

SHAFTSBURY SELECTBOARD
REGULAR MEETING
AUGUST 1, 2011
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Bill Pennebaker, Craig Bruder, Carl Korman (via teleconference). Town Officials: Margy Becker, Town Administrator; Terry Stacy, Road Foreman, Chris Williams, Planning Commission Chair;

1. Call to Order

Chairman McClintock called the meeting to order at 7:00p.m.

2. Announcements

The Quiet Valley Quilter Guild displayed the 250th anniversary scrap quilt. The quilt will be raffled off. The tickets are a \$1.00 each or 6 for \$5.00. Tickets are available at the Country Store, Cole Hall, and the Chocolate Barn.

Karen Mellinger announced that 250th anniversary tee shirts and glasses are on sale. The Shirts are \$10.00; the glasses are \$3.00. Items can be purchased at Clear Brook Farm, the Country Store, and Cole Hall. Karen Mellinger thanked all those involved with the 250th Anniversary Celebration. Also thanked were Owen Beauschesne for brush hogging at H.P. and the children who helped with Cleveland Park.

Bill Pennebaker announced that the Shires Byway passed at the last public meeting.

3. Public Comments

Jeri Schoof spoke regarding DRB procedures at their meetings. Jeri submitted a letter to the Board dated August 1, 2011. Joanne Race voiced concerns regarding the availability of DRB minutes. Joanne submitted a letter to the Board.

Chair McClintock clarified the interrelationship between the Select Board and the DRB. The Select Board appoints and removes for good cause, the Select Board cannot tell DRB what to do; they are a statutory entity.

Chris Williams spoke with the Board concerning the 120 day extension give to TAM by the DRB. Chris Williams was concerned with the acoustics in the hall, it make it hard to hear at the meeting. Chris Williams asked the Select Board for advice on the following:

1. How can citizens request recusal of DRB member and confirm he/she is uninvolved?
2. Formal training on Bylaws by 9/1/11.
3. Meet with counsel and DRB to review conflict of interest.
4. Address complaints against Jake Jakubowski's behavior. Request removal of Jake Jakubowski.

Ron Schoof spoke regarding the bad acoustics at the DRB and suggested a P.A. system is needed. He would like a recording device and better minutes.

Jay Palmer commented on the lack of availability to submit materials and comments to the DRB.

Kathleen Geneslaw presented the Board with a copy of a letter that the DRB refused to accept. The Select Board will forward the material.

Sue Balutis commented on the DRB procedures. The DRB did not display their name plaques correctly, citizens were not acknowledging when wanting to make a comment. They conduct themselves in an unprofessional manner.

Andy Schoerke delivered a letter to the Select Board and DRB. Andy requested the Select Board review the TAM application process, requested the Zoning Administrator re-examine the application and site plan and if it is in accordance with the existing by-laws.

Mary Gronning spoke regarding tenor of meetings. Mary Gronning stated that if the Select Board appoints members to the DRB they should be responsible for their actions. Qualities needed for board members are integrity, respect, willingness to work with people, and professionalism. A letter was submitted to the Select Board.

4. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

5. Board of Listers: Vacancy

The Board discussed the vacancy on the Board of Listers. **Karen Mellinger made the motion to appoint Judith Knecht to the vacancy on the Board of Listers that ends in March 2012. Craig Bruder seconded. Motion carried 4-0.**

6. Memorandum of Understanding for Municipal Services – Glastenbury

Chair McClintock explained that the memorandum of Understanding for Municipal Services is required by the State and explained the process. The Select Board, Ricky Harrington, supervisor of Glastenbury; and Lissa Stark from SWIP reviewed the table of costs per capita and cost per household.

Ricky Harrington stated that the money concerns were petty and that there are only seven residents in Glastenbury. One private resident of Glastenbury contributed \$500 to the fire company. Ricky Harrington informed the Board that Glastenbury plows .3 miles of road for Shaftsbury and presented the Board with an invoice for the plowing.

Chair McClintock explained that the pressure is from the State to formalize an agreement. The Board agreed not to sign the memorandum.

7. Solid Waste Implementation Plan Amendment Glastenbury

No plan amendment to SWIP needed.

8. Citizens' request for Moratorium on Commercial Composting

Kathleen Geneslaw presented a community letter with signatures to the Board.

Carl Korman asked why a moratorium? Does our current zoning by-law not address compost facilities?

Karen Mellinger asked if a moratorium can be put in place while an application is before the Town.

Trevor Mance of TAM stated he asked for the 120 day suspension in order to look at other sites.

Trevor stated that the request is circumventing the process and jeopardizes the lease/purchase negotiations for another site. He asked that the application process continue.

Lon McClintock asked if zoning by-laws set performing limitations.

Trevor stated that they do and they expect stipulations in a permit.

Kathleen Geneslaw stated that clarifications are needed regarding TAM's application.

Chair McClintock stated that the moratorium would be on all potential applicants.

Bill Obenauer stated that nowhere do our zoning by-laws regulate composting unless considered a solid waste facility.

Chris Williams stated that the DRB can take up an application with conditional use review.

The Planning Commission will look at other towns and their adoption of by-laws regarding composting facilities.

A procedure will be outlined to adopt a moratorium including a public hearing. They will identify roles of the DRB, Select Board and Planning Commission. Ask Planning Commission to take limited roll to survey towns if they address compost facilities in zoning by-laws. The Select Board will contact VLCT for model bylaws.

9. Planning Commission – Preparation for Public Hearing on Proposed Amendments to Zoning Bylaws

Chris Williams stated that there are short comings that need to be addressed. Sign sizes have increased in commercial areas, and there is no limit on number of signs. Adaptive reuse of motel properties, motels is no longer economically viable. There is a need to offer people a chance to adapt their businesses.

Home Occupations have been sparked by great recession, people need to be able to work from home.

Open space designation is a more theoretical amendment which has been in place for 12 years. Chris will address procedural issues and will hold a hearing on proposed amendments.

10. Development Review Board – Request for P.A. System, Sheriff Services

The DRB chair requested sheriff services when needed and a P.A. system.

Margy Becker and Lon McClintock are working on a getting a P. A. system.

Karen Mellinger asked how parameters will be set for the sheriff services and will the DRB chair have full discretion to call the sheriff.

Lon McClintock said they could adopt a policy or act informally.

Karen Mellinger said they should be very cautious about having a sheriff at all meetings.

Lon McClintock will discuss the issue with Phylis Porio.

11. Bid Award: Airport Road Paving

Wilk Paving @ 70.38/ton with a total bid of \$280,112.40 and completion date of October 15, 2011.

Pike @ 68.36/ton with a total bid of \$278,293 with a completion date of September 23, 2011.

Whitcomb Construction@68.68/ton with a total bid of \$241,753 with a completion date of September 1, 2011.

Peckham @ 68.95/ton with a total bid of \$268,905 with a completion date of October 15, 2011.

The Board discussed the bids. **Karen Mellinger made the motion to award the bid to Peckham Industries. Bill Pennebaker seconded. Motion carried unanimously.**

12. Sand & Salt Storage for Winter

The Board discussed with Road Foreman Terry Stacy the issue of sand and salt storage. Terry informed the Board that 1800 yards could be stored on the property. The graders would be stored off-site for the winter at Bernstein's for \$100/month. The loader would be under our pole barn.

13. Road Crew Vacant Position

Terry Stacy would like to wait until fall to advertise for the road crew position. Chair McClintock would like to advertise now. The job description will be finalized and sent to Terry Stacy and discussed on August 8th.

14. Location of New Town Garage

The Board discussed the landfill site for the new Town Garage. **Karen Mellinger made the motion to focus developing the site at the landfill. Craig Bruder seconded. Motion carried 4-0.**

15. Tax-Exempt Status of Galusha Property owned by Shaftsbury Historical Society

The Select Board believes the Galusha property meets the criteria for tax exempt status. **Bill Pennebaker made the motion that the Galusha property meets the criteria for tax exempt status. Karen Mellinger seconded. Motion carried unanimously.**
The Chair will meet with the Historical Society and Listers.

16. Town Administrator Report

Karen Mellinger circulated performance evaluations.
Terry Stacy will be following up on sidewalk pock marks.

17. Approval of Minutes

Tabled

18. Approval of Warrants

CHECK WARRANT #W3 IN THE AMOUNT OF \$89,074.35.
Karen Mellinger made the motion to approve check warrant #W3 in the amount of \$89,074.35. Craig Bruder seconded. Motion carried unanimously.

PAYROLL WARRANT PR#2 IN THE AMOUNT OF \$6,039.12.
Karen Mellinger made the motion to approve payroll warrant PR#2 in the amount of \$6,039.12. Craig Bruder seconded. Motion carried unanimously.

RETIREMENT WARRANT #W2R IN THE AMOUNT OF \$31.15.
Craig Bruder made the motion to approve retirement warrant #W2R in the amount of \$31.15. Karen Mellinger seconded. Motion carried unanimously.

PAYROLL WARRANT #PR3 IN THE AMOUNT OF \$5,949.60.

Craig Bruder made the motion to approve payroll warrant PR#3 in the amount of \$5,949.60. Bill Pennebaker seconded. Motion carried unanimously.

PAYROLL WARRANT PR#4 IN THE AMOUNT OF \$8,145.95.

Craig Bruder made the motion to approve payroll warrant PR#4 in the amount of \$8,145.95. Karen Mellinger seconded. Motion carried unanimously.

CHECK WARRANT #W4 IN THE AMOUNT OF \$4,022.83.

Craig Bruder made the motion to approve check warrant #W4 in the amount of \$4,022.83. Karen Mellinger seconded. Motion carried unanimously.

19. Other Business

Karen Mellinger asked if the highway crew could get old Christmas trees on Mattison Farm for the bonfire.

Donations of 15 flag poles in town, CVPS approved them.

The draft of personnel policies will be mailed out from Craig Bruder this week.

Karen Mellinger called State Police regarding closing route 7a for parade on August 20th.

20. Adjournment

Motion to adjourn at 11:05 p.m.

Submitted by
Carol MacLean