

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM  
Monday, May 2, 2016  
Cole Hall, 61 Buck Hill Road, Shaftsbury  
\*\*DRAFT\*\***

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

**TA Present:** David Kiernan

**Others Present:** Steve Washburn, Cinda Morse, Trevor Mance, Chris Ponessi

**1. Call to Order**

Tim Scoggins (Chair) called the meeting to order at 6:32PM.

**2. Conflict of Interest Statement**

NONE

**3. Approval of Minutes**

Motion: Tony Krulikowski moved to approve the Meeting Minutes from April 18, 2016.  
Art Whitman seconded.

5-0-0 Motion approved.

**4. Warrants**

Motion: Mitch Race moved to approve Retirement Warrant #21 \$116.07. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve Payroll Warrant #22 \$17,324.67. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve Retirement Warrant #34 \$74.56. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve Payroll Warrant #21 \$15,644.10. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Mitch race moved to approve Check Warrant #34 \$574.80 to Dearborn Life Insurance to cover a rate adjustment for worker's compensation insurance. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Mitch Race moved to approve Check Warrant #34 \$13,204.58. Tony Krulikowski seconded.

5-0-0 Motion approved.

## **5. Announcements**

Mitch Race announced the celebration of this year's Shaftsbury "Ordinary Hero" will be on June 6, 2016 from 2:00PM to 4:00PM at the Galusha Homestead.

David Kiernan announced that the Town's Green-Up day will be Saturday, May 7<sup>th</sup> and that a tent will be set up at Cole Hall with bags and gloves being provided to citizens from 9:00AM until 1:00PM.

Tim Scoggins reported that he attended a meeting the previous week in Arlington regarding Act 46 to discuss the possibility of Shaftsbury merging with Arlington to form a new school district. Arlington is also looking at merging with the Bennington Rutland Supervisory Union. Should Shaftsbury decide to merge with Arlington, the Mount Anthony Union districts would have to approve Shaftsbury's departure from the Southwestern Vermont Supervisory Union. Mr. Scoggins pointed out that the window of opportunity to make any changes was quickly narrowing and that if the public has opinions on any reconfiguration of the current districts, they should contact the Shaftsbury School Board.

Mitch Race asked about the pros and cons of merging with Arlington and Mr. Scoggins replied that the representatives from Shaftsbury were mainly attending the meeting last week for informational purposes. Mr. Scoggins did point out that if Shaftsbury were to merge with Arlington, ownership of the school property would need to be transferred to the new combined district.

## **6. Public Comments**

NONE

## **7. Treasurer's Report**

Melanie Dexter was absent from the meeting. David Kiernan gave a brief report on her behalf noting two (2) large recent expenses: the cost to bring the well at Howard Park up to State standards and a contribution to the Paran Recreation Committee previously agreed upon by the Selectboard. Mr. Kiernan said that savings from the mild winter (salt/sand/street-cleaning) would offset these expenses. Mr. Kiernan then pointed out that the Town is now 83% through the fiscal year and that spending is at 79%.

## **8. Road Foreman Report**

Steve Washburn said that the road crew had been working on installing culverts, ditching and brush cutting on Trumbull Hill Road. Mr. Washburn reported that the tank on the chloride truck had cracked last week but has since been repaired. Tim Scoggins asked what is ahead for the road crew and Mr. Washburn replied that they are looking to lay fabric on a section of Bahan Road and continue with ditching and brush removal.

Tim Scoggins reviewed a list of capital funding projects for the coming fiscal year, along with an outline of the estimated expenses and anticipated funding sources, including grants for work on East Road and Airport Road. David Kiernan said that with the savings on salt and sand this year, projects such as the laying of fabric on Bahan Road could be scheduled for this spring. Ken Harrington asked if the work on East Road would get to the Bennington Line and Mr. Kiernan said that it would get almost to Furnace Brook Road and that the large dip in the road at the Buck Hill intersection was a major concern. Art Whitman pointed out that the grant money that will hopefully be coming in to fund the East Road project will hold conditions about what specific stretch of road is improved.

### **a. Contract Snow Plowing Route**

David Kiernan informed the Selectboard that he would like to begin to gauge interest among local contractors regarding the addition of a sixth snow plow route that would be a contracted position. Mr. Kiernan said that the driver would need his own truck and salter and that this route would consist of only blacktopped roads. Mr. Kiernan went on to say that contracting a driver would be a substantial savings to the Town as it would not have to pay another employee and it would

extend the lives of the current trucks in the Town's garage. Art Whitman asked if the bid would be a total for the year or an hourly rate. Mr. Kiernan said that it would be an hourly rate. Mr. Whitman then asked if Mr. Kiernan was open to possibly sharing equipment with another Town and Mr. Kiernan said that he was open to anything that would work.

#### **9. Cleveland Park – Removal of Some Playground Equipment/Updating Park**

David Kiernan informed the Selectboard that the playground equipment at both the Cleveland Avenue Park and Howard Park was not up to current safety standards. Mr. Kiernan cited exposed concrete, outdated equipment and a lack of fencing at the Cleveland Avenue location as major concerns. Mr. Kiernan proposed fencing in a 75' x 75' area of the Cleveland Avenue Park and bringing a few pieces of equipment within that area up to code. Mr. Kiernan went on to say that the merry-go-round and swingset at Howard Park would also likely need to be removed. Art Whitman asked if money from a street dance held some years ago had been set aside for improvements at Cleveland Avenue and Mr. Kiernan said that \$10,000.00 has been designated for the park but that new equipment is extremely expensive. Mr. Kiernan said he hoped the road crew could level a portion of Cleveland Avenue for the ice skating rink. Tim Scoggins asked Mr. Kiernan to prepare a long-term budget for the improvements to the park and asked when the road crew would begin removing equipment. Mr. Kiernan said that they could begin this week.

#### **10. Cinda Morse – Grandview Cemetery Takeover**

Cinda Morse, Chair of the Shaftsbury Cemetery Committee, came before the Board to answer questions and provide information on the takeover of the Grandview Cemetery in North Bennington. Tim Scoggins began by asking Ms. Morse about the requirement that the Shaftsbury Cemetery Bylaws be changed to allow for the burial of residents of North Bennington at Grandview Cemetery. Ms. Morse replied that she didn't believe the Cemetery Committee would need to adopt a change in the Bylaws prior to the Board voting on the takeover, or even prior to taking charge of the cemetery. Ms. Morse suggested that the Selectboard make a motion to allow for the burial of North Bennington residents until the Cemetery Committee could formally adopt the amendment. Ms. Morse went on to say that until the Selectboard voted on taking over the cemetery, the Cemetery could not work on adjusting fee structures or gathering information in anticipation of a transition.

Tim Scoggins then asked about how the annual maintenance costs would be shared between Shaftsbury and the Village of North Bennington. Art Whitman pointed out that the budget for FY17 is already in place so Shaftsbury cannot go to North Bennington for any more than what has already been allocated for this season's maintenance. Cinda

Morse said that she believed the approximately \$6,000.00 worth of annual maintenance was covered by funds from North Bennington, Shaftsbury and lot sales.

Cinda Morse then said that she had met with Ken Coonradt and an adjoining property owner (Steck) regarding the property boundaries for the cemetery. Ms. Morse said that she believed that only the eastern and southern boundaries needed to be determined (as the cemetery is bounded on the north and west by roadways) and that a survey of these boundaries could be a condition of transfer.

Tim Scoggins then asked about the transfer of the perpetual care fund from Grandview Cemetery. Cinda Morse said that she believed that the cemetery has about \$65,000.00-\$67,000.00 in total funds but that those monies earmarked for perpetual care have been comingled with funds collected from lot sales to be used for the regular costs and fees associated with the cemetery. Ms. Morse said that she would consult with the Vermont League of Cities and Towns regarding the proper transfer of this fund.

Tim Scoggins asked about the records for the more recent burials and the mapping of the overall layout of the cemetery. Cinda Morse said that Judy Stratton and Floss Beebe had mapped out most of the cemetery, with the exception of the oldest part of the cemetery. Ms. Morse said that she had spoken to David Mance and he agreed to survey that portion of the cemetery. Ms. Morse said that there may be money from the Fund for North Bennington to assist in paying for Mr. Mance's services.

Mitch Race asked how many available spaces remained at the cemetery and Ms. Morse replied that it was hard to be clear because of a section of ledge that lies on the property but there could be room for as many as 100 plots on the eastern and southern boundaries of the property.

Tim Scoggins indicated that he felt that it would be sufficient to make a motion for the intention to take over the cemetery but expressed a slight concern that the actions requested by the Selectboard (a necessary change in the Shaftsbury Cemetery Bylaws, an agreement on funds to be contributed by North Bennington, etc.) would not come to fruition.

Motion: Art Whitman moved that the Town of Shaftsbury agrees to take ownership of the Grandview Cemetery subject to the resolution of the following issues:

- a.** The Shaftsbury Cemetery Committee changes its Bylaws to allow for residents of North Bennington to be buried in Grandview Cemetery.
- b.** The Town establishes an agreement with North Bennington for the long-term shared maintenance of Grandview Cemetery.
- c.** There is clarification of the legal status of the perpetual care fund when transferred to the Town of Shaftsbury.

Tony Krulikowski seconded.

5-0-0 Motion approved.

#### **11. Trevor Mance – TAM Organics Recycling at Transfer Station**

Trevor Mance from TAM, Inc. came before the Selectboard to discuss the implementation of organics recycling at the Shaftsbury Transfer Station. Mr. Mance said that the recycling of organics at the transfer station will be mandatory by July 1, 2017 but that he had met with the Town Administrator, staff at the transfer station, and representatives of the Northeast Recycling Committee (NERC) and are seeking to begin offering the service on July 1, 2016.

Mr. Mance said that TAM would provide 65-gallon totes for any food waste (plant and animal). The totes will be treated with sawdust for odor suppression, be serviced once a week and housed in a bay with a door to protect the waste from being disturbed by animals. Mr. Mance went on to say that by offering the service a year ahead of time, he hoped to get people in the habit of recycling organics, take advantage of training by NERC, and be better able to gauge the volume that will be processed by the Town to determine future costs of the service.

Motion: Mitch Race moved to allow for TAM, Inc. to begin collecting organics at the transfer station free of charge to the public beginning July 1, 2016. Tony Krulikowski seconded.

5-0-0 Motion approved.

#### **12. Chris Ponessi – Shaftsbury Hollow Culvert Analysis**

Chris Ponessi from Mance Engineering first addressed the Selectboard by reporting that no PFOAs had been found in the water tested in the new well at Howard Park.

Mr. Ponessi then moved to review the work Mance Engineering has performed to date on the Shaftsbury Hollows culvert project, including an initial inspection and determination of lifespan followed by an analysis of alternatives. Mr. Ponessi reported that the culvert is being eaten away and is badly corrugated in some spots. Mr. Ponessi said that he had met with the Road Foreman and a representative from State River Management at the site.

Chris Ponessi offered the following courses of action for the culvert, cautioning the Board that if they chose a repair option that cost 50% of the replacement value of the culvert, the State would mandate the Town to go ahead with replacement instead.

Option 1 – Do nothing. Cost \$4,740.75. 5-7 year lifespan.

Option 2 – Culvert repaired, poured in place concrete invert. \$53,450.25. 15-20 year lifespan.

Option 3 – Aluminum plate slip line. \$133,673.40. 30-40 year lifespan.

Option 4 – Replace concrete 3-sided box on footings. 26' Span. \$290,532.90. 60-70 year lifespan.

Option 5 – Concrete abutment, steel girder, concrete deck. 26' Span. \$623,559.30. 50-60 lifespan.

Ken Harrington asked about placing a second culvert nearby as part of the plan. Mr. Ponessi said that a temporary culvert would be needed while repairs were taking place and it could become permanent.

Art Whitman asked about the negatives associated with Option #2 (poured in place concrete invert). Chris Ponessi replied that there were no negatives associated with the work but that the lifespan of the fix would be shorter than Option #3 (aluminum plate slip line). David Kiernan said that the Town would need to contribute 10% of the cost of repairs; Option #3 would require an expense of \$13,000.00 on the Town's part. Tim Scoggins pointed out that the cost per year was about equal between Options #2 and #3, with a longer lifespan associated with Option #3. Mr. Ponessi pointed out that no temporary crossing structure would be needed while repairs were being done and that a concrete beam with a new guardrail would be put in as part of the construction process.

Art Whitman asked if a decision needed to be reached at this meeting. David Kiernan said that it was needed in order for Mance to begin the second part of their contract with the Town and to allow for the proper amount of time for permitting and grant applications.

Motion: Art Whitman moved to instruct Mance Engineering to pursue Option #3 (aluminum plate slip line) to repair the culvert on Shaftsbury Hollow Road. Ken Harrington seconded.

5-0-0 Motion approved.

### **13. Town Insurance Renewals (Non-Medical)**

David Kiernan informed the Selectboard that the Town's insurance policies renew on July 1<sup>st</sup> and that they are all currently with Wills Insurance in Bennington. Mr. Kiernan said that the only other option he found is with the Vermont League of Cities and Towns but that their rates are higher. Mr. Kiernan went on to say that the service from Wills has been good when claims have been made, the rates are decent and the Town has an established relationship with the agency. Tim Scoggins directed David Kiernan to get

updated quotes and to schedule David Newell from Wills Insurance to come to a future meeting.

#### **14. Property Purchase – North Road – Update/Financing**

David Kiernan said that the property inspection at 510 North Road took place earlier that day. Mr. Kiernan said that the Town was ready to move forward with financing but that the Selectboard would need to have a public meeting to approve the Note and then sign and send back to the bank in order to receive the funds for purchase. Tim Scoggins reported that he emailed the Town's attorney to begin coordination for closing and that he expect the closing to take place between May 15<sup>th</sup> and May 31<sup>st</sup>.

#### **15. New Town Garage – Morton Buildings**

Tim Scoggins reminded the Board and the public that Steve Bardin from Morton Buildings attended the last regular meeting and that the Board had decided to discuss allowing Morton to sole-source the construction of the garage building or if the Town should ask Morton to provide specs for formal bidding.

Motion: Tony Krulikowski moved to ask Morton to provide specs for a cost of approximately \$10,000.00 to allow for the formal bidding process for the construction of the new town garage. Art Whitman seconded.

Tony Krulikowski stated that he felt that the process has to be as public as possible and give contractor the opportunity to bid. David Kiernan said that the prospective bidders will need to pay for a set of plans if the project is put out for public bid. Mr. Kiernan advised the Board that they could hire an architect and engineer to review bids to compare against one another.

Mitch Race pointed out that Morton provides guarantees for every aspect of construction and that general contractors may not do the same. David Kiernan said that the review of the bids would involve the entire package, not just price for construction. Art Whitman said that he had spoken with a contractor who was planning on looking at the Rupert building and that a 60' x 120' pole building should not cost the \$100/square foot that was being quoted by Morton. Mr. Whitman went on to say that if someone wants to look at the specs and bid, they should be able to.

Ken Harrington pointed out that the Board may not be qualified to assess the bids and that a Clerk of the Works may need to be hired to oversee construction if the Board does not go with Morton. Tim Scoggins said that he believes that the Town should go with Morton to sole-source. Mr. Scoggins went on to say that if the Town was going with a

standard architect's plan, he would agree with putting the job out to bid but since the Board wants the Morton building constructed in Rupert. Art Whitman said that there is nothing particularly special about the Rupert building. Tim Scoggins replied that Morton is a strong company that stands behind their work and that Rupert did put their project out to bid and went with Morton anyway. Tony Krulikowski said that he agreed that this needs to be an open process and the Town needs to see the bid process and not have the Board make the decision for the entire Town. Tim Scoggins said that the issue was being discussed at public meetings. Mr. Krulikowski replied that no one has attended the meetings and he continued to believe the project needed to be put out to bid.

4-1-0 Motion approved.

Tim Scoggins then asked if the Town should go ahead and order a site plan from MSK for the property closer to North Road. David Kiernan said that if the Town is serious about that site, now is the time to engage. Mitch Race pointed out that the lower portion of the Town property had already been surveyed and permitted and that he did not understand the concerns related to security at that location. Ken Harrington said that he had experienced vandalism at an adjoining property. David Kiernan pointed out that a different building with the same site plan may not work and that Morton had suggested the Town to have MSK prepare the new site plan as their firm is familiar with the property.

Motion: Art Whitman moved to engage MSK to prepare a new site plan for the recently-acquired property on North Road. Tim Scoggins seconded.

Mitch Race has how much the plan would cost. David Kiernan suggested the Board invite MSK to the next meeting to provide an estimate.

Motion: Mitch Race moved to invite MSK to the next regular meeting to provide a cost for engineering a new site plan. Ken Harrington seconded.

Tim Scoggins asked if the estimate was too high if Mitch would reject the exploration of the site and construction of the garage at the upper portion of the North Road site. Mitch Race said he would. Tim Scoggins said that he was opposed to Mr. Race's amendment and that the site needs to be evaluated.

Vote on amendment to motion:

2-3-0 Motion failed.

Vote on original motion:

4-1-0 Motion approved.

Art Whitman then said that he believed that the members of the Selectboard were the only ones who are pushing for the garage to be built quickly and that people are concerned about the cost. Mr. Whitman said that the Selectboard still faces a challenge to “sell this thing” to the public.

Mr. Kiernan said that he believed the Town will need to remove the current residences from the North Road properties as soon as possible as they are a liability. Mr. Kiernan said that the Fire Department could use the properties for an exercise and that TAM could be contacted for disposal of materials.

#### **16. Award of Bids – Paran Acres and Harvest Hills/Hewitt Drive**

Motion: Mitch Race moved to award the chip-sealing projects in Paran Acres, Harvest Hills and Hewitt Drive to Peckham. Tony Krulikowski seconded.

5-0-0 Motion approved.

#### **17. Opening of All Fuels Bids**

David Kiernan informed the Board that despite advertising in the Bennington Banner for three (3) weeks, the Town received only one bid for fuel from Bove Fuels. Mr. Kiernan said that no vendors were solicited directly, including those who currently provide fuels to the Town. Mr. Kiernan went on to say that if the only bid received was opened the Board would have nothing to compare it to. Mitch Race asked if vendors were unaware or if it was too early in the season to project prices for next winter. David Kiernan said this bid is put out each April. Tim Scoggins indicated that the Board should not open the current bid. Art Whitman asked who David Kiernan should call regarding the requests to bid, not all potential bidders can be called.

Motion: Art Whitman moved to open the Bove bid and accept it. Tim Scoggins seconded.

Mitch Race said that he thought it was too early in the season to bid and suggested the request run another three (3) weeks in the Bennington Banner. David Kiernan said that he would call Bove and let them know of this plan.

0-5-0 Motion failed.

Motion: Mitch race moved to advertise the all fuels bid for another three (3) weeks. Art Whitman seconded.

5-0-0 Motion approved.

## **18. Liquor License Application Process**

Tim Scoggins informed the Board that the Town Clerk seeks to issue liquor licenses for catering events.

Motion: Mitch Race moved to allow Judy Stratton to issue liquor licenses for catering events. Tony Krulikowski seconded.

5-0-0 Motion approved.

## **19. Sheriff Contract FY17**

David Kiernan informed the Board that the Sheriff's Department informed the Town that they would be raising their rates from \$25.50 per hour to \$34.00/hour and charging \$0.50/ mile for travel. Mr. Kiernan suggested reducing the Sheriff's hours from 25 hours to 16 hours per week to absorb the rate increase.

Motion: Tim Scoggins moved to reduce the Sheriff's hours from 25 hours per week to 16 hours per week. Mitch Race seconded.

5-0-0 Motion approved.

## **20. Policy Approvals: Fund Balance, Investment Policy – Fraud Prevention Policy**

Motion: Tony Krulikowski moved to approve the Fund Balance, Investment Policy and Fraud Prevention Policy circulated among the Selectboard. Ken Harrington seconded.

5-0-0 Motion approved.

## **21. Town Administrator's Report**

David Kiernan informed the Board that the Lister's requested a 30-day extension to file the 2016 Grand List.

Motion: Tony Krulikowski moved to extend the deadline for filing the 2016 Grand List by 30 days. Art Whitman seconded.

5-0-0 Motion approved.

## **22. Other Business**

NONE

### **23. Review of Action Items**

4/18/2016 Action Items:

- Grandview Cemetery
  - a. Bylaws change to allow North Bennington residents in the cemetery.
  - b. Address the contract for maintenance of Grandview Cemetery and North Bennington allocation.
  - c. Contract for transfer of ownership.
  - d. Legal status of the perpetual care fund, transfer to Town of Shaftsbury.
  - e. Survey of graves for ownership, property lines.

#### **Addressed with Cinda Morse**

- David Kiernan and Steve Washburn to evaluate bids on roadwork - **Completed**
- Selectboard to study Morton literature - **Completed**
- Thank you to the volunteers that laid the sod at Howard Park - **Completed**

5/2/2016 Action Items:

- David Kiernan to prepare a long-term budget for park improvements
- Road crew to remove the playground equipment ASAP
- David Kiernan to contact Steve Bardin regarding Morton specs
- David Kiernan to discuss North Road site plan with MSK Engineering

### **24. Adjournment**

Motion: Tim Scoggins moved to adjourn at 9:28PM. Ken Harrington seconded.

5-0-0 Motion approved.