

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM  
Monday, April 18, 2016  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

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

**TA Present: David Kiernan**

**Others Present: Melanie Dexter, Steve Washburn, Ed Corey, Keith Corey, Arla Sampsell, Cheryl Thompson, Robert Loomis, Ron Jennings, Steve Barden**

**1. Call to Order**

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

**2. Conflict of Interest Statement**

NONE

**3. Announcements**

a. Tim Scoggins announced three (3) current Town Officer Openings:

- i. DRB – Member
- ii. DRB – Alternate
- iii. Planning Commission – Member

Mr. Scoggins invited members of the public to submit letters of interest for these positions to the Town Administrator and noted that letters would be accepted by email.

**4. Public Comments**

Ed Corey came before the Selectboard to discuss the chip sealing of Paran Acres. Mr. Corey stated that he was Chairman of the Road Committee when Paran Acres was being developed and he believed that there was a recommendation to pave the roads in that area in three (3) phases: (1) The roads in Paran Acres; (2) The portion of Paran Road heading toward Shaftsbury; and (3) The portion of Paran Road heading toward North Bennington. Paran Road remains unpaved and Steve Washburn indicated that only about 1,100 feet of the road was recently laid with fabric.

Mr. Corey stated that he believed that the paving of Paran Road should take priority over the chip sealing project in Paran Acres. Tim Scoggins commented that it's always a

question of priorities when it comes to the maintenance of the roads. Mr. Corey then said that he also believed there needed to be work done on Corey Drive, stating that the road had not been redone since the time that Paran Acres was being developed and that the apron that joins the road with Route 67E had not been worked on in about thirty years. Mr. Corey also expressed concern that the sign leading to Corey Drive was not 911-compliant and he also wanted a “no-outlet” sign. David Kiernan replied that he would look into it but that the apron portion of the road may be a State matter as Route 67 is a State-maintained highway.

Ed Corey then asked the Selectboard if the purchase on North Road had gone through. Tim Scoggins replied that the property remains under contract with a property inspection to be performed by April 30<sup>th</sup>, a commitment for financing due by May 15<sup>th</sup> and a closing by May 30<sup>th</sup>. Mr. Corey wanted to confirm that the current residents of the property would be vacating the premises after the Town takes possession and Mr. Scoggins replied that they “definitely” will be leaving. Mr. Corey then stated that the parcel would be ideal for the placement of the Town garage as he believed the water source for the property came from a spring across the road near Dailey (Peckham)-owned land. Mr. Corey urged the Selectboard to look into any water rights granted by the deed. Tim Scoggins replied that there was nothing legal about the water situation at the North Road property and that the water comes from a hose running from across the street which feeds into a cistern. Mr. Scoggins said that this was a “neighbor-to-neighbor” arrangement and that it could not be expected to continue following closing on the property.

## **5. Treasurer’s Report**

Melanie Dexter had circulated a written report for the middle of the month and stated that everything looked to be on track and “all systems are go.” Ms. Dexter then presented the Selectboard with a form from People’s United Bank and asked the Board to approve Abigail Sobolowski as Assistant Treasurer and grant check signing privileges to the bank account(s).

Motion: Mitch Race moved to approve Abigail Sobolowski as Assistant Treasurer and grant signing privileges to Town checks. Art Whitman seconded.

5-0-0 Motion approved.

## **6. Road Foreman Report**

Steve Washburn began his report by stating that the roads are getting better as the rain has stopped and grading can resume. Art Whitman asked if the chloride truck was being prepared and Mr. Washburn replied that it was ready to go. Tim Scoggins asked where the road crew had been grading and Mr. Washburn said that they had been working on Horton Hill, Matteson Road, Paran Road, the upper end of East Road, and West

Mountain Road. Town Line Road was slated for work on Tuesday, April 19<sup>th</sup>. Mitch Race asked about North Road and David Kiernan acknowledged the problems where the pavement portion of the road ends and the low point there creates problems. Ken Harrington suggested running gravel back onto the pavement for a portion of the road and keeping it maintained with chloride.

Ken Harrington raised the issue of a failing retaining wall on Glastenbury Road and reported that it needs to be reset. Mr. Harrington said that a power pole would need to be considered in the replacement of the wall. David Kiernan said that there was an order for blocks to replace the wall.

David Kiernan then brought up the water run-off on Blueberry Hill. Ken Harrington said that he and Steve Washburn had been on Blueberry Hill at a time when they could observe another spring and a possible area to install a culvert that won't disturb private property. Tim Scoggins requested an estimate on the road work required for the project and asked if the culvert would solve the problems with runoff on the road. Ken Harrington replied that it would also take some gravel and grading work as well.

Tim Scoggins asked if Mr. Washburn had reviewed the plan from Summit Engineering on Shaftsbury Hollow Road. Steve Washburn said that the plan made the recommendations that were on everyone's mind. David Kiernan said that the report was the first part of a two-part grant application process.

Mr. Kiernan also pointed out that the report identified a runoff issue coming from Dwyer's Camp Road, a privately-maintained road. Mr. Kiernan went on to say that the private road association will need to deal with the ditching need to solve the problems with the clogged culvert on Shaftsbury Hollow Road.

## **7. Cemetery Committee**

Three (3) members of the Grandview Cemetery Committee, Robert Loomis, Arla Sampsell, and Cheryl Thompson, appeared before the Selectboard. No members of the Shaftsbury Cemetery Committee were in attendance.

Robert Loomis stated that the Grandview Cemetery had been run privately for the last century but the volunteer-based committee has found it cannot continue to operate the cemetery and is seeking to turn it over to the Town of Shaftsbury. Mr. Loomis said that the Grandview Cemetery Association is still in the process of collecting records to turn over to the Town but that an initial meeting with the Shaftsbury Cemetery Committee had identified the work that needs to be done in order to carry out the transfer.

David Kiernan highlighted the issues identified regarding the transfer as follows:

- The Bylaws of the Shaftsbury Cemetery Committee would need to be changed to include residents of North Bennington to be buried in the Grandview Cemetery.
- The fee structure for Grandview Cemetery would need to be reviewed and possibly altered.
- Interim maintenance will need to be performed by the Town of Shaftsbury.

Tim Scoggins asked about remaining lot capacity at Grandview. Art Whitman said that he had attended a recent meeting of the North Bennington Trustees and had asked the Trustees to consider contributing money toward the maintenance of the Grandview Cemetery in exchange for the change in Bylaws to allow North Bennington residents to be buried in a Shaftsbury Town cemetery. Mr. Whitman went on to answer Mr. Scoggins question by stating that there is quite a bit of ledge on the cemetery property but he believed that if the hedgerows on the south side of the cemetery were pushed back, there could be room for 200-300 more lots. Mr. Whitman then cited the need for a survey of the property and asked if the \$68,000.00 that the Association holds for perpetual care could be used for costs related to surveying and/or construction of a new section of the cemetery. David Kiernan replied that this question would need to be run by an attorney.

A brief discussion then followed regarding future contracts for the maintenance of the Grandview Cemetery and whether or not that cost should be rolled into the overall cost for maintaining the Town's existing cemeteries. It was determined that a separate contract for Grandview may be necessary so that North Bennington could appropriate a correct amount of money toward its share of the costs.

Mr. Kiernan said that the main issue for both cemetery committees would be getting data from lot sales and other paperwork for legal review. Art Whitman asked about the water at Grandview and Arla Sampsell said that the North Bennington Water Department always turns it on as a courtesy.

Tim Scoggins asked if the survey Mr. Whitman mentioned earlier would be of the property lines or lots. Robert Loomis said that what's on the ground at the cemetery does not match up with the maps the Association holds so it would need to be a survey of lots as well. Tim Scoggins asked if that was necessary and if the Town of Shaftsbury knows every grave in its current cemeteries. Art Whitman replied that it does.

David Kiernan said that the Shaftsbury Cemetery Committee would next meet during the first week of May and that he hoped to complete the transfer by the end of the year. Arla Sampsell asked if he was referring to the end of the fiscal year (June 30<sup>th</sup>) or calendar year. David Kiernan expressed doubt that the transfer would take place by June 30<sup>th</sup> as he believed the legal work will take a significant amount of time.

## **8. Morton Buildings Representative – New Town Garage**

Steve Barden from Morton Buildings gave the Selectboard a presentation on his company and answered questions regarding the building being considered for the new Town garage. Mr. Barden said that the fact that the Selectboard is interested in a building like Rupert's garage (as constructed by Morton) has made the process on his end easier and that the preliminary plan for a garage is already complete.

Mr. Barden provided a SQE (Statement of Qualifications and Experience) and highlighted the longevity of Motion Buildings and that it is a national company with financial security, fully insured and has a safety plan designed for each specific project approved by OSHA.

Mr. Barden also provided a proposal with an estimated budget for the project based on the Rupert garage but cautioned that the budget would change as accessories were added, the location was determined and the timing of the construction was finalized.

Tim Scoggins pointed out that the Town's purchasing policy requires that purchases over a certain amount require the Town to bid out projects such as this, but wondered if the Town could bypass the bid process since the building the Selectboard would like is nearly identical to the Rupert garage. Mr. Scoggins then inquired if Morton would be able to provide the specifications for the project for a price. Steve Barden replied that while it was not their preferred course of action, Morton would provide the plans and specifications for \$10,000.00. Mr. Barden said that this cost would be rolled into the final total should the Town select Morton as the contractor for the project and that the next stage would involve creating detailed plans for the building, including mechanical and plumbing systems. Mr. Scoggins asked if the \$10,000.00 would be deducted from the total cost of the project if the Town decided to sole-source with Morton. Steve Barden replied that it would not be deducted but only be a down payment on the total cost.

Tony Krulikowski asked what the bid process would look like. David Kiernan said that the Town would advertise for bidders, who would pay for the plan sets, and the Town could have the bids evaluated by professionals (an architect and engineer) if need be.

Art Whitman asked the members of the road crew who were in attendance if they would change anything about the design of the building that they viewed in Rupert. Steve Washburn and Ron Jennings agreed that their only concern was regarding the depth of the building and the ability to fit two trucks in comfortably behind one another and still have room to walk around them, work on the trucks, etc. It was determined that a 60-foot deep building would probably be sufficient if the door to the back portion of the building was placed far enough to the rear. Tim Scoggins indicated that a floor drain would also be needed since the crew would be working on equipment in the garage. Steve Barden

said that a grease trap would also be required if certain bays were being used for mechanical work.

David Kiernan inquired if Morton would need to know about the specific location of the garage or if they would need a civil engineering report for planning purposes. Mr. Barden said that was only needed for special cases (like building into a bank). Tim Scoggins asked if Morton would be able to remove the current buildings from the property and do the excavation of the premises. Mr. Barden said that they can do it all. Mr. Scoggins then asked Mr. Barden if their buildings are mostly sole-source or if they go out to bid. Mr. Barden replied that in Vermont, the projects break down to about 50/50 but in New York State, all projects are put out to bid.

Tim Scoggins said that the Selectboard would review the material provided and would discuss the bidding versus sole-source contracting issue at the next regular meeting.

#### **9. Dailey Building**

David Kiernan announced that he had placed this item on the agenda as a “place holder” and asked if there were any updates on the possible lease or purchase of the Dailey (Peckham Industries) Building for use as the Town Offices. Art Whitman said that the list of proposed requests from the Town had been forwarded to a representative at Peckham but had not heard back yet. Tim Scoggins suggested that Peckham may be waiting to be invited by the Town to meet at Executive Session to begin negotiations.

#### **10. Approval of Minutes**

Motion: Mitch Race moved to approve the Meeting Minutes from March 21, 2016. Tony Krulikowski seconded.

Art Whitman and Mitch Race made minor corrections to the Minutes and the amended Minutes were presented to the Selectboard for approval.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve the Meeting Minutes from April 4, 2016. Tony Krulikowski seconded.

Tim Scoggins, Art Whitman, and Mitch Race made minor corrections to the Minutes and the amended Minutes were presented to the Selectboard for approval.

5-0-0 Motion approved.

## **11. Warrants**

Motion: Mitch Race moved to approve Check Warrant #42 \$9,130.00 made payable to Mance Engineering for the study on Shaftsbury Hollow Road. Ken Harrington seconded.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve Check Warrant #32 \$47,966.54. Ken Harrington seconded.

5-0-0 Motion approved.

David Kiernan reported that due to a malfunction with the payroll service (Pay Data) during the previous pay period, no Payroll Warrant was presented to the Board this meeting. Mr. Kiernan stated that all Town employees were paid three times the correct amount during this pay period and that the Town had just received a final report on tax deductions for this pay period on Monday the 18<sup>th</sup>. Mr. Kiernan reported that the Town is looking to move payroll service in-house and that he would be receiving information on the NEMRC payroll service this week for review. Tim Scoggins and Art Whitman both pointed out that there are tax obligations and filings that need to be kept up with if payroll is moved in-house and David Kiernan said that he would be looking into that with the information received from NEMRC.

## **12. Opening of Chip Sealing Bids – Harvest Hills/Hewitt Drive and Paran Acres**

David Kiernan presented the Selectboard with two (2) bids each for the Paran Acres and Harvest Hills/Hewitt Drive Chip-Sealing projects. Mr. Kiernan suggested that the Selectboard open the bids tonight and could discuss the bids after he had made copies and the Board had reviewed the information.

### **a. Paran Acres**

#### **i. Peckham Industries**

The total bid from Peckham Industries for this project was \$14,772.81.

#### **ii. Gorman Group (Albany, NY)**

The total bid from Gorman Group for this project was \$37,073.00 with an optional fog seal of \$3,854.00.

### **b. Harvest Hills/Hewitt Drive**

i. Peckham Industries

The total bid from Peckham Industries for this project was \$45,000.00, including an optional fog seal.

ii. Gorman Group

The total bid from the Gorman Group for this project was \$107,080.00 with an optional fog seal of \$2,554.00.

**13. Town Administrator's Report**

- a. David Kiernan asked the Selectboard to adopt a meeting schedule for the Town boards and committees as follows:

Selectboard: 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month at 6:30PM

Development Review Board: 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month at 7:00PM

Planning Commission: 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7:00PM

Recreation Committee: 4<sup>th</sup> Friday of each month at 10:00AM

Economic Development Committee: 3<sup>rd</sup> Thursday of each month at 8:00AM

Art Whitman confirmed that meetings were currently on hold for the Economic Development Committee.

Motion: Mitch Race moved to adopt the meeting schedule as outlined above. Tony Krulikowski seconded.

Motion: Mitch Race moved to schedule Economic Development Committee meetings to the 3<sup>rd</sup> Thursday of each month at 5:00PM. The motion died for lack of a second.

Motion: Mitch Race moved to remove the Economic Development Committee from the meeting schedule for the time being. Art Whitman seconded.

5-0-0 Motion approved.

The original Motion regarding the meeting schedule was then revisited, with the Economic Development Committee slot removed.

5-0-0 Motion approved.

**b. Adoption of the IRS Standard Mileage Rates**

Motion: Mitch Race moved to approve the IRS Standard Mileage rate for 2016 of \$0.54/mile for town travel. Art Whitman seconded.

5-0-0 Motion approved.

**c. Certificate of No Appeal/Suit Pending from Listers**

Motion: Mitch Race moved to approve the Certificate of No Appeal/No Suit Pending certified by the Listers. Ken Harrington seconded.

5-0-0 Motion approved.

**d.** David Kiernan brought a letter before the Selectboard from William Robinson, a resident whose mailbox was destroyed during tree removal by the road crew on Trumbull Hill Road. The Town offered to replace the mailbox and put a new one in for Mr. Robinson but Mr. Robinson requested that the Town reimburse him for the mailbox and his time and inconvenience. Mr. Robinson requested \$30 for a new mailbox and \$50 for his time.

Motion: Tony Krulikowski moved to approve the request from William Robinson for \$80.00. Mitch race seconded.

Tim Scoggins said that the Town is happy to replace damaged property and have the road crew install something such as a mailbox when incidents like this happen but the Town is not going to be writing checks to residents for reimbursement.

0-5-0 Motion failed.

**e.** David Kiernan presented a Note to People's United Bank for \$30,000.00 dated April 18, 2016 for the purchase of the North Road property. Art Whitman said that he did not think the Town should borrow the money and pay interest until the Town has clear title to the property. Tim Scoggins agreed that the Selectboard should wait until the closing date.

**14. Other Business**

Tim Scoggins presented a proclamation from Michael Keane, a Bennington Selectboard member and the Chair of Vermont Leadership Board of the American Lung Association to adopt the second week of May as Women's Lung Health Week in Shafstbury.

Motion: Tony Krulikowski moved to adopt the second week of May as Women's Lung Health Week in Shaftsbury. Ken Harrington seconded.

5-0-0 Motion approved.

David Kiernan reported that he would not be in the office Wednesday, Thursday or Friday of this week.

Art Whitman informed the Selectboard that the Town's longest-serving employee, Tim Greene, had experienced a serious house fire in the past week and offered any assistance the Selectboard could provide to him.

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

4/4/2016 Action Items:

- Fix the light in the meeting space – **David Kiernan reported that the ballast was broken and would need to be replaced with an older type of ballast (that's hard to find) or with efficient LED lights but that both options would involve re-wiring and be expensive. Mr. Kiernan said that he would look for alternative sources of illumination until plans for the Town Offices were settled.**
- Art Whitman to follow up on rink parts – **Mr. Whitman said that the rink parts are in the warming shed at the Cleveland Avenue Park. Mr. Whitman said that he had learned that one of the problems with the rink is that the ground is not even and establishing the first layer of ice is difficult. Mr. Kiernan said that he was finding the renovation of the Cleveland Avenue park equipment to be costly and that if some equipment were removed, there may be a better space for the rink.**

During this discussion, Art Whitman said that the Northshaft Lions Club had worked on the sod-laying at the baseball diamond at Howard Park along with the Bennington Little League, A & K Agriservices.

- Art Whitman to speak with Oliver Durand regarding generators in metal shed at landfill – **Art Whitman discovered the following items in the shed:**
  - a. **Two (2) 10k W Army surplus generators (working)**
  - b. **Two (2) 10k W Army surplus generators (non-working)**
  - c. **A push mower (working)**
  - d. **DR brush mower (working but not used at landfill site)**
  - e. **A speed indicator sign (not sure if working)**
  - f. **Platform Scales**
  - g. **Tractor spare tired**

- h. A pump/tank for a highway truck**
- i. Various bottles and cans**

- Mitch Race to look into Uriah Cole history – **Mitch Race found nothing on Uriah Cole in the Shaftsbury Historical Society**

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4/18/2016 Action Items:

- Grandview Cemetery
  - a. Bylaws change to allow North Bennington residents in the cemetery.
  - b. Address the contract for maintenance of Grandview Cemetery and North Bennington allocation.
  - c. Contract for transfer of ownership.
  - d. Legal status of the perpetual care fund, transfer to Town of Shaftsbury.
  - e. Survey of graves for ownership, property lines.
- David Kiernan and Steve Washburn to evaluate bids on roadwork
- Selectboard to study Morton literature
- Thank yous to the volunteers that laid the sod at Howard Park

## **16. Adjournment**

Motion: Mitch Race moved to adjourn at 9:01PM. Ken Harrington seconded.

5-0-0 Motion approved.