

**Town of Shaftsbury  
Selectboard Regular Meeting Minutes  
Monday, June 2, 2014**

Members present: Tim Scoggins, Mitch Race, Ken Harrington, Tony Krulikowski, Art Whitman,  
Margy Becker

Others present: Deena Ruege, Helen Olney, Michael Bidy, Paul McGann, Merton Snow  
(Delinquent Tax Collector), Bill Pennebaker, Jay Palmer,  
Terry Stacy (Road Foreman), Michael Foley, Jennifer Schoerke

**1. Call to Order**

Meeting called to order by Tim Scoggins at 6:33 pm.

**2. Conflict of Interest Statements:**

None

**3. Approval of Minutes**

**Minutes May 5<sup>th</sup>** : Tim Scoggins requested that the reference to the new highway hotline be expanded to include “7Shaftsbu7”. **Motion by Mitch Race and 2<sup>nd</sup> by Ken Harrington to approve minutes with changes noted. Motion carried 5-0-0.**

**Minutes May 13<sup>th</sup>** : These town plan hearing minutes will be discussed at the June 16<sup>th</sup> meeting.

**4. Approval of Warrants**

CHECK WARRANT # 32 for the amount of \$9,792.38. **Tim Scoggins motions to approve, Mitch Race 2nd. Motion carried 5-0-0.**

PAYROLL WARRANT #24 for the amount of \$18,242.66 **Tim Scoggins motions to approve, Ken Harrington 2<sup>nd</sup>. Motion carried 5-0-0.**

RETIREMENT WARRANT #PR24R in the amount of \$115.19. **Tim Scoggins motions to approve, Mitch Race 2<sup>nd</sup>. Motion carried 5-0-0.**

**5. Public Comments**

There were no public comments.

**6. Road Foreman Report**

Road Foreman Terry Stacy reported on the status of road repairs. Matters discussed included status of grading and ditch work, the need to complete Twitchell Hill ditching, the upcoming grader operators training sessions. A site visit with Holy Smoke landowners to discuss tree removal plans has been set for June 5<sup>th</sup> at 6PM. Bernstein's will accommodate grader storage over the winter in addition to the excavator.

**7. Paving/Reclaiming – procurement practices**

After some discussions about the purported reluctance of area paving contractors to bid against Peckham for reclamation work, the Selectboard agreed to follow procedures in the town's purchasing policies regarding sole source procurement for upcoming reclamation work to be done on State Park road and White Creek Road.

**Art Whitman made the motion that Peckham will be sole source reclaimer for 2014 paving projects (White Creek Road and the State Park). Ken Harrington 2<sup>nd</sup>; the motion carried 5-0-0.**

**8. Glastenbury Agent – Renewal of Memorandum of Understanding for Municipal Services (Shaftsbury/Glastenbury)**

**Mitch Race made the motion to extend the Shaftsbury/Glastenbury Memorandum of Understanding for Municipal Services by 2 years and through July 1, 2016. Ken Harrington 2<sup>nd</sup>. The motion carried 5-0-0.**

**9. Bennington County Sheriff's Contract Renewal**

This item was postponed until a draft for the contract is received.

**10. Constable—request for uniforms and weapons**

Tim Scoggins noted Constable Paul McGann had submitted a request for uniforms and weapons for around \$2,000. The proposal for uniforms totals \$811.88. The total for nylon belts, holsters, handcuffs, and weapons is estimated to cost \$1,049.80. Badges, patches, jackets, and hats were priced separately from the uniforms and weapons.

Art Whitman stated he wants the Town's insurance company to look at the issue of having Constables as law enforcement officers. Mitch Race and Ken Harrington are in favor of uniforms. Tim Scoggins noted the request for uniforms and weapons reflects an expansion of constable powers. He noted the prior Selectboard did not reach consensus on whether or not to expand constable powers.

Resident Michael Foley stated support for uniforms, agreeing with the need for the Constables to be identifiable.

**Mitch Race made the motion to purchase uniforms for the constables as requested. Ken Harrington 2nd. The motion failed 2-3-0, Mitch Race and Ken Harrington voting for the motion and Tim Scoggins, Art Whitman, and Tony Krulikowski voting against the motion.**

Tim Scoggins announced the June 16 agenda will allow a 30 minute discussion on the roles of constables.

**11. Request to Hire Attorney for Tax Sale – Merton Snow**

**Mitch Race made the motion to authorize the Delinquent Tax Collector to hire an attorney and to begin tax sale proceedings based on responses to letters sent out on May 6, 2014 to delinquent tax payers. Ken Harrington 2nd. The motion carried unanimously 5-0-0.**

**12. Proposed Solar Projects – discussion**

Selectmen discussed the May 19<sup>th</sup> and May 20<sup>th</sup> presentations by solar vendors. The Town is in receipt of a proposed lease agreement and a group net metering agreement from Soveren, Inc. Tim Scoggins said he has talked with school officials, who are understandably cautious about a 20-year commitment.

Tony Krulikowski site visits to area installations. He stated concerns regarding obsolete equipment. Michael Bidy suggested the Town should not accept the first proposal it receives, and that it should research and compare other proposals. He has visited the Brunswick, NY solar installation. In further discussions it was noted that excess electricity may have to be paid for at a higher price. Jennifer Schoerke asked who benefits from solar installations on town land. Tim Scoggins explained taxpayers will benefit indirectly. The Town and School would directly benefit in reduced electricity costs.

The Board consensus is to continue to investigate proposals. Mitch Race, Margy Becker and Tim Scoggins will contact companies.

### **13. Howard Park Repairs and Maintenance**

Art Whitman and Tim Scoggins led discussions regarding the list of repairs needed to Howard Park buildings and facilities. The old playground equipment will be hauled away for metal scrap. Selectmen agreed a new water fountain should be installed. Art Whitman will ask the road crew to perform certain repairs and ditch work.

Deena Ruege stated her research c. 2009 confirmed that the concession stand does belong to the Town. Tennis court surface maintenance was discussed. The Norshaft Lions had performed volunteer work on the courts within the past year. Art Whitman will follow-up with the Lions concerning the possibility of 2014 volunteer work in the Park.

### **14. Conflict of Interest Policy/Action**

Tim Scoggins said he has reread the conflict of interest policy. Tim Scoggins noted there is a perception that Ken Harrington has a conflict of interest with regards to discussions and actions on the location of the proposed Town Garage. Ken Harrington owns property adjacent to proposed garage site at the landfill. The question before the Selectboard is should Ken Harrington be precluded from voting on the location of the town garage.

**Motion by Tim Scoggins that Ken Harrington should excuse himself from matters related to placing a town garage at the transfer station site, due to his ownership of land abutting the site. Mitch Race 2<sup>nd</sup>.**

Ken Harrington stated “This is an infringement of my personal constitutional rights.”

Tim Scoggins noted the Board is only talking about the Selectboard’s conflict of interest policy.

**Art Whitman made the motion to postpone the motion until Ken Harrington hears back from Assistant Secretary of State relative to recusal. Tony Krulikowski 2<sup>nd</sup>. The motion carried 3-2-0. The question is postponed.**

### **15. Selectboard Goals**

Tim Scoggins asked Board members to think about what it wants the Garage Committee to do, when it reconvenes. He then noted that he has followed up with Brian Lent

concerning a tour of the Dailey Building on Rte. 7A. The tour will occur the week of June 9.

**16. Town Administrator's Report:**

Margy Becker announced Clean Harbors will be pumping removing the PCB-tainted oil and tank from the Transfer Station tomorrow. The Town Clerk has consulted the Secretary of State's office and confirmed the Town still needs to appoint a Grand Juror. Insurance bids are due 6:30 PM for the June 16<sup>th</sup> meeting. She will advertise for landfill mowing, paving bids, and also two recording clerks and a town health officer. The Town Clerk has submitted 2014 Unlicensed Dog List. Tim Scoggins's draft decision on Don Greene Road still has to be reviewed.

**17. Other Business:**

Tony Krulikowski announced a big thank you to Joe Hermann for the tour of the water treatment plant and reservoirs.

**18. Executive Session:**

**Art Whitman made the motion to enter Executive Session to discuss a personnel matter at 9:20PM. Ken Harrington 2<sup>nd</sup>. The motion carried 5-0-0.**

The Board exited Executive Session at 9:40PM.

**19. Adjournment:**

**Mitch Race made the motion to adjourn at 9:40 PM. Tony Krulikowski 2<sup>nd</sup>. The motion carried 5-0-0.**

Submitted by,  
Margy Becker