

Town of Shaftsbury Select Board Meeting

Monday, June 17, 2024

In person at Cole Hall and remotely via Zoom

1. Call to Order

The meeting came to order at 6 p.m. Present were selectpersons Naomi Miller (chair), Mike Cichanowski, Brad Peacock, Martha Cornwell, and Tony Krulikowski. Also present was town administrator Paula Iken and webmaster/Zoom coordinator Jen Holley.

2. Conflict of Interest Statement

No one reported a conflict of interest with any item on the agenda.

3. Minutes

Mr. Krulikowski moved to approve the minutes for June 3, 2024. Mr. Peacock seconded the motion, which passed 5-0-0.

Mr. Cichanowski moved to approve the minutes for the special meeting on June 10, 2024. Mr. Peacock seconded the motion, which passed 5-0-0.

4. Warrants

Check warrant #46, \$149,979.95. Mr. Krulikowski moved to approve the warrant. Mr. Peacock seconded the motion, which passed 5-0-0. (It was noted that a \$74,000± bill was paid to North Bennington Water Department under protest.)

Payroll warrant #25, \$36,789.63. Mr. Cichanowski moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 5-0-0.

Check warrant #47, \$8750. Mr. Krulikowski moved to approve the warrant. Mr. Cichanowski seconded the motion, which passed 5-0-0.

5. Announcements

There were none.

6. Treasurer's Report

Melanie Dexter reported on the cash flow. The final \$47K+ school reimbursement was received. She noted a CD holding listers' reappraisal funds was cashed in rather than renewed as those monies will be needed in the coming year. Those funds now appear in the reserve fund.

Ms. Dexter pointed out \$658K+ in the ARPA fund account.

7. Public Comments

Art Whitman suggested the fire department, not the Town, should be responsible for any insurance costs related to the loss of an excavator at a Lower East Road fire.

8. DPW Report

Mike Yannotti reported that he had reviewed the two paving bids opened at the last meeting. He would like to use the Springfield Paving bid. Mr. Cichanowski moved to accept the Springfield bid for \$215,234.80. Mr. Krulikowski seconded the motion, which passed 5-0-0. Mr. Yannotti said the project would get underway sometime in September. Meanwhile the road crew will change out ten culverts, take down some dead ash, and do some other chores.

Mr. Yannotti asked that the board appoint Patrick Murphy, a graduate of Arlington HS and the Southwestern Tech forestry and heavy equipment program, to the open part time position on the DPW.

He recently received his CDL as well. Mr. Krulikowski moved to hire Patrick Murphy. Mr. Cichanowski seconded the motion, which passed 5-0-0.

A few crew members are taking their vacations now at the end of the fiscal year. Mowing is underway.

Mr. Yannotti will ask the board to sign a purchase agreement for a truck at the next meeting.

9. Discussion of Open Meeting Act revisions/Town policy

Ms. Miller asked whether the Town might set a policy that all meeting will be hybrid meetings. The board discussed what an advisory board is or is not. It was agreed that the SB, the DRB, the cemetery committee, and the recreation committee are not “advisory.” Ms. Holley said she hopes to train all committee chairs to run the Zoom portion of each meeting from Cole Hall. Mr. Cichanowski moved that all town committees, advisory as well as non-advisory, conduct their meetings in a hybrid mode. Mr. Peacock seconded the motion. Ms. Holley noted that if committee members don’t wish to be filmed, they could attend via Zoom. On Ms. Cornwell’s urging, Mr. Cichanowski moved to table the motion. Mr. Peacock seconded the motion. It was agreed that language would be constructed for discussion at the next meeting.

10. Explanation of ARPA Resolution

Ms. Cornwell read a summary of conversations held between the Town and VLCT re the timing and mode of expenditures of ARPA funds. In sum, by virtue of a change in federal policy, ARPA funds must be obligated for shovel-ready projects by December 31 2024 and those funds must be spent by December 31 2026. After consultations with VLCT, our professional auditors, and legal advisors, the select board proposes to 1) protect the ARPA funds so as to be able to use them to construct improvements to Cole Hall and to develop the Town Green and 2) meet these requirements by creating a reserve fund of state and local recovery fund totaling \$658K+. The fund will be used to reimburse the Town for payroll expenses incurred between December 1 2023 and June 30 2024 in support of our response to the COVID health emergency. Since the SB will be using general funds and not federal funds the federal character of the money will no longer exist. This will allow the town to meet the ARPA fund timelines while also giving us time to fully realize the wishes of the residents of Shaftsbury.

Ms. Dexter reported that VLCT reassures us that existing funds in the ARPA account can be retroactively transferred to the general fund “for workforce retention” until voters have had a chance to vote on the transfer of funds. Ms. Dexter said expenses such as stipends, health insurance and other benefits, payroll, and other expenses in fiscal year 2024 can legitimately be called “workforce retention” – an allowed ARPA expense – and therefore constitute the spending down in its entirety of all federal monies. Ms. Dexter said she consulted with auditors Sullivan and Powers who are helping other towns do something similar. A side effect of this action is that, because the general fund balance will grow significantly, no line of credit will be needed this summer. Finally, Ms. Dexter said, this action has been approved by the federal government. Mr. Whitman clarified that those monies can’t be spent until July 1 2025 or later as the FY 2024 budget was already approved by the voters.

Ms. Dexter said we’ll need to keep some funds available to cover the costs of demolishing the residence on the parcel north of Cole Hall and the barn on the town green site. Mr. Yannotti thought it might cost as much as \$100,000. (The presence of asbestos in both buildings drives the cost up.)

11. Resolution for ARPA allocation

Ms. Miller read the following resolution:

RESOLUTION 24-01

RESOLUTION FOR AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act (ARPA) to provide continued relief from the public health and economic impacts of the COVID-19 public health emergency; and

WHEREAS, ARPA created the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) that provided direct funding to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, the Town of Shaftsbury has accepted an allocation of SLFRF in the amount of \$ 1,025,627.73; and

WHEREAS, SLFRF provides needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency; and

WHEREAS, Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.”; and

WHEREAS, Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance; and

WHEREAS, All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula provided by the U.S. Department of the Treasury, including those with total allocations of \$10 million or less; and

WHEREAS, the Town of Shaftsbury has the need to fund government services while in the recovery phase of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED, the Selectboard of the Town of Shaftsbury, Vermont, authorize the following:

Section 1. The following allocation of SLFRF funding to fund government services under the replacing lost public sector revenue spending category as follows:

Obligate and expend SLFRF funds in an amount up to \$658,149.33 for the purpose of municipal workforce retention to pay for payroll expenses for the period 09/01/2023 through 06/30/2024.

Passed and Adopted by the Selectboard of the Town of Shaftsbury, Vermont on the ___ day of _____, 2024.

Changes will be made to amount total (to account for the need to set aside some monies for demolition costs) and to clarify when the funds can be spent. Ms. Miller asked the selectpersons to stop by to sign the resolution once the changes have been made.

12. Update on methane vent at landfill

Ms. Iken reported that MSK is seeking a methane expert from Casella to supervise the installation of the vent. Mr. Yannotti said we don’t have a timeline yet.

13. Update of Tree Warden and danger trees

Ms. Iken shared a summary of the assessment done to date, an Excel spreadsheet. She said our current tree warden doesn't have time to complete an accurate and complete assessment. Mr. Yannotti suggested DPW needs more funding for tree assessment. A more professional assessment would also help soothe resident concerns over trees taken down. Ms. Miller asked that anyone interested in conducting a tree survey or who knows of someone who might be interested should contact Ms. Iken.

14. Update of removal of 43 Buck Hill and barn

Ms. Iken said the Fire Department training is Thursday June 27. Ms. Iken will ask Chief Vadakin to notify the appropriate people. Mr. Yannotti said he thinks trainings are held at 7 p.m.

15. Update on quarterly reports from Town committees and boards

Ms. Iken reported she sent an announcement of the new reporting requirement out to all board chairs.

16. Schedule road brainstorming meeting

Ms. Miller said it has been agreed to meet on August 14, 5:30 p.m., at the Town Garage. It is not a formal SB meeting.

17. Other Business

Ms. Iken notified the audience that NWS has issued a heat advisory. Tips for dealing with it are on the Town website.

Mr. Peacock moved to authorize Ms. Miller to sign the new liquor license for the Shaftsbury Country Store. Mr. Krulikowski seconded the motion, which passed 5-0-0.

Mr. Cichanowski moved to authorize Ms. Miller to sign a financial management questionnaire produced by the Treasurer annually. Mr. Peacock seconded the motion, which passed 5-0-0.

Ms. Miller signed both documents.

18. Review of Action Items

Contact Mr. Vadakin re the excavator lost at the Lower East Road fire.

Make resolution changes. Edit explanation of ARPA for website.

Announce tree warden position on the website.

Announce open meeting act provisions on the website.

19. Adjournment

Mr. Cichanowski moved to adjourn at 7:18 p.m. Mr. Peacock seconded the motion, which passed 5-0-0.