

**Town of Shaftsbury
Selectboard Meeting
6:30 PM
Monday, September 19, 2016
Cole Hall, 61 Buck Hill Road, Shaftsbury**

Selectboard Members Present: Tim Scoggins, Mitch Race, Art Whitman, Ken Harrington

Selectboard Member Absent: Tony Krulikowski

TA Present: David Kiernan

Others Present: Barry Mayer, Ed Corey, Melanie Dexter, Steve Washburn

1. Call to Order

Tim Scoggins called the meeting to order at 6:31PM. Mr. Scoggins asked to arrange the agenda so that the local Girl Scout troop could make their presentation before the regular business portion of the meeting. There were no objections.

2. Girl Scout Presentation of Recycling Project

Members of Troop 30462 gave a presentation to the Selectboard on the importance of using cloth bags when shopping and recycling plastic bags at local retailers in order to reduce waste. The Troop was given permission to hang a poster on recycling plastic bags at the Town transfer station.

Art Whitman then presented a Girl Scout handbook, circa 1930, that he found in his house to the Troop.

3. Conflict of Interest Statement

NONE

4. Approval of Minutes

Motion: Mitch Race moved to approve the Minutes from the Regular Meeting on September 6, 2016. Art Whitman seconded.

Tim Scoggins added that the Board returned from Executive Session at 8:45PM and adjourned.

4-0-0 Motion approved.

5. Warrants

Motion: Mitch Race moved to approve Retirement Warrant #5 \$130.37. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Mitch Race moved to approve Payroll Warrant #5 \$16,046.15. Art Whitman seconded.

4-0-0 Motion approved.

Motion: Mitch Race moved to approve Check Warrant #8 \$108,812.53. Art Whitman seconded.

4-0-0 Motion approved.

6. Announcements

Tim Scoggins announced that a meeting is scheduled with State representatives and members of the Department of Conservation on September 28th to discuss the PFOA situation at the landfill. Mr. Scoggins and Art Whitman will attend the meeting as representatives of the Selectboard.

7. Public Comments

Barry Mayer announced that some community members have formed an ad hoc committee to discuss Act 46 (regarding the consolidation of school districts) and that the first meeting will be on Wednesday, September 21st at 6:30PM at the firehouse. Mr. Mayer said that they would have members of the Act 46 study committee in attendance at that meeting and that the meeting would be an open forum to discuss deadlines and possible options for the district. Mr. Mayer feels this meeting is needed to educate the general public of Shaftsbury on Act 46 and its ramifications.

There was a brief discussion regarding District 1 (which lies within the Town of Shaftsbury but which is served by the North Bennington Village School). Mr. Mayer pointed out that Act 46 seeks to address inequities in educational opportunities and that the ability of some residents of Shaftsbury to send their children to North Bennington (while District 2 residents cannot) could be viewed as an inequitable situation.

Ed Corey once again came before the Board to discuss the presence of PFOAs at the former landfill site. Mr. Corey asked that the wells at the old Mattison property and the old Crawford property be tested as well. Tim Scoggins said that he believed that the

Board was not interested in directing further testing and that any additional sampling would be mandated by State authorities.

Mr. Corey also asked to have a sign placed at the proposed site announcing the location of the new Town garage. Tim Scoggins said that the Town will not do that as the real estate deal for 510 North Road had not yet been completed and that the original proposed site may need to be utilized. Mr. Corey asked if the transfer station will be staying open should the plans move forward for the plans on the upper portion of the property. Mr. Scoggins said that it will remain open. Mr. Corey asked if the recycling shed would be staying in its current spot. Mr. Scoggins said that it had not been decided but he believed the swap shop would stay open in some form. David Kiernan was quick to point out that the proposed site plan from MSK had been received but not formally presented or approved yet.

Ed Corey then asked what the Town would do with the current Town garage should all plans move forward for new construction at the former landfill site. Tim Scoggins said that it would be torn down. Mr. Corey asked if the Town would continue to lease the land adjacent to the current Town garage following construction and Mr. Scoggins said that it would have no reason to continue the lease. Mr. Corey again advocated for the Town to purchase the leased lot and construct the new Town garage at the Buck Hill property. Tim Scoggins said that the Board continued to believe that the Village Center was not an appropriate place for this operation.

8. Treasurer's Report

Melanie Dexter delivered the Treasurer's report for mid-month and reported that tax money is already coming in. She indicated that there would not need to be another draw from the Town's line of credit. Ms. Dexter reported that the tax bills have gone out and if anyone has not received their bill to please contact her. Ms. Dexter further reported that the external auditors had been in during the past week but only for two (2) days this time. She anticipated that the visits from the auditors would be shorter and less involved as the audits are made more routine (on an annual basis).

Art Whitman suggested putting a reminder on the Town's website that tax bills have been sent out. David Kiernan will do so.

9. Road Foreman Report

Steve Washburn came before the Board and said that the road crew had been busy with summer paving projects but that they were resuming regular grading and maintenance now. David Kiernan said that there would be a session of "grader school" in Sunderland but only those who were "safety certified" were qualified to go at this point. Mr. Kiernan said that Ron Jennings would be able to attend the session in Sunderland and that a more

general session would be held in Shaftsbury for the entire road crew at a later date. It's the goal of the Road Foreman to have all members of the crew be able to run all pieces of the Town's equipment.

Ken Harrington inquired about the progress of the painting of a truck. Mr. Washburn said that they had not found someone to do the job yet. Art Whitman suggested Kaiser, a firm outside Albany. David Kiernan reported that someone had approached him about trading services in return for removing the Town's defunct forklift for scrap. This matter will be discussed further in executive session.

Tim Scoggins pointed out that after Horton Hill was graded, a rainstorm created some secondary ditching. Steve Washburn said that this was a problem since there was a lack of material built up on the road. Mr. Washburn reported that the fabric work on Ehrich Road and Bahan Road was set to begin this week. David Kiernan said that there was another project on Airport Road that would also be completed soon and then brush work and grading were scheduled to begin on October 1st. David Kiernan said that he had heard from the engineer working on the Shaftsbury Hollow culvert and that he was waiting to hear on some costs for the project but that he should have a proposal shortly and would then apply for the grant necessary to fund that portion of the project.

Steve Washburn said that he will also need to sweep the excess stone from Hewitt Drive and Harvest Hills and Paran Acres.

10. PFOA – Landfill Update

Tim Scoggins said that the remainder of the monitoring wells at the landfill had been tested and that the Town was awaiting the results. Art Whitman inquired if the result would be back in time for the meeting on the 28th and David Kiernan said that he thought they would be back by the end of the week.

Ken Harrington reinforced the idea that the testing of the two wells on the Mattison and Crawford properties were not necessary and David Kiernan said the Mattison well was not in use and disconnected (and the Town has permission to seal it) and the other well is not in the State's purview. Mr. Kiernan went on to say that the Town will not be testing any wells without direction from the State.

11. Sidewalk Project Corner of 7A and Church

Tim Scoggins prefaced this discussion by stating that the Town had originally bid this project and received one (1) bid from Weaver Construction which was over the engineer's estimate given on the project. The Town then re-bid the project and again received only one (1) bid from Weaver. The bid is now closer to the original estimate but still requires some discussion.

Mr. Scoggins went on to say that the alternate add-ons were the portions of the bid that needed attention.

David Kiernan said that the first alternate for lighting totaled \$26,594.00. Approximately \$15,000.00 of that total was for the ornamental lighting and the remainder was for the conduits. These would result in only three (3) lights. Mr. Kiernan suggested that the Town forgo the ornamental lighting but place the conduit during construction for future connection if desired. Mr. Kiernan also said that if this alternate bid item was dropped, the price of the project would fall within \$10,000.00 of the engineer's estimate. The Board agreed that the ornamental lighting could be removed as a bid item.

Mr. Kiernan indicated that the second alternate bid item concerning the crosswalk signage could not practicably be removed. The Board agreed.

The third alternate bid item is a radar speed feedback sign (\$21,000.00) on Route 7A (at Cleveland Avenue on the south end and at the south end of the overpass on the north end). Tim Scoggins said that he believed these signs were helpful and a legitimate safety measure.

David Kiernan said that any overage can come from either the general reserve fund for unexpected costs or the highway fund. Mr. Kiernan noted that there is some pressure on the general fund due to PFOA concerns and unanticipated expenses for the Howard Park well. Mr. Kiernan did say that the Board could wait to make the decision on which fund to draw from until the external audit was completed.

Motion: Art Whitman moved to accept the base bid from Weaver Excavating, Inc. for the Sidewalk Project and alternates 2 (crosswalk sign) and 3 (radar feedback signs) for a total cost of \$145,892.00. Mitch Race seconded.

David Kiernan pointed out that the Construction Inspection Bid would also need to be awarded (as it is required for the project). Mr. Kiernan reported that the lowest bid for that portion of the project was \$11,688.00.

David Kiernan then clarified that a total of an additional \$11,000.00 would need to be contributed by the Town to cover the project costs. The grant money (and matching funds) currently available for the sidewalk project equaled \$146,861.00.

Ken Harrington asked what the consequences would be if the whole project were abandoned and David Kiernan said that since the grant had already been awarded, the money would need to be returned and there would be serious repercussions. Tim Scoggins pointed out that the highway budget from last fiscal year came in under budget and that there are funds available to complete this project.

4-0-0 Motion approved.

David Kiernan clarified that the total of \$145,892 included a base bid of \$109,892, alternate #2 for the crosswalk signs of \$15,000.00, and alternate #3 for the radar feedback sign of \$21,000.00.

Motion: Art Whitman moved to accept the lowest bidder for the construction inspection for \$11,688.00. Ken Harrington seconded.

4-0-0 Motion approved.

Mitch Race asked about the proposed timeline for construction. David Kiernan said that the project should be complete by the week of Thanksgiving.

12. Municipal Planning Grant Application - Sewer Feasibility Study – Village Center

Tim Scoggins said that he had added this item to the Board's agenda because the subject frequently comes up at Planning Commission meetings, particularly since the Zoning Bylaws are currently being re-written. Mr. Scoggins pointed out that any further development in the Village Center has been stunted by the fact that all lots are currently serviced by private septic systems. Tim Scoggins said that discussion about hooking into the Bennington municipal sewer system has been had in the past but now the Planning Commission is exploring the idea of having the Village residents possibly hook into a communal septic system.

Mr. Scoggins indicated that there was a 2007 study on possibilities for a sewer study. Art Whitman said that an engineering had looked at some possible scenarios but that if a municipal sewer was ever pursued, the Town would automatically be obligated to pay \$35,000.00. Mitch Race asked how many miles between the end of the Bennington line and the Village Center. Art Whitman said it was about 2 miles to the last line at near the intersection of Route 67E and Main Street in North Bennington (Shaftsbury Town). Art Whitman said that the study also considered a route along Paran Road. Art Whitman agreed to provide the documentation he has regarding the 2007 study.

Tim Scoggins reported that he had spoken to Shelly Stiles, the Zoning Administrator, and she had said that there may be grants available through the USDA for wastewater systems. Ken Harrington asked if Bennington could support such an addition to their system and Tim Scoggins said that they could handle the increased capacity if the Town of Shaftsbury could finance such a project.

Art Whitman pointed out that a sticking point in previous discussions regarded how the annual fees for the sewer would be funded. Mr. Whitman said that the central question

was whether or not only the residents on the system would pay or if there was value in having all residents pay some portion of the fees.

Tim Scoggins asked about the methods used in the public opinion survey in 2007 and Mr. Whitman said that it was performed by students at the University of Vermont and the return response rate was about 45% of the property owners within the Town. Mr. Whitman said that following the receipt of responses, there was a community forum with an attorney, real estate agents and members of the DRB/Planning Commission.

Ken Harrington expressed concern over the responsibility of individual property owners to pay to “hook into” the system. Mr. Whitman said that another consideration would be what entity would be responsible for collecting fees (Town of Shaftsbury Water Department or Town of Bennington Wastewater) and what the penalties would be for non-payment. Mr. Whitman brought this up to highlight the issues that have not been fully explored as a result of creating this sort of municipal system.

Art Whitman said that new concerns regarding the State’s cleanwater act may push the Town to move away from private septic systems. Tim Scoggins said that he felt that the consensus was that the Board was in favor of a municipal sewer system for a multitude of reasons, many being economic in nature.

13. Town Administrator’s Report

a. Revised Performance Review Forms

David Kiernan distributed new forms for Employee Performance Review to the Board members. Mr. Kiernan said that the previous forms were “cumbersome” and offered alternatives: one a narrative-based approach and another with a more traditional scoring system. The Board agreed that Mr. Kiernan should take the lead on any decision regarding the forms as he would be using them to evaluate Town employees on a regular basis. Mr. Kiernan said he would like to use both forms, as appropriate. The Board agreed to let him do so.

Mr. Kiernan then presented a Maintenance Agreement between the State of Vermont and the Town for the replacement of road signs and guard rails on “high risk rural roads.” There is no cost to the Town for this Agreement.

Motion: Ken Harrington moved to accept the Memorandum of Understanding between the State of Vermont and the Town. Art Whitman seconded.

Mitch Race asked about the affected areas and David Kiernan said that it would be most of Buck Hill and a portion of White Creek Road.

4-0-0 Motion approved.

David Kiernan then presented the Board with a sample of a Town Stormwater Master Plan (from the Town of Rupert), stating that this plan is being mandated from the State and coordinated through BCRC.

Mr. Kiernan then turned to the topic of dog licenses and pointed out that there are approximately known 60 individuals with 89 dogs that are unlicensed in the Town of Shaftsbury that need to be addressed. David Kiernan suggested that the Board send a letter to these owners before issuing complaints. Tim Scoggins asked what has been done up until this point and Mr. Kiernan confirmed that two (2) letters have been sent by the Town Clerk to the dog owners requesting compliance and phone calls have been made to the owners by Shelly Stiles. Tim Scoggins pointed out that this license only includes those individuals that have licensed their dogs in the past and does not include those who have never registered their pet.

Tim Scoggins asked what the Board's options are at this point. David Kiernan said that the Board could sign a warrant to allow the constables to notify residents to be in compliance. Art Whitman said that this effort would exceed the constables' budget for the year. It was also agreed that another letter would likely be ignored. David Kiernan said that he would present the warrant at the next meeting and that the Board will need to find the funds to pay the constables to complete service in their official capacity. Art Whitman asked if the constables were willing to perform the job and Mr. Kiernan said that if there were funds and the authority to do so, they would do so. Art Whitman also emphasized that the fee had recently been reduced for licenses and the purpose of licensing the dogs was for health reasons, as a rabies certificate must be produced for each license. It was also pointed out that there are rabies clinics available in the area for cheap vaccines.

14. Other Business

NONE

15. Review of Action Items

9/19/16 Regular Meeting:

David Kiernan will put a notice regarding the mailing of tax bills on the Town website

Art Whitman will provide the phone number for Kaiser Painting for the road crew

The Board will pursue information regarding a municipal sewer system

Tim Scoggins will sign the Memorandum of Understanding for road maintenance

16. Executive Session

Motion: Mitch Race moved to go into executive session to discuss personnel issues and real estate matters at 8:05PM. Art Whitman seconded.

4-0-0 Motion approved.

17. Return to Regular Session

Motion: Tim Scoggins made motion to leave executive session at 8:50PM, seconded by Mitch Race. 4-0-0 motion passed.

Motion: Tim Scoggins made motion to advertise and hire Public Works employee on a full time basis with benefits. Seconded by Art Whitman. Motion Carried 4-0-0.

Motion: Tim Scoggins made motion to adjourn 8:59PM. Seconded by Art Whitman. Passed 4-0-0