

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM  
Monday, October 17, 2016  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**Selectboard Members Present: Tim Scoggins, Tony Krulikowski, Art Whitman, Ken Harrington**

**Selectboard Member Absent: Mitch Race**

**TA Present: David Kiernan**

**Others Present: Melanie Dexter, Steve Washburn**

**1. Call to Order**

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

**2. Conflict of Interest Statement**

Art Whitman and Ken Harrington indicated that they would have a conflict of interest during the Executive Session portion of the meeting regarding personnel. Tim Scoggins acknowledged this was a consideration when scheduling the meeting.

**3. Approval of Minutes**

Motion: Art Whitman moved to approve the Minutes from the Regular Meeting on October 3, 2016. Ken Harrington seconded.

Tim Scoggins added that the Board returned from Executive Session and adjourned at 7:30PM.

3-0-1 Motion approved. Tony Krulikowski abstained.

**4. Warrants**

Motion: Art Whitman moved to approve Check Warrant #10 \$48,393.87. Ken Harrington seconded.

4-0-0 Motion approved.

Motion: Art Whitman moved to approve Retirement Warrant #57 \$174.92. Ken Harrington seconded.

4-0-0 Motion approved.

Motion: Tony Krulikowski moved to approve Payroll Warrant #7 \$17,113.70. Ken Harrington seconded.

4-0-0 Motion approved.

## 5. Announcements

David Kiernan announced that this would be the Selectboard recording clerk's last meeting and that the Town would be looking at restructuring the job as it has historically been a difficult position to fill. Mr. Kiernan said that the format of the minutes may be changed to fulfill only what is statutorily required and that recording via video may be acceptable moving forward. Tim Scoggins went on to say that statutes require only the start and stop times of the meeting be recorded, along with any motions passed. Mr. Scoggins said that the Town had always made an effort to capture the nature of the discussions of the meetings in the minutes, but that carries its own risk for interpretation. Mr. Scoggins invited the public to attend the meetings or to watch them on CAT-TV for the full information.

Art Whitman asked if the Town keeps an electronic copy of the minutes and Mr. Kiernan said that only paper copies are currently kept on record and that most research done on the records is on the motions that discussed and voted upon. Mr. Kiernan said that the Town will continue to fulfill its obligations to the State to keep required records on hand for public review.

Tim Scoggins announced that the Planning Commission has nearly completed their work on the Bylaws rewrite and will begin the calendar of approval for the proposed Bylaws. Mr. Scoggins said that on November 1<sup>st</sup>, the Planning Commission will hold the first hearing for public input. Mr. Scoggins has asked the Planning Commission to submit the public comments along with a draft of the Bylaws to the Selectboard by November 15<sup>th</sup>. Mr. Scoggins announced that the Selectboard will hold a meeting on December 5<sup>th</sup> to review the Bylaws but suggested the Board have a public discussion about the changes on November 21<sup>st</sup>.

Mr. Scoggins highlighted the major changes as follows:

- General modernizing of Bylaws (setbacks reduced for Village area).
- Allowing for permitted uses with site plan review for the commercial districts (not conditional use).
- Combination of VC1 and VC2 to allow for restaurants and retail on the southern end of Town with conditional use.

- A requirement for a design professional for site plans that come before the DRB. The Planning Commission identified this as an issue but conceded that smaller projects (routine residential changes) can be approved by the Zoning Administrator.

Tim Scoggins then announced that Judy Stratton will be retiring as Town Clerk in March 2017 after 35 years of service.

## **6. Public Comments**

NONE

## **7. Treasurer's Report**

Melanie Dexter reported that she's processing between 20-50 tax payments per day. Ms. Dexter said that if anyone has not received their tax bill, please contact her at the Town Offices. Ms. Dexter said that cash flow is good and another highway payment has been received.

Tim Scoggins asked if anything had come back from the auditors and Ms. Dexter said nothing had been received yet but she didn't expect any issues.

Ms. Dexter said that if a resident has not received a tax bill, they are still obligated for payment and that address changes should be filed with the Town.

## **8. Road Foreman Report**

Steve Washburn said that the crew was working to clean things up in anticipation for the winter season. Fabric has been laid on Bahan Road.

Mr. Washburn reported that grading will continue through this week and that truck maintenance will be performed. David Kiernan said that a company in Bennington will be able to do the sandblasting on the tandem truck. Mr. Kiernan said that some surface work will be done around the play equipment at the parks. Mr. Kiernan said that the only project not completed this season was Murphy Road and that may be contracted out.

Tim Scoggins asked about possible projects for FY18. David Kiernan said that completing the East Road paving would be a priority, along with the repair of paved roads and aprons leading into dirty roads (Birch Road, Town Line Road). Gravel replacement and restoration projects will also be identified. Ken Harrington asked about Buck Hill and Mr. Kiernan said that Buck Hill is slated for the following budget year. Tim Scoggins asked if grant money had been earmarked for East Road and Mr. Kiernan said that it had not been locked in yet. Mr. Kiernan said that money will need to be budgeted for Class 3 roads going forward.

A regular schedule of repairs, restoration and maintenance was discussed as a good way to preserve the quality of the roads.

Art Whitman asked about the sinkhole near Brownell's and mentioned it should be watched as winter approaches.

## **9. PFOA – Landfill Update**

Tim Scoggins reported that the State has requested modifications to the Town's regular plan to monitor the wells at the former landfill site. The State requested that the Town not only re-test the landfill wells but also retest all private wells testing above 10 ppt for PFOA.

Art Whitman said that he felt this request was beyond the original understanding come to during meetings with State representatives and voiced his concern that this would lead to mandates for additional testing. Tim Scoggins said that he worried that the burden was being placed on the Town to assist the State in their understanding of how PFOA spreads from landfill sites through this required testing.

David Kiernan reported that he had spoken with an attorney familiar with the matter and that attorney determined that the Town can consult with the firm of Witten Woolmington without conflict. The attorney also said that Shaftsbury appears to be leading the way in terms of setting a precedent with dealing with the State on the landfill contamination. The current recommendation is to amend the Town's landfill permit to include the testing of two (possibly three) private wells. Mr. Kiernan inquired if Bennington or North Bennington has been asked to retest wells showing 10 ppt of contamination but has not yet received an answer.

Art Whitman pointed out that this has gone from a question of public safety to one of scientific inquiry to see how the contaminant spreads. David Kiernan said that he will ask the engineers at KAS to develop a plan for testing to determine cost before presenting the full amendment to the landfill operating permit to the Board.

Tim Scoggins recapped the recent history of the testing of the landfill wells and a brief discussion followed on how the State standards were developed. Mr. Scoggins proposed that a plan be developed that requests monitoring well #8 at the landfill be the only well tested regularly as it was found to have more than 20 ppt of contamination (above the State standard). Mr. Scoggins will contact the State for feedback on this proposal.

## **10. Sidewalk Project Corner of 7A and Church**

David Kiernan reported that the sidewalk construction had begun and the majority of the work should take between two and three weeks to complete. The streetlights will not arrive before the estimated completion date of November 23<sup>rd</sup>. Mr. Kiernan asked the State Police to keep an eye on traffic during school hours to make sure all goes smoothly.

Art Whitman pointed out that Cleveland Avenue will be closed for Halloween and suggested that the construction area be roped off during that event for safety. David Kiernan said that he had asked the Town constables to assist the fire police on Halloween with traffic and crowd control. David Kiernan said that there will be no parade or Halloween hay ride this year.

## **11. Proposed New Town Garage**

David Kiernan pointed out some changes received from Morton on the office areas on the proposed Town garage and hopes to have new plans by mid-November. Mr. Kiernan also reported that he had talked to MSK Engineering about geotechnical testing and site work and he hopes to have a cost analysis to present for a bond vote in March. Mr. Kiernan said that any geotechnical testing or septic work will be held off until after the bond vote. Any variance for interior work will also be held off until after the bond vote.

David Kiernan did report that he will contact the bond bank ahead of any vote in the interest of moving things forward.

Tim Scoggins said that even if the Town is unable to acquire 510 North Road, the site plans can be adjusted to accommodate the garage and transfer station. Mr. Scoggins said that there have been developments in the transaction to purchase 510 North Road and he was not concerned about ultimately closing on the property.

David Kiernan said that MSK would present at the November 7<sup>th</sup> Selectboard meeting with plans and cost projections for the project. Mr. Kiernan said he hoped to have Morton attend at that meeting as well. Tim Scoggins advised the Board to be prepared to formally designate the site as the new Town garage on November 7<sup>th</sup>. The Board said that they will put a sign up at the proposed location with a site plan for public review.

## **12. Grand List Errors and Omissions**

David Kiernan presented one change requested by the Listers to the 2016 Grand List for the Denio Family Trust, resulting in a loss of revenue of \$310.82. The error was brought to the attention of the Listers after the Grand List had been finalized and was the result of taxing a parcel that had already been combined with another parcel owned by the same entity.

Motion: Art Whitman moved to approve the Grand List correction as proposed by the Listers to 2557 Nathan Drive. Ken Harrington seconded.

4-0-0 Motion approved.

### **13. GIS Internet Services Agreement**

David Kiernan presented the agreement for the GIS internet services and back-up support for the Listers.

Motion: Tony Krulikowski moved to approved the contact with GIS services. Art Whitman seconded.

4-0-0 Motion approved.

### **14. Request for Water Board Hearing – Delinquent Account (Next Meeting 11-7-16)**

The Board received a request from a resident for a hearing on a delinquent account at the next regular meeting on November 7<sup>th</sup>. A Mr. Smith from Church Street would like to appeal the Water Board's decision regarding his account. David Kiernan proposed a meeting time of 5:30PM on the 7<sup>th</sup>.

### **15. Petition to Increase Speed Limit in Route 7**

Tim Scoggins reminded the Board that a resident of Dorset, Mr. Keene, attended a meeting earlier in the summer regarding a petition to raise the speed limit on Route 7 from 55 mph and 65 mph. Mr. Scoggins said that he was waiting for a full Board to more fully discuss the matter of petitioning the State to raise the speed limit.

Motion: Art Whitman moved to petition the State to raise the speed limit on Route 7 from 55 mph to 65 mph. Ken Harrington seconded.

Ken Harrington said he was initially for the increase but reconsidered after realizing that there was not a divided highway on that stretch of road, he changed his mind. Tony Krulikowski said he was in favor of the increase. Tim Scoggins pointed out that Route 7 is a scenic route and there are many leaf peepers on the highway this time of year.

1-3-0 Motion failed.

## **16. Other Business**

David Kiernan presented a quote to the Board from the Fire Department for new cylinders for their air packs. The cost will be around \$1,700.00.

David Kiernan also again mentioned the 57 known dog owners in Town who have not registered their dogs. Mr. Kiernan said that the Town Constables would be going door to door with the warrant signed by the Selectboard stating that the owners have ten (10) days to register their dogs or a complaint will be filed in court. Mr. Kiernan said that many of these owners are habitual offenders and pointed out that there would be no penalties for registration but this is a health concern to ensure animals are vaccinated. Art Whitman announced a rabies clinic at Whitman's Feed Store on October 29<sup>th</sup> and it was suggested that the Town have a table to license animals at that event.

## **17. Review of Action Items**

10/3/16 Regular Meeting

Sign warrant allowing Constables to go after unlicensed dogs – **David Kiernan has not sure if this has been done and suggested it be recorded at this meeting.**

**Motion: Art Whitman moved to allow the Constables to pursue unlicensed dogs. Ken Harrington seconded.**

**4-0-0 Motion approved.**

Route 7 speed limit change – **Completed.**

10/17/16 Regular Meeting

Tim Scoggins to discuss mandating the testing of monitoring well #8 only at the former landfill site with Chuck Schwer.

David Kiernan will look into additional lighting on the sidewalk project on Halloween night.

Tim Scoggins will prepare for site plan approval for the new Town garage on November 7<sup>th</sup>.

David Kiernan will post information about the Whitman's rabies clinic on October 29<sup>th</sup> and see if Judy Stratton will register dogs at that clinic.

Tim Scoggins will sign warrant for Constables to pursue unlicensed dogs.

## **18. Executive Session**

David Kiernan reported that there was nothing to discuss regarding real estate developments.

Tim Scoggins said that the personnel matter concerned Art Whitman and Ken Harrington recusing themselves from discussion on the new public works employee as both have relatives applying for the position.

Tim Scoggins asked about the progress of handover of the Grandview Cemetery. David Kiernan said that there was an issue as records are not available for the Cemetery from the early 2000s onward. Mr. Kiernan said that there would be language added in the legal documents clearly stating that no such documents are available and thus cannot be transferred. Tim Scoggins said that this language would need to be added to protect the Town from liability for the missing records.

It was determined that no executive session would be needed.

Tim Scoggins inquired about the progress of taking over a private cemetery in Shaftsbury Hollow. David Kiernan said that the process would be finalized by the end of the week or the beginning of next and then some money would be budgeted for maintenance. Mr. Kiernan reminded the public that any visits to this cemetery would need to be arranged in advance and with permission from the private landowners. Tim Scoggins asked if a more lenient agreement could be made with the landowners and David Kiernan advised on erring on the side of the law in this case.

Ken Harrington asked for an update on the culvert on Shaftsbury Hollow. David Kiernan said that he should have more information by next meeting and that there had been a hold up with the company designing the box culvert. Ken Harrington asked about funding for the project and David Kiernan said he anticipated receiving a structures grant with the Town matching no more than 10% of the total cost.

Motion: Tony Krulikowski moved to adjourn at 7:58PM. Art Whitman seconded.

4-0-0 Motion approved.