

## Shaftsbury Select Board

November 7, 2022

### 1. Call to Order

The meeting came to order in person at Cole Hall and remotely at 6:30 p.m. Present were selectpersons Art Whitman (chair), Mike Cichanowski, Martha Cornwell, Joe Barber, and Tony Krulikowski. Also present was town administrator David Kiernan, members of the ARPA committee, and 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 October 17 minutes. Mr. Barber seconded the motion, which passed 4-0-1, with Ms. Cornwell abstaining.

### 4. Warrants

- Check warrant #1 (pension fund), \$14,213.07. Mr. Barber moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 5-0-0.
- Payroll warrant #8, \$25,407.40. Mr. Barber moved to approve the warrant. Mr. Krulikowski seconded the motion, which passed 5-0-0.
- Check warrant #12, \$36,462.46. Mr. Krulikowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 5-0-0.
- The board members signed a contract voted upon at the October 17 meeting regarding a real estate matter.

### 5. Announcements

Taxes are due November 10, 5 p.m.

Voting takes place tomorrow, 7 a.m. to 7 p.m., at the town garage.

### 6. Public Comments

None.

### 7. Treasurers Report

Mr. Kiernan reported on the treasurer's behalf that taxes are due November 10 by 5 p.m.

### 8. ARPA Committee Presentation

Andrea Bacchi, chair of the ARPA committee, presented via Zoom. She introduced the other committee members: Betsy Habberfield, Tony Krulikowski, Naomi Miller, and Rick Bennett. She noted the committee's report will be posted on the town website, and that there will be time in the future for further deliberations and questions. She thanked all who helped with the process.

At that point, Mr. Bennett began a slide presentation. That presentation is included in these minutes by reference.

The committee produced a digital and postcard survey to seek information on how citizens thought the ARPA funds should be spent. More than 150 residents and several elementary school students responded to the survey. The largest number, 31% of responses, called for funding for promoting the village center as a commercial district; 29% called for creating community meeting

spaces, including a town green as part of Cole Hall; 27% focused on infrastructure, including sidewalks and park upgrades; and 14% focused on local social services, such as those for seniors.

To reflect the survey results, the committee recommended devoting ARPA funds as follows:

- \$20,000 to the Shaftsbury Historical Society for matching funds for window replacement in the Governor Jonas Galusha Homestead. The Historical Society has agreed to make the Galusha Homestead available for some of the kinds of community meetings survey respondents called for.
- \$63,750 to the North Shaftsbury Community Club to repair its slate roof. The Community Club offers a low-cost option for any group or individual to hold a meeting or event in the space
- \$95,000 to the McCullough Free Library for the purchase of a 24-hour library satellite kiosk in Shaftsbury. The library would staff, maintain and stock this small kiosk, which would serve as a 24-hour selection and return site for library books and media, as well as offering an internet “hot-spot”.

Additionally, the Committee suggested devoting the remaining roughly \$820,000 toward

- The creation of a Community Center on the grounds of Cole Hall with the addition of the purchase of the adjacent property. This Community Center should include:
  - a renovated and re-thought Cole Hall
  - a second indoor structure connected to Cole Hall, with the library kiosk attached
  - a Town Green with a covered pavilion that can accommodate many people
  - an electric vehicle charging station
  - creatively designed signs to advertise and direct people to town destinations.

Other suggestions included infrastructure for outdoor activities, including bike paths, sidewalks, hiking trails, and downtown beautification (e.g., flower gardens), and re-establishing the Town Economic Development Committee, with an assigned annual budget.

A question was asked about the library kiosk. Jenny Rozicki, director of the McCullough library, said it’s basically a vending machine, for both borrowing and returning materials of several kinds. It would also provide access to the library’s digital collections.

Mr. Whitman said the town has until December 2024 to decide how to spend the money and until December 2026 to spend the money. No schedule has otherwise been set.

Lon McClintock asked whether the items would go before the citizens for a vote. Mr. Whitman said the decision would be entirely the select board’s, as specified by the State. He said his highest priority would be revitalizing the economic development committee. Mr. Kiernan said ARPA funding could be used to hire a consultant to get that process underway. Mr. Kiernan asked anyone with further questions or comments to email him.

Mr. Whitman noted that existing committees such as the Recreation Committee should be involved in future discussions as well.

Cinda Morse said she considered it important that spending ARPA funds should not result in a long-term town budget increase; that some projects could be funded using other sources; and that the select board should focus in more tightly on what it already considers important, if anything.

Mr. Krulikowski said the ARPA committee hoped to use ARPA funds as seed money, to generate more funds for more projects.

Alice Miller said her years in the legislature taught her how lonely many people are, and how hard it is for some to get out and join in activities with their friends.

Mr. Korman suggested one point of contact be assigned for all ARPA follow up. Mr. Whitman asked if the new economic development committee could be that contact. Ms. Cornwell thought it would be a good idea.

#### 9. Proposed Property Purchase 83 Buck Hill Road

Mr. Whitman said the Select Board has entered into a \$1000 contract effective until December 1 to purchase the 2.4 acre parcel adjacent to Cole Hall. There was some discussion as to whether a Town vote is required to purchase land. Mr. Kiernan said the town attorney and VLCT confirmed that using ARPA funds takes the action out the Town vote process. Mr. Whitman noted that purchasing the land would come with additional costs – maintenance, perhaps programmatic staff. He said the asking price for the land is \$89,900. The barn on the site is solid but should probably be demolished. It is full of junk. Mr. Kiernan said water and septic is now available.

Ms. Miller noted that several schools around the state are offering out-of-door programs which could help students catch up after Covid.

Mr. Whitman said the vote on the purchase would take place at the November 21 meeting.

#### 10. Proposed Ordinance Hearing

- Firearm Ordinance Village Residential Districts

Mr. Whitman noted that at the last meeting concerns were raised about munition types and that only firearms, not compressed air devices such as air rifles, should be regulated. The ordinance was tabled at that time. Ms. Cornwell moved to pass the motion as amended. Mr. Barber seconded the motion. The motion passed 5-0-0.

Ms. Cornwell said she'd given the Planning Commission a heads-up regarding a rezoning of land to be regulated by the new firearm ordinance. (Some of it is undevelopable, and the entire trailer lot should be included in the revised VR zone.)

#### 11. Assessor's Office

- Errors and Omissions

It was found that three errors resulting in a change of \$200 to the grand list needed to be made. Mr. Barber moved to correct the errors. Mr. Krulikowski seconded the motion, which passed 5-0-0.

- Recommendation for Town wide reassessment list for 2026

Mr. Whitman said the State notified the town recently that a reassessment might be needed in a couple of years. The housing market is changing rapidly. However, the backlog of towns already needing to be reassessed is a couple of years' long. Mr. Kiernan would like to get in the queue, whether it be NEMRC's or another company's list. Money has been put aside every year for many years. The last reassessment was more than ten years ago. Mr. Cichanowski moved to approve scheduling a reassessment as early as possible. Mr. Barber seconded the motion, which passed 5-0-0.

#### 12. Cemetery Regulations

The regulations were approved by the Select Board but hadn't been signed. Mr. Cichanowski moved to sign the document as revised. Mr. Krulikowski seconded the motion, which passed 5-0-0.

#### 13. Proposed Zoning Bylaw Changes – Schedule Public Hearings

Mr. Kiernan said the Planning Commission submitted several revisions to the bylaw which need to be reviewed at two public hearings by the Select Board. Those hearings will be held December 5 and December 19. Mr. Kiernan outlined the changes, which will be gone into more detail on December 5. Any changes would be voted on at March 2023 town meeting.

#### 14. Dog Ordinance Amendment – Impoundment Fees

Mr. Kiernan added an impoundment fee schedule of \$20 per day or any portion of a day to the ordinance. Fees would be increased for repeat offenders. Since building the new town kennel, new costs have been incurred which must be covered. Mr. Barber moved to adopt the dog ordinance as amended. Mr. Cichanowski seconded the motion, which passed 5-0-0.

#### 15. DPW Report

Some part of the crew is at work rebuilding the Tilgner trail and laying down stonedust. One of the road crew will be present at the garage for the vote on November 8. The new mower broke down and hasn't been useable for weeks. It is under warranty.

#### 16. Other Business

Ms. Cornwell asked whether the Select Board has reviewed some possible new appointees to the Planning Commission and Development Review Board.

She asked that a noise ordinance be placed on the Select Board's review schedule. She said she'd heard several complaints from citizens. Mr. Kiernan described why a noise bylaw wouldn't be enforceable.

#### 17. Review of Action Items

As for implementing the ARPA committee recommendations, it was discussed whether it might be best to create a committee composed of members of other committees.

Mr. Kiernan will work with the zoning administrator to warn the public hearing.

Mr. Kiernan will research a noise ordinance.

Mr. Kiernan will warn the firearms and dog ordinance.

Mr. Whitman thought he and Ms. Cornwell should take a walk on the Hickory Hill trail, and view improvements made by neighbors on the trail.

The speed ordinance will require further research, including speed surveys.

#### 18. Adjournment

Mr. Krulikowski moved to adjourn at 8:14 p.m. Mr. Barber seconded the motion, which passed 5-0-0.

# TOWN OF SHAFTSBURY

## Dog Ordinance

Amended March 9, 2011 by Selectboard  
Effective (as amended) May 8, 2011  
Amended November 7, 2022

Pursuant to the authority conferred by 24 V.S.A. Section 1971 and 20 V.S.A. Section 3549 the following Dog Ordinance for The Town of Shaftsbury is hereby adopted.

### Section Headings:

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. Definitions                 | 6. Violation                |
| 2. License required            | 6A. Dog bites               |
| 3. Running at large prohibited | 7. Penalties                |
| 4. Nuisances prohibited        | 7A. Unlicensed dog list     |
| 4A. Barking or howling dogs    | 7B. Non-licensing provision |
| 4B. Dog in heat                | 7C. Waiver fines            |
| 4C. Dog waste                  | 8. Severability             |
| 4D. Other nuisances            | 9. Inconsistent provision   |
| 5. Vicious dog                 | 10. Civil designation       |

### Section 1. - Definitions

**Dog:** any animal of the canine species

**Owner:** the person to whom the dog is registered, or any person or group of persons who own, harbor, or permit any dog to be or remain in or about buildings or premises owned or occupied by them;

**Notice:** notice under the ordinance shall be deemed sufficient when mailed first class mail to the last known address of the person to whom the dog is registered;

**Vicious Dog:** a dog which causes reasonable fear or bodily injury by attacking or threatening to attack by pursuit any person or pet lawfully at the place of attack;

**Running at Large:** to move at will without control, restraint or limitation to property lines of owner or keeper's premises.

### Section 2. - License Required

It shall be the duty of every person owning, keeping or harboring any dog over six (6) months of age, within the Town of Shaftsbury, to procure annually on or before April 1, a license within the Town of Shaftsbury in accordance with Chapter 193, Title 20, Sections 3581, 3582 and 4003 of the Vermont Statutes Annotated, as amended. Every dog shall wear a collar with attached license at all times. Failure of the responsible party to comply shall be a violation of this Ordinance and State statutes. Refer to Section 7 – Penalties.

### **Section 3. Running at Large Prohibited**

Running at Large, as defined, shall be a violation of this ordinance. The owner or keeper may have his dog off the premises only when the dog is:

- A. Securely held on a leash no longer than 10 feet.
- B. Within a vehicle preventing escape
- C. Hunting with its owner or keeper.
- D. Clearly subject to the verbal or signaled command of such owner or keeper and within the site of the owner or keeper and not trespassing upon or damaging the private property of others. A presumption shall arise hereunder that a dog is not clearly subject to the verbal or signaled command of such owner or keeper if it bites or otherwise comes into physical contact with any animal or person other than the owner or keeper.

### **Section 4. -Nuisances Prohibited**

#### **Sub-Section 4A. – Barking or Howling Dogs**

No person shall keep or harbor any dog which by frequent or habitual barking, howling, or yelping disturbs the peace and quiet of persons of ordinary sensibility.

#### **Sub-Section 4B. – Dog in Heat**

Any dog in heat shall be kept confined within a secure building or fence or attended on a leash by a responsible adult at all times and shall not be permitted to be at-large within the Town of Shaftsbury. Any dog in heat kept in violation of this ordinance may be impounded as a nuisance, and the owner subject to fine. The impoundment shall continue until the Animal Control Officer, in his or her discretion, determines that the dog is no longer in heat. Notice of impoundment shall be given to the owner of the dog pursuant to Section 6 below.

#### **Sub-Section 4C. – Dog waste (added 3.9.11)**

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on public properties listed in this section and the disposal of said waste in a sanitary manner. This provision shall apply to:

1. Paved sidewalks and associated public rights-of-way.
2. Cemeteries and regularly maintained areas of public parks.

#### **Sub-Section 4D. - Other Nuisances**

Further nuisances include any dog that pursues or chases pedestrians or vehicles, or that attacks other dogs, livestock, poultry or other domestic animals while in violation of Section 3.

### **Section 5. – Vicious Dog**

In the event of a biting incident or purported biting incident, attack, or a threat of attack, the Animal

Control Officer may call a hearing before the Board of Selectmen to determine whether the alleged conduct makes the dog a "vicious dog" as defined hereunder. The hearing shall be held upon ten (10) days written notice to the owner of the dog and the animal Control Officer, or his or her designee, and the owner shall each have the opportunity to present fully all relevant evidence. The decision of the Board of Selectmen shall be in Writing and shall be kept on file in the office of the Shaftsbury Town Clerk. Determination by the Board of Selectmen that the dog is a "vicious dog" shall constitute a violation of this ordinance.

Notwithstanding anything hereinabove stated, the Animal Control Officer shall at all times have discretion to determine whether a dog shall be impounded by the owner, or as arranged by the Town, if he or she at any time determines that a dog is a threat to person or property.

Notification is required when a dog declared by the Animal Control Officer to be a vicious dog is sold or given away. The previous owner or keeper shall inform the new owner or keeper that the dog has been declared a vicious dog, and also inform the Animal Control Officer or other designated official of the Town of Shaftsbury of the change of ownership and the identity and location of the new owner.

#### **Section 6. – Violation**

Any dog found in violation of this ordinance or in violation of the terms or provisions of 20 V.S.A. 3341 et seq., or violation of any other law of the State of Vermont is liable to impoundment by the Animal Control Officer in a designated facility and to be confined in a humane manner for a period of five (5) days unless sooner claimed by its owner-keeper. The Animal Control Officer shall notify the dog's owner, if known, of the dog's impoundment and its place of confinement. After five (5) days from the time the owner was notified, the dog may be placed for adoption or humanely euthanized at the discretion of the Animal Control Officer. The owner or keeper shall be liable for all fines and for all costs incurred.

If the owner or keeper of an unlicensed dog is located and wishes to claim the dog, the Animal Control Officer shall not release the dog until evidence of current rabies inoculation is shown and a license obtained. In lieu of this, the Officer shall collect the proper sum of money to forward to the dog owner's veterinarian and to the Town Clerk for vaccine and license. The owner shall also pay to the Town a fine of \$10 plus any impounding charges. No dog shall be released to its owner without determination by the Animal Control Officer of full compliance with this ordinance and related State statutes, including compensation for costs or damages incurred by the Town or a property owner, unless in violation of licensing of a dog. Refer to Section 7 – Penalties on non-licensing of a dog.

#### **Sub Section 6A. – Dog Bites**

When a domestic pet of wolf-hybrid has bitten a person or another animal while off the premises of an owner or keeper and the person or animal bitten requires medical attention, such person or owner of the bitten animal may file a complaint describing the nature of the attack with the Town's Board of Selectmen. Within seven (7) days of the complaint, the Board of Selectmen shall conduct an investigation and notify, when possible, to ascertain such, the owner or keeper of the domestic pet or wolf-hybrid as to the date and time of the investigative hearing.

When it is determined that a bite occurred without provocation, the Board of Selectmen shall make an

order of protection which may include, but is not limited to the confinement, chaining, muzzling or humane destruction of the animal in question. The order will be sent to the owner or keeper by certified mail, return receipt requested. Failure to comply with the order will subject the owner or keeper to the penalties provided in 20 V.S.A. Section 3551, as amended.

**Section 7. - Penalties**

Any person who violates any licensing provision of this ordinance shall be fined \$10.00 if the dog is not licensed by April 1, but is subsequently licensed on or before May 30. The owner of a dog on the unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a fine of **\$150.**

**Sub Section 7A. - Unlicensed Dog List**

The owner of an unlicensed dog which is not on the unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a \$10. fine. The owner shall be given a two-week period following receipt of notification of violation to comply with the licensing requirements of this ordinance, and if they fail to properly license the dog and pay any and all outstanding costs and fines within two weeks of receipt of said notice, then they will be subject to a fine of \$150.

**Sub-Section 7B. - Non-Licensing Provision**

Any person who violates any non-licensing provision of this Ordinance shall be fined \$35. for the first offense, \$75. for the second offense, and \$150. for the third offense and for each offense thereafter. In addition to the above, said person shall be responsible for all impoundment and boarding fees, and all costs incurred by the Town of Shaftsbury in prosecuting any violation for this Ordinance or related Vermont Statutes in Vermont District Court, including but not limited to, attorney's fees. The time period to determine repeat offenses shall be two years from the date of first offense.

**Sub-Section 7C. - Waiver Fines**

Prompt compliance with a citation shall entitle the party cited to pay a waiver fine in lieu of the statutory fine. Prompt compliance shall be receipt of the fine and any applicable costs by the Town of Shaftsbury within five working days of the date of the citation. Waiver fines shall be \$15. for the first offense, \$40. for the second offense, and \$75. for the third offense and each offense thereafter. Notwithstanding anything hereinabove-stated, no waiver fines shall be available with respect to violation of any of the licensing provisions of this Ordinance.

**Section 8 - Impoundment Fees**

Any dog or wolf-hybrid impounded under the provisions of section 6 of this ordinance shall be released only on payment of a \$25.00 impoundment fee, provided however, that any dog or wolf hybrid impounded for the third (3) time in any year shall be released on payment of a \$50.00 impoundment fee, and if so captured four (4) or more times in any year, it shall be released only upon payment of a \$100.00 impoundment fee. If impounded five (5) or more times in any year, the Town reserves the right to send the domestic pet or wolf-hybrid to a shelter.



In addition to the impoundment fee charged herein, there shall be a boarding charge of \$20.00 per day or fraction thereof during which the dog or wolf hybrid is impounded.

**Section 9. - Severability**

If any provision of this Ordinance is held invalid or void, said provision is hereby declared to be separate and entirely severable from this Ordinance and all remaining provisions shall remain in full force and effect.

**Section 10. - Inconsistent Provisions**

Any prior Ordinance or Ordinances of the Town of Shaftsbury which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

**Section 11. - Civil Designation**

A violation of this Ordinance shall be a matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a. This ordinance shall be effective sixty (60) days after the adoption date.

Adopted as amended this 7<sup>th</sup> day of November, 2022.

Arthur W. Wetman

Joseph Bealy

Anthony Krulikowski

Matthew Cole

M. D. White



[www.shaftsburyvt.gov](http://www.shaftsburyvt.gov)

Town of Shaftsbury  
Municipal Offices at Cole Hall

PO Box 409  
61 Buck Hill Road  
Shaftsbury, VT 05262-0409  
802 442 4038

## SHAFTSBURY FIREARMS ORDINANCE

**SECTION 1. AUTHORITY.** This Ordinance is adopted by the Selectboard of the Town of Shaftsbury under authority of 24 V.S.A. § 2291 (8). This Ordinance shall be construed in a manner that is consistent with 24 V.S.A. § 2295.

**SECTION 2. PURPOSE.** It is the purpose of this Ordinance to regulate the discharge of firearms in the more heavily populated areas of the Town of Shaftsbury, so as to ensure the health, safety and wellbeing of our citizens and the public.

**SECTION 3. DEFINITION.** "Firearms" shall mean every pistol, revolver, shotgun, rifle or other device which by design uses an explosive charge.

**SECTION 4. GENERAL PROHIBITION.** The firing or discharge of a firearm is prohibited within the Village Center and Village Residential Zoning Districts of the Town of Shaftsbury as defined by the Shaftsbury Land Use Development Bylaws and at Howard Park Recreation area. A copy of the Shaftsbury Zoning Map is attached to this ordinance.

**SECTION 5. EXEMPTIONS AND EXCLUSIONS.** This Ordinance does not preclude the discharge of a firearm in one's own defense or in defense of another or the humane termination of any animal that appears rabid or which poses an immediate threat to any person or persons. This Ordinance shall not apply to a law enforcement officer or to an agent of any Federal, State, or Municipal agency using or discharging a firearm within the course of his or her employment and acting within the scope of his or her legal authority.

**SECTION 6. ENFORCEMENT.** The violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Bennington County Superior Court.

- Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24V.S.A. §§ 1974a and 1977 et seq.
- Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Shaftsbury may pursue all appropriate injunctive relief.
- For purposes of enforcement, any law enforcement officer, certified by the State of Vermont, shall be the designated enforcement officer. The enforcement officer shall issue tickets and shall be the appearing officer at any hearing.

**SECTION 7. PENALTIES.** First Offense: \$150.00, waiver fee \$75.00; Second Offense: \$300.00, waiver fee \$150.00; Third and each subsequent offense: \$500.00, waiver fee \$250.00.

**SECTION 8. SEVERABILITY.** If any section, sentence, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not affect or impair the validity of any other part, or the remaining portion, of this Ordinance.

**SECTION 9. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Shaftsbury Selectboard.

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on 9/19/00.
2. Read and approved at regular Selectboard meeting on 11/7/00 and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on 11/9/00.
4. Notice of adoption published in the BOWN, BANNER newspaper on 11/11/00 with a notice of the right to petition.
5. Other actions [petitions, etc.]

SHAFTSBURY SELECTBOARD

ART WHITMAN Arthur Whitman  
TONY KRULIKOWSKI T. Krulikowski  
JOE BARBER Joe Barber  
MIKE CICHANOWSKI M. Cichanowski  
MARTHA CORNWELL Martha Cornwell