

**Town of Shaftsbury
Selectboard Meeting
6:30PM
Monday, December 7, 2015
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**Selectboard Members Present: Tim Scoggins (Chair), Mitch Race, Art Whitman, Tony Krulikowski, Ken Harrington
TA Present: David Kiernan
Others Present: Ed Corey, Bob Holmes, Rick Kobik**

SUBJECT TO APPROVAL

6:30PM Regular Meeting

1. Call to Order

Tim Scoggins (Chair) called the meeting to order at 6:30PM

2. Conflict of Interest Statement

Ken Harrington informed the Selectboard that he would not be involved in any discussions related to Agenda Item #13 (Town Garage) specifically addressing the location site of the potential garage and accompanying buildings.

3. Approval of Minutes

Motion: Tim Scoggins moved to approve the minutes from the Regular Meeting on November 16, 2015. Mitch Race seconded.

Mitch Race proposed change in language regarding Minute Item #10 to clarify that the reduction in line items related to the gravel and chloride budgets for FY17 were related only to the proposed budget discussed at earlier meetings and did not reflect a reduction in amounts from the FY16 Budget.

Motion: Mitch Race moved to change the language in Item #10 to read: "Gravel budget to be set at \$67,500 and chloride set at to \$43,000.00. Tim Scoggins seconded.

Tony Krulikowski pointed out that in the discussion that occurred on November 16th, it was implied that the reduction was related only to the proposed budget. Mitch Race said that a paragraph added by Mr. Scoggins provided some clarity to the contemplated adjustments.

0-4-1 Motion failed.

The Selectboard then returned to the original Motion before them to approve the Meeting Minutes from November 16, 2015 as circulated by Mr. Scoggins.
5-0-1 Motion approved.

4. Warrants

Motion: Tim Scoggins moved to approve Warrant #15 \$3,124.00. Mitch Race seconded.
5-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Warrant #16 \$29,487.60. Mitch Race seconded.
5-0-0 Motion approved.

5. Announcements

Tim Scoggins announced that due to David Mance's retirement from the Development Review Board and Michael Day's subsequent move from alternate to permanent member, there is currently an opening on the D.R.B. for an alternate member. Candidates are asked to submit letters of intent to be considered at the next Regular Meeting on December 21st, at which time public comments will be invited. An alternate will then be appointed at the subsequent Regular Meeting.

Mitch Race announced that the Shaftsbury Historical Society is still accepting nominations for 2016's "Ordinary Hero" honor and that the nominations would be accepted through December 31st.

6. Public Comments

Ed Corey came before the Selectboard to ask if the Board would consider putting a question on the ballot at Town Meeting in March reading: "Should the new Town Garage be built at the old dump site off of North Road?" Tim Scoggins asked if Mr. Corey would like the new garage to be constructed on the current site and Mr. Corey replied that he wanted the townspeople to vote on the site, and that the voters have never voted on the location of the proposed garage. Mr. Corey likened this question to a previous ballot article regarding Cold Spring Road. Mr. Scoggins clarified that the vote concerning Cold Spring Road asked if the Town should fund a specific art project at that site and that there are practical difficulties in asking the townspeople where they would like to see a new garage constructed. Mr. Corey replied that he believed this was a process that should have started years ago.

Tim Scoggins said that the voters would have a chance to vote on the bond concerning the funding for the new garage but that he was opposed to having a vote specifically related to choosing a site. Mitch Race pointed out that the Town already owns the site off of North Road and that the cost of purchasing property at an alternate location would result in a marked increase in the funds required for the project. Mr. Corey reiterated that he wanted to see the townspeople vote on the site and indicated that he believed that the previous votes regarding the proposed Town Garage had failed because of the site

location. Mr. Scoggins believed that the reason the garage vote had failed was due to cost and asked why Mr. Corey did not want the new garage at the North Road location. Mr. Corey said that he believed the water and ground to be contaminated. Tim Scoggins then pointed out that the land is zoned for industrial use and that the main use for the water at the site would be for washing trucks (which can be non-potable water).

Mr. Scoggins again stressed that the Selectboard had exhausted possibilities for any and all potential sites for the new garage and that the fact that there is a contaminated well nearby would not prevent the garage from operating. A brief discussion then followed regarding how many wells are monitored for contamination in that area. It was determined that the so-called Crawford property had been purchased by the Town because the well was contaminated.

Mr. Corey pressed the Selectboard again about including a separate vote on the garage site at Town Meeting. Tim Scoggins countered that the voters could vote the site down for a variety of reasons. Mitch Race said that two ballot items (one regarding the site and one regarding the bond) would be unreasonable as the bond would increase if property were needed to be purchased by the Town.

Tim Scoggins said that a vote on a new garage would be on the ballot in March and that the specific language regarding the site of the garage would be considered when writing the ballot warning. The Selectboard declined to motion to vote on the inclusion of a specific ballot article regarding the garage site. Art Whitman reiterated that it would be “very confusing” to have two separate articles regarding the garage. Mr. Scoggins said that there were many steps to be taken before the warning language is crafted regarding this issue.

Bob Holmes then made a comment that the Town has wasted enough time debating this issue and that the Selectboard has invited the public to comment countless times on matters related to the construction of a new Town Garage. The site that has always been discussed has been the landfill location.

7. Treasurer’s Report

David Kiernan gave the Treasurer’s Report on behalf of Melanie Dexter, who could not attend the meeting. Tim Scoggins inquired about the progress of the financial audit of the Town. Mr. Kiernan reported that the audit of FY15 by Sullivan & Powers was largely completed last week over two full business days. Follow up regarding some depreciation schedules and the water accounts will occur over the next few weeks and a final written report is expected at the end of January. Initial feedback from the auditors indicated that some procedural changes should be implemented, mainly regarding the accounting of the reserve funds. In order to avoid the return of unused funds at the end of the fiscal year, it is proposed that when funds are used from a specific reserve, that cost is classified as an expense exclusively related to that particular capital fund. The auditors indicated that other Towns handle reserves in this manner and David Kiernan also reported that former Treasurer Bill Fisk had advised of the separation of funds for capital projects.

8. Road Foreman's Report

David Kiernan also gave the Road Foreman's Report on behalf of Steve Washburn (also not in attendance). Mr. Kiernan said that due to the good weather, grading and other work was able to continue later into the season than expected. The winter gravel has all been received and piled on the lot adjacent to the Town Garage.

Mr. Kiernan went on to inform the Selectboard that the mowing attachment from the Village of North Bennington will not work on the Town's equipment as the vehicle best suited for the attachment would not produce enough pressure to support the attachment and a specialized cage would need to be constructed around the cab.

Ken Harrington asked about the progress of the installation of a culvert on Holy Smoke Road. Mr. Kiernan said that a delivery of culverts had been received that evening and that the road crew may be able to complete the project before the winter weather set in as no significant storms were being predicted until after the New Year, based on long-term weather forecasts. Ken Harrington and Art Whitman agreed to visit the site again with Steve Washburn and confirm the scope of the project and consent of an interested landowner prior to work commencing.

David Kiernan concluded his report on behalf of the Road Foreman by informing the Selectboard that a part-time snow plow driver had been hired. This part-time driver will be used "on-demand" with regular road crew members driving the tandem if required.

9. Shaftsbury Community House, Inc. – Ballot Item

Rick Kobik came before the Selectboard to discuss the Shaftsbury Community House, a former church, located on Old Depot Road on the north end of Town. In 1932, a group bought the building from the Methodist Episcopal Church and since then the property had been used for community building. The original Articles of Association for the corporation stated that the building was to be used for "charitable, religious or benevolent purposes only, such as religious services, school entertainments, Grange meetings or any such purposes of general interest to the community." The Articles went on to state that the corporation is to be for non-profit purposes only. A separate entity, the Shaftsbury Community Club, is responsible for raising money for the caretaking of the property (utilities, insurance, upkeep, etc.).

Last year, the organization received a letter from the Shaftsbury Listers stating that the group would have to pay real estate taxes on the property. The property has never historically been taxed. The State is now requiring the taxpayers to vote on the exemption of properties such as that owned by Shaftsbury Community House, Inc. Mr. Kobik asked the Selectboard to include a ballot warning asking the Town to exempt the organization from paying real estate taxes for a period of five (5) years. Mr. Kobik also presented a petition with approximately 200 signatures supporting this measure.

Motion: Mitch Race motioned to include this ballot warning to be voted on in March. Ken Harrington seconded.

Art Whitman said that he believed the Norshaft Lions did work there. Mr. Kobik indicated that the Lions had replaced the furnace, installed storm windows, put in a bathroom. Mr. Kobik said that the building is used for weddings, memorials and other functions for a nominal fee. Art Whitman then asked if the Selectboard needed to vote on this proposal since it appeared Mr. Kobik had the required amount of signatures (5% of the registered voters) on his petition. David Kiernan then said that he would present the petition to the Town Clerk for verification and she would advise if this item could be included as a ballot article.

Tim Scoggins then informed the Selectboard that the Vermont League of Cities and Towns reported to him that the Board cannot alter an appropriation amount on a ballot article that is subject to a voter-backed petition that is in compliance with the related statute.

Tony Krulikowski suggested the organization apply for 501c(3) status, as the organization and property appeared to be more of a community asset than a private club.

Mitch Race then rescinded his Motion.

Motion: Tim Scoggins motioned the item be tabled. Tony Krulikowski seconded. 5-0-0 Motion approved.

Bob Holmes asked Mr. Kobik why he was asking for an exemption for a period of five (5) years and Mr. Kobik replied that five (5) years was the limit imposed by the State of Vermont.

10. Review of FY17 Community Appropriations Requests

Tim Scoggins began the discussion related to Community Appropriations by pointing out that these requests come from organizations that follow a set procedure for asking for Town funding through ballot articles, rather than through citizen petition. Mr. Scoggins reminded the Selectboard that they are able to alter the amounts on these ballot warnings. Last year, the appropriations were at almost \$60,000.00. David Kiernan reported that this year's requests were close to \$70,000.00 (\$69,910.00). Art Whitman inquired if the increase was due to an increase in requests from new organizations or requests in amounts over previous year's requests. Bob Holmes, from the Auditing Committee, said that both cases were factors in the overall increase in requests. The amount requested from the Bennington Free Library had increased from \$14,700.00 in FY16 to \$16,000.00 this year. Bob Holmes said that he had received three (3) additional requests over the weekend from the Bennington Free Clinic, Park McCullough House and the Canfield Library (a new request this fiscal year).

Art Whitman asked what choices the Board has in dealing with such a significant increase in appropriation requests. Tim Scoggins said that the Board could pick and choose what items and accompanying amounts appear on the ballot or they could set a total for community appropriations and reduce the requests proportionally for each organization. Art Whitman stressed that when the budget is presented at Town Meeting, it must be pointed out to the public that what they are seeing consists of expenses only and that any vote by Australian ballot the following day to fund a community appropriation would result in a tax increase. Mr. Whitman further indicated that he was in favor of leaving the appropriations on the ballot as originally requested by the organizations and letting the voters decide on whether or not the items should pass. David Kiernan informed the Selectboard that the Vermont Secretary of State had mandated that any reserve amount proposed in the FY17 Budget must also be considered during the floor vote and would no longer appear on the ballot as in years past.

Mr. Kiernan said that when the community appropriations were removed from the proposed budget, the tax rate would remain flat, if not decreased marginally over FY16. Mitch Race pointed out that taxes would have to be increased to raise money for any appropriations that pass. Tony Krulikowski expressed that he believed that voters were thoughtful about where they choose to allocate appropriations, as evidenced by previous votes failing for specific projects and organizations.

Tim Scoggins posed how the budget should be presented to the public during this year's Town Meeting and the Selectboard seemed to form a consensus that the voters should be educated that any appropriations beyond the expenditures and reserves will result in an increase in the tax rate. Mitch Race pointed out that if all appropriations were approved, taxes would increase 1 $\frac{3}{4}$ cents. David Kiernan reminded the Board and the public that the tax rate was not set at Town Meeting but rather after the Listers set the Grand List in the late spring. Mitch Race and Tim Scoggins said that some confusion may occur as last year's budget and tax rate included the community appropriations so comparisons between the two budgets may result in some misunderstanding. Mr. Kiernan said that the comparison should involve only what it took to run the Town this year versus last. It was determined that some effort to educate the voters on the differences would need to occur.

11. Cemetery Mowing Bid – Opening

David Kiernan informed the Selectboard that two (2) bids were received for the mowing and landscaping of the Town cemeteries. The first bid from Sycamore Landscaping was for one (1) season at \$15,000.00 with two (2) additional seasons at the same rate. Any work outside the contract terms would be billed at \$65/hour. Mitch Race asked how much work was done outside the contract and Mr. Kiernan replied that it should be limited because an extra month of maintenance was added to the new contract.

The second bid was received from Robert Gratz for \$15,500.00 for the first season and \$16,000.00 for the following two (2) seasons. A rate of \$25/hour for work outside the terms of the contract was quoted to the Town. Mr. Gratz also included references and evidence of liability insurance.

Tim Scoggins asked the Selectboard if they wanted to think about it or vote to award the bid immediately.

Motion: Art Whitman motioned that the bid be awarded to Sycamore Landscaping. Ken Harrington seconded.
5-0-0 Motion approved.

12. Budget Discussion

David Kiernan made further revisions to the proposed FY17 Budget. While the Selectboard desires to put more funds into the roads and associated materials as time goes on, the original proposed budget for FY17 may have been too aggressive in allotting funds for that purpose. Upon review of the subtotals for the overall budget, Mr. Kiernan suggested moving the total for reserves in with the expenditures for the Town to accurately reflect the amount that will be presented at the floor meeting. Tim Scoggins then confirmed that the specific reserve funds will be separate capital improvement funds that will be expenses as money is spent.

The changes that were discussed include:

- Removal of a line item carried over in the revenue column for Sale of Town Property in the amount of \$20,000.00
- Postage set at \$3,000.00
- Meetings and Trainings set at \$500.00
- IT and Web Support set at \$1,750.00
- Miscellaneous Expenses set at \$250.00
- Funds for the Town Report set at \$3,870.00. A brief discussion followed about how reducing the amount allotted for this line item would be achieved. David Kiernan suggested ordering fewer copies of the Town Report or reducing the font size to save costs. Mr. Kiernan also suggested that the Report be put online for public review, rather than sending paper copies to residents. Tim Scoggins indicated that this subject had been discussed in the past and the Selectboard determined that it was important to print paper copies. Mitch Race suggested that the question of whether or not to continue with paper copies if the Town Report could be a ballot item at a future election. Ultimately, it was decided to leave the expense for the Town Report at the originally proposed figure of \$4,800.00
- Assistant Treasurer wages set at \$957.00
- Fire Truck Maintenance set at \$6,070.00
- Sheriff Services set at \$33,819.00 (this may change after the Sheriff discusses FY17 with Mr. Kiernan)
- Gravel set at \$65,000.00
- Chloride set at \$41,500.00
- Winter sand set at \$52,070.00
- Sidewalk Construction & Maintenance set at \$3,000.00
- Highway Garage Maintenance & Repair set at \$2,500.00. Mr. Kiernan had recently arranged to have the roof repaired for a few hundred dollars and believed the

\$2,500.00 allotted in FY17 would cover any minor repairs and maintenance. Tim Scoggins pointed out that the funds contemplated for the construction of a break room trailer had also been removed from the proposed budget.

- Expenses were cut from the Planning and Development Review Board budget
- Zoning Administrator wages were set at \$12,000.00 and the Z.A.'s hours were reduced to Monday, Tuesday and Wednesday from 9:00AM until noon.
- Cole Hall Reserve Fund set at \$15,000.00
- Equipment Reserve set at \$35,000.00
- Paving Reserve set at \$35,000.00
- Sidewalk Reserve set at zero
- Class 3 Road Reserve set at \$40,000.00

David Kiernan informed the Selectboard that the total expenses for the Town were approximately \$1.7 million in FY16 and this proposed budget set expenses at approximately \$1.5 million.

Ken Harrington asked about the funding for the project on Shaftsbury Hollow Road to replace a culvert and. Mr. Kiernan replied that funding would be applied for to the State and the culvert reserve fund could also be used for the project.

Mitch Race inquired when the Selectboard should vote on the proposed budget and Mr. Kiernan said that the Board has until the second meeting in January to finalize the budget to be presented at Town Meeting. Tim Scoggins said he hoped that the Selectboard would have a budget in place as soon as practicable.

13. Town Garage

Tim Scoggins segued from the budget discussion to the matter of the Town Garage and a proposed timeline between now and Town Meeting Day to set the issue for vote by the public. David Kiernan was to contact the Bond Bank on December 8, 2015 to begin preliminary discussions regarding financing. Mr. Kiernan indicated that he had estimates for site plan work and permits and felt that an estimate on the structures would be easy to obtain. Mr. Kiernan informed the Selectboard that site work had been estimated at a cost of approximately \$131,000.00, including the construction of a road. Mr. Kiernan is looking to obtain a figure for the bond amount to bring to the voters in March, taking into consideration \$130,000.00 already in the Garage Reserve Fund plus another \$75,000.00 allotted in each budget for FY16 and FY17 (for a total of around \$280,000.00 saved for this project).

Tim Scoggins hoped to have numbers in place to review with the Selectboard by the next Regular Meeting on December 21st. Mr. Scoggins believed the total cost to be around \$800,000.00 to \$900,000.00. Ken Harrington stated that he believed the site work estimate at \$131,000.00 to be high, especially considering that some stump removal and clearing had already begun. Art Whitman said that he would like to visit the site on North Road in order to discuss the exact location of the garage and outbuildings. Mr. Whitman went on to remind the Selectboard that at one time, there was discussion about moving

the transfer station in order to make room for the new garage. Mr. Scoggins acknowledged that moving the transfer station would add a level of complexity to the project, given the Town's potential relationship with TAM, Inc., a private company, should the transfer station be moved across the street. Mr. Whitman pointed out that the function of the transfer station has changed over time, with most recyclable items being co-mingled, rather than separated. Tim Scoggins did concede that the site of the current transfer station would be more convenient.

David Kiernan told the Selectboard that applications to the Bond Bank need to be completed by May 15th and that he would begin the registration process on December 8th. Mr. Kiernan went on to say that bond counsel would be required as part of the process and that approval by the voters of Shaftsbury was necessary before moving forward. Mr. Kiernan said that the Town could go through a private bank but that the Bond Bank offered competitive rates. The bond would need to be warned three times and voted on, making the need for a solid estimate on the total cost of the project imperative over the next few weeks.

It was decided that Art Whitman and Ken Harrington would visit the North Road site with the hope of voting on a specific location at the next meeting.

14. Rescind Outdated Policy – “Retiree Section” – Not part of Town Personnel Policies

David Kiernan presented to the Selectboard an item that had been included in the Town's official Policies & Procedures regarding employees of the Town being eligible for health insurance coverage after retirement. This benefit is no longer offered and in fact, former employees can be covered by COBRA. Mr. Kiernan pointed out that this policy has not yet been a problem but could pose an issue in the future so that it was best to rescind the policy at this time.

Motion: Art Whitman motioned to rescind the policy entitled “Retiree Section” from the Town's official Policies & Procedures. Ken Harrington seconded.
5-0-0 Motion approved.

15. Liquor License Application

David Kiernan presented a Liquor License Application from Bennington College for an event at the President's House, located within the Shaftsbury Town borders. Mr. Kiernan also asked the Selectboard to consider granting Judy Stratton, Town Clerk, the authority to sign these applications on behalf of the Selectboard. Art Whitman asked if this authority would be granted specific to this location or to all locations and events? Mr. Kiernan said the authorization could be given to either or both situations. Tim Scoggins asked what the State had to say about this matter and Mr. Kiernan replied that the State said that the Selectboard can grant the Town Clerk the authority to sign these applications.

Art Whitman suggested that perhaps the authority be limited to the two main vendors/catering operations routinely applying for licenses (Bennington College and Thyme Tables).

Motion: Tim Scoggins motioned that a liquor license be granted to Aramark Dining Hall (Bennington College) for a community potluck dinner at the President's House on December 30th. Mitch Race seconded.

5-0-0 Motion approved.

Tim Scoggins asked if the approval was granted to the vendor or the location. Mr. Kiernan said that he had only ever seen Aramark as the vendor for events sponsored by Bennington College at the President's House.

Motion: Tim Scoggins motioned to grant the Town Clerk the authority to approve liquor license applications for special occasions at the President's House and Thyme Tables. Art Whitman asked for how long this authority would be granted. Mitch Race asked what location(s) were being approved as Thyme Tables caters at different events in the Town. Mr. Scoggins asked again if the authority was being granted to a particular vendor or a site of an event. Mr. Scoggins then asked for clarification on the specifics and then revisit the subject.

16. Town Administrator's Report

David Kiernan presented the Selectboard with an Agreement from the BCRC regarding coordination of grant payments associated with the Better Back Roads-sponsored study of work needed on Shaftsbury Hollow Road above Dwyer's Camp. BCRC will essentially reimburse the Town for \$4,000.00 in grant money from Better Bank Roads as the money is being funneled through BCRC. The only contribution from the Town will be David Kiernan and Steve Washburn's time associated with the project.

Motion: Art Whitman motioned to approve the Agreement with BCRC. Mitch Race seconded.

5-0-0 Motion approved.

Mr. Kiernan altered the Selectboard that the Shires Marathon would take place throughout Shaftsbury on May 15, 2015.

A local Cub Scout troop will be visiting the Town Office on Tuesday, December 15, 2015. Selectboard Members are invited to attend.

17. Other Business

Ken Harrington read a letter he prepared addressed to Governor Peter Shumlin asking the Governor to suspend the admittance of Syrian refugees to the State.

Motion: Ken Harrington motioned that the Selectboard sign this letter for submission to the Governor. There was no second.

David Kiernan addressed an issue with the line of sight facing southward as traffic flows from Buck Hill Road through the intersection with Route 7A. Mr. Kiernan acknowledged that a current parking spot in front of the building directly south of the intersection and that the problem would be corrected. Art Whitman asked if a wagon and sign advertising Mattison's Tree Farm in front of Urbon's Transmission was also in violation of required lines of sight. David Kiernan said that the wagon had been moved back and that the sign would be replaced to improve range of sight coming from the west.

Art Whitman then reported on the site visit to the Grandview Cemetery approximately two (2) weeks ago by the Cemetery Committee. Mr. Whitman indicated that the Cemetery Commissioner, Ken Coonradt, had been impressed with the overall condition of Grandview. Mr. Whitman went on to say that there did appear to be open plots at the Cemetery but that ledge posed a problem in digging vaults. Mr. Kiernan said that Cinda Morse would be reporting to the Selectboard again in January on her review of materials related to the Grandview Cemetery and the acquisition of the property by the Town of Shaftsbury.

Tim Scoggins updated the Selectboard on an \$11,000.00 grant awarded to the Town for the review of the Planning Commission Bylaws. This grant will be matched by a \$2,000.00 contribution from the Town and will hopefully offer some clarification on some points, and may indeed result in some substantive changes to the Bylaws regarding commercial areas and conditional uses of property. It was noted that the original Bylaws were put together in 1985 and all Towns were essentially given the same template to follow. The provision(s) regarding conditional use were intended to give Towns more local control over the use of properties but have now become cumbersome to deal with.

18. Review of Action Items

- Estimates for garage construction
- Check with State regarding requirements for the granting of authority to sign liquor licenses
- Art Whitman and Ken Harrington to visit the former landfill site for the placement of the new Town Garage
- David Kiernan to make contact with the Bond Bank regarding the Town Garage

19. Adjournment

Tim Scoggins adjourned the meeting at 9:16PM.