

**Town of Shaftsbury  
Selectboard Meeting  
6:00PM  
Monday, August 4, 2014  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**Members Present: Tim Scoggins, Mitch Race, Art Whitman, Tony Krulikowski, Dave Kiernan**

**Members Absent: Ken Harrington**

**Others Present: Jim McGinnis, Joe Herrmann, Bill Fisk, Terry Stacy, Lexey Covell, Jay Moffitt, Joseph Maguire, Dave Mance, Jared Clawson, Peter Cross, Oliver Durand, Chris Williams, Jennifer McGean**

**6:00PM Water Board**

Meeting called to order by Tim Scoggins at 6:00 pm

1. Meter discrepancy, billed vs received

Water Superintendent Jim McGinnis discusses the discrepancy between what we believe is the amount of water we are using versus what North Bennington is charging us for water. There is a difference of 6,775 gallons of water a day.

Jim McGinnis outlines possible causes for the water loss and states a goal to reduce it to a 10% difference.

Last week, Vermont Rural Water inspected the Old Stanley Tool complex, which has an unmetered system. No leaks were found.

There is no immediate solution. We need to set up a maintenance program to find weaknesses.

Joe Herrmann says that we flushed all the hydrants and the hydrants were not a problem.

Jim McGinnis says that this will be ongoing (finding the problem).

2. Delinquent payments

Jim McGinnis reports that as of July 31, 2014, the amount of late payments for water equals \$26,363.33 This is down from \$31,000 since the last water meeting.

Total billings are \$95,000.

Tim Scoggins notes that this is about 30% of the total amount billed for water.

Jim McGinnis asks the Select Board to put a policy in place for delinquent water payments.

Jim McGinnis discussed with Attorney Kevin O'Toole (who gave a presentation on the subject for the Vermont League of Cities and Towns) the possibility of a policy for late water payments and passed out a written draft policy for water delinquency.

Art Whitman asks if partial payments will be allowed. Joe Herrmann states that he may take a partial payment before the water is shut off.

Art Whitman asks if this is a policy or ordinance. Can we just call this a policy?

Tim Scoggins notes that State says 30 days delinquent is a lien on property. That seems harsh. We agree that we should establish a policy. We will look at O'Toole's presentation.

Jim McGinnis states that we can force a tax sale—even though it is not a tax, but a water lien.

Tim Scoggins states that 30% (over 120 days late) is too much.

Jim McGinnis will communicate with Ken Harrington regarding water matters.

Art Whitman asks if we create a new area where houses are serviced with water, is there sufficient water.

Jim McGinnis says that State will not allow North Bennington to sell water to new customers.

Tim Scoggins thanks Jim for all his information.

### **6:30PM Regular Meeting**

1. Call to Order  
Meeting is called to order at 6:37 pm by Tim Scoggins.
2. Conflict of Interest Statement  
No conflicts of interest.
3. Approval of Minutes  
Tim Scoggins asks to change to July 7 minutes is that presentation from Gene Birch who is connected with Sovereign Solar.  
**Motion:** Tim Scoggins motions to approve the July 7 minutes as amended. Mitch Race  
2nds. 4-0-0.

**Motion:** Art Whitman motions to approve July 14 minutes. Mitch Race 2nds. Tim Scoggins and Tony Krulikowski abstain. Must wait for Ken Harrington to approve.

**Motion fails.**

Changes to July 21 minutes are: Tim Scoggins asks that the specific roads for the snowmobile ordinance are listed and Mitch Race asks that under item 10, it should say “change in the project scope and cost.”

**Motion:** Tim Scoggins motions to approve the July 21 minutes with changes. Art Whitman 2nds. Tony Krulikowski abstains. 3-0-0

4. Approval of Warrants

**Motion:** Tim Scoggins motions to approve check warrant #3 for \$46,121.88. Art Whitman 2nds.

Discussion-Mitch Race questions why there are 4 different chloride bills. Dave Kiernan explains that some bills for chloride were for White Creek and need to be paid. We will get the money back from the grant.

Motion passes. 4-0-0.

**Motion:** Tim Scoggins motions to pay the check warrant for \$128.35 for Retirement. Mitch Race 2nds. 4-0-0.

**Motion:** Tim Scoggins motions to pay Payroll warrant in the amount of \$17,000.62. Motion passes 4-0-0.

5. Announcements

Tim Scoggins announces that he is happy to have Tony (Krulikowski) back. Our thoughts are with Ken (Harrington) who is not here tonight.

Tim Scoggins announces that a new Town Administrator has been hired. Tim acknowledges and thanks Dave Kiernan for hitting the ground running. It has been nine and “we haven’t missed a beat.” Tim thanks outgoing Town Administrator Margy (Becker; who is not present) for making this a smooth transition.

Tim Scoggins and Mitch Race announce that the open house event by the Shaftsbury Historical Society on Sunday was a hit.

6. Public Comments

Jay Moffitt discusses clear-cutting which was mentioned in a discussion about the Town Plan in the last Select Board meeting. In 1997, Act 15 was passed. This process is controlled by the State. He asks the Board to review. Tim Scoggins states that the document being held up was an over cite but it is now cited in the Town Plan.

Jay Moffitt also asks about missing road signs: Shaftsbury Hollow, Granger Hollow... Tim Scoggins states that the signs keep getting stolen. David Kiernan will find out the status of the signs.

Jay Moffitt asks when grader training will happen. Tim Scoggins states that this has not happened yet.

Jay Moffitt asks who is responsible for maintaining culverts. Tim Scoggins says it is the property owner. Jay Moffitt says the house that burned on Shaftsbury Hollow Road has a blocked culvert. A note was made by the Select Board.

7. Road Foreman Update

Terry Stacy states that there is no time to dig new ditches because the existing ones need to be cleaned over and over again this year. The sand on the roads keeps filling the ditches up.

a. White Creek / Bank Paving

The Road Department is still working on this. Art Whitman and Terry Stacy discuss potential problems still at Brownell's. Terry and road crew put block down but the soil does not seem stable. A core sampler may need to come drill and see what is actually there in the ground.

b. Potential Sale of Roadside Mower to North Bennington

This item should read "Potential Sale **from** North Bennington" not "**to** North Bennington."

The Road Dept. is 95% finished with roadside mowing with borrowed mower from North Bennington.

There is too much wrong with mower considered for purchase to buy. We can look at used mowers for sale from other municipals which are reasonable.

Tim Scoggins and Dave Kiernan want to know if it is cost effective to bid out mower.

Terry Stacy says it is about \$105,000 to buy a new mower. But we don't need a new tractor.

Mitch Race states that ongoing maintenance will be needed with a new mower.

Terry Stacy says if we could buy a decent brush hog, the Town could mow the landfill.

8. Treasurer – Financial Reports

Treasurer Bill Fisk presents financial information showing that we currently have a surplus of \$14,000 at the bottom line.

Items under budget include services, fines and forfeitures, administrative expenses, Cole Hall repairs, Town Clerk expenses, Delinquent Tax Collector expenses, listers' expenses, auditing, public safety, public works, and highway construction.

Items slightly over budget include cemetery expenses, accounting and payroll budget, Howard Park. Highway equipment is \$18,000 over budget.

Bill Fisk states that next time there will be stronger numbers in the general fund. A separate capital project fund for White Creek will help the numbers.

Bill Fisk states that he is an advocate of maintaining a reasonable fund balance, but we are going to be borrowing before tax revenues come in.

Tim Scoggins says "I don't think you're an advocate of building up a fund balance to the point where we do not have to borrow."

Bill Fisk notes that it is appropriate to have a reserve of \$250,000, which is a little more than 15% of annual budgeted expenses. It gives us a safety valve. Unfortunately, interest is 1.25%.

9. Glanovsky Property – Assign to Maguire

Joseph Maguire's property abuts the land purchased by Tim Scoggins on the town's behalf at a tax sale because no one else bid. Maguire wishes to purchase the land from the town. By law, the town cannot profit from such a sale but may sell the land for the price paid.

Attorney Kevin O'Toole (not present at meeting) said that if we assign our bid to them and minutes from the meeting are provided, he can assign the land to Joseph Maguire.

Art Whitman asks if Joseph Maguire will pay us arrears in taxes. Also, does he pay 8%.

Tim Scoggins says that Joseph Maguire will pay a fraction each month and also pay Kevin O'Toole for his fees.

Tony Krulikowski asks if it is vacant or is there a building on it. Joseph Maguire answers that there is a building on it now.

**Motion:** Mitch Race motions to assign the Glanovsky Property to Maguire. Tim Scoggins 2nds. 4-0-0.

10. Snowmobile Ordinance

Follow up on last meeting's discussion of a snowmobile ordinance.

Mitch Race states that the snowmobilers should be asked if they are going to be more than five feet from the plowed area.

Tim Scoggins states that he would like to see where they travel. If they are staying 5 feet back, they (the snowmobilers) do not need our blessing.

Art Whitman asks if an ordinance would be for specific roads or if it would be town wide.

Dave Kiernan will look for a town that is similar in landscape and has an ordinance on snowmobiling. It may take time to find an ordinance and adjust it to our needs.

Tim Scoggins states that we believe they are asking for unploved shoulder less than five feet. We will check with them to see if they want to encroach on five feet.

We will warn—do the required notifications—and pass on September 1.

Tim Scoggins spoke to the state police and they suggested road signs to let people know about snowmobiling in the area.

11. Town Plan

a. Planning Commission on VR-2

Chris Williams from the Planning Commission presents the idea of creating VR-2 or a second Village Residential district that surrounds the current Village Residential district and has a lot size of ½ acre.

There is no suitable land in the Village Residential district to build new housing and this new district would afford the Village a chance to grow.

Parcels discussed are currently in the RR4:0 district (1) a parcel on Buck Hill Road, part of the Lear property to the railroad, (2) from the Water Plant to circle around the Howard property to 7A, and (3) Twitchell Hill to the top of the hill.

b. Discussion

Art Whitman asks how much is with anticipation of town water.

Chris Williams states that if no town water is available, zoning stays the same.

Art Whitman asks if Chris Williams was aware that the Water Department stated that North Bennington will not sell us any more water. State will not allow North Bennington to sell us more water.

Chris Williams was told there is enough capacity for 30 more houses.

Mitch Race states that VR-2 is just an option. It does not force anyone to sell or subdivide.

Jared Clawson states that he does agriculture on former Howard property. How does this impact him? Do taxes go up?

Mitch Race says that taxes do not go up. It just gives options if you choose to sell.

Lexey Covell asks what is happening with the country store?

Tim Scoggins states that Evan Galle said they had inquiries, but nothing has been mentioned lately.

Dave Mance states that he agrees with Chris (Williams). But what do we see for the vision of Shaftsbury? Houses are being fixed up in the village. Instead of expanding the district for density, we should concentrate on fixing run-down housing. Buck Hill is a dangerous road. If our vision could be to take what we have and fix it, it's better.

Oliver Durand states we should discourage multi-family housing, but encourage a Homestead-Mews-type development for older people.

Peter Cross agrees with Dave to encourage people to fix up their homes. We haven't had change in Village in 50 years due to lack of sewer system. Property development is limited by lack of sewer.

Tim Scoggins states that we do not have the water, a sewer system, retail business in the Village right now.

Motion: Mitch Race motions to include VR2 in the current draft of the town plan.  
**Motion fails.** 1-3-0.

Tim Scoggins states that if we are not going to change the current version of the town plan, we ought to adopt it.

Motion: Tim Scoggins motions to accept current version (version Town Plan 2014 short 1F) of the Town Plan that the Select Board intends to adopt. The final meeting hearing will be August 25, 2014 (3 weeks from now). Art Whitman 2nds. Motion passes. 4-0-0.

This meeting needs to be separate from the regular Select Board meeting. Meeting to be televised. It will start at 7:00 pm.

12. Town Administrator's Report

David Kiernan states he has received one bid for mowing the landfill cap and that bid is way over. Should we re-bid instead of negotiating with sole bidder?

Parts of the mowing contract have already passed. We could bid to mow once for the season and maintenance. An option is for Terry Stacy to mow with brush hog and fill in the holes. There is a possibility of Terry doing the mowing, but can he fill in the holes?

Art Whitman states that the soil from the cemetery is good topsoil for fill.

If we need to re-bid, we will do it in the Spring.

Abutters for Don Greene Road have been notified through certified mail that there will be no road closure.

We have the financing for the truck. Bids will be reviewed the first week of September. The total is \$160,000.

Art Whitman states that Bill Fisk said if you borrow \$160,000 over 5 years it requires a town vote. Dave Kiernan will check with Bill Fisk.

Dave Kiernan will check with Terry Stacy about Speed Limit signs on Bank Street.

13. Other Business

a. Community Solar-10% >>5% landfill cap issues

Solar company is interested in community Solar Project installation on landfill cap.

They cut the discount from 10% to 5%.

Tim Scoggins worries that something will be done to the landfill cap.

b. State Police Citizen Action Board

Meeting is this Thursday at the Firehouse. Ken Harrington, our liaison, is unable to go. Tim Scoggins will go.

c. Thymes Table event

Thymes Table wants to cater event at Clear Brook Farms on August 23 from 7pm to 10 pm.

Motion: Tim Scoggins motions to approve the event. Art Whitman 2nds. 4-0-0

There is a BCRC meeting on Wednesday night in Arlington.

14. Review of Action Items

- Dave Kiernan and Tim Scoggins will draft snowmobile ordinance
- Tim Scoggins will attend Citizens Advisory Meeting on Thursday
- Art Whitman will speak to Billy Martin about Fountain for Howard Park
- Dave Kiernan will check on truck financing with Bill Fisk, grader training, and tax sale. Also, Dave will check about live feed of meeting with Comcast.
- Art Whitman will find about scale service for the scale struck by lightning at the Transfer Station.

15. Adjournment

Board exits at 8:57 to enter into executive session regarding job evaluation of the road foreman.