

**MINUTES OF THE SHAFTSBURY SELECT BOARD  
SEPTEMBER 11, 2006  
COLE HALL  
SHAFTSBURY, VERMONT**

**Board Present:** Wynn Metcalfe, Chairman, Cinda Morse, Bill Pennebaker, Jim Mead, Karen Mellinger  
**Others Present:** Aaron Chrostowsky, (Town Administrator), Susan Swasta (Recording Secretary)

**1. Call Meeting to Order:**

Chairman Wynn Metcalfe called the meeting to order at 7:00 PM. He asked that those present observe a moment of silence in memory of September 11.

**2. Warrants:**

The following warrants were presented for approval:

- PR#10 - \$ 6,251.73 payroll warrant
- AP#15-2 - \$ 675.94

**Jim Mead made motion to pay warrants. Karen Mellinger seconded. Motion carried 5-0-0.**

**3. Minutes:**

August 21, 2006 Minutes:

- **Cinda Morse made motion to approve August 21 minutes. Ms. Mellinger seconded. Motion carried 5-0-0.**

August 28, 2006 Minutes:

- **Ms. Morse made motion to approve August 21 minutes. Ms. Mellinger seconded.**

The following correction to the August 28 minutes was requested:

*Page 1, Section 3 (Minutes):*

There was a technical problem in distributing the August 21 minutes, so approval of minutes was postponed.

**Motion to approve August 28 minutes as amended carried unanimously.**

**4. Public Comments:**

Chairman Metcalfe announced that the meeting this week in Hoosick Falls concerning the proposed landfill has been canceled. He also announced that there will be a meeting at Mt. Anthony High School on Wednesday night concerning consolidation of schools. The Superintendent would like Select Board members to attend if possible.

**5. Landfill Closure Update:**

Mr. Mead reported that three out of four of the landfill methane wells had tested over the LEL (lower explosive level) limit. Aaron Chrostowsky informed Buzz Surwillo of this, but has not yet heard back from him.

Ms. Morse asked if this higher level might be a result of landfill closure activity, and Bill Pennebaker replied that it might be, due to the heavy trucks on the site. Wells should be retested after conditions settle down. Mr. Mead noted that the problem wells are those located to the north of the site. Mr. Pennebaker said that the state needs to advise the town on this matter.

Mr. Mead stated that he is willing to put a methane detector on the Eastman property if it does not involve any electrical work. He does not want to put in an outlet.

Mr. Pennebaker distributed two spreadsheets to Board members containing information on landfill closure. He stated that costs for sand had gone over by a substantial amount because the layers put down were thicker than anticipated. He did not feel justified in switching from the Harringtons' sand to the lower-cost TAM material because the latter may have required screening.

Ms. Mellinger asked if it is possible to hold Reifenberg to the thickness from the project specs, and was told that it is probably not, and that in any case it is safer to have thick layers than thin ones. The sand cost a total of \$117,000, which is about \$42,000 more than expected.

Mr. Pennebaker reported that Reifenberg has asked for an additional \$80,000, claiming that the landfill area covered went over by 29,000 square feet. The area in question is the northwest corner, where Mr. Pennebaker had noted problems which Reifenberg then fixed .

Both Mr. Pennebaker and Mr. Chrostowsky are certain that the amount of overage being claimed is totally erroneous. They showed a map indicating that the area in question includes some of the Eastman property. They will have John Endres do a survey to define the periphery of the cap. This will cost about \$500. Ms. Mellinger asked why the town should pay \$500 for surveying if it is Reifenberg's error. Mr. Pennebaker agreed that this is a legitimate point.

Mr. Pennebaker stated that the topsoil issue still needs to be resolved. Reifenberg is allowing \$15 per cubic yard for topsoil, but it will cost considerably less, resulting in a credit. There was a discussion of the finances of landfill closure, and Mr. Chrostowsky said that he will prepare details of all bills for next week's meeting.

In the meantime, the adjustment for topsoil charges will be pursued, and Reifenberg will be informed that the town is surveying the area in order to address the overage charge. The final bill will not be paid until these issues are resolved, which should cause no problems in meeting payment deadlines.

Mr. Pennebaker reported that he had told Reifenberg that they have to retain some responsibility for the site until grass is growing there -- that they cannot just walk away. He stated that the \$33,000 retainage should not be paid until spring. Chairman Metcalfe said that the contract language concerning the retainage should be checked.

Chairman Metcalfe reported that he, Mr. Pennebaker, and town attorney Rob Woolmington had met with state attorneys in Rutland concerning the fine assessed the town for exceeding landfill tonnage limits. He does not believe the fine will be reduced.

Mr. Pennebaker noted that the project to be funded by the fine must be something that the town would not normally spend money on, and that it must be carried out by an independent organization. The town was given 180 days to define a project and begin working toward it. Chairman Metcalfe also noted that the state attorneys were adamant that landfill recertification be completed by December.

## **6. Pay As You Throw (PAYT) Update:**

Referring to a spreadsheet prepared by Mr. Chrostowsky, Chairman Metcalfe reported that PAYT is on budget. Ms. Morse pointed out that this is so even with much less tonnage. Mr. Pennebaker said that he expects monthly revenue to drop, then level out to a steady state. Ms. Morse asked if the town should consider dropping one of the days that the landfill is open, since activity has decreased. This may be a possibility.

Mr. Chrostowsky stated that he had checked to see if PAYT procedures are being followed, and that all bags he saw were properly stickered. He thinks some of the criticism may be based on the fact that the PAYT employee has been instructed not to help people with their bags, but to keep watch on what is going into the truck.

Ms. Mellinger stated that she had witnessed people dragging obviously heavy bags with only one sticker, that she had seen some bags with no sticker, and that a resident had complained that some cars lacked car stickers. Mr. Chrostowsky said that he had instructed the employee to refuse entrance to anyone without a car sticker. Ms. Mellinger asked Mr. Chrostowsky to continue to keep watch to see that things are done correctly.

## **7. Sidewalks Update:**

Mr. Chrostowsky reported on the timeline he had prepared for the sidewalk project. Stages one through three have been completed, and stage four is in process. He has determined that engineering costs should be \$21,000, and now Chairman Metcalfe will talk to Jim Secor about donating services. If an engineer must be hired, it should go out to bid as soon as possible.

Mr. Chrostowsky has contacted an archeological consultant and expects to hear back this week. Stage five, categorical exclusion, involves sending letters to all the state agencies, and can't be done until plans have been drawn. Ms. Mellinger noted that CVPS sometimes needs to be notified a year in advance if poles need to be relocated. Mr. Chrostowsky said that it should take about two months to get plans. The project would probably go out for construction bid in March.

## **8. Other Business:**

Ms. Morse asked about follow-up on the problem with the Vachon's drainage pipe and was told that Road Foreman Ron Daniels will be going there tomorrow. She reminded the Board that they had agreed to look at the Grange Hall. It was decided to meet there next Monday at 6:30. Chairman Metcalfe asked that people think about specific uses before visiting the property.

Ms. Morse asked about the Town Line Road work in front of the Gulley residence. Chairman Metcalfe replied that it has been taken care of by Mr. Daniels and that everything is documented.

Ms. Mellinger reported that John Tiffany expressed concern that the Select Board has handed over responsibility for approving curb cuts to the Development Review Board (DRB). He believes state statute requires the Select Board to perform this function. Ms. Mellinger stated that she had checked the statute and that it clearly spells out that it must be done by the Select Board or by the Board's designee. This would be the DRB.

Chairman Metcalfe announced that there is an upcoming municipal highway supervisors day. He thinks Mr. Daniels and another highway employee should attend, and Board members agreed.

Ms. Mellinger reported that she had attended an emergency response drill at Lake Paran. It had been quite impressive, and town emergency representative Jerry Mattison is doing a terrific job.

Mr. Chrostowsky said that he had distributed Vermont League of Cities and Towns (VLCT) information to Board members concerning reserve funds. The Select Board may use reserve funds as they see fit, and may call a special town meeting to reallocate funds for something else. He stated that he had attended a Wednesday session on setting water fees, and also a session on capital budgeting.

## **8. Executive Session (Personnel):**

**Ms. Morse made motion to go into Executive Session (Personnel). Mr. Mead seconded. Motion carried 5-0-0. Board went into Executive Session at 8:17 PM.**

**Meeting adjourned at PM.**

Respectfully Submitted,  
**Susan M. Swasta**