

**Town of Shaftsbury  
Selectboard Meeting  
6:30PM  
Monday, November 16, 2015  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**Selectboard Members Present: Tim Scoggins (Chair), Mitch Race, Art Whitman, Tony Krulikowski  
Absent: Ken Harrington  
TA Present: David Kiernan  
Others Present: Ed Corey, Melanie Dexter (Treasurer), Cinda Morse (Cemetery Commission Chair)**

**SUBJECT TO APPROVAL**

**6:30PM Regular Meeting**

**1. Call to Order**

Tim Scoggins (Chair) called the meeting to order at 6:30PM

**2. Conflict of Interest Statement**

NONE

**3. Approval of Minutes**

Motion: Tim Scoggins moved to approve the minutes from the Special Budget Meeting on November 9, 2015. Tony Krulikowski seconded. Mitch Race proposed a correction to Item #12 correcting the word “working” to “wording.” Art Whitman abstained from the vote.  
3-0-1 Motion approved.

Motion: Mitch Race moved to approve the minutes from the Regular Meeting on November 2, 2015.  
Tim Scoggins seconded.  
4-0-0 Motion approved.

**4. Warrants**

Motion: Tim Scoggins moved to approve Warrant #13 \$45,081.23. Mitch Race seconded.  
4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Retirement Warrant #17 \$86.71. Mitch Race seconded.  
4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Payroll Warrant #10 \$16,524.86. Tony Krulikowski seconded  
4-0-0 Motion approved.

**5. Announcements**

Art Whitman announced the Economic Development Meeting originally scheduled for November 19, 2015 at 5:00PM would be moved to 6:00PM on the same date.

Mitch Race reminded the public that nominees would be accepted by the Shaftsbury Historical Society until December 31, 2015.

David Kiernan announced that a vacancy on the Development Review Board would be posted on the Town's website with a request for applicants to submit a letter of interest along with letters of support. It was noted, however, that an alternate on the Board, Michael Day, had already expressed interest in filling the position and that the term would be for a replacement slot good only through April of 2016. Letters of interest would be reviewed at the next Regular Meeting.

Art Whitman concluded the announcements with a note that the Town Christmas tree lighting would be held on November 29, 2015 at 4:00PM at Cole Hall.

## **6. Public Comments**

Ed Corey came before the Selectboard to state that he understands that the Board will be trying for a third time to appeal to the voters to construct a new Town garage. He believes that the reason it has been voted down twice previously is because of the proposed site at the old dump off of North Road. Tim Scoggins inquired where Mr. Corey would like to see the garage constructed. Mr. Corey replied that he knows that the Town currently leases land adjacent to the current garage and suggested that the Town look into leasing with an option to purchase that property.

Art Whitman pointed out that there is a lot of space in the so-called dump area, including the possibility of construction where the current transfer station is located. Mr. Whitman asked if Mr. Corey's objection to the location of the garage was specific to a certain section of the dump or if it included the entire area. Mr. Corey said that he had a concern about contamination throughout the area.

Tim Scoggins said that he felt strongly that the garage operation is an industrial activity and that should be moved away from the Village center (and the school). Mr. Scoggins also stated that the possibility of purchasing the property adjacent to the current garage had been explored and for various reasons, it was not something the Town had wished to move forward with.

## **7. Treasurer's Report – Melanie Dexter**

Melanie Dexter began her report by reporting that the process of collecting taxes had gone smoothly over the past few weeks. Receipts are up slightly from last year but she would have a better picture once she had run the warrant for the Delinquent Tax Collector. Ms. Dexter further reported that the Town was in a "good, steady state" right now. The checking balance for the Town is currently at about \$5 million but the transfer for school taxes has not yet occurred.

## **8. Cemetery Commission Report**

Cinda Morse informed the Selectboard that the Grandview Cemetery Association had approached the Shaftsbury Cemetery Commission about taking over Grandview Cemetery, which lies within the boundaries of the Town of Shaftsbury. The Cemetery Committee has met with the Grandview Cemetery Association and a site visit is scheduled for Tuesday, November 24 at 9:30AM. Ms. Morse indicated that the Cemetery Commission has a lot of questions at this point. Ms. Morse further pointed out that the cemeteries in Shaftsbury are not wholly maintained by perpetual care funds and that money from the general fund is used to cover maintenance expenses. Ms. Morse believes it will take another \$6,000.00 to \$7,000.00 per year to maintain the Grandview Cemetery, on top of the \$14,000.00 that is being budgeted for mowing and landscaping for the Shaftsbury cemeteries.

Ms. Morse contacted the Vermont League of Cities & Towns to ask if the Town is obligated to take over the Grandview Cemetery if the Association elects to dissolve. The attorney at the VLCT issued a memo that essentially stated that because it lies within the boundaries of Shaftsbury, the Town would be obligated to care for it.

Cinda Morse informed the Selectboard that any report issued to the Board would likely reference a start date of July 1, 2016 and if a figure is required for budgeting purposes, the Board should use the \$6,000.00 to \$7,000.00 range for maintenance. Ms. Morse went on to say that Grandview has about \$70,000.00 in a perpetual care fund but she believes that amount is being depleted for current maintenance costs.

Tim Scoggins asked if Grandview still has capacity (for lots). Ms. Morse replied that she believed that there is but that needs to be looked into, along with a multitude of other issues. Ms. Morse noted that the Bylaws and rates for the Grandview Cemetery differ from those governing the Shaftsbury cemeteries. Ms. Morse anticipated gathering information and presenting it to the Selectboard by January for budget purposes. Mr. Kiernan then interjected that the Town would likely use funds from Grandview's perpetual care fund to cover the expenses for FY17 and would work in the additional costs for FY18.

Mitch Race commented that he would prefer to pursue the route of an affirmative transfer rather than go through the process of having the Town take over an abandoned cemetery. Ms. Morse said that if the Selectboard chooses to move forward after review of the information gathered, the Town attorney and that of Grandview Cemetery should be contacted to begin the process of transfer of Deeds and trust funds.

Tony Krulikowski asked how the cemetery originally came to be at its current location and Art Whitman replied that it was connected to the First Baptist Church of North Bennington, which was, at one time, located across the street. Art Whitman also reported that he believed that the interest from the perpetual care fund at Grandview was supposed to care for the lots but finances had been an on-going problem. Cinda Morse said that in her preliminary review of finances, she believes that the sale of lots and burials are simply not covering expenses and she is unsure of the language of the Trust that guides how the perpetual care fund should be used.

Cinda Morse further pointed out that the Shaftsbury Cemetery Commission requires that to purchase a lot in a Shaftsbury cemetery, you must be a resident of the Town. That is not the case for Grandview, however. This would be an example of a policy change needed as a result of the transfer. Cinda Morse did say that lots purchased previous to the transfer would not exclude non-residents from burial there.

Mitch Race asked if the plots have been mapped. Cinda Morse replied that she is not sure how detailed the record-keeping has been over the years or if a survey has been done.

Tim Scoggins asked what the next steps will be. Ms. Morse said that the Shaftsbury Cemetery Commission would perform the site visit and review the records and information provided to report back to the Selectboard. Ms. Morse also proposed that the Grandview Association come before the Selectboard to present their proposal. The Selectboard agreed that they would prefer an orderly transfer of the cemetery.

## **9. Road Foreman Report**

Steve Washburn was not in attendance at the meeting due to illness so David Kiernan provided the Road Foreman report. Mr. Kiernan began by discussing a major "malfunction" on Airport Road over the previous weekend after heavy use by the Peckham trucks and rain turned a portion of the road into mud. Peckham provided grading services and material and the Town will also continue to work on the road until the weather makes it impossible to do so. Mr. Kiernan estimates that the work needed on the road will cost about \$70,000.00 and he is asking the State to consider expediting a grant for improvements in order to begin the needed repairs in early spring.

David Kiernan reported that the sand/stone/salt mound behind the Town garage is almost complete and that he is expecting to come in under the amount budgeted for sand this year. Mr. Kiernan said that he estimated one more day of trucking would be needed. Salt is also being stored at the shed on the Bernstein property.

Art Whitman then lead a discussion about the plowing of the cemeteries in the winter. David Kiernan suggested that paths could be cut with the Town's sidewalk machine. Mr. Whitman said that he believed it was the Town's responsibility to keep the cemeteries accessible in the winter and that he had asked Steve Washburn about running a pick-up with a plow through the main access roads of the cemeteries following a storm and Steve was amenable to this plan. Ken Coonradt agreed to put in rods for guidance along the main pathways. Tim Scoggins reminded the Selectboard and the public that last year, the Town needed to use a buckloader to remove several inches of ice and snowpack when an event was requested to be held at one of the Shaftsbury cemeteries. Mitch Race confirmed that the Town would only be plowing the main roads into the cemeteries and Art Whitman replied that it would be just to pass through and that any expenses related to winter burials would be the responsibility of the family of the deceased.

David Kiernan reported that the road crew is working on some spot grading and winter preparation. Mr. Kiernan also said that he is going to put out requests for proposals for the engineering study for the area on Shaftsbury Hollow Road above Dwyer's Camp. Mr. Kiernan reminded the Selectboard that the Town has received a \$4,000.00 from the State and that the only share to be paid by the Town would be for his administrative work and for Steve Washburn's time meeting with the engineer.

Art Whitman asked about the progress on Holy Smoke Road. David Kiernan said that the Holy Smoke project was bumped due to the problems on Airport Road last week but that it may be difficult to complete now before winter.

## **10. Budget Discussion**

Tim Scoggins moved the proposed FY17 numbers from David Kiernan's budget into a spreadsheet summarizing the figures in anticipation for Town Meeting. Mr. Scoggins' spreadsheet includes figures for the line items to be voted on during the floor vote, as well as an estimate for community appropriations and reserves, which will determine the total tax rate. Mr. Scoggins used figures from the previous year's budget to estimate community appropriations as those will not be available for a few more weeks as the reports come into the Auditor.

David Kiernan made some changes to the proposed FY17 budget, mainly in highway construction and materials, to review with the Selectboard. His first budget had included significant increases in a number of areas, taking advantage of monies available from the reduced crew and from reduced debt payments for road equipment. During this round of discussions, he suggested trimming back those increases.

Changes to the proposed budget are as follows:

- Reduction in the Animal Control Officer wages to remain at FY16 level of \$600.00 (less \$150.00 from original proposal).
- Gravel budget to be reduced be \$7,000.00 (to \$67,500) and chloride by \$7,000.00 (to \$43,000.00). Mr. Kiernan indicated that chloride is still very much needed on the roads but perhaps there could be a more efficient way of using it. Tim Scoggins asked the Selecbord if they agreed with the reduction in the proposed figures and Mitch Race replied that he felt it was prudent and that, as it stands, there is extra material being budgeted and "let's see where the extra gets us."

- Level and sealing decreased by \$1,500.00 as the crew can change the way it's done.
- Rentals were reduced by \$1,000.00. Mr. Kiernan said that he was hesitant to reduce this category mainly because of the use of the vibratory roller and dump trucks. Tim Scoggins suggested that perhaps the Board back off on reducing rentals. David Kiernan said that the proposed reduction would equal two days' use of the roller. Tim Scoggins then suggested that the rentals be left as is.
- The Culvert Budget was reduced to \$2,500.00, as grants can cover a large percentage of the cost and there are funds in the Culvert Reserve.

Tim Scoggins then asked about the \$1,000.00 being budgeted for repairs for the John Deere mower. Art Whitman asked if Steve Washburn had looked into the mower attachment for the excavator from North Bennington yet. David Kiernan said that Mr. Washburn was still looking into it but it was agreed that if the mower attachment works, the Town should look into selling the John Deere.

Art Whitman requested a review of the amount allotted to repairs on the CAT grader, citing that Steve Washburn would be looking into a rebuild of the engine. Currently \$2,000.00 was being budgeted for the CAT grader but Mr. Kiernan pointed out that the total amount proposed for all of the vehicle repairs can be used and the line items are simply a function of accounting.

- Repairs and maintenance for the garage were reduced back down to \$5,000.00 (from the \$10,000.00 proposed for a trailer to be used for an office and break space for the road crew). Mr. Kiernan indicated that this expense may not sit well with the public and hopefully the new garage would ameliorate the problem.

Tim Scoggins looked into a rental of a trailer, 8' x 20' in dimensions. David Kiernan pointed out that once an office area had been set up and equipment was stored, there would not be much space left for a break area. Tim Scoggins replied that he was not thinking that the office would move to the trailer.

The quote on the rental that Mr. Scoggins received was about \$300.00 per month with a \$300.00 delivery fee. Mr. Scoggins was estimating that the trailer would be needed for approximately 18 months, should the new garage be approved and constructed. Mitch Race, David Kiernan and Art Whitman also pointed out that utilities and site work would be needed, creating an additional cost.

Art Whitman asked if OSHA had commented on the conditions in the current garage and David Kiernan said that they had been in the space and did not see a problem. Tim Scoggins said that he believed in treating the crew right and David Kiernan said that he feared this proposal would turn into a negative situation and ~~effect~~ affect the larger goal of constructing a new Town garage. Tim Scoggins said that he would like to revisit the matter in the future if the garage vote goes down and the crew is looking an more years working in the current conditions-

- The Zoning Administrator's wages were reduced back down to \$15,000.00, based on the amount of hours worked, not the hourly rate.

Tim Scoggins inquired about engineering expenses related to the construction of the new garage and if any money needed to be pulled out of the Garage Reserve Fund for those costs. David Kiernan said that he hoped that the entire amount would be pulled for the construction and that \$5,000.00 had already been moved over for work prior to the vote.

- Cole Hall Reserve Fund was reduced \$5,000.00 to \$20,000.00 for painting and capital improvements. David Kiernan did mention the possibility of applying for a grant for improvements but he was unsure of Cole Hall's status as a historic building.
- The paving and culvert reserves were each reduced by \$5,000.00.
- The audit reserve was reduced to \$4,000.00, looking toward performing an audit every three (3) years, as opposed to annually.

Tim Scoggins then returned to his spreadsheet summary and said that his estimate based on the first draft of the budget showed a ¼ of a cent increase in taxes, including the appropriations based on last year's requests.

David Kiernan and Tim Scoggins planned on reviewing the budget again and would discuss the matter again at the first meeting in December. Tim Scoggins pointed out that the budget did not need to be finalized until January and that things may change with community appropriations.

## **11. Revisit of Road Closure Policy**

Tim Scoggins suggested that the Selectboard revisit the Road Closure Policy, based on a recent situation where work needed to be done on Mattison Road. The current policy is overly burdensome and not up-to-date, including sending letters to a multitude of agencies and local media. Tim Scoggins suggested that the road closures be handled by the road crew and the Town Administrator and that the current policy from 2001 be rescinded.

Motion: Tim Scoggins moved to rescind the Road Closure Policy from 2001. Tony Krulikowski seconded.

4-0-0 Motion approved.

David Kiernan will discuss with Judy Stratton how best to memorialize this in the Town Meeting Minutes.

## **12. Town Administrator's Report**

David Kiernan began his report by announcing that a second speed study would need to be done in relation to the sidewalk construction slated for the corner of Route 7A and Church Street. Mr. Kiernan said that he would be able to perform this study by counting the cars at the intersection and using a mathematical formula provided to him by the State.

Mr. Kiernan reported that the auditors would be here during the first week of December. The Town does not have a proper inventory (of property over \$2,500.00) and that task will need to be worked on by various departments. Mr. Kiernan indicated that calculating depreciation may be difficult and informed the Selectboard that an inventory module is available on the NMREC software for around \$1,7000.00 and may be worth purchasing in the future.

David Kiernan informed the Selectboard that a local Cub Scout troop will be visiting the Town to learn about local government.

David Kiernan also presented to the Selectboard a letter of support for the BCRC to conduct a study on the Walloomsac watershed, stating that the Board supports BCRC's application. There were no objections to this letter but this matter was not voted on.

### **13. Other Business**

It was determined that the Selectboard needed a formal vote to form an ad hoc committee in reference to the proposed Cole Hall Renovation Committee.

Motion: Tim Scoggins moved to establish the Cole Hall Renovation Committee with Chris Williams as Chair to renovate the interior of Cole Hall to create a more useful office space, with work to be completed by March 15, 2016 and membership is open to all who are interested. Mitch Race seconded. 4-0-0 Motion approved.

Mitch Race indicated that the BCRC needs to get hauler registration forms out to interested parties. At the moment the only entities known of requiring such forms are Casella and TAM.

### **14. Review of Action Items**

Review of items from the November 2, 2015 meeting:

- A) Holy Smoke Road – delayed because of work on Airport Road.
- B) Formation of ad hoc committee – see above.
- C) Solar proposal on Buck Hill Road – reviewed at the Budget Meeting of November 9, 2015 and the Board agreed to not take a stand on the matter as it is a private plan and there were mixed feelings on the Board regarding the subject. David Kiernan then told the Board that there is a new proposal that he received for land near the entrance to the North Bennington Water Treatment facility.

Review of items from November 16, 2015 meeting:

- A) David Kiernan is to change the notices regarding the Economic Development Meeting on November 19<sup>th</sup> from 5:00PM to 6:00PM.
- B) Meeting with Grandview Cemetery on November 24, 2015 at 9:30AM.
- C) Mower from North Bennington.
- D) Archiving of the road closure policy being rescinded in the Meeting Minutes.

### **15. Adjournment**

Tim Scoggins adjourned the meeting at 8:26PM.