

Shaftsbury Select Board  
September 17, 2018

- 1) Call to order at 6:30 pm. Present were Select Board chairman Tim Scoggins, Ken Harrington, Art Whitman, Joe Barber, and Tony Krulikowski. 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. Krulikowski moved to approve the September 4, 2018 minutes. Mr. Barber seconded the motion, which passed 4-0-1 with Mr. Whitman abstaining. Mr. Krulikowski moved to approve the June 18, 2018 minutes. Mr. Barber seconded the motion, which passed 3-0-2 with Mr. Whitman and Mr. Krulikowski abstaining. Mr. Krulikowski moved to approve the July 16, 2018 minutes. Mr. Barber seconded the motion, which passed 3-0-2 with Mr. Whitman and Mr. Scoggins abstaining.
- 4) Warrants  
Check warrant #7, \$106,983.24. Mr. Krulikowski moved to approve the warrant. Mr. Whitman seconded the motion, which passed 5-0-0.  
Payroll warrant #5, \$20,040.27. Mr. Krulikowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 5-0-0.
- 5) Announcements  
Mr. Scoggins noted that traffic enforcement has been increased on several roads in Town. The Sheriff will be out writing tickets.  
Mr. Scoggins said he'd been involved in developing a two-county (Bennington and Windham) economic development strategy. Public meetings regarding the plan are now being held. The Bennington meeting will be held September 26, 6p-8p, at the Mount Anthony Masonic Lodge. All are encouraged to attend.
- 6) Public comments  
There were none.
- 7) Treasurer's report  
Melanie Dexter reported that tax bills went out on Friday. Ms. Dexter created an FAQ for taxpayers, which is on the website. She invited folks to review it. Several property owners have discovered that their homestead exemption was not recorded by the State. They should contact the State as soon as possible. Others have called to ask why they received a bill when they have an escrow account at their bank. Those property owners must deal personally with their escrow companies.
- 8) Road foreman report  
Mike Yannotti reported that they are working on the recycled asphalt project on Myers Road, grading and ditching in preparation for laying the gravel, 3 inches deep over about 22 feet wide by 750 feet long. At the end of October Mr. Yannotti will rent a mower with a brush head from Fairfield and cut the shoulders (including the overhang) on White Creek Rd., Buck Hill, and East

Rd. The machine is on tracks, so it is stable and effective but slow. The effort is an experiment; if successful, renting such a machine could conceivably replace part of the annual mowing contract. The crew will continue grading as they can (they are short-handed – two employees are out because of accidents). East Rd. will be reclaimed (milled and re-placed on site) by Dailey the last week of September and paved the first week of October. The crew is doing regular maintenance on the vehicles. Mr. Kiernan has gotten an extension on the Shaftsbury Hollow grant (necessary because the crew is down two members). The town will contract the work out in spring of 2019. Greater Heights will be doing some roadside canopy pruning this autumn. Mr. Yannotti and Mr. Kiernan have been working to better utilize personnel and equipment in the near and long term.

9) Appointment, new PC member

Two weeks ago the Select Board interviewed Naomi Miller, who volunteered to serve on the Planning Commission. The public was invited to comment. None were received. Mr. Krulikowski moved to nominate Ms. Miller to a three year term on the Planning Commission. Mr. Barber seconded the motion. The motion passed 5-0-0.

10) PC Chair Chris Williams – zoning bylaw changes

Mr. Williams and Michael Cichanowski presented on two proposed bylaw changes which reflect what is already happening in town.

The conversion of motels to housing could affect many businesses in town. The Iron Kettle Motel is a case in point; there, nineteen units have been successfully converted to housing. (The facility includes an on-site manager, a community room, and a community kitchen.) Mr. Scoggins pointed out that the proposed bylaw requires an on-site manager, an annual inspection by the health officer or zoning administrator, and that building and energy codes be followed. Mr. Williams said the owner of the Iron Kettle should see no effect from this change, other than the annual inspection. Mr. Whitman said our health inspector is not qualified to conduct such an inspection. Mr. Scoggins said the requirement is already in place for and the health inspector already inspects rental housing. Mr. Whitman asked about the Iron Kettle situation compared to the Shires Housing brick houses. Mr. Williams said the Iron Kettle units are not dwelling units. (There are no kitchens.) Mr. Williams said the brick house Shires units are not subject to annual inspections. Mr. Scoggins said there is a history of motels in the county and the state being converted into housing that becomes blighted. (Motels south of Bennington on Route 7A are an example.) This is the Town's attempt to prevent that from happening here. Mr. Krulikowski said "this is a step in the right direction." Mr. Harrington asked about what the state requires in re septic systems.

Short-term rentals such as those managed by Airbnb are common in town, yet no mention of them occurs in the bylaws. Recently, more than fifty rentals in the Shaftsbury area were available via Airbnb. Mr. Williams said the PC sees this as an opportunity – a 21<sup>st</sup> century version of the older automobile-based tourist cabin phenomenon. Mr. Williams said it's not so much that short-term rentals need to be regulated (the market will do that), but that such development should be guided. Making use of the concept of home occupation for fewer than three units requiring site plan review by the DRB is a possible solution and a way to help Vermonters pay their taxes, bring in a little extra income – as they have done and as they are already doing. (Three units and more are regulated by the state rental unit code.) Site plan review would address size, parking, drainage, setbacks and so on. What constitutes "short term" is out of state statute.

A housekeeping detail: the existing bylaw includes a table of uses. It has caused confusion at the DRB level. The proposal is to delete the reference in the table to “not permitted” (which really means only “not mentioned in the bylaw”).

Mr. Williams will produce the language for the short-term rental proposal, write a report, and schedule a public hearing. His goal for tonight’s meeting was simply to present the concepts for discussion.

11) Town Garage and Transfer Station

Mr. Kiernan Transfer station is two to three weeks out. The garage building construction will start around 9/24 and should take about ten days. We have fallen behind on site work. Work will be done during the weekend. The work is still within budget.

12) Review of Action Items

A citizen, Scott Owens, complained about a dog facility that is licensed as “farm dogs” by the Town and therefore exempt from parts of the statute, including “noise in the night.” The dogs have been trained to protect livestock but are day-long barking nuisances. Mr. Kiernan suggested that perhaps the Town should not re-license the dogs as “farm dogs.” Or perhaps the license can be retracted. But he needs legal advice on this.

13) Executive session – contract negotiations TAM TS Management

Mr. Whitman moved to enter executive session at around 8:15 p. Mr. Harrington seconded the motion, which passed 5-0-0. Motion to leave Executive Session at 8:52p by Mr. Whitman and seconded by Mr. Harrington. Motion passed 4-0-0. Mr. Barber had left the meeting at approximately 8:40p.

14) Adjournment – Motion to adjourn at 8:43p by Mr. Scoggins, Seconded by Mr. Krulikowski. Motion passed 4-0-0.