

Shaftsbury Select Board  
August 17, 2020  
6:30 pm

- 1) The meeting came to order remotely, via the teleconference platform GoToMeeting, at 6:30 pm. Present were Select Board members vice chairman Art Whitman, Ken Harrington, Joe Barber, and Tony Krulikowski. Also present was town administrator David Kiernan and several citizens.
- 2) Conflict of interest statement  
No one reported a conflict of interest with any item on the agenda.
- 3) Minutes  
Mr. Harrington moved to approve the August 3 minutes. Mr. Barber seconded the motion, which upon roll call passed 4-0-0.
- 4) Warrants  
Check warrant #5, \$73,360.30. Mr. Harrington moved to approve the warrant. Mr. Barber seconded the motion, which upon roll call vote passed 4-0-0.  
Payroll warrant #3, \$22,362.65. Mr. Harrington moved to approve the warrant. Mr. Barber seconded the motion, which upon roll call vote passed 4-0-0.
- 5) Announcements  
Mr. Whitman said voting at the garage went well, with no problems with social distancing. Mr. Kiernan suggested mail in voting for the November election would be best, as the higher turnout expected in November could cause lines to back up.
- 6) Public Comments – by teleconference only- instructions below  
Mr. Whitman said item 9, roadside commercial, would be dropped from the evening’s agenda, but any citizens present wishing to speak on the matter could do so now.  
Dorothy Buxbaum suggested all discussion of the matter be tabled until people could meet together in person.  
Andrea Bacchi said she lives in the area in which RC is being proposed. She recommended that discussion of RC be tabled until it is safe to meet in person. She believes the Select Board and the Planning Commission are not putting health and safety of citizens first.  
Ben Hulett said he agreed that all discussion of RC should be put off until citizens can safely meet in person.  
Robert Costantino said would also like to recommend that discussion of RC be tabled until we can meet in person.  
David Rosner and Ellen Schutz said they oppose the most recent proposed change to RC zoning, which they believe will not promote economic development. They also wish to table the discussion until citizens can meet in person after the pandemic resolves. Ms. Schutz said people have a lot of other issues to deal with now and don’t have time to focus on this important issue. She said she and Mr. Rosner have sent letters expressing their disapproval of the proposal and would hope that those letters could be included in the minutes.  
Tom Huncharek said he agreed that the discussion should be postponed until citizens can meet together in person. He also remarked that Ms. Schoof sent a letter to the Select Board members. Mr. Kiernan will forward that email to all.

Ms. Bacchi asked that additional time for citizens to speak be added to the end of the meeting. Mr. Whitman said the public could speak under “Action items.”

Mr. Huncharek asked if the public can talk on any item on the agenda at any time. Mr. Whitman said “yes.”

7) Treasurers Report: Set FY21 Tax Rate

Melanie Dexter reported that there isn’t much going on relative to cash flow. We received a down payment on a truck and some delinquent taxes. We have well over \$100K in the bank. She will be keeping a close eye on this figure, as it could happen that another draw on the line of credit could become necessary.

She reviewed the tax rate calculation. She said the Grand List is essentially the same as last year. With adjustments, the tax rate becomes 0.4496 per \$100 of assessed value, a 5.6% increase over last year to cover the budget – after several years of essentially holding flat with inflation taken into account.

Mr. Krulikowski moved to adopt the tax rate. Mr. Harrington seconded the motion, which upon roll call vote passed 4-0-0.

Mr. Whitman will come to Cole Hall to sign documents as necessary.

Ms. Dexter said people could expect to see the tax bills in the next couple of weeks. The external auditors will be visiting Cole Hall this week.

8) Citizen Petition – No Trucks on Hawks Ave.

Colin Brant said Hawks Ave. connects White Creek Road with Route 67. Since March, gravel trucks have been using the avenue to avoid the corner at the Left Bank. People on the street are sick of it. On average, 30 trucks per hour use the shortcut – one every two minutes. The avenue posts a 24,000 pound limit. Dust, rumbling, and shaking houses are common. He has tried to seek help from DMV and the state police, without success. He said that even if the Left Bank corner were better, Hawks Avenue would still be the more attractive alternative. He said everyone he talked to on the street also complained about other vehicles speeding; he thought the gravel trucks do not speed. He said a double yellow line painted on the avenue a few years ago is something of a visual cue that the highway continues. He said most gravel trucks are covered; the dust they’re kicking up is from the road, not their load. He said the most annoying feature is probably noise, especially traveling east. Mr. Whitman said most of the gravel is being transported to the Bennington water line replacement project. Mr. Brant said no one seems to want to take responsibility for enforcing the weight limit. Mr. Whitman said the State has to take responsibility, bringing in portable scales. Mr. Barber said he thought with the upcoming end of the construction season, the problem might be temporary. Mr. Brant said the gravel trucks have brought it to a head, but the use of the avenue by trucks – Paulin’s, Landview – has been ongoing and is illegal. Mr. Whitman suggested the town administrator could do a speed survey (as he is certified to do). Mr. Kiernan will do a study of the street – volume of traffic, types of trucks, speed and others – to lay a foundation for how to move forward. Mr. Whitman said the Town could ask the supervisors for each pipe replacement contractor to speak with their truckers.

9) Roadside Commercial – Alternatives  
Postponed

10) PC Appointments

For lack of documents, the item was postponed to a later meeting.

#### 11) Town Park Use Rules

Mr. Kiernan said the proposed rules (seventeen pages worth) are based on CDC and state guidelines for use of public spaces during the pandemic. For example, a recent request to use the pavilion could be problematic unless the requestors are a family unit. Mr. Kiernan said the rules could change over time, as the situation develops and as long as the state continues to require restrictions. Mr. Harrington moved to accept the proposed CDC guidelines for the use of Howard Park, understanding the rules may change as CDC guidelines change. Mr. Barber seconded the motion, which upon roll call vote passed 4-0-0.

#### 12) DPW

Mr. Kiernan said the road crew helped set up and break down the election setting at the garage. The road crew is at work on Murphy Hill. Grading and ditching is continuing. Round two of mowing will start mid-month next month. The town will buy the Shaftsbury Hollow culvert now, and store over the winter on its property. Mr. Kiernan said the on-line auction is up. The link will be placed on the website. The garage is not part of the auction. Mr. Kiernan just received the environmental report on the garage, and there are no hazardous materials to deal with. Full commercial insurance will be required of any bidder, and the slab must be removed as well as the structure itself. The crew is still working through vacations, but the crew has been working together well. Mr. Whitman said a big thank you should go out to the whole crew.

#### 13) Other Business

There was none.

#### 14) Review of Action Items

- Mr. Kiernan will work on a survey of vehicle use of Hawks Avenue.
- Dorothy Buxbaum asked about a decision to table the RC discussion and wondered whether the Select Board could vote on that request. Mr. Whitman said until the Commission makes a recommendation, there is no item to table.
- Mr. Kiernan will send Ms. Bacchi the Howard Park rules.
- Mr. Kiernan will look into whether the discussion of RC was tabled by the Select Board and if so, how to proceed.

#### 15) Adjournment

Mr. Harrington moved and Mr. Whitman seconded to adjourn at about 8 p.m. The motion passed.

Addendum: Several citizens submitted emails the chair requesting their remarks be entered into the minutes.

**Jeri Schoof**

Unfortunately I am unable to attend the August 17 meeting of the Select Board. I wish to submit this email for the public comments section of the meeting and have it entered into the minutes.

I recently learned about the Select Board's directive to the Planning Commission requesting a plan to rezone to Roadside Commercial the section of Route 7a north from West Mountain Road to Old Depot Road. I am strongly opposed to that plan for numerous reasons. I understand discussion of this rezoning proposal has been tabled until October purportedly to allow more public input. However, I think it is unrealistic to believe that the public will be able to gather by that date at Cole Hall, or any other in-person location the Select Board chooses, and have a productive discussion of the issue and receive responses to any questions individuals may have about the implications and reasons behind the proposed changes.

Why the urgency? The Planning Commissioners did not have an answer to that question when it was posed at the Commission's August 11 meeting. Is someone on the Select Board aware of something coming down the pike that makes rezoning an imminent need? If so, in the interests of transparency, that information should be shared with Shaftsbury residents. This is too important an issue to be dealt with via virtual meetings when many Shaftsbury residents do not have access to the internet nor reliable cell service and are coping with the ramifications of Covid-19. Rushing this issue through without adequate public input does a great disservice to the residents you have pledged to represent.

Respectfully submitted,  
Jeri Schoof  
1700 Hidden Valley Rd  
Shaftsbury VT

P.S. Dave would you please give a copy of this to Ken Harrington. I couldn't find an email address for him. Thanks.  
Jeri

**David Rosner and Ellen Schutz**

Dear Mr. Kiernan:

We have been following closely the issue of expanding the RC zone on Route 7A to include broadly increased areas of Route 7A including, but not limited to, the Hidden Valley cluster. We have deep reservations about any expansion of the RC zone and, in particular, object to an expansion of RC that subsumes the Hidden Valley cluster and the properties on the east side of the road in this area (including Clear Brook Farm, the Buxbaum property and the Kudesh property that is situated at the corner of 7A and Old Depot Rd).

Please enter this email into the Select Board's minutes.

Thank you for your consideration.

David Rosner and Ellen Schutz  
1204 Old Depot Rd  
Shaftsbury, Vt