

**Town of Shaftsbury
Selectboard Meeting
6:30 PM
Monday, August 1, 2016
Cole Hall, 61 Buck Hill Road, Shaftsbury
*DRAFT***

Selectboard Members Present: Mitch Race, Tony Krulikowski, Art Whitman, Ken Harrington

Selectboard Members Absent: Tim Scoggins

TA Present: David Kiernan

Others Present: Alice Miller,

1. Call to Order

Mitch Race called the meeting to order at 6:31PM.

2. Conflict of Interest Statement

NONE

3. Approval of Minutes

Delayed until next regular meeting due to changes to the July 18, 2016 minutes and a lack of quorum for the July 25, 2016 meeting.

4. Warrants

Motion: Tony Krulikowski moved to approve Check Warrant #3 \$114,066.24. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Retirement Warrant #1 \$114.17. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Retirement Warrant #2 \$127.34. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Payroll Warrant #2 \$19,843.98. Art Whitman seconded.

4-0-0 Motion approved.

5. Announcements

NONE

6. Public Comments

State Representative Alice Miller came before the Board and reported that she had delivered a message from the Shaftsbury Selectboard to U.S. Senator Patrick Leahy and State Senators Dick Sears and Brian Campion that day and would be mailing a letter to Governor Shumlin. Rep. Miller reported that she had received a recent communication from Governor Shumlin and she would forward that letter to the Board.

Art Whitman asked David Kiernan to summarize the letter the Board sent to the various officials. Mitch Race read from the letter addressed to Alyssa Schuren, Commissioner of the Department of Conservation. The letter asked Ms. Schuren to reconsider the designation of the Town of Shaftsbury as the responsible party for the PFOA contamination at the site of the closed landfill. The letter went on to state that the Town had although the Town was cooperating with the State to provide bottled water and well testing for residents, it was not admitting culpability for the pollution at the former landfill. The letter also expressed concern for the cost of clean-up of the PFOA, particularly when the Town followed all State regulations regarding landfills. The letter concluded by asking for financial assistance in remedying the problem. The letter is attached to these Minutes in its complete form for public record.

A Rollin Road resident asked if the Town knows who or what is responsible for the PFOA contamination. Mitch Race replied that it could simply be from waste being deposited at the landfill as many products included PFOAs in manufacturing. Mr. Race also pointed out that the State of Vermont has a very low threshold in terms of acceptable levels of PFOA allowed in water compared to other State and federal standards (20 parts per trillion). The resident asked for the levels found in the wells near the former landfill and the Board reported that one well was shown to have 22 ppt and another 25 ppt. Art Whitman pointed out that these were also monitoring wells and that the Town does not yet know what levels would be found in deeper wells for drinking. Mitch Race said that 26 wells within a quarter mile radius would be tested and results would be back in a couple of weeks.

Another resident asked who mandated the test of the wells. David Kiernan reported that the State asked the Town to test the monitoring wells at the landfill due to the proximity of Shaftsbury to the sites in Bennington where PFOA was found. Ken Harrington pointed out that Shaftsbury is the only town where PFOA has been found that did not have a

company that manufacturing products with PFOA within its borders. David Kiernan said that the Town of Shaftsbury is the only municipality that is currently being held responsible for the cost of testing and possible remediation. The resident asked if the Town had access to the information on testing in nearby North Bennington and David Kiernan replied that those results were public information.

Alice Miller said that the State of Vermont has more stringent standards because it takes public health and safety seriously and that infants have higher water content in their bodies than those over age 1. Tony Krulikowski clarified that PFOAs were only recently classified as toxic and that there were no standards regarding the dumping of products containing PFOAs at the time they were likely deposited in the landfill. Alice Miller agreed and said that on her time on the Selectboard, PFOAs were never mentioned and that holding the Town accountable for their presence did not seem fair. Representative Miller said that she hoped the letter the Board had sent would persuade the State to recognize the economic burden this may place on a small municipality but the matter needed to be handled civilly and diplomatically.

Art Whitman said that he wanted to make clear that he believed that the State representatives for Shaftsbury needed to “be at the table” where this is discussed as this is an unprecedented situation and Shaftsbury needs to take the lead on how to handle this matter. The Board agreed that this was the “tip of the iceberg” in terms of identifying and solving the problem of contaminants in landfills.

7. Treasurer’s Report

Melanie Dexter presented a cash flow report and reported the Town was still in good shape and she had not had to draw from the Town’s line of credit. Ms. Dexter reported that the State Prebates for real estate taxes had come in and the deposit was larger than last year’s figure. Ms. Dexter also pointed out that some State highway funds had also come in recently.

Ms. Dexter went on to explain that revenue was about the same as last year but expenditures were ahead because of the timing of some insurance and lease payments. Ms. Dexter also reported that the collection of delinquent taxes is steady and that she will be getting tax bills out as soon as she has the final Grand List. The final budget figures for the end of the year should be finalized soon.

8. Road Foreman Report

David Kiernan delivered the Road report as the milling machine doing work on East Road broke down and Steve Washburn was working to catch up.

a. East Road

Milling was expected to be completed by day's end and paving to begin next week.

b. Harvest Hills – Hewitt Drive

Profiling completed, sides cleaned, culverts put in. Cold asphalt and chip sealing will be done in a day's time at the end of next week with no expected road closures.

Mr. Kiernan noted that recent rain had created ruts on some of the back roads and said that repairs would be done following the completion of the work on East Road and Harvest Hills/Hewitt Drive. An injury sidelined the seasonal employee that was scheduled to grade while the major projects were in progress.

A resident addressed the Board and said that every time it rained, Rollin Road turned to washboard and asked if the conditions could be improved to avoid constant maintenance. Mr. Kiernan said that it was part of routine maintenance and that speeding on dirt roads contributed to the breakdown of the gravel. Art Whitman pointed out that the Town is trying to use better quality material on the roads and Mr. Kiernan said that the Town is working to use more chloride to cut down on dust.

David Kiernan pointed out that the current materials budget is about \$100,000.00 for the roads. The resident asked about the ditching on the Rollin Road and Art Whitman said that it was to keep water off the road. Mr. Kiernan said that the Town was aiming to get on a routine schedule of ditching maintenance to keep the roads in good condition. The resident then stated that he had spoken with a neighbor who is familiar with road materials and he complains frequently about the quality of material used on the road. David Kiernan said that he agreed that some materials used in the past were substandard and that the Town is looking to improve the quality of gravel used.

The female resident then asked if Town Hall would be remaining at Cole Hall and Art Whitman said the Town was in continued talks about utilizing the Dailey building.

9. PFOA – Landfill Update

This matter was addressed during the Public Comments portion of the meeting.

10. Howard Park and Cleveland Park Playground Re-Builds

David Kiernan reported that due to the discovery of the PFOAs at the former landfill, this matter had been put on hold, but that he expected the wood fiber material to be put down at Cleveland Park and the playground equipment at Howard Park to be taken down to be stored by the end of the summer.

11. Proposed Town Garage

David Kiernan reported that the Town is waiting on the preliminary report on the site design from MSK Engineering and is also waiting on the closing for the property at 510 North Road. Mr. Kiernan said that he had met with TAM regarding their needs for a transfer station and what the turning radius specifications for the Town trucks would be. Mr. Kiernan pointed out that the transfer station would need to be located 180 feet from North Road due to Zoning Bylaws.

12. Sidewalk Project Corner of 7A and Church

David Kiernan presented the Board with bids for the construction inspection bid (due on August 1st) for the sidewalk project. The construction bid is due August 8th and Tony Krulikowski and Tim Scoggins will be in attendance to open those bids. Mr. Kiernan pointed out that the bids will be taken under advisement as the reviewing party consists of the Board, the Town Administrator and KAS. The bid is to be awarded August 15th, along with the construction portion of the project.

Mitch Race read off the bids as follows:

1. DuBois and King- \$14,890.00.
2. KAS - \$11,668.00

Art Whitman asked if there was a conflict of interest as KAS was the engineer on the project. David Kiernan replied that he has already addressed that question and since KAS had only been involved in site design and not the preparation of the RFP/Q, there was no conflict.

3. Staff Sterling Management, LLC - \$24,180.00.

David Kiernan said he would submit the bids to VTrans for review and hoped to award the bid on the 15th of August.

Alice Miller asked if the grant money would expire and David Kiernan said that it would but the Town was still in good shape for the project. Mr. Kiernan also pointed out that the Town's cost is now down to 10%.

Ken Harrington asked if it would have been cheaper for the Town to have done the project itself. David Kiernan said that since the project is in the State's right of way, VTrans would have been heavily involved anyway.

13. Elm Street Speed Limit Change

David Kiernan reported that he had circulated a speed limit ordinance lowering the speed limit on Elm Street to 25 mph. Mr. Kiernan said that he had the ordinance reviewed by legal counsel and that he hoped to have the first formal meeting addressing the ordinance on the 15th of August, the second around the 25th of August during a special meeting due to the Labor Day holiday and the third on September 5th. Mr. Kiernan said that if all went well, the new ordinance would go into effect on October 7th.

14. Town Administrator's Report

David Kiernan reported to the Board that he is advertising for a new position for the public works department that will cover Assistant Superintendent to the Water Department, the parks, snow plowing and building and grounds maintenance. Mr. Kiernan said that this was a position that had been discussed in the past to cover the retiring members of the Water Department, maintain the parks through the winter, do snow plowing and cover various building and ground jobs. Mr. Kiernan went on to say that this would be a "permanent part-time position" (25-30 hours per week) and he was looking to fill it soon because training on the Water Department portion of the position is being offered in September.

Mr. Kiernan said that the majority of the time would be used to cover the parks and Water Department. The snow-plowing position could take up most weekly hours during the winter. Art Whitman asked if this would affect any benefits and Mr. Kiernan said that it would not and that the weather could dictate the schedule.

Mr. Kiernan asked if the Board would like this position advertised.

Motion: Mitch Race moved to advertise the new permanent part-time public works position. Tony Krulikowski seconded.

4-0-0 Motion approved.

15. Other Business

A Rollin Road resident asked the Board if they had any information as to why the Shaftsbury Country Store had closed. Mitch Race replied that the only information he had was gathered from the Bennington Banner and that the store had lost inventory twice due to coolers failing. The resident asked if the problems there would continue if someone else buys the property. David Kiernan said that the property and business was private and not the domain of the Town. The resident asked if there was any incentive provided by the Town for local businesses. Mitch Race said that there was a grant available for electrical, façade, and certain maintenance for buildings in the Town center. Art Whitman pointed out that there are certain drawbacks to specific types of businesses setting up at the Shaftsbury Country Store property. He said that if the property were to be a restaurant, the septic system would be a problem and if it were to be an antique store, parking would likely be an issue. Mr. Whitman said that the septic system was an issue with this current proposed use.

Mitch Race said that everyone would like to see the property and business succeed. Art Whitman stated that a sewer system is needed but Mitch Race pointed out that unless a giant failure occurred, there would be no funding for a Town sewer.

16. Review of Action Items

- Bid awards for August 15th meeting

17. Executive Session re: real estate negotiations (if needed)

Not needed

18. Adjournment

Motion: Mitch Race moved to adjourn the meeting at 7:47PM. Tony Krulikowski seconded.

4-0-0 Motion approved.