

**Town of Shaftsbury  
Selectboard Meeting  
6:00 PM Water Board Meeting**

**DRAFT MINUTES**

**6:30 PM Selectboard**

**Monday, February 1, 2016  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**6:00PM Water Board Meeting**

**Selectboard Members Present: Tim Scoggins (Chair), Mitch Race, Art Whitman, Tony Krulikowski, Ken Harrington  
TA Present: David Kiernan  
Others Present: Jim McGinnis, Water Superintendent, Joe Hermann, Assistant Superintendent, Rodney Swett**

Tim Scoggins (Chair) called the meeting of the Water Board to order at 6:00PM.

Jim McGinnis presented the Board with a Revenue Report good through February 1, 2016. Mr. McGinnis pointed out that this report represented only one billing cycle for the Water Board's year. \$75,186.00 has been billed to date. \$69,320.16 has been received to date (including past due amounts) and expenditures are at \$65,329.60.

Mr. McGinnis reviewed the actual assets "on the books" and stated that the Water Board was in good shape, particularly due to the unusually mild winter preventing any instances of frozen water lines.

Mr. McGinnis then turned toward the outstanding amount due for water this bill cycle is \$13,914.03. The past due amount is \$15,232.57. The total outstanding due is \$29,146.60.

Mr. McGinnis addressed the Atherton property on the Aged Receivables Report with an outstanding amount due of \$2,015.15. This is a rental property and the current tenant (Clint Cacamo) has entered into a rent-to-own agreement with the Athertons and that agreement provides for the tenant to pay the overdue water bill. Mr. McGinnis agreed to accept \$200.00 per month from the tenant to pay the overdue amount, but seeks the approval of the Board to continue with this arrangement as the payment plan will extend past the next billing cycle on May 1, 2016.

Tim Scoggins asked Mr. McGinnis when this payment plan had been made with the tenant and Mr. McGinnis said it had been about two weeks ago. Ken Harrington asked how the bill got so high in the first place and Mr. McGinnis indicated that the previous tenant had vacated the premises and left the water running. Joe Hermann asked if the tenant and Atherton had their rent-to-own agreement in writing and Jim McGinnis said he believed so but ultimately, it was the owner of record who is responsible for the outstanding bill. However, McGinnis said, he was looking to strike a deal with whomever would pay the account.

Motion: Art Whitman moved to accept \$200.00 per month for the current bill in arrears provided the account remain current. Ken Harrington seconded.

Joe Hermann asked the Board to clarify who is responsible for paying the bill in the proposed Motion.

Motion: Tim Scoggins moved to amend the Motion before the Board as follows: "the Board shall honor the arrangement to accept \$200.00 per month from Clint Cacamo for the Atherton bill currently in arrears provided that the account remains current." Mitch Race seconded.

5-0-0 Motion to amend approved.

The Board then voted on the amended Motion to accept payment.

5-0-0 Motion approved.

Rodney Swett then came before the Water Board to discuss his account, currently carrying a balance of \$3,830.68. Mr. Swett informed the Board that he had purchased the property at 196 VT Route 67E at Tax Sale in the fall of 2014, at which time the water bill was approximately \$3,000.00. Mr. Swett then had a tenant in the property and the bill continued to go unpaid. Mr. Swett asked the Board if they were willing to negotiate his outstanding balance due.

Tim Scoggins indicated that he had concerns as the property was clearly purchased at Tax Sale in "as is" conditions and part of Mr. Swett's due diligence in the purchase should have considered the outstanding amounts due to the Town. Mr. Swett replied that his costs for purchasing the property were considerable and exceeded his expectations. Mr. Swett also reminded the Board that a previous threat to turn off the water at the property had been rejected because there was a tenant in the subject premises who had children living there.

Joe Hermann said that the tenant had informed him of a leak in the backyard of the property, where a trailer at previously been located, and Mr. Hermann found a leak in the line to the adjoining property.

Mr. Scoggins said that he was willing to forgive the amount incurred during the tenant's occupation of the premises and inquired if Mr. Swett was able to pay the approximately \$3,000.00 due from the time that he purchased the property. Mr. Swett said that he could not pay the full amount at this time but was able to put \$500.00 down and pay \$200.00 per month on the account, with the provision that he remain current on any payments due for future billing cycles.

Mr. Hermann said that he would also like Mr. Swett to remove the water line to the former trailer property, which is still currently connected to the meter. This removal would be the cost and burden of Mr. Swett alone and the Water Department would inspect the premises to insure this removal had been done properly. Mr. Swett agreed.

Mr. Scoggins then said that the Board would be willing to abate \$1,000.00 from the \$3,830.68 due because of Mr. Swett's willingness to remove the now-defunct line.

Motion: Tim Scoggins moved to abate \$1,000.00 from the current amount due from the Swett property water bill and accept \$200.00 per month from Mr. Swett for the arrears

due, provided his account remain current and that he remove the superfluous water line on the property. Mitch Race seconded.  
5-0-0 Motion approved.

Mr. Scoggins then asked Jim McGinnis if the State of Vermont had weighed in on the asbestos cement pipe(s) in the Town's water system. Mr. McGinnis said that the State engineer had reviewed this issue with him and that the construction phase of any pipe project would be where concerns would lie regarding asbestos and that any minor repairs would not have significant affect on the water. Mr. McGinnis did say, however, that he would be testing samples of the water from these pipes.

Mr. Scoggins adjourned the Water Board Meeting at 6:30PM.

### **6:30PM Selectboard Meeting**

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

TA Present: David Kiernan

Others Present: Melanie Dexter, Steve Washburn, Ed Corey, Rick Kobik, Chris Williams

#### **1. Call to Order**

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

Mr. Scoggins noted that two (2) items had been added to the agenda for the Regular Meeting: a discussion about a Shires Housing was moved to Item #9 and an Executive Session was added as Item #19.

#### **2. Conflict of Interest Statement**

NONE

#### **3. Approval of Minutes**

Motion: Tim Scoggins moved to approve the minutes from the Special Meeting on January 25, 2016. Mitch Race seconded.

5-0-0 Motion approved.

Motion: Tim Scoggins moved to approve the minutes from the Regular Meeting on January 18, 2016. Tony Krulikowski seconded.

4-0-1 Motion approved.

#### **4. Warrants**

Motion: Tim Scoggins moved to approve Payroll Warrant #16 \$21,040.46. Tony Krulikowski seconded.

5-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Retirement Warrant #33 \$120.62. Mitch Race seconded.

5-0-0 Motion approved.

Motion: Tim Scoggins moved to approve Check Warrant #23 \$30,396.19. Tony

Krulikowski seconded.

5-0-0 Motion approved.

5. Announcements

NONE

6. Public Comments

Ed Corey came before the Selectboard to present a series of questions that he had previously submitted to the Board regarding the proposed Highway Garage, and asked for those questions to be recorded in the Meeting Minutes (see attachment). Mr. Corey also asked for the Board to reply to his questions "one-by-one" in writing.

7. Treasurer's Report

Melanie Dexter presented the Selectboard with an up-to-date analysis of the Town funds. Ms. Dexter noted that she was in the process of transferring funds both to and from specific reserve accounts and the General Fund. Ms. Dexter also said that the budget status is "right on target" and that delinquent taxes are still coming in, ahead of last year's collection.

Tim Scoggins asked about the so-called "legacy" or "stale" reserve funds in an amount of about \$33,000.00. Ms. Dexter indicated that some of that money had been moved around but that a final meeting with the auditors would clear up any questions about that situation.

Ms. Dexter went on to inform the Board that she had met with People's United Bank regarding the services provided to the Town, following an inquiry regarding some bank fees that recur on the Town's accounts. Ms. Dexter said that these fees were related to insurance against fraud, specifically protecting the Town's accounts from any electronic drafts. These fees also insured and protected the check capture machine that the Treasurer uses in the office for Town accounts. Ms. Dexter went on to explain that the bank had lowered the account fees by 50% following their meeting.

Tim Scoggins asked if the protection offered by the bank included a service where the bank would review the list of checks written by the Town to insure that no additional fraudulent checks had been written. Ms. Dexter said that a type of service of that nature would cost more but that the Town of Shaftsbury had implemented a level of protection that other municipalities had not yet adopted.

8. Road Foreman's Report

Steve Washburn came before the Board to submit his report on the Highway Department. Mr. Scoggins noted that it was "mud season in February." Mr. Washburn agreed and said

that the road crew is dealing with mud and potholes and will continue to do so as the weather is expected to warm and turn rainy midweek. Mr. Washburn said that the salt and sand mixtures has worked well on the roads the few times that his crew has had to use it.

Art Whitman asked if anyone had spoken to the road crew about possibly training to take over Jim McGinnis' spot as Water Superintendent after he retires in a couple of years. Mr. Whitman noted that it become apparent that North Bennington was not interested in maintaining the Shaftsbury water system due to the general age of its infrastructure. David Kiernan said that he was currently exploring options, including using outside contractors for the job. The road crew had been informed of the opportunity but Mr. Scoggins noted it may be difficult to find someone who is willing to go through the certification process for a five (5) hour a week position.

#### 9. Shires Housing

Chris Williams, Treasurer of Shire Housing, came before the Selectboard seeking a letter of support from the Board regarding a possible affordable housing project on Route 67 East in Shaftsbury. Shires Housing currently maintains over 200 units in Bennington County and provides rental units to qualified individuals at 30% of their total income. Shires Housing is looking to rehabilitate two (2) brick houses on Route 67 East that are on the National Historic Register and also cited by the State of Vermont for their historic value. The buildings contain seven (7) rental units but are in rough shape and will require extensive renovations.

Mr. Williams informed the Board that this will be a \$1 million project. Shires Housing is not only looking to renovate the apartments but also make them as energy efficient as possible. This project is grouped with several others underway in Bennington County and the Town of Arlington has agreed to act as grant administrator for funding through HUD. As part of this process, Shires Housing is seeking a letter from the Shaftsbury Selectboard supporting the proposed project.

Art Whitman and Ken Harrington expressed concern at the cost of the project and the possible consequences of a property tax break as a result of the cap in rental income received by the affordable housing agency. Mitch Race pointed out that the project supported affordable housing for people who want to live and work in Shaftsbury and preserved a set of historic buildings. Mr. Williams said that although the contracting would be done by Naylor & Breen of Brandon, Vermont, much of the subcontracting work (such as plumbing and electrical) would go to local contractors.

Motion: Tim Scoggins moved to issue a letter of support for the Shires Housing project on Route 67E consisting of two (2) buildings with seven (7) units within. Mitch Races seconded.

3-2-0 Motion approved.

#### 10. DRB/PC Positions

David Kiernan informed the Selectboard that he has received only two (2) letters of interest from current members of the Development Review Board (Michael Day and Jay

Palmer) for the positions that are soon coming up for appointment. Mr. Kiernan reminded the current members of each board up for appointment to send him a brief email or letter stating interest in continued service to their respective boards.

## 11. March 1 Ballot

*Binding Article: Shall the Town vote to exempt the Shaftsbury Community House, Inc. from payment of town and school taxes for a period of five years?*

Rick Kobik gave a brief presentation on behalf of the Shaftsbury Community House, Inc. to explain this ballot article. Mr. Kobik reminded the Selectboard and the public that the Shaftsbury Community House, Inc. (which is run by a separate entity, the Shaftsbury Community Club) is a former church on Old Depot Road which has been used as a community gathering place since 1938. The property has never been taxed but the State of Vermont recently informed the Listers of Shaftsbury that the property should be taxed, unless a vote by the citizens is approved to exempt the property. The article will appear on the March 1<sup>st</sup> ballot for consideration.

### *Budget*

Tim Scoggins reminded the public that the FY17 Budget would be handled a bit differently this year than in years past. The community appropriations would be voted on only by ballot on March 1<sup>st</sup>, while the reserves would be a part of the budget voted on at the floor meeting on February 29<sup>th</sup>, to avoid any possible confusion or conflict by essentially double-voting on an item.

Mr. Scoggins pointed out that the Selectboard had worked hard to prevent the tax rate from increasing over FY16 but should the entire \$72,000.00 in community appropriations requested be approved, the tax rate would increase \$0.02 per \$100.00.

Mr. Scoggins concluded his discussion regarding the FY17 Budget by highlighting the Town's plan to move money into reserves as the Town comes out from debt for equipment purchased a few years ago. Moving funds into materials for the Town roads also remains a priority.

### *North Road Property Purchase*

Mr. Scoggins reviewed the article asking voters to approve the purchase of property near the former landfill. The voters approved a similar purchase last year of a neighboring parcel. These two purchases would remove both residential properties that had been grandfathered into the current industrial zone. Mr. Scoggins noted that this site could be used for the proposed Town Highway garage as it lies close to the road and affords easy access and greater security. Mitch Race pointed out that new engineering and permitting would need to be done at that parcel for a Town garage.

*Non-binding Article: Shall the Town locate the new Highway Department garage on Town owned property adjacent to the closed landfill on North Road?*

Tim Scoggins said that the Selectboard feels "strongly and unanimously" that the answer to this non-binding article should be yes and that the Selectboard was ready to move forward with another bond vote for the construction of the Town garage at the North Road site. However, Mr. Scoggins pointed out, the Selectboard had received feedback that there were concerns regarding the proposed site and it was decided to vote on the

possible location of the garage prior to taking up the question of the bond. Mitch Race further pointed out that the North Road property is currently owned by the Town and that the Town will need to purchase property if the North Road site is rejected. Art Whitman underscored again that this is not a bond vote, or a vote on the general project, but simply a vote regarding location.

#### **12. BBR Grant Capital Improvements Engineering Study Shaftsbury Hollow - Award**

David Kiernan asked three (3) local engineering firms (MSK, Mance and Summit) for proposals for the study of the project above Dwyer's Camp on Shaftsbury Hollow Road. As the project expense is less than \$10,000.00, no formal bid was required. The grant received from Better Back Roads totaled \$4,000.00 for the engineering study only and an additional \$20,000.00 will be available for the project work following the recommendations made by the study. Summit Engineering submitted a proposal to the Town for this work and has been involved in a similar project in Landgrove, Vermont.

Motion: Mitch Race moved to approve the Summit Engineering proposal for the engineering study needed above Dwyer's Camp on Shaftsbury Hollow Road. Tim Scoggins seconded.

5-0-0 Motion approved.

#### **13. Certificate of Highway Mileage**

David Kiernan presented the annual Certificate of Highway Mileage to the Board for approval.

Motion: Tim Scoggins moved to approve the Certificate of Highway Mileage for the year ending February 10, 2016 in the amount of 86,279 miles. Mitch Race seconded.

5-0-0 motion approved.

#### **14. Lake Paran Lakelhouse Request**

The Lake Paran Recreation Committee is seeking funding to replace the bath house at the Lake Paran Recreation area and asked the Town of Shaftsbury for a financial commitment toward the project. The Village of North Bennington has contributed \$10,000.00 and the Town of Bennington contributed \$15,000.00. Mr. Kiernan did inform the Committee that the FY17 Budget had already been finalized but said he would bring the request before the Board for consideration.

Tim Scoggins indicated that he would have supported the request if it had come into the Board in time for budget planning. Mr. Scoggins noted, however, that FY16 had come in under budget in terms of spending thus far and that there were funds available to contribute. Mr. Kiernan agreed but pointed out that the new well at Howard Park would need to be paid for from this surplus as well.

Tim Scoggins suggested a contribution in the amount of \$5,000.00. Tony Krullkowski suggested a contribution of \$10,000.00.

Motion: Tony Krulowski moved to contribute \$10,000.00 to the Lake Paran Lakehouse project. Art Whitman seconded.  
5-0-0 motion approved.

**15. Town of Rutland Resolution re: Placement of Solar/Wind Facilities**

Tim Scoggins presented a petition from the Town of Rutland to increase the input of Vermont Municipalities regarding the siting of renewable energy projects in the Certificate of Public Good Proceedings before the Public Service Board.

Motion: Art Whitman moved to adopt the resolution on sitings Ken Harrington seconded.

Discussion: Art Whitman and Tim Scoggins indicated that they felt that there was a problem with the Public Service Board ignoring input of the municipalities. David Kiernan said that he had received calls from Swanton and Rutland asking for the support of the Shaftsbury Selectboard.

Tim Scoggins said that he hesitated supporting the petition because he didn't fully understand the process. Art Whitman countered by stating that the Public Service Board often ignored what the citizens of a municipality want. Mitch Race also indicated that he needed more information about the process.  
2-2-1 Motion failed.

**16. Liquor License – Paulin's**

David Kiernan presented the retail liquor license for Paulin's, Inc.

Motion: Tim Scoggins moved to approve the Liquor License for Paulin's Inc. Mitch Race seconded.  
5-0-0 Motion approved.

**17. Town Administrator's Report.**

David Kiernan reported that the offices in the downstairs portion of Cole Hall had been painted over the weekend. Mr. Kiernan also discussed the second floor renovations and indicated that the fire codes had been reviewed and the plumbing had also been inspected, giving the go-ahead for renovation plan covered under the reserve budget. The elevator would need to be inspected prior to moving forward with any renovation plans. Mr. Kiernan also said that he and Chris Williams would be visiting a building on the Williams College campus to look at a design of a ceiling preserving the light from arched windows, like those at Cole Hall.

Ken Harrington asked about ventilation requirements and Mr. Kiernan said that fans would likely be incorporated into any future design.

**18. Other Business**

NONE



19. Executive Session – Personnel Matter

Tim Scoggins moved to adjourn the meeting at 8:07PM and move into Executive Session. Mitch Race seconded.  
5-0-0 motion approved.

READ AT PUBLIC MEETING 1/20/16  
TO BE PART OF PERMANENT  
RECORD OF MINUTES SECTION

MR. SPENCER

SHARPSBURY HIGHWAY  
GARAGE SITE PLAN  
QUESTIONS

ALL QUESTION TO BE  
ANSWERED 1 BY 1  
IN WRITING BRING

WRITTEN REPLY  
TO TOWN MEETING  
LET THE PEOPLE  
DECIDE

DEC 22 2015

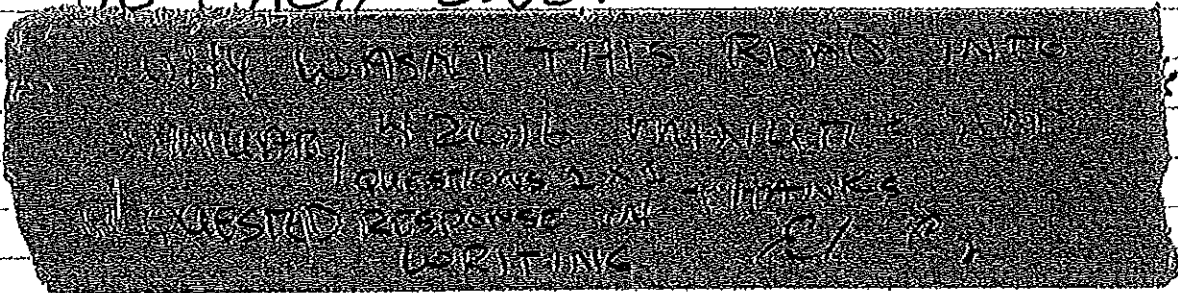
SHAFTS BURY SLECT BOARD

I WILL RESUBMIT MY LIST OF QUESTIONS FOR THE BOARD TO ANSWER.

I WOULD LIKE EACH ONE QUESTION ANSWER PUT IN WRITING INDIVIDUALLY. ONE AT A TIME SO EACH QUESTION HAS A WRITTEN RESPONSE.

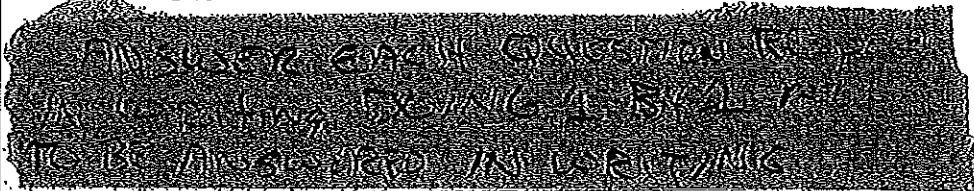
EVEN WITH THE BOND VOTE POSTPONED STILL LITTLE IS SAID THAT SITE IS STILL THE OLD DUMP OFF NORTH RD.

I ASK THIS LETTER AND ALL QUESTION BE READ INTO MINUTES OF THE JANUARY 4 2016 SLECT BOARD MEETING SO BOARD CAN START ON WRITTEN REPLYs TO EACH ONE.



P.S. PEOPLE SHOULD STILL VOTE ON SITE FIRST.

# QUESTIONS FOR SELECT BOARD Dec 8 2016



1) MAP SHOWING 6 Dump site with monitoring wells All 6 plus the 3 trailers in front.

2) Results for last 10 years of contamination levels

3) Show results of monitoring well down by Airport Rd where green slim runs into ditch.

4) CONTACT ATTORNEY TOM DAILEY FOR PAPERWORK SHOWING LAND FILL HAS CONTAMINATED ALL THREE TRAILER WELLS

5) COST OF FIRST BOND VOTE

Breakdown Engineering Design Administration Highway Labor Highway Equipment

6) COST OF SECOND BOND VOTE

Breakdown Engineering Design Administration Highway Labor Highway Equipment

7) COST FROM SECOND VOTE UNDER NOW OF HIGHWAY CREW LABOR

Equipment Labor cost of all cleaning that has been done.

8) PERMIT FROM A.N.R. SAYING 1000 GETHALC FROM LAND FILL SITE IS MET. BUILDING AND DIGGING ARE PERMITTED

9) DESIGN OF SEWER SYSTEM IF IN GROUND IS PERMITTED CLOSE TO DUMP.

10) COST OF PURCHASE OF CRAWLED TRAILER SHOW COST OF PURCHASE OF MATTHEW TRAILER.

(OVER)

NO OTHER SITES AVAILABLE  
BY LANSING TO TOWN  
SUGGESTION IN THE MEETING

- 1) FIND PLANS OF TOWN GARAGE  
PROPOSAL TO BUILD ON PETER CROSS  
LAND (OLD SHEA PROPERTY)
- 2) FIND SELECT BOARD MINUTES WHERE  
KEN COONRAT PROPOSED TO BUY SHEA  
PROPERTY
- 3) TOWN IS CURRENTLY RENTING  
PETER LAND COST TO TOWN PER  
YEAR AMOUNT OF YEARS RENTED
- 4) MITCH RICE STATED NO LAND  
AVAILABLE YET PETER IS MORE THAN  
WILLING TO DO A RENT WITH OPTION TO  
BUY AND HOLD THE MORTGAGE INSTEAD  
OF A BASIC
- 5) PAPERWORK SHOWING COST OF  
THE GARAGE TO BE BUILT ON THIS  
SITE
- 6) MAP SHOWING LOT SIZE WITH  
WHERE TOWN EQUIPMENT IS PARKED  
LOCATION OF MOUNTAIN OF SAND  
DUMPED ON THE LOT
- 7) COPY OF PETITION SHOWING 159  
TOWN PEOPLE SIGNED TO PURCHASE LAND
- 8) I HAVE SAID MANY TIMES I M  
LAST 5 YEARS I WOULD HELP TO  
MEDIATE PURCHASE LIKE I DID ON  
CRANFORD PROPERTY. WHY WAS I CONTRACTED?
- 9) ART WITKOVYAN TOLD ME HE WAS  
WORKING WITH PETER ON PURCHASE WHAT  
HAPPENED TO THAT?

PLEASE PRINT WRITTEN RESPONSE TO  
BY DATE