

1. Call to Order

The meeting came to order remotely via the Zoom platform at 6:30 p.m. Present were selectmen Art Whitman (chair), Tony Krulikowski, Ken Harrington, Mike Cichanowski, 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. Minutes

Mr. move to approved the . Mr. seconded the motion, which passed 5-0-0.

4. Warrants

Check warrant #32: \$73,064.18. Mr. Krulikowski moved to approve the warrant. Mr. Harrington seconded the motion, which passed 5-0-0.

5. Announcements

Mr. Whitman noted that DEC would be making a presentation on the groundwater reclassification at 6:45 p.m.

6. Public Comments

Barry Mayer asked to later read an email he sent to ANR.

7. 6:45PM Vermont DEC –Groundwater Re-classification Presentation–limited areas along Bennington /N. Bennington Border

Chuck Schwer, director waste management prevention division, presented. Others present from DEC were John Schmeltzer and Richard Spiese, and John Beling, legal counsel.

Mr. Schwer presented a slide show summarizing the situation: how we got to where we are; corrective actions, including 438 residences connected to the Bennington water line, 33 residences receiving POETs, about 140 wells being monitored, and 7 new wells; and the next step -- the groundwater is being reclassified from class 3 to class 4.

The reclassification will help prevent future issues with new wells. It makes clear where connections will be required and provides guidelines for new wells, in turn protecting one aquifer from contamination in another.

The new classification acknowledges that many wells are not contaminated; that the contamination is likely to extend over decades; that in some locations wells are the only feasible option; and that it is important to protect future sources of potable water.

Mr. Schmeltzer noted that Town Line, parts of Mattison, Lamb, and parts of Route 67 E are impacted.

Mr. Schwer said he believes the cause of any possible decrease in property values is contamination; the reclassification is not the driver.

Citizens responded to the presentation. Mr. Mayer read into the record an email he sent to the DEC parties, which is included by reference in these minutes. He urged DEC to offer exceptions for wells tested safe, and that St. Gobain should remediate all wells labeled non-potable.

Scott McInerny of Town Line Road said he agreed with Mr. Mayer that the reclassification would reduce the value of his home, but more importantly it creates a sense of unease about both the present and the future. He urged the Select Board to work with the Bennington Select Board to come up with a solution. He said he thought all wells like his, which are not quite over the PFOA limit, should be outfitted with POETS. Property owners should not have to pay for POET filters.

Representative David Durfee said he thought there are additional properties impacted on Lower East Road and Spur Road.

Mr. Schmeltzer said a public hearing would be held May 11, 6 pm. The public comment period runs through May 28.

Representative Mary Morrissey reiterated the hearing date and public comment period and thanked the DEC team.

Richard Spiese said the unit has an email distribution list of about 900 people, to which an announcement of the public hearing will be sent.

Mr. Mayer asked about a possible class action suit he's learned about. Mr. Beling suggested going to Benningtonclassaction.com for information on that effort. Mr. Beling said he understood that contamination has an effect on property values, but unaddressed contamination poses a greater threat than remediated contamination.

Mr. Barber asked whether the hydrology study would be updated as time goes on. Mr. Schmeltzer said St. Gobain will be required to sample wells for at least five years in the event that the contamination should move or dissipate.

Mr. Harrington said the new water line in Bennington which serves a trailer park might be extended to Town Line Road. Mr. Beling said the Commissioner promised that the department would explore using COVID funds to make that connection. Mr. Schmeltzer said St. Gobain has not been required to connect to Town Line Road because the wells there don't test contaminated and/or are too few.

A little later, Mr. McInerny asked how the it could be made to happen that the Select Board meet with the Bennington Select Board. Mr. Whitman said the Select Board would put it on the agenda for an executive session.

8. Treasurers report

Melanie Dexter reminded folks that they have until May 17 to get their homestead declarations in. The town received the highway state aid. Funds were returned to the reserve accounts as appropriate. The town has about \$596,000 in the bank and probably won't need to acquire a line of credit this year. (That will depend in part on the school tax reconciliation.) Payments on November water bills are still coming in.

9. Furnace Brook Road renaming

VT E911 has asked that the cross-shaped roads in the neighborhood be renamed. Residents suggested that the south spur should be named Lucas Lane; the north spur should be named Red Clover Lane. The east-west will remain Furnace Brook Road. Mr. Harrington moved to so name the roads. Mr. Barber seconded the motion, which passed 5-0-0.

10. DPW report

Mr. Kiernan reported that mostly the crew is doing grading. The John Deere grader has been on the east side of town. Ditching is being done along Grove Road. Winter equipment maintenance is underway as the crew prepares to put machinery away for the summer.

Mr. Kiernan reported that the Town will be experimenting with a wood-based substitute for calcium chloride. The expense will be covered by the chloride budget.

Mr. Whitman reported that he, Mike Yannotti, and Mr. Kiernan met to discuss the Grandview ditching concerns. They agreed that the citizens' primary issues were road speed and lack of a sidewalk. The town will borrow a speed monitoring device that is unobtrusive (drivers won't see it). If it is found warranted, efforts will begin to reduce the speed limit.

The depth of the ditching was also an issue for residents and they asked that it be mostly stopped, though some landowners pointed out that some areas do require treatment, for example, an asphalted section (over which the runoff speeds rather than infiltrating). He said the west side of the road was about two-thirds ditched. He asked for a discussion by the board. Mr. Cichanowski said it appeared that it should be addressed. Mr. Harrington thought cleaning was necessary for dry yards and basements. Mr. Cichanowski moved to have the road crew finish the job. Mr. Whitman said the Hawk Rd. ditches need cleaning on the end nearest White Creek Rd.. Mr. Barber seconded the motion, which passed 5-0-0.

Mr. Whitman reported that he, Mr. Yannotti, and Mr. Kiernan would be meeting via Zoom with Grandview residents on Tuesday evening.

He said money, about \$20,000, is available for sidewalk scoping studies. The town would need to contribute \$2000. It would tell the town what the design might look like and what it would cost to construct (probably more than \$300/s.f., not including storm drains). Mr. Kiernan will look into applying. Mr. Whitman said it might be a good idea to look into creating a sidewalk sinking fund.

11. 2021 Shaftsbury Fire Officer approval

Submitted for approval for 2021-2022 were officers Joe Vadakin, chief; first assistant chief Mike Taylor; and second assistant chief Ed Schule. Mr. Harrington moved to approve their appointments. Mr. Krulikowski seconded the motion, which passed 5-0-0.

12. Other Business

CUD appointment: Shaftsbury has been asked to appoint a representative to the CUD. Tim Scoggins has agreed to continue to serve. Michael Corey has agreed to serve as alternate. Mr. Krulikowski moved to approve those appointments. Mr. Harrington seconded the motion, which passed 5-0-0. Mr. Whitman will come to Cole Hall the next day to sign the motion.

13. Review of Action Items

Hold an executive session re meeting with Bennington Select Board.
Report on meeting with residents of Grandview.
Post the notice of the Tuesday meeting with Grandview.

14. Adjournment

Mr. Harrington moved to adjourn at 7:48 p.m. Mr. Barber seconded the motion, which passed 5-0-0.