

Town of Shaftsbury Select Board  
May 21, 2018

1. Call to order  
The meeting came to order at 6:30 p.m. Present were board members Tim Scoggins (chair), Art Whitman, Tony Krulikowski, and Joe Barber. Also present was town administrator David Kiernan.
2. Conflict of interest statement  
No one reported a conflict of interest with any item on the agenda.
3. Approval of minutes  
Mr. Whitman moved to approve the May 7 minutes. Mr. Barber seconded the motion, which passed 3-0-1, with Mr. Krulikowski abstaining.
4. Warrants  
Check warrant #40, \$2,633: Mr. Whitman moved to approve the warrant. Mr. Barber seconded the motion, which passed 4-0-0.  
Water warrant #2, \$426: Mr. Whitman moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 4-0-0.  
Check warrant #41, \$76,820.98: Mr. Whitman moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 4-0-0.  
Payroll warrant #22, \$18,407.10: Mr. Whitman moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 4-0-0.  
Payroll warrant #23, \$17,864.75: Mr. Krulikowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 4-0-0.
5. Announcements  
Changes to the agenda were announced: EMS week will be discussed after the Treasurer's report. East Road paving bids will be addressed this evening, and the Grants-in-Aid program will be discussed in the context of the paving bids.  
May 28, beginning at 8:30 a, with a memorial service, the town will host a Memorial Day parade. Refreshments will be offered at Cole Hall after the parade.  
Saturday June 2 is National Trails Day. Details can be found at the town website. Tree warden Jim White will lead a naturalist's walk at Lake Shaftsbury State Park.
6. Public comments  
Mr. Whitman offered thanks to everyone who participated in Big Truck Night, held in honor of the Town's firemen. Among them were Chief Joe Vadakin (40 years of service) and Charlie Becker (70 years of service).
7. Treasurer report  
Melanie Dexter reported: re cash flow: scrap generators were sold for \$1000; an annual railroad tax payment was received; income transfers refer to year-end clean-ups; the "void" payment was Dave Mance's DRB stipend, which he donated to the Town. Water payments are coming in.
8. Resolution declaring EMS week: Brian Peat and Brian Murphy appeared on behalf of the Bennington Rescue Squad to request that May 20-May 26, 2018 be declared Emergency Medical Services Week. Mr. Scoggins read the proposed resolution. Mr. Krulikowski moved to so proclaim. Mr. Whitman seconded the motion, which passed 4-0-0.
9. Roads report  
Mr. Kiernan asked the Select Board to approve applying for a grants-in-aid grant of \$17,500 to be used in FY 2018-19 (required match is \$4375). Mr. Krulikowski moved to sign the letter of intent to apply. Mr. Whitman seconded the motion, which passed 4-0-0.  
Mr. Kiernan reported the crew is working on the Tinkham Rd. project. Grading is continuing. Chloride application is nearly complete.

Two bids were received for the East Road paving project. The bid from Beaudoin Paving; \$177,596. Springfield Paving: \$167,298. Mr. Scoggins noted that there are differences in the base and top course tonnage, and in price per ton. Mr. Kiernan will further review.

#### 10. Selectboard goals

Mr. Scoggins noted that the Town is revising the Town Plan (due 2019), and so hopes that goals for the next five years can be agreed upon. He noted some bylaw revisions are now being considered by the Planning Commission. Recommendations from the PC are forthcoming. New major items to be addressed by the Select Board and the Town Plan include water main replacement. (According to a consultant, the existing cement asbestos mains have reached the end of their life about 79 years after installation. Replacement would start where soils are wettest, or, alternatively, at the front of the system. It could take 40 years to accomplish.); a fifty-year gravel roads plan; capital equipment replacement schedule.

Mr. Scoggins presented a graphical representation of some of the options open to the Town to keep water rates down; a graphical representation of the likely capital equipment needs (including replacing both \$400,000 graders); because most of the town's gravel roads have never gotten a proper road base, Mr. Scoggins suggests building one mile of new road base annually at a cost of about \$100,000 per year (contractor's cost) or 2.5 cents additional on the tax rate; and for each rebuilt mile, an annual 3 inches gravel replenishment five years later. Mr. Whitman suggested asking an engineer to come in to explain this plan to the Select Board. Mr. Kiernan said Springfield hired an engineer to evaluate all their roads, and perhaps the town should consider doing the same.

For many, any tax increase is a burden. For four years, the Select Board has held the line and worked smart. But the roads need attention.

But the economy won't grow without infrastructure improvements. Economic growth will in turn reduce the tax burden. Properly maintained roads are cheaper in the long term, for the town and for individual citizens. And bad roads are safety issues.

Mr. Scoggins summarized the next steps, all of which should be incorporated in the new Town Plan. Mr. Whitman asked whether we'd be locking a future Select Board into actions the present Select Board advocates. Mr. Scoggins said yes, but that the Town Plan can be amended.

Mr. Scoggins said that something this big will require accurate record keeping. Mr. Whitman noted that VT Railway has such a system, which provides information in the field on each site.

Mr. Kiernan said an app such as WebDPW can provide such assistance.

Mr. Whitman said \$100,000 annually might not be required as work progresses, as hard tasks will have been addressed early on.

#### 11. Motel conversion bylaws

Mr. Scoggins read a cover letter from Chris Williams re the proposed by law changes, and the draft revised language. These items are included below. It was agreed that Select Board members will review this language further. Mr. Whitman urged the Planning Commission to submit the other proposed revisions to the Select Board as soon as possible so one public hearing can be held for all proposed changes.

#### 12. Village Center resolution

Mr. Whitman noted that the Economic Development committee originated this designation, but that the Town can move forward the reapplication without the involvement of the committee.

Mr. Whitman moved to reapply for village center designation from the Agency of Commerce and Community Development. Mr. Krulikowski seconded the motion, which passed 4-0-0.

#### 13. Town garage/transfer station project

Mr. Kiernan reported some design negotiations for the garage interior are underway, including a secondary staircase to meet code, deciding against installing a water fountain, considering

wainscoting, and others. The final design is due July 1. Construction of the transfer station will begin this week. Mr. Whitman noted that a buried fuel tank needn't be as large as an aboveground tank.

14. Other business: the new sheriff's contract (received today) came in at 2.3% higher than last year with an additional 17 hours total for the year, as a higher increase had been budgeted. Mr. Whitman moved to approve the new contract. Mr. Krulikowski seconded the motion, which passed 4-0-0.
15. Review of action items
  - Mr. Whitman reported that the camera at the Park parking lot will be hooked up to power by Norshaft Lions soon.
  - Mr. Scoggins forgot to talk to North Bennington about contributing to Grandview Cemetery maintenance.
  - At the next meeting, the minutes concerning the Village Center application will be approved.
16. Mr. Krulikowski moved to enter executive session for a personnel issue. Mr. Whitman seconded the motion, which passed 4-0-0.
17. Adjournment

## EMS Week Proclamation

To designate the Week of May 20 - 26, 2018, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, we the Select Board of the Town of Shaftsbury in recognition of this event do hereby proclaim the week of May 20-26, 2018, as

### EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS Strong: Stronger Together, we encourage the community to observe and celebrate this week with appropriate programs, ceremonies and activities with those who are there in our time of need.

**To:** Shaftsbury Selectboard

**From:** Shaftsbury Planning Commission

**Subject:** conversion of motels to housing

**Date:** April 10, 2018

**MEMO**

For some time the Planning Commission has been concerned about the status of the Iron Kettle Motel as it relates to our zoning. According to definitions, it cannot be a motel because it does not cater to the traveling public. It cannot be multifamily housing because the units contain no cooking facilities. Therefore the use is in some limbo space not addressed by local zoning.

The Planning Commission has researched and studied this situation methodically. During a walk-thru with representatives of William E. Dailey and the Zoning Administrator in the summer of 2017, it was observed that significant investment in life safety and security systems had been made by the owner. We also observed new lighted exit signs and emergency lighting. One motel unit had been converted into a common cooking and “living room” area for use by all clients. The building seemed generally well maintained. The tenants were a mix of Dailey employees and others with no relation to the company. The building houses nineteen units. This means that a large number of people are involved. Brian Lent advised that the complex had been recently been inspected by the Division of Fire Safety who found everything in order.

A concern expressed by Mr. Lent was that if the town reclassified the use, the property would be subject to Act 250 jurisdiction. The Planning Commission contacted the District Commission and after much back and forth determined that Act 250 had looked at the change of use and determined that no action was required.

We submit the attached proposed bylaw for your consideration. It has been reviewed by the town attorney. We have also met with William E. Dailey’s manager who expressed guarded agreement. This bylaw is in no way aimed at William E. Dailey who should experience no impact except for having to stand for an annual inspection. Rather we see this as a statewide issue where the business model of many motels has shifted to housing. Bennington has more than a few of these. Speaking with Planning Director Dan Monks, we have learned of that town’s frustration and lack of success in dealing with the undefined nature of this occupancy. We observe that the Hillbrook Motel has been for sale for at least three years. It is a candidate for this type of conversion to housing.

We look forward to having a conversation about the issues raised. Hopefully we will be able to vote on this bylaw change in the November election.

Draft Feb. 27, 2018, new text underlined

### **Definitions:**

**Dwelling unit:** A dwelling or part of a dwelling occupied or intended to be occupied for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants.

**Hotel** (shall also include the term “motel”): A building or group of buildings providing commercial lodging for persons with or without meals, and intended for the accommodation of ~~transients~~ the traveling public. A hotel room is not a dwelling unit.

**Rooming House:** A single-room rental occupancy without full housekeeping facilities that does not cater to the traveling public. Multiple unit conversions of former motels are envisioned in this occupancy. This occupancy is not defined by the length of the client’s stay.

### **Zoning Bylaw:**

#### 7.2.3 permitted Uses in the RC District Requiring Site Plan Review

- h. Motels, hotels, bed and breakfast inns, and similar lodging establishments.

#### 7.2.4 Uses in RC District Requiring Site Plan and Conditional Use Review

- a. Adaptive reuse of existing transient lodging properties, constructed prior to the year 2000, that front on Route 7A to one, two, or multifamily dwellings subject to the following conditions:

- i. The maximum number of dwelling units permitted in said buildings shall be determined by the number of units allowed pursuant to approved and valid (as of January 1, 2011) Vermont state permits for water supply and wastewater disposal issued by the Vermont Department of Environmental Conservation and not by the dimensional requirements otherwise applicable to this district.

- ii. Existing buildings or parts thereof shall be exempt from setback (minimum yard) requirements and from any requirements for separation distances between buildings. The DRB may waive or modify other dimensional requirements, at its discretion, to achieve an efficient and attractive residential development. All new construction shall comply with setback requirements.

- iii. 10% of the total number of units, rounded up to the nearest whole unit, or a minimum of one unit, whichever is greater, shall be legally defined and protected as “affordable” consistent with the current Vermont Housing Finance Agency (VHFA) income limits and purchase price limits for Bennington County. All units designated as affordable, whether offered as an ownership or rental housing option, shall include all relevant costs as defined by VHFA guidelines. Prior to the issuance of any permits under this bylaw, the applicant must demonstrate to the DRB the legal and binding mechanism which will be put in place to affirm compliance with this affordability provision. Prior to the issuance of any Certificate of Occupancy associated with the project, the applicant must demonstrate and affirm the affordable housing protections are in place.

b. Adaptive reuse of existing transient lodging properties, constructed prior to the year 2000, that front on Route 7A to Rooming House occupancy, subject to the following conditions:

- i. that an onsite manager live in the development if it comprises ten or more units.

ii. that as part of the change of use process all code requirements for public buildings including but not limited to carbon monoxide/smoke detection systems, size and location of required egresses, lighted exit signs, emergency lighting, ventilation and electrical systems must be met. Prior to occupancy, the owner shall file an inspection report from the Division of Fire Safety with the Shaftsbury Zoning Administrator affirming that all requirements have been satisfied. Annually thereafter, the property shall be inspected by the Division of Fire Safety or the Shaftsbury Health Officer and their report filed with the Zoning Administrator. The owner shall address all deficiencies identified in such report within 30 days of receiving it.

iii. that as part of the change of use process, the building(s) shall be upgraded to comply with the Vermont Commercial Buildings Energy Standards (latest edition).

iv. that common space available to all residents be provided with full cooking facilities and separate living/recreation space equal to or greater than a typical unit.

v. that a change of use shall have occurred when a hotel's occupancy exceeds 50% in long term rentals to clients who are not the traveling public. The owner of the property shall apply to the DRB for a Conditional Use Review.