

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM Selectboard  
Monday, December 21, 2015  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

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

**Absent: Mitch Race**

**TA Present: David Kiernan**

**Others Present: Melanie Dexter, Adam Miller, Monte Walker**

**1. Call to Order**

Tim Scoggins (Chair) called the meeting to order at 6:30PM. Mr. Scoggins announced that discussion of Item 12(a) on the evening's agenda ("Shaftsbury New Proposed Highway Garage – Selection of location for new garage) would be postponed due to the receipt of some new information by the Board regarding a new real estate matter. Mr. Scoggins then said that the Board would be meeting in Executive Session to discuss the real estate matter following the adjournment of the Regular Meeting.

**2. Conflict of Interest Statement**

NONE

**3. Approval of Minutes**

Motion: Tim Scoggins moved to approve the minutes from the Regular Meeting on December 7, 2015 Tony Krulikowski seconded.

4-0-0 Motion Approved.

**4. Warrants**

Motion: Tim Scoggins moved to approve Retirement Warrant #25 \$120.12. Tony Krulikowski seconded.

4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Payroll Warrant #13 \$19,993.07. Tony Krulikowski seconded.

4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve a check in the amount of \$1,467.11 payable to CIT Associates for the phone system at Cole Hall. Tony Krulikowski seconded.

4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Retirement Warrant #19 \$83.16. Tony Krulikowski seconded.  
4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Check Warrant #22 \$26,029.52. Tony Krulikowski seconded.  
4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Payroll Warrant #12 \$15,761.60. Tony Krulikowski seconded.  
4-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Check Warrant #17 \$35,940.24. Tony Krulikowski seconded.  
4-0-0 Motion approved.

**5. Announcements**

NONE

**6. Public Comments**

NONE

**7. Treasurer's Report- Melanie Dexter**

Melanie Dexter provided a brief report to the Selectboard stating the following:

- Both revenue and expenditures appear right on target; no significant variances.
- All tax refund checks were mailed on December 14, 2015.
- School tax money has been transferred from the Town's account.
- The audit process appears to have gone smoothly.

Tony Krulikowski asked Ms. Dexter if she had looked into a possible transfer of the Town's bank accounts to The Bank of Bennington. Ms. Dexter replied that the subject had come up just prior the period of tax collection by the Treasurer's Office and that she would now look into the subject. However, Ms. Dexter indicated that she has been pleased with the current service at People's United Bank. Tony Krulikowski then pointed out that The Bank of Bennington would keep funds local and there would likely be no fees associated with maintaining accounts there. Ms. Dexter said she would look into the services at The Bank of Bennington but stressed that the Town's accounts were complicated and that there are CDs and money market accounts in addition to the traditional deposit accounts.

**8. Road Foreman Report**

Road Foreman Steve Washburn was not in attendance. Administrator David Kiernan gave the Road Report in Mr. Washburn's absence.

Mr. Kiernan reported that the first culvert on Holy Smoke Road had been installed and that the Town was waiting to hear back from an out-of-state property owner before beginning work on the second culvert. David Kiernan said that as long as the good weather continued, the project would go on.

Tim Scoggins reported that he had heard that there were icy conditions on Town and State roads earlier in the week. Art Whitman confirmed that he had received reports of ice on West Mountain Road and on Route 7A near Governor's Rock. Mr. Whitman then asked David Kiernan is responsible for calling out the road crew. Mr. Kiernan said that the Road Foreman would call out the crew and encouraged motorists who observed dangerous conditions to call the State Police, who would then notify the Town.

Mr. Kiernan concluded his report on the roads by informing the Selectboard that ditching and general road maintenance was taking place due to the warmer than average temperatures and lack of snow. Mr. Kiernan did say that pot holes may be a problem early in the winter season this year due to the cycle of freezing and thawing of the road surfaces.

Ken Harrington asked if there would be stone ditches installed as a part of the project on Holy Smoke Road. David Kiernan said that he would ask Steve Washburn about the full plan. Art Whitman said that he had heard that the State did not like stone ditches and Mr. Kiernan concurred that there were differing opinions on the matter.

#### **9. Adam Miller- VTFWS – Land Acquisition of Fish Hatchery RTE 67**

Adam Miller, Fish Culture Operations Manager from the Vermont Fish and Wildlife Service approached the Selectboard to discuss the acquisition of three (3) ponds on the north side of VT Route 67E by the State. Mr. Miller informed the Board that the State currently cooperatively operates the ponds as hatcheries for trout in conjunction with the Hale Mountain Fish and Game Club. Hale Mountain owns one (1) of the subject ponds and Bernstein Displays own the other two (2) ponds. Each entity has decided to gift the ponds over to the State of Vermont.

The State has concluded that these hatcheries provide a key piece of infrastructure to the Fish and Wildlife Service. As part of the gifting process, the State must seek approval from the local Selectboard. Adam Miller informed the Board that there is currently an encroachment of a shed structure by an adjacent landowner on one of the parcels being gifted to the State. Mr. Miller said that this would be dealt with after closing by doing a boundary line adjustment, with the survey cost being absorbed by the State. Mr. Miller then invited the Board to ask any questions they may have about the properties.

Art Whitman asked about the access to the adjacent property and inquired if the driveway to that property would be effected. Mr. Miller said that the driveway belonged to the adjacent landowner and a separate parking area by which to access the ponds is currently on one of the Bernstein parcels. Tony Krulikowski asked what advantage there was to the State taking full ownership of the ponds. Mr. Miller replied that now was a good time to take on the properties as the current owners are friendly to the State's endeavors. Mr.

Miller also stressed that the Shaftsbury ponds are a significant tourist attraction and the State currently has the resources to continue to maintain the hatcheries.

Tim Scoggins said that he didn't see any objection to this acquisition and read the Selectboard a letter of approval to be signed by the Chair of the Selectboard in support of the State's acquisition of the properties.

Motion: Art Whitman moved to approve the acquisition of the three (3) parcels on Route 67E by the State of Vermont Fish and Wildlife Service. Tony Krulikowski seconded.  
4-0-0 Motion approved.

#### **10. Chris Williams – Affordable housing purchase**

Mr. Williams did not attend the Meeting and this item was not discussed by the Selectboard.

#### **11. DRB Appointments;**

##### **a. Call for letters of support – candidates for DRB alternate**

Tim Scoggins reminded the Selectboard that the Development Review Board sought Letters of Interest for an alternate member of the DRB. David Kiernan reported that one (1) letter of interest had been received from Carl Korman. Tim Scoggins asked that the public submit letters of support or objection to this prospective appointment between this Regular Meeting and the first meeting in January.

##### **b. Appointment of Michael Day to DRB to finish term till April, 2016**

Tim Scoggins went on to remind the Selectboard and public that Michael Day, a former alternate member on the DRB, had been serving as a full member of the DRB since David Mance resigned from the DRB to take a position on the Planning Commission in the fall. While no specific policy or procedure exists for the appointment of an alternate to a full member of such a committee, Mr. Scoggins proposed a vote from the Selectboard to memorialize the decision.

Motion: Tim Scoggins moved to appoint Michael Day as a full member of the Development Review Board. Tony Krulikowski seconded.  
4-0-0 Motion approved.

#### **12. Shaftsbury New Proposed Highway Garage**

##### **a. Selection of location for new garage – DISCUSSION POSTPONED**

##### **b. Information regarding Morton Buildings – Rupert Garage type**

David Kiernan reported to the Selectboard that he had attempted to connect with the Chair of the Rupert Selectboard to discuss the Morton building that their Town is currently using for a Town Garage, but that he was unable to get in touch with him

before the meeting. Mr. Kiernan said that he had made initial contact with Morton and that their representative had “a lot” of questions regarding the scope of the Town of Shaftsbury’s plans. Morton is able to construct the entire building, though Rupert used its own contractors. Mr. Kiernan did point out that Morton provides essentially an “off-the-shelf” building, with design and engineering costs rolled into the total price.

Tim Scoggins indicated that Morton has been reluctant to share too much information on pricing at this stage in the process and has been inquiring about how the Town intends to bid out the project. Mr. Scoggins said that his inclination is to have Morton sole-source the project but that decision cannot be made prior to the vote from the public on the project and bond application. Mr. Scoggins did advise the Selectboard that while the policy to put projects over \$10,000.00 out to bid is recommended as a best practice, it is not required of the Board and the decision to award the entire project to Morton could be made by the Selectboard.

Art Whitman then said that he would like to offer local contractors the opportunity to bid on portions of the project such as the electrical system installation and pouring of concrete. Mr. Whitman went on to say that more thought would need to go into the division of work.

Tim Scoggins asked Mr. Kiernan if it was possible for the Town to receive estimates on pricing without making a commitment to Morton at this time. Mr. Kiernan replied that he could probably come up with a reasonable estimate after speaking with a representative from Rupert and obtaining some basic costs from Morton.

Tony Krulikowski asked if Rupert had looked into other companies for the construction of their Town Garage building. Tim Scoggins said that Rupert had estimates from three (3) contractors and Morton was not the cheapest but the best value. Mr. Scoggins went on to say that the Town was likely to go with Morton and would pursue ways to get local contractors involved in the project.

David Kiernan said that he hoped to have more information from the Rupert Selectboard Chair by the next Regular Meeting on January 4, 2016 and that he would try to arrange for a representative from Morton to attend the following Regular Meeting on January 18<sup>th</sup>.

Mr. Kiernan went on to discuss the timing and subject(s) of upcoming votes on the proposed Town Garage. He pointed out that there are three (3) townwide elections coming up in the next year: Town Meeting Day, the State primary and the Presidential election. These opportunities could allow for a vote on the location of the garage and a separate vote on the bond or financing required for the construction of the garage. Tim Scoggins and Art Whitman both expressed that the Board does not want to rush the process for voter-approval of the construction of the new Town Garage. Art Whitman said that the Selectboard would make an effort to be more open about the process and would be having meetings on the subject to address potential concerns with the public. Tim Scoggins said that if the vote on the bond was approved next November, the Town would have the winter to plan and construction

could begin in the spring of 2017. David Kiernan pointed out that this timing would also allow for reserves to be built up further.

Ken Harrington then asked if it would be possible for him to run tests on a sample of water from the landfill site to confirm the water is not contaminated. David Kiernan said that tests of the water pooling about 50 feet from the last well site were possible and that he would contact Jim McGuinness about the sample and lab requirements.

Tim Scoggins then gave a brief presentation on the water quality at the former landfill site. The highlights of the presentation were as follows:

- Shaftsbury Landfill closed in 1990 and while the landfill was unlined, it was capped at the time of closure.
- The wells at the site have been continuously monitored over the past twenty-five (25) years.
- A 2010 Engineering Report indicated that the water at the wells exceeded State and federal drinking water standards.
- If the water at the site is ever found to be non-potable, it would still be sufficient for industrial use and bottled water could be brought in for drinking.
- A report from this past (2015) spring found that metals were detected in a sample of water from one of the wells. The level was in excess of the Vermont Groundwater Enforcement Standards (VGES) but within historical ranges for the property.
- No VCOS were found in the water.
- An overall improvement in the water quality has been demonstrated over time.
- The presence of metals is natural due to the bedrock surface of the water table.
- Though the requirements for VGES have gotten stricter since 2010, the water at the former landfill site from all six (6) monitoring wells still exceeds federal drinking water standards.

Mr. Scoggins then addressed the question of why the Town purchased a property adjacent to the landfill site on North Road by offering the following points:

- The purchase removed a grandfathered residence from the industrial zone.
- The purchase enhanced the value of the industrial land already owned by the Town that surrounds the property.
- Residential water requirements and needs differ from those in an industrial site.

Art Whitman then asked if the word “contamination” was too strong to describe the water quality at the site. Mr. Scoggins said that it certainly was too strong and that the water has always met federal standards.

### **13. RFP- BBR Grant for Northern End of Shaftsbury Hollow Road**

David Kiernan presented the Selectboard with a request for proposals for an engineering study for the portion of Shaftsbury Hollow Road above Dwyer’s Camp. Mr. Kiernan briefly reviewed the request with the Board, which will be funded by a grant from Better Back Roads in the amount of \$4,000.00 to study and propose solutions to improving that portion of the road. Mr. Kiernan said he would post the request following the meeting.

**14. Liquor License Application – Thyme Tables Catering**

Prior to reviewing the Liquor License Application from Thyme Tables Catering, David Kiernan informed the Selectboard that he had discussed the possibility of having the Town Clerk approve one-time event licenses for the service of alcohol and that it had been decided to continue to present those applications directly to the Selectboard.

Mr. Kiernan then presented the Liquor License Application for Thyme Tables Catering, which is renewed annually and gives Thyme Tables permission to cater off-premises at special events.

Motion: Art Whitman moved to approve the annual Liquor License to Thyme Tables Catering. Tony Krulikowski seconded.  
4-0-0 motion approved.

**15. FY17 Budget Capital Improvement Plan**

Tim Scoggins reminded the Selectboard and public that, moving forward, the Town would be allotting money to specific funds for capital improvements as reserves and no longer moving money from the general Operating Budget for projects.

David Kiernan then outlined his proposals for the FY17 Capital Improvement Plan.

- Replacement of the 2006 Ford F550 (2006) for approximately \$68,000.00 after trade-in value (\$10,000.00). Current Equipment Fund for FY17 is \$101,135.00 and after expense of replacing the truck, \$33,135.00 would be left in the fund.

As brief discussion follows regarding the condition of two other Town trucks, a Dodge Ram and a Chevy and how long the vehicles can continue to be useful to the road crew.

- Cole Hall Exterior Painting and Second Floor Renovations are estimated at \$45,000.00 total for FY17 (with half of the exterior painting project to be done in FY17, and half in FY18). There is \$45,794.00 in reserves allotted to Cole Hall Improvements, leaving a balance of \$794.00.
- Class 3 Road Fund:

Shaftsbury Hollow Road	\$17,363.00
Murphy Hill Road	<u>\$23,607.00</u>
TOTAL	\$40,970.00

There is \$40,000.00 in reserves and Mr. Kiernan said he would likely use any balance carried over from FY16 or dip into the gravel budget to cover the difference.

- Paving Reserve Fund:  
(Class 2 Roads)

East Road	\$35,000.00
Airport Road	<u>\$15,000.00</u>
TOTAL	\$50,000.00

Discussion followed regarding the issues on Airport Road and Ken Harrington inquired if the trucks from Peckham could change the angle of their access to the road to cut down on deterioration. Art Whitman pointed out that this may be difficult as the trucks must approach at a 90° to see oncoming traffic.

(Class 3 Roads)

Paran Acres – chip seal	\$21,000.00
Harvest Hills (780’) – reclaim and pave	\$27,748.00
Harvest Hills (2230’) – chip seal	\$10,815.00
Hewitt Drive (1901’) – chip seal	<u>\$ 9,219.00</u>
TOTAL	\$68,782.00

TOTAL FROM PAVING RESERVE FOR FY17	\$118,782.00
Total in Paving Reserve Fund	\$120,258.00
Balance:	\$ 1,476.00

Mr. Kiernan pointed out that there was “not a lot of play” in the paving reserve budget but that the total cost of the projects may shift according to oil prices over the next year.

## **16. Town Administrators Report**

David Kiernan began his report by discussing the parking situation at the former Shaftsbury Country Store, soon to be under new ownership. The State informed Mr. Kiernan that in order to provide clear sitelines from Buck Hill looking north, the parking setback must be 30 feet from the intersection. The State recommended curbing to discourage parking. Ken Harrington stated that curbing would make plowing difficult, if not impossible for the store owners. David Kiernan said that the Town would need to go to the new owners with this request. Tim Scoggins indicated that the new owners were not expecting the level of traffic that the previous owners experienced and that perhaps signage and striping would be effective.

Ken Harrington asked about the parking setback for the south side of the same intersection and Mr. Kiernan stated that the State had already looked into it and would be marking a 20 foot setback from the crosswalk.

Art Whitman asked about the setback from Church Street approaching Route 7A and looking north. David Kiernan informed the Board that since there was an approach to a traffic signal from that direction, the setback should be 30 feet. Mr. Kiernan said that he would ask the State about painting on that side of the intersection.



David Kiernan then told the Selectboard that the sidewalk project for the south side of Church Street and Route 7A was on target to put out to bid in February and March.

Mr. Kiernan then informed the Board that the Town was collecting estimates for the drilling of the new well at Howard Park from Frost, Gould and Parker. Mance Engineering is assisting in coordinating the drilling and the new well should be in use by the spring of 2016.

Tim Scoggins inquired of the total expense for the drilling of the well in Howard Park to use as an estimate for the drilling of a well at the new proposed Town Garage site. Mr. Kiernan said that the well at Howard Park cost approximately \$13,000.00.

Mr. Kiernan concluded his remarks by updating the Board on the Mance Engineering study on Shaftsbury Hollow Road and said that Mance would likely have a presentation ready for the Board in January.

## **17. Other Business**

NONE

## **18. Review of Action Items**

The Action Items from the December 7, 2015 were reviewed.

- **Estimates for garage construction** – currently being gathered, awaiting information from Rupert.
- **Check with State regarding requirements for the granting of authority to sign liquor licenses** – resolved, Board will continue to grant
- **Art Whitman and Ken Harrington to visit the former landfill site for the placement of the new Town Garage** – Mr. Whitman and Mr. Harrington visited the site and staked a potential building area.

Tim Scoggins asked the Board about their thoughts on a perimeter fence. Art Whitman said he didn't think a fence was necessary but Ken Harrington expressed concern about individuals on four-wheel ATVs accessing the property. Mr. Harrington said that he believed cameras and or a fence would be necessary to protect the Town's equipment. Tim Scoggins said that he had looked into pricing for fences and estimated the cost to be approximately \$10,000.00-\$15,000.00.

Art Whitman raised concerns about maintenance and mowing around a perimeter fence. David Kiernan said that some form of security would be "almost mandatory" but it was agreed that this discussion was premature in light of the decisions that need to be made regarding the garage site.

- **David Kiernan to make contact with the Bond Bank regarding the Town Garage**
  - Mr. Kiernan reminded the Board that the deadline for applications for this year is in May of 2016 but there are options at other lenders, and there will be lots of opportunities to discuss financing if the Board is opening up the timeframe on the Garage votes.

## **19. Adjournment**

Tim Scoggins moved to adjourn the Regular Meeting at 8:25PM to go into Executive Session. Art Whitman seconded.

4-0-0 Motion approved.