

**Town of Shaftsbury  
Selectboard Meeting  
6:30 PM  
Monday, March 16, 2015  
Cole Hall, 61 Buck Hill Road, Shaftsbury**

**SUBJECT TO APPROVAL**

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

**Absent: None**

**TA Present: David Kiernan**

**Others Present: Tom Dailey, Jay Palmer, Tom Huncharek, Chris Ponessi, David Spurr**

**6:00PM Selectboard meeting**

**1. Call to Order**

David Kiernan (Town Administrator) called the meeting to order at 6:30 PM.

**2. Election of Chair and Vice-Chair for the Selectboard**

**Motion:** Mitch Race moves to nominate Tim Scoggins as Selectboard Chair. Tony Krulikowski 2nds. 5-0-0. Motion passes.

David Kiernan turns meeting over to Tim Scoggins, who has been named Chair of the Selectboard.

**Motion:** Tim Scoggins moves to nominate Mitch Race as Vice Chair of the Selectboard. Tony Krulikowski 2nds. 5-0-0. Motion passes.

**3. Adoption of Selectboard Rules of Procedure**

**Motion:** Tim Scoggins moves to approve the Selectboard Rules of Procedure originally adopted March 11, 2013. Mitch Race 2nds.

**Amended Motion:** Mitch Race makes a motion to amend the Selectboard Rules of Procedure by removing The Shaftsbury Country Store as a location where agendas are posted, correct the names of the Selectboard members on the signature page, and correct the date of adoption to the current date. Tim Scoggins 2nds. 5-0-0. Motion passes.

The Selectboard Rules of Procedure document will be edited with the moved changes and signed at the next Selectboard meeting.

**Selectboard Liaison Duties**

Tim Scoggins stated that the Town Garage Committee should be removed from the list of Selectboard Duties. Currently, Tim Scoggins, Art Whitman, and Ken Harrington serve as liaisons. Also, the liaison for the Economic Development Committee will change from Tony Krulikowski to Art Whitman.

**Motion:** Mitch Race moves to accept the Liaison Duties as edited by Tim Scoggins today. Tim Scoggins 2nds. 5-0-0. Motion passes.

**Announcement of Meetings**

Regular Selectboard meetings will be scheduled at 6:30 PM on the First and Third Monday of each month.

Other standing committees will continue to meet as scheduled.

Mitch Race asked Art Whitman if the time for the Economic Development Committee could be changed from 8:00 AM to 5:00 PM on the Third Thursday of each month. Art Whitman will check with the other committee members.

#### 4. **Conflict of Interest Statement**

Art Whitman stated that he gets his water supply from Cold Spring and this should be known when the topic is discussed. It was agreed that this is not a conflict that requires recusal.

There are no other Conflicts of Interest.

#### 5. **Approval of Minutes**

**Motion:** Tim Scoggins moves to approve the minutes from Town Meeting with minor changes. 3-2-0. (Mitch Race and Ken Harrington abstain; they were not present for the meeting.) Motion passes.

The minutes for the February 16, 2015 and March 2, 2015 Regular Select Board meeting will be reviewed at the next Select Board meeting.

Going forward, all documents of significance will be signed by the Chair and the signed copy will be entered into the Minutes Book as an official document. This will include all approved Select Board minutes.

#### 6. **Warrants**

**Motion:** Tim Scoggins moves to approve Check Warrant #19 for \$25,721.26. Mitch Race 2nds.5-0-0. Motion passes.

#### 7. **Announcements**

Mitch Race announced that the Shaftsbury Historical Society is planning another Ordinary Hero Day for the end of May. Details will be announced soon.

#### 8. **Public Comments:** None

#### 9. **Appointment Interviews: Development Review Board and Planning Commission** **Development Review Board (DRB)**

**Michael Day** was unable to attend tonight.

**Tom Huncharek** addressed the Board to state he is seeking a second 3-year term on the DRB.

Huncharek gave an update on matters at the DRB.

-The Board has been through some personnel changes. Michael Day and Jay Palmer are assets to the Board. Michael Bidy is a long-term Shaftsbury resident and brings historical background to the Board.

-The reduction in the Board from 7 members to 5 members has allowed the Board to be more flexible. Policies and procedures are being updated to ensure all members have the most current version and that all pages are intact.

-There is discussion of changing the meeting schedule from twice a month to once a month.

Michael Day and Jay Palmer are each serving one-year terms as alternates to the DRB.

**Chris Ponessi** addressed the Board to state he is again seeking a 3-year on the DRB. Ponessi is a professional engineer who has served on the board for five or six years, began as alternate and became a full member.

**Motion:** Mitch Race makes a motion to re-appoint both Tom Huncharek and Chris Ponessi to the DRB, each for a term of three years. Tim Scoggins 2nds. 5-0-0. Motion passes.

**Jay Palmer** has served as an alternate on the Development Review Board for about three years. He serves 50% of the scheduled meetings usually because of either conflict of interest or absenteeism.

**Motion:** Mitch Race makes a motion to approve Jay Palmer for a one-year position as alternate on the Development Review Board. Tim Scoggins 2nds. 5-0-0. Motion passes.

### **Planning Commission**

David Spurr addressed the Board to state he is seeking another 3-year term on the Planning Commission. Spurr is a licensed land surveyor and currently serves on the Board as Vice Chair.

Spurr gave an update on the Planning Commission. The Board currently has four active members. Spurr reported that the Board is currently reviewing FEMA fluvial erosion aspects. The Board is also reviewing the zoning ordinances and is looking to streamline the Zoning Book—not to change or remove, but to clarify and streamline existing ordinances. There are no by-laws for next election as of yet.

**Motion:** Mitch Race makes a motion to approve David Spurr for another 3-year term on the Planning Commission. Tim Scoggins 2nds. 5-0-0. Motion passes.

### **Annual Appointments**

The Select Board discussed whether the Energy Coordinator position should be eliminated.

**Motion:** Art Whitman makes a motion to keep the Energy Coordinator position. Mitch Race 2nds. 4-1-0 (one opposed). Motion passes.

**Motion:** Art Whitman makes a motion to reappoint Ben Hulett as Energy Coordinator for a one-year appointment. Ken Harrington 2nds. 5-0-0. Motion passes.

### **Other Annual Appointments**

**Motion:** Tim Scoggins moves to nominate Jerry Mattison as Emergency Management Coordinator, Jackie Myers as Town Service Officer, and Jim White as Tree Warden for a one-year term. Mitch Race 2nds. 5-0-0. Motion passes.

Mitch Race proposed to ask the annual appointees to give semi-annual reports to the Selectboard.

## **10. Treasurer's Report –Melanie Dexter**

The Treasurer was unavailable. David Kiernan presented a document for the Select Board to sign to give the Treasurer authority to access the Town's bank accounts.

**Motion:** Mitch Race makes a motion to have the Selectboard Chair sign the bank signature document allowing the Treasurer, Melanie Dexter, to access Town's bank accounts. Art Whitman 2nds. 5-0-0. Motion passes.

### **11. Road Foreman Report – Update by Town Administrator**

David Kiernan gave an update on the truck that was in a fire at the paint shop. Cause of Origin expert has been hired to find out how the fire started. If no negligence is found on the part of TDI (a subcontractor of Viking), Town will be held responsible for repairs to the truck. (Town insurance would have to pay.)

The truck is going to Viking for repairs. It will then go to Delurey and Delurey and the insurance company will go through the truck and assess the damage.

The truck was chassis and dump body were purchased from two separate dealers. We haven't paid for the dump body yet, even though it was put on the chassis we did pay for and was being worked on as 'our' truck when the fire happened. The insurance dispute stems from this confusion of ownership. For the next truck purchase, Town should look at the whole package.

### **Road Status**

The number to report road conditions is 774-238-7287 (7SHAFTSBU7).

The Highway Salt Budget is 39% over budget. The high number is due to an unforeseen price hike. Had the price remained the same as last year, the salt budget would only be 7% over budget.

### **12. Property Purchase of 492 North Road — Bank Options**

David Kiernan is researching rates and will report at next meeting.

### **13. Opening of Bids — Cole Hall Bathroom**

The State gave notice that no work can start until Asbestos. An inspector can be hired. an asbestos inspection is done.

The work will be scheduled for May or June and should take three to four days.

Two bids were received.

Tim Scoggins opened the bids:

- 1) William T. Hardy Builders, North Bennington. Estimate is \$5,970. Included in work is floor, commercial linoleum, plumbing and heating, ceiling fan, carpentry and painting.
- 2) Murray Brothers, Inc. in Bennington. Estimate is \$10,441. A list with 34-bulleted items is provided.

The Selectboard will compare the work listed on both estimates for next meeting.

#### **14. Town Health Officer Vacancy**

Tim Scoggins resigned as Town Health Officer.

There is one lead on a possible replacement. Someone from Town is preferred.

If Town does not appoint one, the State Health Commissioner will appoint a Town Health Officer.

The current pay is a \$200/year stipend. David Kiernan will look into the pay rate for the Health Officer for Bennington.

Art Whitman suggested hiring someone who is currently the Health Officer in another town.

The Board of Health is composed of the Selectboard and the Town Health Officer. If an issue comes up in the meantime, the Town will take care of it.

Tim Scoggins stated in his resignation letter to the State that this is a full vacancy. there is also a vacancy for Deputy Town Health Officer, even though state records show Traci Mulligan in that role. She is no longer serving.

#### **15. Election Results**

##### **a. Results**

Voters approved the North Road Real Estate Purchase. The next step is to get financing. All four zoning articles passed.

##### **Cold Spring Historic Site**

All reserve fund requests were approved, except the request for the Cold Spring Historic Site.

A \$15K-grant was received for artistic design and fabrication of the site. Other funding is needed for initial permits and engineering. The project will go forward.

Tom Dailey stated that there about a half-dozen deeded water rights for Cold Spring. It is a water source. Dailey recommends the Town to commission title rights by an attorney. There are three known versions of water rights for Cold Spring.

The grant received was not a matching-funds grant, but a fully paid grant. The grant gives a time line of two years to use the money without permission for an extension.

Tom Dailey recommended getting a legal opinion on who has rights to the water and to find out if it is a public water source. If it is a private water source, permission will be needed from those who have rights.

Other grants or some other source of funding will be needed to begin the initial work for this project.

**b. Community Appropriations Revisited**

All 25 of the community appropriations passed. The list of community appropriations is long and ballot space was an issue.

The total of community appropriations was over \$60,000, which is 1-1/2 cents on the tax rate.

The Select Board has the authority to pick and choose which appropriations serve the Town.

Organizations can petition voters to be on the ballot.

Mitch Race stated that there are financial forms to be submitted along with the letter by the due date of December 1 to be ~~consider~~considered for an appropriation.

In the past, representatives of an organization ~~would represent~~were present at Town Meeting to make their case for funding and answer questions. ~~The process was longer.~~

Tony Krulikowski will review the appropriation process.

**c. Budget Votes Revisited: Town Meeting vs. Australian Ballot**

The current process of voting on the budget is to vote on a dollar figure at Town Meeting. Reserve funds, community appropriations, and other non-budgetary municipal funding are voted on Election Day by Australian ballot. Of late, the budget presented at Town Meeting has included the ballot items, with the expectation that items voted down would be subtracted from the budget. This amounts to double voting. Voters could remove a budget item at town meeting but vote for it on the ballot.

The solution is to remove ballot items from the “advertised” budget at Town Meeting. This prevents floor action on a warned ballot article, which prevents double voting. The basic budget will be voted at Town Meeting, which is all but reserves, community appropriations, and special budget items.

~~The Town must vote on this change to get everything on Australian ballot. To vote the entire budget by Australian ballot would require a floor at Town Meeting to change current procedure.~~

A special meeting from October 2001 addressed “non-budgetary municipal funding including non-municipal entities”

**16. Selectboard Goals**

Tim Scoggins asked the Selectboard to think about goals for the next year to discuss at the next meeting.

**17. VAC Grant Receipt**

Already discussed as “Cold Spring Historic Site” under “Election Results.”

**18. Town Administrator’s Report****a. Around the Block Sidewalk Project**

David Kiernan asked Tim Scoggins to get Alice Miller involved because the State has not approved the right of way and the project is being held up.

**b. Animal Control Bids**

There is a \$7,000 budget. Better record-keeping and ordinance enforcement are desired.

There are no records of an animal control agreement. There is no contract.

No incidence reports have been received.

The current contract ends in July 2015. Animal control services will be put to bid.

**c. State Structures Grant – Shaftsbury Hollow**

Shaftsbury Hollow needs a span bridge of 26 feet or an arched culvert with a span of 26 feet.

State engineers have suggested it could cost as much as Estimate is \$300,000–\$500,000

There is no engineering date for Shaftsbury Hollow. Grant will be sought to hire engineer to evaluate and give status of the culvert.

The new culvert will have to double in size because of new engineering standards.

**d. State Class 2 Road Grant – Resurfacing – Airport Road and East Road**

This will be split between Airport Road—from the railroad tracks to the beginning of Cider Mill Road— and East Road.

Airport Road will be ripped up and redone.

East Road has about 2600 feet that needs to be repaved.

**19. Other Business**

None.

**20. Review of Action Items**

- The Rules of Procedure will be updated and signed at next meeting.
- Art Whitman will check with the Economic Development Committee on changing the time of the meetings to 5:00 PM on the third Thursday of the month.
- Annual appointment officers will be asked to come to the Selectboard for a status report.
- David Kiernan will review real estate options for the North Road property.
- Minutes will be recirculated from February 16 and March 2 Selectboard meetings to approve next meeting.
- Bids for the Cole Hall bathroom renovations will be scanned and sent to the Selectboard for review to vote on next meeting.
- Tony Krulikowski will review the appropriation process
- Tim Scoggins will work about the Sidewalk Project. (Art Whitman recommends Tim Corcoran may be able to help.)

- The Selectboard will come up with goals for 2015.

**21.Adjournment**

**Motion:** Tim Scoggins makes a motion to adjourn at 8:55 pm. Mitch Race 2nds. 5-0-0.  
Motion carries.

Submitted by: Jennifer McGean, Recording Clerk

Next Meeting: Monday, April 6, 2015