administration to the board. He recommended that the board approve the practice of taping DRB meetings, known as "review on the record," because this would prevent a court from second-guessing a DRB decision by limiting evidence to the taped record. Mr. Chrostowsky also discussed the possibility of the DRB being given an enhanced role in local Act 250 reviews: the "rebuttable presumption status." This power must be approved by voters. Chairman Metcalfe recommended waiting to take this step, but acting now on "review on the record."

Ms. Morse made motion to implement review on the record of DRB meetings. Ms. Mellinger seconded. The motion carried 5-0-0.

11. Landfill Update:

Representative Alice Miller reported that she has pursued a grant of \$110,000 for landfill closure after being contacted by Bill Pennebaker concerning a fund that had supported landfill closures in the past. Rep. Miller prepared a budget attachment for the grant which has passed the floor of the House, and will be voted on by the Senate this week. There is a possibility of additional funding from another source for 2007.

Chairman Metcalfe reported on unsuccessful attempts to find a local source of clay for landfill capping. He said that Mike Pitonyak of Capital Earthmoving recommended a bentomat cap as an alternative to clay. Mr. Pitonyak said that clay from the Sunderland landfill would be too far away to transport, and he suggested placing another ad for local clay.

The board discussed other possible local clay sources, which will be pursued. Mr. Chrostowsky will talk to KAS about the bentomat option. Chairman Metcalfe will talk to a company in Rutland who has done this type of project. There will be no new bids at this point, just direct contacts.

12. Other Business:

Ms. Mellinger stated that she will be attending town official day in Montpelier. She will check on the enhancement grant the town has been awarded and pursue information on funding sources for a swap shed and pay-as-you-throw (PAYT) implementation.

Ms. Morse asked if board members would get together to go over the budget presentation for town meeting. Chairman Metcalfe replied that Mr. Chrostowsky will prepare the presentation this week and a final draft will be available on Friday.

Chairman Metcalfe asked for guidance from the board as to how to approach the PAYT topic at town meeting. Board members discussed whether to try and have details ready for presentation and decided that the public should be informed that the details are not yet ready. Discussion will be limited to budget matters.

Mr. Chrostowsky stated that the Cole Hall balcony is becoming overloaded with old files and that he would like to prepare a memo asking town employees to take care of their files by June 30 or he will deal with them. The board agreed.

12. Host Town Agreement Public Comments:

Chairman Metcalfe announced that the board will go into executive session to discuss the host town agreement contract, but will hear public comments first. Mr. Bidy stated that the topic was not warned as the TAM host town agreement, but just as the host town agreement, and that people would have attended if they had realized the TAM agreement was under discussion.

Ms. Morse stated that this is the only host town agreement that has been under discussion, and that it has not been exclusively referred to as the TAM host town agreement. Ms. Mellinger said that she had expected more people to

attend. Trevor Mance noted that last week's meeting minutes specified that the TAM agreement would be on the agenda.

Mr. Bidy asked if the board had investigated other towns' host town agreements and was aware of fees and compensations. He was told that the board had done this research.

Ms. Mellinger asked Mr. Mance if he had received certification yet, and he replied that it was expected sometime in April.

Mr. Fagerholm made motion to go into executive session (contract) at 9:13 PM. Ms. Morse seconded. Motion carried 5-0-0.

The board came out of executive session at 10:12 PM. Meeting adjourned at 10:15 PM

Respectfully Submitted,

Susan M. Swasta