



Town of Shelburne, Vermont

SELECTBOARD MEETING AGENDA
SHELburnE TOWN OFFICES, 5420 SHELburnE ROAD
Tuesday, October 19 2021, 7:00 P.M.
IN PERSON MEETING – ZOOM OPTION DETAILS BELOW

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/89190250914?pwd=MIllcGRNdjBxZkh5R1JURmU0cjI4dz09>

Meeting ID: 891 9025 0914; Passcode: 86Cz4M

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 891 9025 0914; Passcode: 418039

Call to Order/Roll Call	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Executive Session re: personnel	7:00 P.M.
*Appoint interim Selectboard member	7:10 P.M.
*Approve meeting minutes of September 28, 2021	7:15 P.M.
Public Comments re: items not on the agenda	7:15 P.M.
Selectboard Comments	7:25 P.M.
Town Manager Report	7:30 P.M.
*Appoint new member to Bike/Ped/Paths Committee	7:35 P.M.
*Request for waiver of penalties for late payment of property taxes	7:40 P.M.
“Lightning Round” budget concept presentations for fiscal year 2023	7:50 P.M.
*Mission Statement regarding community/economic development	9:00 P.M.
*Adjourn	9:15 P.M.

*Decision item. Times noted are approximate, and depend upon how each topic’s discussion flows.



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Meeting ID: 891 9025 0914; Passcode: 418039

Call to Order/Roll Call 7:00 P.M.

***Approve Agenda** 7:00 P.M.

***Executive Session re: personnel** 7:00 P.M.

MOTION: Pursuant to 1 VSA 313, I move to enter executive session to consider the appointment or evaluation of a public officer or employee, and to invite the Town Manager to participate.

***Appoint interim Selectboard member** 7:10 P.M.

Possible motion: I move to appoint _____, effective immediately, to fill a vacancy on the Selectboard until the next election in March, 2022.

***Approve meeting minutes of September 28, 2021** 7:15 P.M.

Public Comments re: items not on the agenda 7:15 P.M.

Selectboard Comments 7:25 P.M.

Town Manager Report 7:30 P.M.

***Appoint new member to Bike/Ped/Paths Committee** 7:35 P.M.

Nicole Carpenter would like to join this committee; she comes recommended by Chair Ted Grozier. Her application is attached for your review.

***Request for waiver of penalties for late payment of property taxes**

7:40 P.M.

Bryan Cairns seeks a waiver of the late fee and penalty for late payment of the first Installment of property taxes, in the amount of \$1532.23. As you will see in the attached information, he suggests that the self-postmarked date of August 17 should qualify as being on time. The Town's long-standing practice has been only to accept official USPS postmarks for that purpose.

Pursuant to the Town Charter and the Selectboard policy in these matters, the Board may waive these fees for property taxes paid late but within seven days of the due date; after that, such requests must go to the Board of Abatement. Mr. Cairns' payment was received within that seven-day timeframe. While the reason for this request does not qualify for a waiver under this policy, the postmark matter is the essential question.

If the Board might be inclined to waive these fees for the reason suggested by Mr. Cairns, then I also suggest that we adopt a formal policy at our next meeting for property tax payments that only a USPS postmark will serve as proof of timely payment. Indeed, some towns don't even accept postmarks; payment is either received and in hand timely, or it's late.

Note also that the Board's policy requires that a property owner sign up for automatic withdrawal/payment before any waived fees are refunded, unless there is a demonstrated reason why the property owner cannot do so. The reason for this is to ensure that tax payments are not late in the future.

"Lightning Round" budget concept presentations for fiscal year 2023

7:50 P.M.

As you'll recall, the Board found the multi-step budget review process helpful last year. The first step will occur tonight and on the 26th; these being a brief, high level, conceptual overview of what each department and committee is looking at for the next fiscal year. Does each anticipate a fairly stable approach to expenses and revenues; a decrease for particular reasons; or do they anticipate a significant increase in desired or needed demands for service which must be factored into our overall budget process? All have been advised that these conceptual presentations should be no more than five minutes each, and that these are not intended for detailed discussions of 'numbers' nor programs.

The second step, for our November meetings, will be the more detailed budget and program presentations. The third step, for our December meetings, will be focused more on our own review, deliberations, and balancing of the myriad requests and needs, all to give the Town Manager clear guidance on formulating a formal budget proposal for Selectboard public hearing and discussion in January. Hard to believe we are at this point in the year again already!

For tonight, we plan to hear from:

Pierson Library

Tree Committee

Assessing

Natural Resources and Conservation

Bike/Ped/Paths/Village group

Planning

Finance/Town Manager/Admin

***Mission Statement regarding community/economic development**

9:00 P.M.

With thanks to everyone for your helpful edits, attached please find a hopeful final draft
That we can adopt and move forward.

***Adjourn**

9:15 P.M.

*Decision item. Times noted are approximate, and depend upon how each topic's discussion flows.

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES
September 28, 2021**

***Hybrid meeting held via teleconference and in-person.**

MEMBERS PRESENT: Mike Ashooh (Chair), Kate Lalley, Luce Hillman, Cate Cross.

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Diana Vachon, Town Clerk.

OTHERS PRESENT: Members of the public participating in the meeting included Claire Prosaowski, Dorothea Penar, Don Porter, Jeanne Lamell, Paul Mayer, Rosalyn Graham, Jane & Tom Zenaty, Mary Kehoe, David Webster, Steve Baietti, Barbara Johnson, Susan McLellan, Suzi Wizowaty, Chris Kent, Lou Smith, Karen McAllister, Nancy Badami, Chris Badami, Adele Gravitz, Ann Hogan, Sean MacFaden, Matthew Smith, Tracey Beaudin, Andrea's iPad, Ellen Gurwitz, Roger Howland, Robert Glover, Casey McNeil, Helen C, Holly Brough, Nicole Cate, Nane Doll-Peyron, Stephen Kendall, Mark Sammut, Ted Grozier, Gail & Ken Albert, Kevin, Elizabeth Chant, Marc Vincent, Pam, Donna Fialkoff, Allyson Myers, Christine Haines, Gregory Doremus, Linda's iPad, Jan Nicklas, Tom Denenberg, Lee Suskin, iPhone, Fab Boisvert-DeFazio, Jimby, Pam B, Helen C, Frederic Lowen, Scooter Mac Millan, Sherry, Erika Lea, Anne Bentley, Marc Pennington, Dan York, Connie Richards, Shelly Crombach, Sara Beeken, Tom Tompkins, Joyce George, Bill Deming, Chrislatta, John's iPad, Kit Anderson, Jason Grignon, Debbie, Michael's primary phone, Jennifer M, Media Factory

1. CALL TO ORDER

Chair Mike Ashooh called the hybrid in-person and teleconference meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Cate Cross, **SECOND** by Kate Lalley, to approve the agenda as presented. **VOTING: unanimous (4-0); motion carried.**

3. MINUTES

September 14, 2021

MOTION by Cate Cross, **SECOND** by Luce Hillman, to approve the minutes of 9/14/21 as presented. **VOTING: unanimous (4-0); motion carried.**

4. PUBLIC COMMENT

None.

5. SELECTBOARD COMMENTS

- Cate Cross announced the Equity & Diversity Committee is interviewing applicants.
- Mike Ashooh announced Jerry Storey resigned from the Selectboard. Mr. Storey is thanked for his service to the Town. The Selectboard will appoint a new member to fill the vacancy until elections are held at Town Meeting in March 2022.

6. TOWN MANAGER REPORT/UPDATE

Lee Krohn reported:

- Thanks are extended to Jerry Storey for his time and dedication to the Town.
- Personnel news includes Rick Lewis, Water Department, stepping down and Dave DiBiase filling the position, and Ernie Goodrich stepping down after 18 years of managing the Town cemetery. We appreciate their long dedication and service.

7. FORUM: Planning/Zoning/Community Economic Development

Mike Ashooh summarized the planning and zoning and community/economic development initiative spearheaded by the town and steps taken to date including pursuing downtown designation, engaging an economic development consultant, and beginning regulatory reform.

The Chairs of Town committees and commissions gave their perspectives on the initiative. Support was voiced for the following:

- Cooperation
- Coordination
- Empathy
- Simplifying and streamlining the regulatory process
- Maintaining the rigor of the regulations
- Clearing up ambiguities
- Improving the process and procedures
- Creativity
- Connectivity
- Updating the regulations to avoid conflicts with the Town Plan
- Protecting natural resources in town
- Better engagement and citizen involvement

The Selectboard pointed out there are competing interests and proposed developments cannot satisfy them all. Compromise is needed. The Selectboard will endeavor to extract what is useful from form-based code and what will stand the test of time. The entire construct must be rethought on what the Town wants to achieve and create for the future. Careful thought is needed on how to change the rules, how to come up with an environmental plan, how to better educate on the concepts so there is a shared vision, and how to have community development be more inclusive and critical to what Shelburne is as a community.

8. MISSION STATEMENT: Community Economic Development

Further edits to the mission statement and goals were made. There was public comment urging the acknowledgement of what is possible in the village core and expanding on that. The Selectboard will review the revised mission statement and take action at the next meeting.

9. STREETLIGHT POLICY

MOTION by Kate Lalley, SECOND by Luce Hillman, to accept the updated version of the Streetlight Policy that addresses the installation and/or removal of a streetlight located within a Town highway right of way. VOTING: unanimous (4-0); motion carried.

10. PROPOSED ZONING AMENDMENTS BY PLANNING COMMISSION

MOTION by Kate Lalley, SECOND by Luce Hillman, to accept the proposed zoning amendments approved by the Shelburne Planning Commission and warn a public hearing on October 26, 2021. VOTING: unanimous (4-0); motion carried.

11. ADJOURNMENT

MOTION by Cate Cross, SECOND by Kate Lalley, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 8:58 PM

RScty by tape: MERiordan

For the Selectboard

Date

TOWN OF SHELBURNE, VERMONT

Application for Appointment to Town Commissions, Boards, and Committees

Name ____Nicole Carpenter_____ Date ____9/30/2021____

Mailing Address ____880 Barstow Road Shelburne, VT 05482_____

Phone number ____802-338-0626_____

Email address: ____carpentercoker@yahoo.com_____

Are you a Shelburne resident? **Y (yes I am)** or N

If not a Shelburne resident, do you own a business or property in Shelburne, or are an authorized representative of a business or property owner? Y or N

Commission(s), Board(s), or Committee(s) in which you are interested. If interested in more than one, please indicate your preference as 1st, 2nd, or 3rd.

Bike and Pedestrian Path Committee – 1st choice.

Cemetery Commission

Development Review Board

Dog Park Committee

Ethics Committee

Historic Preservation and Design Review Committee

Natural Resources and Conservation Committee

New Town Center/Library Construction Committee

Parks and Recreation Committee

Pierson Library Board of Trustees

Planning Commission

Social Services Committee

Tree Committee

Veterans Monument Committee

Water Commission

Representative to external agencies

Please share your reasons for your interest in being appointed, and how you will help achieve the mission of the CBC(s) in which you are interested – whether on this form, or in a separate cover letter:

I have lived in Shelburne, VT since 2010. I thoroughly enjoy walking, running, and biking around town. The LaPlatte River trails, Tri-Haul Trail, and Shelburne Bay Park are great areas to run and walk. I also enjoy Shelburne Farms, Meach Cove, and some of the trails behind Shelburne Museum. I try to do as many of my commutes and errands by bike as I can. I regularly walk/run/bike through South Burlington and Burlington. It's been great to see new trails and paths developed in these communities. I am particularly impressed with how South Burlington has connected all their neighborhoods and roads together with either a walking trail or a paved bike path. I see so many kids, dogwalkers, and adults enjoying these connections within walking distances of their homes. Webster Road bike path has been created since we've lived here. I'd like to help more trails and paths be developed and maintained in Shelburne. I would be happy to help with planning, community engagement, coordination, implementation logistics, and maintenance. My personal and work life has opened up such that I think I can commit to another regular engagement. I would be honored and happy to help Shelburne advance their walking and biking paths.

Are you current with all of your financial obligations (property taxes, water, sewer, etc...) with the Town? Y or N. If no, please explain.

Yes – we are up to date with all our town financial obligations.

For new applicants: Are you able to attend at least 75% of meetings/hearings: Y or N. If no, please explain.

Yes – I plan to attend all meetings. However if I traveled for work or personal situation, I might not be able to attend. 75% is a very realistic and doable commitment.

For applicants seeking reappointment: Did you attend at least 75% of meetings/hearings during your previous term? Y or N. If no, please explain.

The information I have submitted is true and accurate to the best of my knowledge. If appointed, I agree to abide by all applicable Town and State rules and regulations, including the Town's conflict of interest and social media policies.

_Nicole Carpenter_____

_____9/30/21_____

Signature of Applicant

Date

Please return application to:

Town Manager's Office

PO Box 88

5420 Shelburne Road

Shelburne, VT 05482

For Town Use Only

CBC appointed to: _____

Term expires on: _____

CBC appointed to: _____

Term expires on: _____

CBC application form as approved by the Shelburne Selectboard on August 14, 2018

Dear Lee,

I am writing to request an appeal hearing for a late fee I incurred from my quarterly tax bill at my property at 3735 Harbor Road. I post marked my payment on the 17th from my UPSP Pitney Bowes office postage machine. Unfortunately, the USPS didn't process the payment until the 19th. I am respectfully requesting that the full late fee of \$1,532.23 be waived. I had intention of paying on time and thought being postmarked on the due date would suffice. Again, I request to be added to the agenda for October 12th to discuss this with the Selectboard. Thank you.

Regards,

Bryan Cairns
B. Cairns Property
802-864-5380



Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer
(802) 985-5116

Town Manager
(802) 985-5111

Zoning & Planning
(802) 985-5118

Assessor
(802) 985-5115

Recreation
(802) 985-5110

FAX Number
(802) 985-9550

Mr. Bryan Cairns
256 Crispin Drive
South Burlington, VT 05403

30 September 2021

Dear Mr. Cairns:

Thank you for your inquiry regarding the timeliness of payment for the recent installment of your property taxes. As I understand it, you ran your payment envelope through your own Pitney Bowes postage machine, dated August 17, 2021. However, the USPS postmark is dated August 19, 2021.

Payments to the Town were due on or before August 17. Although not all municipalities do so, the Town of Shelburne has chosen to accept postmarks as indicating timely payment.

That said, it is also my understanding that one can set the date on one's own postage machine to any desired date. That is why the Finance Office has always used the objective standard of the USPS postmark as proof of timely payment. Barring unforeseen events, it can be helpful to mail such payments several days (or more) in advance to avoid the very circumstance in which we find ourselves here now.

While not suggesting intent to deceive on your part, nor wishing to appear nor be rigidly bureaucratic in such matters, the unilateral granting of flexibility in longstanding practice does not feel appropriate.

My suggestion to you is to seek relief from the Selectboard, pursuant to the Board's adopted policy (attached for your convenience). As you will see, this provides the opportunity to seek a waiver of late fees or penalties for taxes paid within seven days of the due date. As you will also see, if a waiver is granted, the Board then asks property owners to sign up for automatic payment so as to avoid similar circumstances in the future.

If you wish to pursue this avenue, please submit a brief request in writing (email is fine) explaining the issue from your perspective and the amount for which you seek a waiver; we can then place this on the agenda for consideration at an upcoming meeting. The next meeting is on October 12; we'd need this in hand from you by October 7. Otherwise, we meet again on the 26th; with request due by the 21st.

Thank you. I hope you find this information helpful.

Respectfully,

Lee A. Krohn

Lee A. Krohn, AICP
Town Manager
lkrohn@shelburnevt.org



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(802) 985-9550

Policy: 18 – 01

Effective:

Upon Adoption

Purpose(s):

Provide guidance to the Selectboard, staff, and public for requests made of the Selectboard to waive the penalty on late property taxes pursuant to §147-9.2 of the Town Charter. This policy applies to homeowners, businesses, non-profits, and all entities with property tax paying responsibilities, **but only where property taxes were paid late, but within seven days after a due date. After that, regular statutory provisions apply, requiring a petition to the Board of Abatement to consider such a waiver (24 V.S.A. 1533-1535).**

Authority:

This policy is adopted by the Shelburne Selectboard pursuant to §147-5.1(a) of the Town Charter.

Procedure:

When requests from the public come before the Selectboard to waive penalty fees associated with late property tax payments pursuant to the authority provided by the Selectboard under §147-9.2 of the Town Charter. The following criteria will be used by the Selectboard as ‘just cause’ justification(s) for waiving the penalty charge, subject to timely provision of documentation by the taxpayer substantiating the request. Requests must be provided to the Selectboard in writing.

1. The property tax payer is a current member of the United States Armed Services and is deployed for military assignment outside of Vermont at the time payment was due;
2. The property tax payer has experienced an unavoidable or unplanned relocation within ninety (90) days prior to the tax due date;
3. The property tax payer, immediate household member, or close family member is experiencing a serious medical condition which affected timely payment or which requires taxpayer personal attention and use of personal or family resources as to affect timely payment;
4. The property tax payer, immediate household member, or close family member passed away within six (6) months prior to the tax due date;
5. The property tax payer, immediate household member, or close family member experiences an unexpected financial loss or change in financial situation within six (6) months prior to the property tax due date;
6. Delays in the forwarding, receiving, or clearing of the owed tax payment attributable to the operations of mails and/or the financial institution(s) involved, which were beyond the tax payer’s control;

7. Other extenuating circumstances not considered above which the Selectboard considers equivalent in nature to 'just cause' justifications listed herein.

Process:

If one of the criteria listed above is met, the Selectboard will use its authority under §147-9.2 of the Town Charter to consider the waiver of the property tax penalty fee, at a duly warned meeting. As a condition of waiver, the Selectboard shall require that the property tax payer first enrolls with the automatic payment option, unless a justifiable reason is provided for why the property tax payer is unable to enroll in the automatic payment option.

Adopted:

March 10, 2020.

For the Selectboard

Community Development Mission Statement and Goals

Mission

To promote a healthy, diverse community and economy, with a strong tax base and opportunities for employment and entrepreneurship as well as for-profit and non-profit economic development, for all segments of the community while fostering a healthy relationship with land, lake, and rivers/brooks.

Goals

Shelburne is a lakeside town that appreciates the importance of a connected, actively engaged community, and proudly cultivates its small-town character by:

- Promoting the success of small business, non-profits, and creative outlets where local talent, entrepreneurship, artisans, and agriculture flourish;
- Creating a business and commercial district north and south of the Village that provides growth opportunity and complementary design to transition from the village historical elements to contemporary architecture;
- Encouraging economic well-being and environmentally friendly expansion of the businesses located within the village core while sustaining the village culture;
- Establishing and regularly maintaining ordinances, policies, and practices to determine their impact and accessibility on existing, proposed and new business in the village core and along extensions north and south of the core;
- Creating a safe, friendly downtown where community and visitors can come together;
- Accentuating the connection of community, business, and environment by prioritizing connectivity and accessibility through pedestrian walkways and paths; and
- Fostering tourism and ecotourism to reflect the Town's dedication to shepherding a healthy relationship with its unique, small-town culture as well as the lake, river, and landscape.