

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM Selectboard  
Monday, March 7, 2016  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**Selectboard Members Present: Mitch Race (Vice Chair), Tony Krulikowski, Art Whitman, Ken Harrington**

**Selectboard Member Absent: Tim Scoggins**

**TA Present: David Kiernan**

**Others Present: Melanie Dexter, Ed Corey**

**1. Call to Order**

Town Administrator David Kiernan called the meeting to order at 6:30PM. Mr. Kiernan noted that this was the first Selectboard Meeting following Town Meeting and that there would need to be an adjustment to tonight's agenda in order to allow for the election of officers and the annual adoption of the Selectboard Rules of Procedure.

**2. Election of Chair and Vice-Chair Selectboard**

Motion: Art Whitman moved to delay the election of new officers until all Selectboard members are present at a meeting. Mr. Whitman further moved to maintain the same officers for tonight's meeting. Ken Harrington seconded.

David Kiernan reported that he did not believe that there was an issue with this motion but that he would need to consult Robert's Rules to confirm. Mr. Kiernan indicated that the Board could adjourn while he checked on the proper procedure or the Board could unanimously agree to maintain the current officers until the next regular meeting on March 21, 2016.

4-0-0 Motion approved.

**3. Adoption of Selectboard Rules of Procedure**

David Kiernan presented the Board with the Rules of Procedure for adoption for the new term. Mr. Kiernan indicated that the only change to the Rules concerned the timing of the posting of the meeting agenda. This posting is to be done the Friday before the meeting, rather than the Wednesday before the meeting.

Motion: Art Whitman moved to adopt the Selectboard Rules of Procedure. Ken Harrington seconded.

4-0-0 Motion approved.

**4. Conflict of Interest Statement**

NONE

**5. Approval of Minutes**

David Kiernan presented the Meeting Minutes, with corrections, from the Regular Meeting on February 15, 2016.

Motion: Mitch Race moved to approve the minutes from the Regular Meeting on February 15, 2016. Ken Harrington seconded.

3-0-1 Motion approved (Art Whitman abstained as he was not present at February 15, 2016 meeting).

**6. Warrants**

Motion: Art Whitman moved to approve Check Warrant #25 in the amount of \$1,297.63. Tony Krulikowski seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Check Warrant #29 \$19,863.74. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Check Warrant #39 \$1,000.00 for the good faith deposit on 510 North Road. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Retirement Warrant #37 \$127.21. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Payroll Warrant in the amount of \$18,618.68. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Check Warrant #26 in the amount of \$31,534.01. Art Whitman seconded.

4-0-0 Motion approved.

**7. Announcements**

NONE

## **8. Public Comments**

Ed Corey came before the Selectboard and read a statement that is incorporated with these Minutes as Exhibit A. Mr. Corey indicated in his statement that he had been in touch with State officials regarding his assertions that the water at the former landfill site is contaminated. Mr. Corey said that he has also asked the State to check the water at the former landfill for “PFOCs” (PFOAs).

Mitch Race asked Mr. Corey is he was aware of any dumping at the former landfill site that the general public is not aware of. Ed Corey replied that Dailey’s was known to dump materials at the former landfill and that “anyone could dump anything” there.

Ken Harrington asked Mr. Corey why he was asking the State to check for PFOAs. Ed Corey said that it was because there are plastics buried in the ground and that the wells had never been tested for this chemical.

Mr. Corey also provided the Board with the contact information of the individuals that he had spoke with from the State Agency of Natural Resources.

## **9. Treasurer’s Report – Melanie Dexter**

Melanie Dexter presented a run-down of the various reserve funds. Ms. Dexter indicated that at one time, there were approximately forty-five (45) separate funds. Ms. Dexter said that a specific reserve fund was often created when a grant was received, rather than be deposited in a fund that related to the activity that the general project fund that the grant would benefit (i.e. Class 2 Roads). Ms. Dexter reported that the current structure of the reserve funds have streamlined the process while providing necessary details.

Ms. Dexter then reviewed the details for the status of the budget as of February 29, 2016, noting that the approximately \$32,000.00 in “stale” reserve funds had been returned to the General Fund. Mitch Race asked about a line item entitled “State per parcel” in the amount of \$1,812.00 reported in the revenue for February. Ms. Dexter replied that this was a payment the State had made to the Listers’ Office for reporting at a rate of \$1.00 per parcel on the Grand List.

Tony Krulikowski asked about the status of the final management letter from the auditors. David Kiernan said that there were four procedural (4) issues that the auditors addressed and that the majority of those issues will be difficult to correct due to a small office staff and some overlap in job duties. The auditors also asked that the Town work to establish an inventory and depreciation schedule for the Town’s assets.

Tony Krulikowski then asked how often an audit should be performed on the Town’s finances. David Kiernan and Melanie Dexter said that the auditors recommended an

annual audit but the current Town policy provides for an audit every three (3) years. Mitch Race asked Ms. Dexter if she recommended an annual audit and she said that she did. David Kiernan said that an annual audit is a wise decision as it allows for accurate tracking of the taxpayer's money and insures that proper accounting procedures are being followed. Ms. Dexter added that the cost of an annual audit would be offset by any major errors that could be avoided as a result of proper oversight. Art Whitman asked how the Selectboard can change the policy to allow for an audit every year and David Kiernan said he would circulate a change in the policy for review at the next meeting.

#### **10. Road Foreman Report**

Steve Washburn was ill and not available to give the Road Crew report. David Kiernan reported that with the mild weather, overtime had not been an issue and the salt and sand were clearly well under-budget. Mr. Kiernan said that the pot holes on the roads were being filled with gravel as a temporary fix until the frost had receded. Mr. Kiernan further reported that the Road Crew was working on cutting brush, replacing road signs and doing general maintenance and did not anticipate much of a "mud season" this year. Ken Harrington asked if the Town would put out signs warning heavy trucks about muddy roads and Mr. Kiernan said that he wasn't aware of any signs but that the Selectboard could ban heavy trucks from certain roadways if they so choose.

Art Whitman added that the Road Crew had been very responsive regarding calls about pot holes.

Ken Harrington then asked about new road applications and changes to the requirements for said roads. Mr. Kiernan said that he was working on a new policy that clearly outlined the limits for grade, ditching and distance between culverts.

#### **11. Property Purchase 510 North Road – Bank Options**

David Kiernan informed the Selectboard that he had believed that this transaction would be further along by the meeting and he would be able to discuss financing. Mr. Kiernan said any discussion regarding the status of the purchase of this property would need to be discussed in Executive Session.

#### **12. Cole Hall Projects**

Mr. Kiernan reminded the Board that the plans for the drop-ceiling and individual offices upstairs were determined to be unfeasible due to cost and the fact that all if the upstairs employees work part-time (making heating and cooling costs an issue during times the offices are unoccupied). Mr. Kiernan said that the plans now are to keep the space open with some restorative work taking place, including some stamping of the tin ceiling, painting, and new window treatments. Mr. Kiernan said that new lights and fans would

also be added, as well as a wall in the balcony area (which will continue to be used for storage). David Kiernan said the downstairs was largely finished but there was a question as to whether or not the entire area was ADA compliant and a wall may be added between the Town Administrator and Treasurer's office space. Mr. Kiernan said that he hoped that the indoor improvements would be finished this fiscal year so that outside painting could begin in FY17,

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

#### **a) Around the Block Sidewalk Project**

David Kiernan reported that the approval of the final plans by the State had been delayed by changes in personnel and duties at the State agency reviewing the plans. Mr. Kiernan said that the project could be put out to bid following State approval. Ken Harrington asked how long the project was expected to take once underway. Mr. Kiernan replied that it would only be a few weeks. Mr. Harrington asked if the project could be scheduled for after the school year concludes and Mr. Kiernan said that the Town cannot make demands on timing as any larger construction company would need to use this project as a filler between larger jobs. Mr. Kiernan went on to say that the lowest bid would be taken for the project and that the vendor would need to be on an approved list by VTrans.

#### **b) State Structures Grant – Shaftsbury Hollow**

David Kiernan informed the Board that he was currently looking into funding for the project on Shaftsbury Hollow Road that will likely result in the sleeving of a culvert. Mr. Kiernan said that he was in contact with the State, BCRC and Better Back Roads but he didn't expect to get as much money for the project as originally anticipated. Mr. Kiernan did point out that there was time to sort out the funding aspect of the project as any serious problems with the roads are not "imminent."

#### **c) State Class 2 Road Grant – Resurfacing – Airport Road and East Road**

David Kiernan presented the State Class 2 Road Grant to the Board, which required three (3) separate approvals:

Motion: Tony Krulikowski moved to approve the Annual Financial Plan for the Town Highways that provides \$82,077.00 for Class 2 Roads and \$76,000.00 for Class 3 Roads in State funds for this year. As a result of this grant, the Town will need to contribute \$31,245.00 to the paving project on East Road and \$10,377.00 for the repairs on Airport Road. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve a statement affirming that the Town spends at least \$300.00 per mile for Road Classes 1, 2, and 3 of Town highways.  
4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve a Certificate of Compliance for Town Road and Bridge Standards. Art Whitman seconded.  
4-0-0 Motion approved.

Mr. Kiernan went on to explain that he was applying for a State highway grant to improve and narrow Airport Road; improvements would include laying fabric, replacing a culvert and adding a French drain. The second grant would assist in the continued paving of East Road heading south toward Bennington.

Mr. Kiernan also highlighted the projects in Paran Acres (chip-sealing) and Harvest Hills (cold mix pavement) coming up this spring, as well as improvements to Murphy Hill Road that are slated to be paid for by Class 3 Road funds and the paving reserve.

Ken Harrington pointed out that the stretch of road on East Road abutting the Bennington border is in need of attention. David Kiernan said that after the funding is approved, the Town can choose the approximate 3,180 feet of road to pave.

#### **14. Other Business**

Ken Harrington told the Board that he would contact the State regarding Mr. Corey's communications about the water quality at the former landfill site. David Kiernan said that he was in regular contact with one of the individuals mentioned by Mr. Corey and has reports on the well testing, the most current being from the fall of 2015. Mr. Kiernan said he would forward that report to the Board members. Mr. Harrington asked what the State has to say about the use of the water at the site and Mr. Kiernan replied that he believed that Chairman Tim Scoggins has a letter from the State but he could not speak to its content. Mr. Kiernan said that the wells would be tested again in the spring, including the so-called "Mattison well", which had been closed off for the last round of testing.

#### **15. Review of Action Items**

Mitch Race indicated that the only action item for the next meeting is to vote on officers.

#### **16. Adjournment**

Mitch Race adjourned the Regular Meeting at 7:31PM.