

**Town of Shaftsbury
Selectboard Meeting
6:30 PM
Monday, June 20, 2016
Cole Hall, 61 Buck Hill Road, Shaftsbury**

Selectboard Members Present: Tim Scoggins (Chair), Art Whitman, Ken Harrington

Selectboard Member Absent: Tony Krulikowski, Mitch Race

TA Present: David Kiernan

Others Present: Rod Cameron, Joe McGovern, Diane Perry, Matthew Perry, Melanie Dexter, _____Brownell, Steve Washburn

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: Art Whitman moved to approve the Meeting Minutes from June 6, 2016. Ken Harrington seconded.

3-0-0 Motion approved.

4. Warrants

Motion: Art Whitman moved to approve Check Warrant #40 \$96,014.84. Ken Harrington seconded.

3-0-0 Motion approved.

5. Announcements

NONE

6. Public Comments and Speed Limit Change & Signage Elm Street

Tim Scoggins announced that Item #15 on the agenda (Speed Limit Change and Signage on Elm Street) would be moved to this portion of the meeting as there appeared to be members of the public in attendance wishing to discuss the matter with the Board.

David Kiernan said that any change in the speed limit would involve following procedures set by the State and the first item in that sequence involves demonstrating a need for such a change. This will involve a car count, clocking speed at staggered times of day. The nature of the road must be taken into account in determining speed limit (curves, condition, etc.). An appeal will be made to the State and an ordinance will need to be passed by the Town. Mr. Kiernan said that this process will take some time.

Rod Cameron was the first resident to come before the Board to speak in favor of lowering the speed limit on Elm Street. Mr. Cameron said that there is quite a bit of pedestrian traffic in the area and he fears for an accident involving excessive speeding. Mr. Cameron noted that the road signs have been taken down and David Kiernan said that the signs were positioned incorrectly and will be replaced to more accurately reflect road conditions. Mr. Cameron expressed concern for a tree blocking the road visibility and Mr. Kiernan said that would be explored after the signs have been replaced. Mr. Cameron said that he also hoped for a greater law enforcement presence in the area.

Tim Scoggins confirmed with David Kiernan that the State requires a speed study prior to the Town changing the speed limit on a road. Mr. Kiernan said that a need for a change must be demonstrated and that the speed limit should be consistent on roadways.

Mr. Kiernan asked Mr. Cameron what time of day he noticed the speed increase. Mr. Cameron said that it was between 6:00PM and 7:00PM at night. Art Whitman asked Joe McGovern, another resident of Elm Street, if he noticed increased traffic speed between 5:30AM and 7:00AM and he said that he did. It was agreed that the beginning and end of the traditional work day showed increase speeds.

Mr. Kiernan also pointed out that perceived speed can be lower than actual speed so the speed study was important. Mr. Cameron asked what would happen if the residents demanded a 25 MPH speed limit. Mr. Kiernan said that a process would need to be followed no matter what.

Joe McGovern then presented a petition signed by the residents of Elm Street in support of a 25 MPH speed limit on the road. Mr. McGovern said that several cars have gone off the road near Marilyn Kenyon's house. Mr. McGovern also indicated that the change from a pavement surface near Harvest Hills to the dirt surface of Elm created a problem. Mr. McGovern also pointed out that the posted speed limit on Elm Street is actually higher than on White Creek Road (a State highway).

Diane Perry, another resident of Elm Street, appeared before the Board to say that she supported a reduced speed and that as mother, she is very concerned about the speed on the road, particularly when her children are dropped off by the bus at the intersection of Dunham and Elm.

Matthew Perry also came before the Board to ask if White Creek Road is classified differently from Elm Street. David Kiernan replied that they are both Class 3 Roads. Mr. Perry asked if the fact that there are approximately nine (9) children on Elm Street would weigh on the decision to lower the speed limit and Mr. Kiernan said that the findings would be based on the speed study and that is where the process begins. Mr. Kiernan said that he would begin the study immediately.

Tim Scoggins said that after the speed study, the Town will ask the Sheriff to patrol the road on a more frequent basis.

7. Treasurer's Report

Melanie Dexter presented a mid-month report stating that with revenue a bit ahead and expenditures low, the Town will be sending money to the General Fund this year (probably in August, after the close of the fiscal year has been completely reconciled).

David Kiernan said that the Town's financial position is "extremely strong".

Ms. Dexter said that she will be putting together paperwork for a Line of Credit that is applied for each year, but that this year it will be pushed off another month. Ms. Dexter said that preparations are already being made for next year's external audit.

8. Brownell Salvage Yard – Certificate of Approval – renewal

David Kiernan asked for this item to be moved in the agenda to accommodate Mr. Brownell. Mr. Brownell had submitted a Certificate of Approval to the Board for the operation of his salvage yard. David Kiernan said that there are items that will need review, including a section on water testing. Mr. Brownell said that this is done once a year but that he could not obtain details from Paul Miller (a hydrogeologist) because he is out of town.

Mr. Kiernan said that there was no requirement for a formal hearing as this was an application for renewal but the Town did need to make sure that all policies were being followed under the current Certificate. Mr. Brownell stated that no crushing of cars is done on the premises anymore and only sales of parts are taking place at the Salvage Yard. Mr. Kiernan stated again that the main portion of concern to the Town is that environmental conditions are being maintained, including site maintenance of the fence and shrubbery.

Mr. Brownell invited the Board to the property to inspect the premises and David Kiernan said that a committee should go and assess the site. Mr. Kiernan also pointed out that a condition of a previous stipulation with the Town states that all vehicles for sale be

located inside the fence. Mr. Brownell said that this was not done and would hinder his advertisement of the vehicles. Mr. Kiernan proposed a change to the language in the stipulation so that Mr. Brownell could continue his operation as a used car dealer. Mr. Whitman confirmed that Mr. Brownell is a licensed used car dealer and that this seemed to be in conflict with the stipulation. Mr. Kiernan said that auto sales on the premises have taken place since 1939 and that he would run proposed changes by the Town's attorney before altering the stipulation.

Tim Scoggins asked Art Whitman and Ken Harrington to join David Kiernan to inspect the Salvage Yard to make sure all other conditions are being met to renew the Certificate of Approval for the license.

9. Road Foreman Report

David Kiernan reported that Stave Washburn was on vacation. Art Whitman said that he is getting quite a few comments about the dust coming off of Cold Spring Road and that one of the houses has some children with breathing problems, exacerbated by larger farm vehicles traveling from the Fuller Farm on the roadway. David Kiernan said that he would look into it.

10. Proposed New Town Highway Garage

Tim Scoggins reported that the Garage Committee met and traveled to Rupert to look at their garage. Art Whitman said that the basic building is what Shaftsbury wants but the biggest difference is that Rupert does not have wash or repair bays, and that the Town may have to ask for a variance regarding codes from Morton's engineering consults related to those features. Mr. Whitman also said that the Town would like to put a back exit on the building to ensure that doors are no more than 75' apart. Rupert also pitched the floor of the garage from front to back for drainage and Shaftsbury cannot do that with a repair bay in the design. Mr. Whitman also highlighted the need for a separation system for waste oil. David Kiernan said that MSK Engineering would need to assist in the planning of the disposal of wastewater. Art Whitman said that the ventilation system would need to be designed differently for repairs and to provide adequate circulation.

Mr. Whitman pointed out a storage area over the offices that would need to be moved and that Rupert found their break room to be too small. Mr. Kiernan said that the electrical and mechanical rooms for Shaftsbury would be smaller. Art Whitman also reported that forced air would be used in the offices and that radiant heat would be utilized in the main garage.

Art Whitman said that the process in Rupert took five (5) years and that one of the Town employees took over as "Clerk of the Works" supervising individual contractors, who all billed separately. Mr. Whitman said that if Morton oversees general construction, there

will be a mark-up of 20% for their services. Art Whitman said that the Rupert building was built for \$550,000.00, using their own Clerk. Ken Harrington pointed out that Morton offers a guarantee for the entire construction and Mr. Kiernan said that Morton would look for local contractors.

Ken Harrington then stated that the garage doors should be oriented to the east side of the building, and not the north side, in order to prevent snow and ice build-up. David Kiernan said that this matter will be discussed with MSK Engineering and the other parties involved in order to come up with an effective design.

Tim Scoggins announced that the Zoning Bylaws have been reviewed concerning transfer stations and the bylaws have requirements concerning setbacks for the transfer station. The initial idea proposed by Jason Dolmestch from MSK for the site had the transfer station close to the entrance to North Road but the requirements states that the station be 175' from the road and 600' from a residential zone and 50' from another industrial zone.

Art Whitman pointed out that there is a difference between TAM's transfer station and the containers used by the public at the Town-owned property. David Kiernan said that all of this information will be reviewed by MSK as part of their site-work. Ken Harrington asked if the Town should apply for a variance and Tim Scoggins said that the DRB stated that the Town did not have to go through that application. Tim Scoggins also said that if obeying the Town bylaws would help in the political fight to get the garage built, that perhaps the placement of the transfer station close to the road was not worth it.

11. Glastenbury Renewal of Memorandum of Understanding

Tim Scoggins asked David Kiernan if he had a document for the Board to sign regarding this item and Mr. Kiernan presented a document that readopts the Memorandum of Understanding originally in effect since 2011. Mr. Kiernan said that nothing had been changed except for the addition of allowing Glastenbury residents to utilize hazardous waste day in Shaftsbury.

Motion: Art Whitman moved to accept the Memorandum of Understanding for the Use of Municipal Services between the Town of Shaftsbury and the Unorganized Town fo Glastenbury. Ken Harrington seconded.

3-0-0 Motion approved.

12. Cleveland Park – Howard Park Safety Inspection/Insurance/Risk Management

This item was not discussed (the report had not yet been received by David Kiernan from the insurance company).

13. Town Insurance Renewals (Non-Medical)

David Kiernan reported that some items on the Town's insurance were still be adjusted and there were no documents were signed.

14. Dog License List – License Enforcement

David Kiernan announced that there are currently 107 unlicensed dogs known to be in Town. Mr. Kiernan said that he now needed to ask the Board to sign an order to allow the Town constables to “go forth and impound all dogs and wolf hybrids that should be licensed”. Mr. Kiernan asked for the Board's permission to start making phone calls to get people into the Town Office to license their dogs and noted that every year the delinquent list gets longer every year. Art Whitman asked if this had been done last year and Mr. Kiernan said that it has not been done for the past two (2) years and that the Board agreed to reduce the licensing fees in hopes of getting more people to come in and register their animals.

Mr. Whitman then asked if the constables are charged with enforcing the licenses if they will be paid their hourly rate (\$10/hour) or if they will get a portion of the license fees. Mr. Kiernan said that they would charge by the hour and would likely use up their budget. Tim Scoggins said that his recollection was that the previous year, the constables declined to call residents and the Zoning Administrator made calls on behalf of the Town. Mr. Kiernan said that this was “totally ineffective” and that unless the Board works harder to enforce the license requirements, there are people who will not license their dogs.

David Kiernan suggested that the Board wait to move on this item until next meeting and in the meantime, the constables could be engaged in a discussion about how to proceed. Tim Scoggins said that the Town would need to budget some money to deal with this. Ken Harrington asked if these were all dogs that had been licensed in the past and David Kiernan said that these were only the dogs the Town knows about. Mr. Kiernan said that some towns do go door-to-door looking for dogs. Tim Scoggins then pointed out that the reason the Town requires a license is for health reasons, to ensure the dogs are vaccinated for rabies. Art Whitman said that it may be beneficial to have licenses available at rabies clinics at the feed store when residents bring their animals in for shots. Mr. Kiernan said that the Town offers a clinic and licenses every February.

It was agreed that the Board would await a response from the Town constables on their willingness to enforce the dog license requirements.

15. Award All Fuels Bid

David Kiernan compiled the bids and circulated the summary of the bids to the Board. Mr Scoggins asked if the Board was ready to award a bid. Art Whitman said that while he knew it may be hard to budget, he liked the idea of going with a flat base rate of \$0.30-\$0.35/gallon over Albany. Mr. Scoggins said that he agreed and that Bove was competitive with the other figures received and that he was inclined to award all three (3) bids to them.

Motion: Art Whitman moved to award Bove the heating oil contract at \$0.30/gallon over Albany, diesel fuel at \$0.35/gallon over Albany and propane at \$0.35/gallon over Selkirk. Ken Harrington seconded.

3-0-0 Motion approved.

16. Abandoned Cemetery Take Over – Shaftsbury Hollow

David Kiernan let the Board know that he will start the mandatory statutory process to take over the Shaftsbury Hollow Cemetery. Mr. Kiernan said that the target date to take over will October 1st of this year but that money will not be available for maintenance until the FY18 budget. Mr. Kiernan also pointed out that any visitors to the cemetery will need to apply with the Administrator's office for access.

17. Sheriff Proposed Amendment to Contract

Mr. Kiernan received an email from the Bennington County Sheriff after the Town reduced its hours, offering a flat fee of \$8.00/hour instead of \$0.50/mile. Mr. Kiernan suggested that the Town take the flat fee but questioned if the mileage was being paid for the trip from the Sheriff's Department to Shaftsbury.

Motion: Art Whitman moved to accept the \$8.00/hour flat fee for mileage instead of \$0.50/mile but to keep the reduced hours the same. Ken Harrington seconded.

3-0-0 Motion approved.

18. Town Administrator's Report

David Kiernan reported that the Listers are requesting an additional thirty (30) day extension to finalize the 2016 Grand List in order to complete inspection of properties.

Motion: Art Whitman moved to accept the Listers request for a thirty (30) day extension to file the 2016 Grand List. Ken Harrington seconded.

3-0-0 Motion approved.

David Kiernan then presented the 2017 Tax Map Maintenance Proposal from CAI Technologies to extend the work the company does for the Listers.

Motion: Art Whitman moved to renew the \$1,800.00 annual contract with CAI Technologies for the Grand List map maintenance. Ken Harrington seconded.

3-0-0 Motion approved.

David Kiernan informed the Board that the Town was turned down for the grant to do the work on Shaftsbury Hollow Road, but that he would look into alternatives after the town budget had been reconciled for this fiscal year. Tim Scoggins asked if the reconciliation takes place in August if there would still be time to do work. Mr. Kiernan said that he believed it would.

Ken Harrington asked about the progress on the Route 7A/Church Street sidewalk and David Kiernan said that the final bid documents were still being reviewed in Montpelier. Mr. Kiernan said that the actual work wouldn't take much time but that there was a lot of paperwork involved.

David Kiernan presented a contract from Sullivan & Powers for \$14,900.00 for the annual audit.

Motion: Art Whitman moved to accept Sullivan & Powers' proposal for financial audit. Ken Harrington seconded.

3-0-0 Motion approved.

David Kiernan then discussed a proposal from KAS to test a well at the former landfill for PFOAs for \$2,629.00. Mr. Kiernan said that if anything is discovered, the State will get involved for remediation. Mr. Whitman asked that this was only for a Town-owned well. Mr. Kiernan confirmed.

Motion: Art Whitman moved to accept KAS' plan to test for PFOA at the former landfill. Ken Harrington seconded.

3-0-0 Motion approved.

19. Other Business

NONE

20. Review of Action Items

Tim Scoggins reviewed items from the 5/2/16 meeting:

- David Kiernan to prepare a long-term budget for park improvements – **Mr. Kiernan said that he will not be doing this until the results of the insurance audit of the parks come back**
- Road crew to remove the playground equipment ASAP - **completed**
- David Kiernan to contact Steve Bardin regarding Morton specs – **completed**
- David Kiernan to discuss North Road site plan with MSK Engineering – **Completed**

5/16/16 Action Items:

- Selectboard to study new Water Board Regulations for June 6th meeting – **on hold**
- Special Meeting on May 31, 2016 to sign warrants and review site plan - **completed**
- Move grader fund to equipment fund in March 2017 - **pending**
- Garage Building Committee – **Art Whitman, Ken Harrington, Steve Washburn, Ron Jennings, David Kiernan - completed**

6/6/16 Action Items:

- Notify MSK of intent to proceed - **completed**
- Notify bidders on East Road regarding Beaudoin award – **David Kiernan informed Beaudoin that the Town is waiting on State money for the project**
- Compile fuel bids - **completed**
- David to begin process of taking over Shaftsbury Hollow Cemetery – **in process**

6/20/16 Action Items

- Start process of changing speed limit on Elm Street – David will do speed study and contact Sheriff for increased patrol

Art Whitman asked if the Town was looking to change the speed limit on Lamb Road and Elm Street. David Kiernan said that State was already looking at a car count on Lamb Road and he requested that the study be extended down to Dunham Road to see how many cars are using that route as a commuter corridor. Mr. Whitman suggested that maybe it should be looked in its entirety. David Kiernan said that maybe it should be 25 MPH all the way from Elm through Lamb (from 67W to 67E).

- Contact Town attorney regarding Brownell stipulation language (David)
- Visit Brownell site (Art, Ken, David)
- Look at Cold Spring Road (Steve Washburn)
- Contact Brian Lent at Dailey's regarding building (Art)

21. Adjournment

Motion: Art Whitman moved to adjourn at 8:20PM. Ken Harrington seconded.

3-0-0 Motion approved.