

## **Town of Shaftsbury Select Board Meeting**

Cole Hall and remotely via Zoom

Monday, October 3, 2022

### 1. Call to Order

The meeting came to order at 6:30 p.m. Present were selectpersons Art Whitman (chair), Mike Cichanowski, Martha Coleman, Tony Krulikowski, and Joe Barber. Also present was town administrator David Kiernan.

### 2. Conflict of Interest Statement

Mr. Whitman noted that a gravel hauling bid is to be addressed. His company will probably be the only one bidding on it. No one else reported a conflict of interest.

### 3. Minutes

Mr. Barber moved to approve the September 12 minutes. Mr. Cichanowski seconded the motion, which passed 5-0-0.

Mr. Cichanowski moved to approve the minutes of September 19. Mr. Barber seconded the motion, which passed 4-0-1 with Mr. Krulikowski abstaining.

### 4. Warrants

Payroll warrant #6, \$25,362.73. Mr. Krulikowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 5-0-0.

(Mr. Whitman noted that approval of the local emergency operations plan must be added to the agenda.)

Check warrant #9, \$130,035.68. Mr. Krulikowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 5-0-0.

### 5. Announcements

Mr. Whitman noted that positions are open on the Development Review Board.

Mr. Kiernan reported that all decorations on the cemeteries be removed by November 1.

Ms. Cornwell reported that a community meeting of the ARPA committee will be held October 13 at 6:30 p.m.

### 6. Public Comments

Ms. Bacchi via Zoom asked if the Select Board had had a chance to review her draft press release sent out today. Mr. Kiernan asked anyone who had comments to be in touch with him by the next day so he can get back to Ms. Bacchi.

### 7. Treasurers report

Ms. Dexter said she had been unable to access our banking account for almost a month but is now able to. She asked anyone who hasn't yet received a tax bill to contact her. Tax day is November 10.

\$600,000 or so of taxes that have come in so far. Funds were moved to the reserve account. A few more water payments (subsidized by the State) have come in.

### 8. Proposed Ordinances Hearing

Mr. Whitman invited members of the public to comment on the proposed ordinances. If a discussion is required, Mr. Whitman asked that a motion to discuss be offered.

- Town Speed Ordinance

Joshua Tobe said he disagrees with the proposed raising of the speed limit on Myers Road. He said safety rather than uniformity should be the priority. Another citizen expressed disagreement with the intention to raise the speed limit on Cold Spring Road and asked that it be kept at 25 m.p.h. Mr. Kiernan said when road speeds are changed, an engineering study is required. Some of the 25 m.p.h. roads in town were never handled legally and so aren't officially regulated at their posted speed limit. Mr. Kiernan said that for some of the roads for which changes are proposed he has done such studies.

Ms. Bacchi asked whether the Select Board could send out Board minutes to people who sign up for emails about the minutes. The Board will deal with the question at a later time.

The Cold Spring Road resident said she had secured signatures from fourteen neighbors who oppose the proposed increase in the speed limit.

Ms. Cornwell moved to table the discussion until more information could be gathered. Mr. Barber seconded the motion, which passed 5-0-0.

- Closure of Legal Trail to Motorized Vehicle

Mr. David McKeighan said he was opposed to the change and mentioned a piece of land that, he said, would lose access to the land. Another resident said four properties on the trail would find their access restricted. An owner of a property on the trail spoke in favor of closing the trail, saying people have parked in their driveway, and turned around in their driveway. Large trucks try to get through and end up eroding the trail, and drive into trees on their property. It is important that the views of those who live in the area be taken into consideration, he said. Brad Peacock, a landowner there, said because the trail is unmaintained, when trees come down people drive around them and damage their property. He said loggers could still access forest land and people could continue to run and walk and bike. He said when people drive into their property at night they feel unsafe. A resident said the Belski and Brown properties would no longer be accessible. Mr. Kiernan showed on a map that access to those properties would not be affected. Mr. Cichanowski moved to discuss the proposal. Mr. Barber seconded the motion, which passed 5-0-0. Mr. Whitman said he would prefer a site visit before going further. Ms. Cornwell moved to table the ordinance until a site visit can be made. Mr. Cichanowski seconded the motion, which passed 5-0-0.

- Firearm Ordinance Village Residential Districts

David Mance said his property has one foot in the Village and one foot in the Town. He said there is a difference between shooting and hunting. He said he'd like to be able to manage woodchucks in his garden. He said that a lot of kids hunt on the property he owns that would be affected by the ordinance. He asked how the ordinance would be enforced. He encouraged the board to make a distinction between target shooting and hunting. Mr. Cichanowski moved to discuss the ordinance. Mr. Barber seconded the motion, which passed 5-0-0. Mr. Mance clarified which zoning district overlays his land east of Paran Creek. It is Village Residential and would be covered by this ordinance. Mr. Kiernan did not realize this. Ms. Cornwell moved to table the ordinance until the boundary issue can be clarified. Mr. Cichanowski seconded the motion, which passed 5-0-0.

## 9. DPW Report

- Gravel Hauling Bid Proposal

Mr. Whitman said a bid for the trucking of gravel from Wallingford was awarded to his company three years ago. Mr. Whitman asked that a new bid with an end date be sought. A citizen from Cold Spring Road and Ms. Bacchi said it seemed to be a conflict of interest. Mr. Kiernan explained that the bid would be open to all, advertised regionally, and in the end chosen by the Select Board. Mr. Kiernan said as long as the board member recused him/herself from the vote, the bid would be acceptable. There are so few companies in Vermont that it would punish the town and businesses to prohibit businesses located in a community from bidding on projects.

- Bid Opening Paving Projects

Mr. Whitman opened bids for Hidden Valley and Birch Hill paving. Ms. Cornwell received clarification that sealed bids must be submitted by the required deadline to Mr. Kiernan. He does not open them, but forwards them to the Select Board. After the Select Board opens the bids, they are sent to the DPW foreman for technical review. He noted that in some cases, potential bidders are offered the opportunity to ask questions ahead of time in a forum open to all potential bidders. The first bid was from Peckham Industries for \$142,535. Springfield Paving in Fairmont NH bid \$120,889.44. Both will be sent to Mr. Yannotti for review. Mr. Whitman noted that the bid policy does not require that the lowest bid be chosen.

DPW has been mowing and has scheduled grading for several roads. Ditching and mulching is under way. Equipment is being readied for winter. The dog kennel is under construction. Heating will be provided the animals. A creative solution to recycling was found that will save the town tens of thousands of dollars. The parks have been mowed. Mr. Kiernan is waiting to hear about a grant for future parks improvements at the end of October which will help fund major improvements next field season. The crew will meanwhile upgrade the Tilgner trail. Mr. Kiernan is considering how to staff all the DPW responsibilities, including the Cleveland Ave. skating rink.

#### 10. Other Business

Mr. Whitman introduced the Local Emergency Management Plan municipal adoption form, required annually, and asked the board to approve it. Mr. Kiernan said the adoption of the form ensures a higher reimbursement from FEMA should that agency be called in to help in an emergency. Mr. Cichanowski moved to re-adopt the plan. Mr. Barber seconded the motion, which passed 4-0-1 with Ms. Cornwell abstaining. Mr. Kiernan outlined the plan, which essentially assigns responsibilities to individual citizens.

Ms. Bacchi asked whether email updates can be distributed to townsfolk who sign up for the notices. Mr. Kiernan reminded all that a citizen has a duty to stay informed. That duty can be fulfilled simply by visiting the website regularly.

Ms. Bacchi reminded all to use inclusive language when describing the select board.

Mr. Kiernan said the bylaw changes will be heard December 5 and December 19.

#### 11. Review of Action Items

#### 12. Executive Session

Mr. Barber moved to enter executive session at 8:06 p.m. Mr. Cichanowski seconded the motion, which passed 5-0-0.