

MINUTES OF THE SHAFTSBURY SELECT BOARD
APRIL 24, 2006
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Wynn Metcalfe, Chairman, Karen Mellinger, Jim Mead, Bill Pennebaker, Cinda Morse (arrived 8:15PM)

Others Present: Michael Bidy, Alice Miller (State Representative), Matt Tuthill (Bennington Banner), Gary Burgess, David Mance, Trevor Mance, Mary Anne Maguire, Forrest Snyder, Katherine Keys, Aaron Chrostowsky, Susan Swasta

1. Call Meeting to Order:

Chairman Wynn Metcalfe called the meeting to order at 7:10 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:

April 17, 2006 Minutes:

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

The following changes to the April 17 minutes were requested by Karen Mellinger:

Page 2, Section 8 (Other Business), second paragraph, last sentence changed to:

There was discussion of the fact that the existing door swings the wrong way, and Chairman Metcalfe asked Mr. Chrostowsky to check on the price of putting a window in the door.

Page 3, Section 9 (Transfer Station Agreement), sixth paragraph, first sentence changed to:

Ms. Mellinger asked, regarding section G, why the town should be responsible for costs and liabilities for the recycling center, when it will be under the agreement of the contractor.

Motion to approve amended minutes passed 4-0-0.

3. Warrants:

The following warrants were presented for approval:

- Transfer Warrant – \$ 176,267.50 (fire equipment reimbursement)
- Transfer Warrant – \$ 18,083.50 (sewer feasibility study)
- PR#41 – \$ 5,202.06 Payroll Warrant
- AP#45 – \$ 218,835.53 General Warrant (pumper truck, Blue Cross/Blue Shield, grader repair)

Mr. Mead made motion to pay warrants. Bill Pennebaker seconded. Motion carried 4-0-0.

4. Public Comments:

In reference to the correction to the April 17 minutes regarding the town's responsibility for the recycling center, Gary Burgess stated that if the town owns the land it has liability. Ms. Mellinger replied that she knows this is the case, but that the way the agreement had been written the operator would have been excused from liability. This required correction.

5. Public Hearing for Interim Zoning Bylaw:

Chairman Metcalfe asked for a motion to put back in place the interim zoning bylaw. Ms. Mellinger asked what the time period would be and was told that it would be for one year.

Ms. Mellinger made motion to put back in place the interim zoning bylaw. Mr. Pennebaker seconded. Motion carried 4-0-0.

6. TAM Host Town Agreement:

Chairman Metcalfe stated that Board member Cinda Morse had wanted to have some grammatical corrections made to the Host Town Agreement, and that attorney Rob Woolmington had sent the corrected agreement down at about 6:00PM this evening. TAM attorney Tom Daily has not yet seen the revised agreement, and Chairman Metcalfe asked Trevor Mance if he thought Mr. Daily would have any problems with it.

Mr. Mance replied that he knew Mr. Daily will disagree with the section on dispute resolution, which states that there will be no arbitration. Mr. Daily felt strongly that this should be changed. Mr. Chrostowsky stated that Mr. Woolmington wanted to leave it in. Mr. Mance said that he feels frustrated because he thought this had been worked out, only to find out it has not at 6:00PM on the night he is expected to sign the agreement.

Ms. Mellinger noted that the Host Town Agreement was not on the meeting agenda, and Chairman Metcalfe replied that it does not have to be, that the agenda is a guideline. Ms. Mellinger stated that she would have preferred that it be placed on the agenda so that the public would know. She agreed with Mr. Mance that she would not be comfortable signing an agreement that both attorneys have not approved.

Mr. Mance stated that the current wording on dispute resolution makes it impossible for him to have any concerns looked at; no matter what, the town is right. Chairman Metcalfe said that the two lawyers will have to work it out.

Mr. Pennebaker made reference to a section of the agreement that specifies "Table 4" as a determination of total weight, asking if a change in the report structure would change the meaning of the clause. It was agreed to have the "Table 4" reference removed.

7. Landfill Update:

Chairman Metcalfe asked Mr. Chrostowsky for an update on Buzz Surwilo's comments on the landfill. Mr. Chrostowsky stated that he had spoken to KAS, who has answered all of Mr. Pennebaker's questions regarding the use of a Bentomat liner. KAS also spoke with Mr. Surwilo on these matters. Mr. Chrostowsky said that KAS considers the use of crushed gravel with the liner acceptable, but does not recommend it. Mr. Pennebaker stated that KAS needs to put this in writing. There was discussion of the use of pond fill and material from the Harrington site for the top of the landfill.

Mr. Chrostowsky said that KAS will prepare the Bentomat specifications as an addendum to the bid specifications, and this information will be provided to those contractors who have shown an interest in the landfill closure contract.

Mr. Pennebaker recommended touching base with several engineering firms to find an engineer to oversee the work. According to Mr. Chrostowsky, KAS will approve the technical submission from the contractor before the materials are on site, and the engineer will certify that the contractor installed the landfill cover correctly.

Chairman Metcalfe asked Mr. Chrostowsky to work with KAS in determining what the town expects of the engineer for next week. There was a discussion of the technicalities of installing the Bentomat. David Mance stated that the weather is critical because the material cannot get wet.

8. Discussion on Pay-As-You-Throw (PAYT) Implementation:

Chairman Metcalfe explained that this working session was intended for the Select Board and the Solid Waste Committee to get together to discuss PAYT issues that must be resolved by the Board before putting the transfer station out to bid. Discussion will focus on a list of questions put together by the Solid Waste Committee.

There was discussion of the \$1.50 per (thirty pound) bag charge recommended by the Committee. Each sticker would cost 75 cents, with one sticker for a small bag, two stickers for a large one. Ms. Mellinger explained that this sticker fee represents the

charge needed to break even on the cost of actual waste disposal. If a part-time employee to monitor the facility were to be added, this cost, estimated at \$13,000, would have to be made up. The Committee estimated that each additional penny added to the basic sticker charge would generate another \$1100.

Ms. Mellinger opened discussion of the issue of a reduced fee for low-income residents by stating that the Committee had estimated that if food stamp eligibility were used as criteria, about 150 individuals would qualify, with a total cost impact of about \$13,400. The Committee recommends that, if the Board chooses to offer a reduced fee, eligibility be based on established criteria or determination by a social service officer.

Mr. Mead stated that he thinks a new PAYT system already has many variables and unknowns, and he opposes adding another one by offering a reduced rate at this time. Board members and attendees discussed this issue. Points were made that no other town offers reduced rates, that if fees were raised to make up this amount that other users would be bearing the cost, and that for the whole town to bear the cost it would need to be added to tax revenues. Rep. Alice Miller advocated requiring people to come and ask for help rather than having a provision on place. Trevor Mance stated, referring to his customers, that people who want to help themselves reduce their trash by increasing recycling. To offer a reduced rate would go against the idea of encouraging recycling.

There was discussion of hiring a part time employee, the need to determine hours and tasks for that employee, and the addition of worker's compensation and FICA to employee salary costs. It was pointed out that there will be administrative tasks in addition to distribution of stickers and enforcement of sticker use. Chairman Metcalfe concluded that there was a consensus that a part time employee should be hired.

Ms. Mellinger discussed the issue of increasing the recycling stream by having all plastics taken, which would mean higher tipping fees to the contractor, since some plastics cannot now be recycled. Mr. Mance stated that he has trouble with telling people something is recyclable, and having them invest time and energy in preparing it, only to have it end up as trash. There was discussion of the need for clearer guidance from the state on recycling, since the state wants recycling rates to increase, but this may be unrealistic if in fact many non-recyclables are being included.

There was a discussion of increased recycling revenues versus increased management fee, with Chairman Metcalfe advocating that the town stay away from managing and marketing recycling. Mr. Pennebaker stated that with MRF's (materials recovery facilities) now on the scene, management was simplified and recycling revenues for the town could be a lot of money.

Ms. Morse stated that she is not interested in having the town take over recycling for revenue, but wants to understand potential revenue so that they know what the contractor's management fee should be, based on what he makes from recycling. In her view, the town does not have the volume or storage capacity to take advantage of market swings. There was a discussion of single stream recycling and the need for a contractor to balance quality of commodity with service to the customer. Mr. Mance stated that all of these factors are figured in computing a bid, but that the town will discourage bidders if it makes them reveal specific figures on recycling revenues because that is part of the competition between contractors.

There was a discussion of size and type of stickers. Most thought that numbered stickers, at an additional cost of \$1000, would be a good idea.

Chairman Metcalfe asked if the Board and Committee are sure it makes sense to start out at a low price for stickers that will only cover disposal costs, given that management fees may go up. Mr. Pennebaker stated that it has already been presented as a break-even charge to the community.

Ms. Morse stated that it is necessary to budget responsibly based on estimated volume and costs. She stressed the need for a bottom line; the figure that needs to be covered by PAYT and that will determine what fee is set. Chairman Metcalfe asked Mr. Chrostowsky to put together figures for the hiring of a part time employee. He and Mr. Chrostowsky will get together to put together a PAYT budget for Monday's meeting.

9. Other Business:

Katherine Keys asked Mr. Mance whether it would be possible to add some shelves to the transfer station building so that books, currently kept in a box, would be easier for people to access. He asked her to give him a rough plan and let him know who would maintain the shelves, and it should be fine.

Rep. Miller stated that she is still looking into everything possible to come up with more money from the state to help with

landfill closure.

Mr. Mead made motion to adjourn at 9:20PM. Ms. Morse seconded. Motion carried unanimously.

Respectfully Submitted,

Susan M. Swasta