

**Town of Shaftsbury
Selectboard Regular Meeting
Monday, May 19, 2014
6:00 PM**

Members Present: Margy Becker, Ken Harrington, Tim Scoggins, Mitch Race, Art Whitman,
Tony Krulikowski
Members Absent: None
Others Present: Katrina Wilson (Integrated Solar), Bill Pennebaker, Mike Foley

6:00 PM Integrated Solar Presentation

Katrina Wilson gave a brief presentation about her company's interest in developing small-scale solar projects (less than 500 KW). Integrated Solar is researching whether the Town has feasible sites. A potential site is the vegetated landfill cap. Integrated Solar is a 'triple bottom line' company, which takes into consideration an 'ecological' balance sheet. She informed the Board that her company's investors would pay the Town to have the project sited on town property. The Town would save on its electrical costs, which amount to approximately \$24,000/year. The degree of savings could be 10 – 18%, according to Ms. Wilson.

Call to Order:

The regular meeting was called to order by the Chair at 6:30PM.

Announcements:

Art Whitman announced the Memorial Day Parade at 9 am on Memorial Day

Conflict of Interest Statement:

Ken Harrington says the Assistant Secretary of State advises that he has no conflict of interest concerning town garage discussions. Tim Scoggins asked that he submit written communications to that effect. He stated that town garage discussions to be held later in the evening were to be general in nature, and that Mr. Harrington would not have to recuse himself at that point.

Approval of Minutes:

Approval of the minutes for May 19, May 13, and May 5 postponed.

Approval of Warrants:

Payroll Warrant PR23 for \$16,863.98.

Motion to approve by Mitch Race/Tony Krulikowski 2nds. The motion carried 5-0-0.

Retirement Warrant PR23R (VMERS) for \$107.09.

Motion to approve by Tony Krulikowski/ Mitch Race 2nds. The motion carried 5-0-0.

Check Warrant #31 for \$31,477.03.

Motion to approve by Mitch Race/Tony Krulikowski 2nds. The motion carried 5-0-0.

Public Comments:

Mike Foley sought more information about the Town Plan hearing process.

Meeting with Glastenbury Agent

Rickey Harrington was not present. Review of the Cooperative Agreement for Municipal Services between Shaftsbury and Glastenbury was postponed.

Selectmen agreed to take Agenda item #10 "Howard Park Security" out-of-order.

Howard Park Security:

Art Whitman presented Walter Merritt's report of vandalism, and repairs and maintenance needs at Howard Park, including - but not limited to - repairs to the entrance gate, field drainage, parking signage, basketball hoops, blown overhead lights (gone for years), playground, buildings and batting cage.

Selectmen Whitman stated the NorShaft Lions want to contribute, but not until the Park is secure. He further noted playground equipment is unsafe.

Margy Becker informed the Selectboard of the grant application being prepared for playground equipment replacement.

Mitch Race made the motion to authorize the Road Crew to remove unsafe playground equipment; Ken Harrington 2nds. The motion carried 5-0-0.

Don Greene Road – 19 V.S.A. Discontinuance Hearing:

Hearing Attendees: Alice Miller, Steve Peckham, Elizabeth Elwell, Terry Stacy, Judy Stratton

Chair Tim Scoggins reconvened the public hearing on the question of whether or not to discontinue Don Greene Road.

Tim Scoggins reviewed VLCT responses to procedural questions as follows:

The warning for the public hearing is sufficient in detailed description of Don Greene Road to allow Selectboard to consider actions to discontinue or reclassify. However, if the Board considers reclassification as a Class IV or legal trail, it is probably better to re-warn the hearing for that purpose.

VLCT confirms that should the Town discontinue Don Greene road, the Town will not be responsible for culvert maintenance. All maintenance becomes responsibility of landowners.

Disposition of Right-of-Way: Title 19 Sec. 771 describes how adjacent landowners take title of the ROW as follows “if it is located between the lands of two different landowners, it shall be returned to the lots to which it originally belonged, if they can be determined; if not, it shall be equally divided between the owners of the lands on each side”.

Elizabeth Elwell stated the deeds to abutting properties differ on descriptions of the right-of-way.

Art Whitman suggested as a practice the Town should not give up rights-of-ways. When the Town put in the highway, it upset the flow of water. The Town should keep the culvert maintained.

Elizabeth Elwell stated again that beavers are a real issue.

The Chair closed the hearing at 7:20PM.

The Selectboard deliberated briefly. Terry Stacy commented the Town has not invested a lot of tax payer dollars in the road.

Mitch Race noted that if the Town downgraded the road to Class IV, the action would alleviate the Town from some maintenance responsibilities.

Art Whitman re-stated his opinion regarding retaining the right-of-way.

Terry Stacy noted the road is a driveway, serving only one house. When the crew plows the road it is very difficult to see the edges, and the road is very narrow. Terry Stacy also reported road crew member Tim Gulley is trapping or shooting beavers every morning.

The Board noted confusion remains regarding the status of the old right-of-way from Don Green Road through and across the lands of others to Simeon Dean Road.

Art Whitman made the motion to not continue Don Greene Road. Mitch Race seconded.

Margy Becker suggested motions should be in affirmative.

Art Whitman made the motion to amend his motion “to discontinue” (strike “not”) Don Greene Road. Mitch Race seconded the amendment. The motion to amend carried 5-0-0.

The Chair read the revised motion “to discontinue Don Greene Road”.

Final Action: “The town of Shaftsbury shall discontinue Don Greened Road.” In favor of the motion 0; Opposed 5; Abstain 0. The motion failed.

Result of action: Don Greene Road remains a class 3 town highway until otherwise reclassified or discontinued. Tim Scoggins will draft the Board's written decision.

Road Foreman Reports:

Terry Stacy reported the road crew has completed grading through roads. The crew is now on Hidden Valley and Timber Trail. Will finish Granger Hollow tomorrow and re-do Myers Road a third time. Terry Stacy reported the crew has done a lot of ditching so far.

The Selectboard commended Terry Stacy for maintenance, noting roads had not been closed during the arduous mud season as in other towns.

Margy Becker noted that proposed tree removal along Holy Smoke Road involved non-monetary compensation to the potential contractor. There is little guidance in the Town's purchasing policies concerning this practice. She questioned whether other contractors would like to be offered the opportunity to sell firewood in return for tree removal.

Tim Scoggins addressed the need to be able to calculate a value for the transaction. Art Whitman noted that there is very little value in firewood, at approximately \$175/cord. It was agreed a value of the avoided cost of monetary compensation could not be calculated until it was known how many trees were to be removed.

It was agreed that Art Whitman and Ken Harrington will set meeting with Holy Smoke landowners to discuss concerns regarding plans for tree removal to allow for road widening and drainage improvements.

Margy Becker noted the Town has received preliminary financing proposals, and the interest rates are competitive. Payments would be in the range as budgeted in the FY15 budget. The merits of having one more tandem truck were briefly discussed.

Art Whitman made the motion to purchase a Tandem plow truck for the scheduled FY2015 highway truck replacement; Mitch Race 2nds. The motion carried 5-0-0.

It was agreed that the road crews' modifications to the John Deere 544E Surplus Forklift needs to be either approved by an engineer or the manufacturer. Margy Becker will pursue with Terry Stacy.

Year-To-Date Budget Review/Cash flow:

Margy Becker provided a brief summary of the budget status report in the Treasurer's absence. 88% or \$1,635,424 of budgeted revenues of \$1,854,628 have been received to-date; 83% of budgeted expenditures have been incurred to-date, leaving an excess of revenues over expenditures of \$313,612.

The Treasurer's cash flow projected for June 30, 2014 includes a beginning balance at May 14, 2014 of \$494,739, plus projected 4th quarter revenues of \$58,055, to result in cash available at June 30 of approximately \$552,794. This cash balance will be reduced by projected expenses of \$250,000, resulting in a projected cash balance of \$302,794 at June 30th.

It was noted Board members had not received the Treasurer's cash flow report and fund balance projections from the Town Administrator. This report will be circulated via email in order to provide Selectmen the opportunity review and question.

Request to Cater – Bennington College

Mitch Race made the motion to approve Bennington College's request for catering license. Tony Krulikowski seconded. The motion carried 5-0-0.

Highway Liaison:

Tim Scoggins announced that he had asked Art Whitman to consider becoming the Selectboard Liaison to the highway department. Art Whitman confirmed his interest in same. The liaison list will be revised accordingly.

Selectboard Goals:

Tim Scoggins summarized Selectboard goals. He asked the Board for thoughts on how to proceed with the Town Garage project.

Tim Scoggins inquired about the Board's thoughts concerning Cole Hall maintenance and repairs. It was agreed that Tim Scoggins will take the lead on arranging a tour of the Dailey building.

Tim Scoggins will take the lead on revisions to the web-site.

Selectboard members agreed to continue to monitor School District discussions concerning District One.

It was further agreed to have the Road Foreman present at meetings for reporting purposes. Art Whitman stated the need for best practices for grader operators. The Town should be proactive about managing impacts of the ash borer.

Town Administrator's Report:

Margy Becker reported she has discovered an old arrangement with the Town and AFLAC for an HRA Plan. Employees have the option to pay 100% of the premium costs for supplemental insurances. The payroll deductions are pre-tax. The Town saves on FICA expense.

She noted that VLCT PACIF would be interested in submitting a proposal for property and casualty insurance coverages.

Other business:

T&M Enterprises, Inc: The Selectboard briefly discussed the merits of proposed solar panel installations on the roof of the T&M building. The Selectboard received a 45-day advanced notice of T&M's plan to file a petition for a Certificate of Public Good before the Public Service Board.

Motion by Tony Krulikowski/Mitch Race 2nd to approve T&M Enterprises' request for waiver of the 45-day prefiling notice with regards to its proposal for a 253k W roof-mounted net metered PV system. Motion carried unanimously 5-0-0.

Mitch Race called attention to Paul McGann's request for uniforms. Tim Scoggins requested the matter to be added to the agenda for the next meeting.

Art Whitman suggested the Board should consider re-adoption of the existing Town Plan (which has just expired). Margy Becker was asked to research the possibility of holding back-to-back public hearings at the Planning Commission level and Selectboard level to re-adopt the expired plan until the new plan is adopted.

Norm Gronning's resignation from the Planning Commission was noted. Two vacancies will be advertised, pending confirmation that Abigail Beck has also resigned.

Action Items:

The Chair summarized meeting action items to include meeting with Landowners on Holy Smoke Road (Art Whitman/Ken Harrington), caution tape to be wrapped around playground equipment, road crew to remove unsafe equipment, devise plan for maintenance and repairs to Howard Park (Board), written decision on Don Greene Road (Tim Scoggins), reconvene garage committee (Tim Scoggins set date), arrange site visit at Dailey's building (Tim Scoggins), devise policy on grader operations (Art Whitman), devise tree removal policies/techniques for ash borer (Board), re-bid insurances and add to agenda for June 16 (Margy Becker), research Town Plan re-adoption procedures (Margy Becker), add Constables request for uniformed to June 2nd agenda.

Adjournment:

Motion to adjourn at 9:15PM by Mitch Race/2nd by Tony Krulikowski. The motion carried unanimously 5-0-0.

Submitted by,
Margy Becker