

Town of Shaftsbury Selectboard
Special Meeting via remote web platform Zoom
Monday, September 21, 2020

1. Call to Order

The meeting came to order remotely, via the teleconference platform Zoom, at 6:30 pm. Present were Select Board members Tim Scoggins (chair), Art Whitman, Joe Barber, Ken Harrington, and Tony Krulikowski. Also present was town administrator David Kiernan and several citizens.

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 September 7, 2020 and September 14, 2020. Mr. Whitman seconded the motion, which passed 4-0-1.

4. Warrants

Check warrant 10, \$18,434.77. Mr. Whitman moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 5-0-0.

Payroll warrant 5, \$23,056.97. Mr. Whitman moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 5-0-0.

Payroll warrant 6, \$24,482.40. Mr. Krulikowski moved to approve the warrant. Mr. Whitman seconded the motion, which passed 5-0-0.

Retirement warrant 1, \$10,547.40. Mr. Krulikowski moved to approve the warrant. Mr. Whitman seconded the motion, which passed 5-0-0.

5. Announcements

Mr. Scoggins noted that the November polling place will be the new town garage. He said registered voters should be receiving a ballot by mail from the State any day now. Voters can deliver the ballots to the garage on November 3, to the Town Clerk at Town Hall at any time, or to the Treasurer's drop box outside the door to Cole Hall. A special purpose ballot box should be installed by the end of the week.

Mr. Scoggins reported that the State has not issued guidance on Halloween; people should use their discretion. The Town will provide traffic control in the village.

Mr. Scoggins noted that there are openings on the Planning Commission and Development Review Board. If interested, citizens should call or send a letter or email to Mr. Scoggins or town administrator David Kiernan.

Mr. Scoggins noted that the Select Board would enter executive session at the end of the meeting to discuss a DRB appointment.

6. Public Comments

Andrea Bacchi asked that attendees be identified by first and last names. She is glad to help anyone needing assistance.

7. Treasurers Report

Everyone should have received their tax bill by now. If not, call Melanie Dexter at 442 4038 x 2.

She appreciates all who mail in their tax payment. The online option is also convenient, for a fee of \$1.50.

Taxes are due November 6.

8. Appointment to elementary school district of new board member.

Three candidates were considered, all very qualified and competent. The consensus of the Board was that Jeff Leake should be appointed. Mr. Krulikowski moved to appoint Mr. Leake to the board of the Southwest Vermont Union Elementary School District Board. Mr. Whitman seconded the motion, which passed 5-0-0. Mr. Scoggins thanked Mr. Fenick and Ms. Dornhoeffer for also being willing to serve.

9. Ted Habberfield explained why he wishes to serve on the DRB. He said he'd been looking for a way to be involved since his family moved to Shaftsbury in 2015. He has always been interested in how development can shape a town or city. He thinks he can be a contributor. His work has exposed him to reading and understanding regulations. It will give him an opportunity to meet more townspeople and better know the Town.

Mr. Whitman asked if he had served on any town boards in other communities in which he has lived. He said he has not.

He said he no longer commutes to Buffalo but is now here full time.

Mr. Huncharek, chair of the DRB, said Dr. Habberfield has dedicated his entire professional career to helping people in the field of clinical psychology, where he has surely developed notable listening and communication skills. One of the most important qualities a DRB member can have is empathy, which Dr. Habberfield has in abundance. Mr. Huncharek encouraged the Board to appoint Mr. Habberfield to the DRB.

10. Discussion of Roadside Commercial expansion

Mr. Scoggins described how non-conforming businesses must now close down and become conforming with the surrounding zoning if those uses are abandoned for more than a year. He said the Select Board thought expanding the RC zone to cover those non-conforming businesses would be a good idea. However, many citizens came out against the idea. Further, it was pointed out by Jim Sullivan of BCRC that any expansion of roadside commercial zoning does not conform with the state and regional plans. Mr. Sullivan suggested that instead the grandfathering period should be lengthened. Mr. Scoggins also explained that upon inspection, it was realized that RC does not allow retail stores, so the move would not preserve businesses like the Chocolate Barn, which was the original intention.

For these reasons, Mr. Scoggins suggested that the Board's charge to Planning Commission to consider expansion of the RC zone should be withdrawn.

Mr. Harrington said most of the citizens with whom he's talked are in favor of the proposal. He said the matter should be put to vote by the citizens.

Mr. Whitman said if the RC definition does not allow retail the proposal to expand the district should be withdrawn.

Mr. Krulikowski and Mr. Barber agreed that the matter should be withdrawn.

Mr. Krulikowski moved to withdraw the charge to the Planning Commission to explore expanding the RC zone to include the cluster of businesses at Hidden Valley, postponing indefinitely consideration of the issue. Mr. Whitman seconded the motion. Upon roll call vote the motion passed 5-0-0.

Mr. Harrington moved to charge the Planning Commission to explore the lengthening of the grandfathering period to five years. Mr. Whitman asked that the motion be amended to ask the Planning Commission to consider what is a feasible lengthening of the grandfathering period. Because Mr. Harrington's motion was not seconded, it was not pursued. Mr. Whitman moved to charge the Planning Commission to explore the feasibility of lengthening the grandfathering period, to explore whether it could be made retroactive, and to come to the Select Board with a recommendation. Mr. Krulikowski seconded the motion. The motion passed 5-0-0.

11. Cole Hall renovation

Mr. Kiernan said many interesting options for future redevelopment have recently appeared. Naomi Miller said Climate Advocates Bennington, part of the statewide 350Vermont organization, is active in promoting reforestation to sequester carbon. The Maple Hill Fund has donated \$2000 to help the group plant trees in Shaftsbury. Climate Advocates Bennington hopes to plant 10-15 fruit trees at Cole Hall with those funds – to both sequester carbon and provide food – with the Select Board's approval.

Mr. Kiernan said the redevelopment of the Cole Hall complex will be a long term process. An earlier iteration of a redevelopment plan will be revisited, assuming an accessibility grant can be secured. He will apply for that grant this autumn.

Mr. Krulikowski said it would be important to prepare the site carefully for the tree planting, as the soils have been greatly urbanized over the years. Ms. Miller said Jim White, tree warden, reported that volunteer labor from the Career Development Center could help with the task. Ms. Miller and Mr. Kiernan suggested that the northern part of the lot (near the salt shed) could be the best place to start.

Mr. Kiernan said he would have to seek professional review, via an RFP, to help plan out the accessibility grant in the upcoming weeks. There was no objection to that plan.

Mr. Scoggins wondered if the garage slab could be left as a parking area. Mr. Kiernan said a drain runs beneath the slab. The slab must be removed in order to investigate the drain.

Mr. Scoggins thanked Ms. Miller and Climate Advocates for the donation of trees. He indicated that the Mr. Kiernan should proceed as outlined and that we welcome these outside funding sources.

12. DPW Report

Mr. Kiernan brought up purchasing a multi-functioning tractor/mower, which with attachments could be a bucket loader, backhoe, broom sweeper, and more. Mr. Whitman said Mr. Yanotti had talked about the matter with him. A Kubota has issues. A John Deere can't go slow enough. An International seems a better fit; though not the cheapest it has the greatest versatility.

The approximate price for the mowing machine with a front end loader would be \$147,000. Mr. Kiernan explained that the purchase of the mower was not in the town's capital plan. He said, however, a state equipment loan fund will loan up to \$110,000 at 2% per year over five years. The annual payments would come to about \$23,000 annually. Right now, the town is paying about \$24,000 annually for mowing. It would be necessary to come up with the remaining \$37,000. The recent sale of the fire truck could cover that sum. The loan application is due October 15. The mower and attachments would all be warranted.

Mr. Harrington said he'd like to see the machine himself.

Mr. Scoggins was concerned that using town crews to mow would cut down on road maintenance time, and that the machine might be used only a few months of the year. Mr.

Kiernan noted that a town crewman already runs the rented mower and is therefore pulled off maintenance duties. He said most towns have their own mowing equipment, as hired mowing is now hard to find. (Shaftsbury got only two responses to its mowing RFP earlier in the year.) After discussion, Mr. Scoggins said he'd been persuaded to see the benefits of buying the new mower. Mr. Kiernan will bring full information about the equipment and the loan to the board for a vote in October.

13. Other Business

Mr. Kiernan said taking the garage down and breaking the slab up will go out to bid this week. Any cost should be covered by the recent auctioning of several derelict pieces of equipment. The board had no objection.

14. Public comments

Jeri Schoof expressed support for the Board's decision regarding the RC zone, and for extending the grandfathering period.

She noted that the local garden club only has five members, and could be challenged by additional landscaping needs following upon additional greening at Cole Hall.

Mr. Day, DRB member, expressed his support for Dr. Habberfield's nomination.

Ms. Habberfield, a garden club member, seconded Ms. Schoof's remarks and suggested native species might be chosen.

Ms. Miller said they intend to plant fruit trees that can be self-sustaining.

Tom Huncharek thanked the Select Board for rescinding the charge to the Planning Commission to consider the RC rezoning and for supporting devising an extended grandfathering period.

Mr. Harrington said he is concerned about losing the Stanley Tools complex to disuse. He doesn't want it to go the way of the Pownal racetrack.

15. Mr. moved to enter executive session to discuss the DRB appointment. Mr. Whitman seconded the motion, which passed 5-0-0.

16. Review of Action Items

17. Adjournment