

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
September 27, 2016**

MEMBERS PRESENT: Gary von Stange (Chairman); Colleen Parker, Jerry Storey, John Kerr, Josh Dein [arrived 7:05 PM].

ADMINISTRATION: Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Lara Keenan, Library Director; Diana Vachon, Town Clerk.

OTHERS PRESENT: Colleen Haag, Joan Lenes, Fritz Horton, Toni Supple, Bill Supple, Steve “Rocco” Antinozzi, Mike Ashooh, George Schiavone, Ken Albert, Mark Sammut, Joplan James, Lester Hollister, Kay Boyce, Ron Gagnon, Ruth Hagerman, Heather McKim (Shelburne News).

1. CALL TO ORDER

Chairman von Stange called the meeting to order at 7 PM. The theme of the meeting was favorite sports teams as displayed by team jerseys, hats and other paraphernalia being worn/displayed by attendees.

2. APPROVE AGENDA

MOTION by Colleen Parker, SECOND by John Kerr, to approve the agenda as presented. VOTING: unanimous (4-0) [Josh Dein not present for vote]; motion carried.

3. APPROVAL OF MINUTES

September 13, 2016

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 9/13/16 minutes as presented. VOTING: unanimous (4-0) [Josh Dein not present for vote]; motion carried.

September 15, 2016 – Colleen Haag Retirement Event

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 9/15/16 minutes with correction to the vote in the third bullet to “(5-0)”. VOTING: unanimous (4-0) [Josh Dein not present for vote]; motion carried.

September 14, 2016 - Ethics Seminar

MOTION by Jerry Storey, SECOND by Colleen Parker, to approve the 9/14/16 minutes as written. VOTING: 4 ayes, one abstention (Colleen Parker); motion carried.

September 16, 2016

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 9/16/16 minutes with the global correction of AM/PM notations. VOTING: 4 ayes, one abstention (Josh Dein); motion carried.

September 22, 2016

MOTION by Jerry Storey, SECOND by Colleen Parker, to approve the 9/22/16 minutes as written. VOTING: 3 ayes, 2 abstentions (John Kerr, Colleen Parker); motion carried.

September 20, 2016 – Library Charrette

MOTION by Jerry Storey, SECOND by Colleen Parker, to approve the 9/20/16 minutes as written. VOTING: 4 ayes, one abstention (John Kerr); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

Colleen Haag

Colleen Haag thanked the Selectboard and Administration for the wonderful retirement party and all the accolades and gifts.

Toni Supple & Bill Supple

Toni Supple read a statement on notifying property owners about projected bike paths or improvements on private property and suggested in the future sending notices to affected property owners much like what is done with planning and zoning applications to allow people to be involved in the process from the beginning.

Bill Supple suggested each Selectboard meeting should begin with the Pledge of Allegiance to reinforce that everyone is on the same team. Mr. Supple mentioned interpretation of the town plan relative to the effect on existing structures or new land and said the crafters of the plan likely did not intend to retrofit existing neighborhoods with bike paths. People live in a neighborhood with a cul-de-sac because they do not want to live on a cul-de-sac with a bike path. There is not a mandate in the town plan for connectivity applied to existing neighborhoods, only new neighborhoods when planned appropriately.

5. SELECTBOARD COMMENTS

- The Selectboard individually recognized Colleen Haag and her contribution to the town as Town Clerk for the past 35 years.
- Each Selectboard member and the Town Manager enthusiastically displayed and explained their allegiance to their favorite sports team.
- Josh Dein mentioned the library charrette and the storm water summit as great examples of the community working together with or without the Selectboard to solve or address issues for the town which gives confidence as to what can be accomplished as a town.
- Josh Dein mentioned the warning for the September 16, 2016 Selectboard meeting was only to confirm the selection of the new Town Clerk and did not include an agenda item for Executive Session. When the session was communicated Mr. Dein said he was not available for the meeting date and time. Adding a new agenda item that day resulted in a decision that committed the town to additional litigation and legal expenses. Mr. Dein said he would have preferred to have participated in the discussion and if he had known in advance what the

- topic was to be considered he would have considered alternatives, but regretfully this was not the case.
- Mr. Dein mentioned a resident expressed concern the minutes of the Selectboard meetings are not being posted expeditiously and requested the minutes be posted within the required time period.
 - Colleen Parker stated the library charrette was a huge success and generated great ideas.
 - Jerry Storey observed all the recent events in town display that the community is #1, tops.

6. TOWN MANAGER'S REPORT

Joe Colangelo highlighted the following from the manager's report posted online:

- Special town meeting bond vote on the Spear Street water line on November 8, 2016 will be posted and advertised.
- Staff will increase outreach efforts to the public on infrastructure improvements in town.
- The first solar array application has been received for Selectboard review on 10/11/16. The solar array is on Shelburne Farms. A site visit is tentatively scheduled on 10/5/16.
- New York Yankees baseball hat has been returned to its owner, Jerry Storey.

7. INTRODUCE DIANA VACHON, NEW TOWN CLERK

Out of eight highly qualified candidates Diana Vachon was selected as the new Shelburne Town Clerk to follow in the legacy of Colleen Haag. Diana Vachon said she has been working with Colleen Haag on the transition and is eager to be in the service of the public. It was noted 35 years ago Colleen Haag became Town Clerk in the middle of the term and by appointment of the Selectboard as is the case with Diana Vachon.

8. AUTHORIZE CONSTRUCTION OF A PRIMITIVE PATH BETWEEN BOULDER HILL AND PIERSON DRIVE

Gary von Stange thanked all the individuals and the Paths Committee for the discussion and work on the primitive path.

Mike Ashooh reported the trail is popularly supported in the neighborhood and is on town owned land, does not cross wetlands, is modest in scope, follows existing trails, clarifies some and removes opportunities for people to meander. The trail is a great community asset and low impact way to conserve the land.

Toni Supple, 239 Pierson Drive, said she still does not know the details of the path which will enter from the cul-de-sac where they live. No one has contacted the residents on the cul-de-sac about the plan. There is a Class 2 wetlands advisory at the end of Boulder Hill Drive which should be considered. Regarding parking in the cul-de-sac, the town plan mentions providing access to primitive paths including parking if needed. There is concern that once the path becomes public the cul-de-sac will be used for parking which will change the private feel of the neighborhood. Also, it is extremely wet where the path will be off the cul-de-sac (ponding occurs in the spring) and if gravel is put in as is

rumored that will change the drainage and impact the houses. There is also question about the trees that are cut, diversion of the brook water, and liability with having volunteers build the path. Gary von Stange said adequate parking is needed, but it is not expected at this time that the path will lead to much additional parking. The trees to be cut are no larger than 4" in diameter. The path will not negatively impact the brook. The path has the same liability concern as other paths in town and the volunteer labor will be under the supervision of the Town Manager. Joe Colangelo added volunteers will be encouraged to have the proper equipment and follow good safety guidelines.

Lester Hollister, 292 Pierson Drive, pointed out the path is listed as "for construction of a U.S. Forest Service Class 3 primitive path", but the "primitive" has been dropped in the description. Maintenance of the path is a question. Also, Mike Ashooh had over two years to contact residents most impacted by the path which did not occur and does not seem right.

Ken Albert, 70 Pierson Drive, said the path has been there and in use by residents in the area at least since 1971 or before. It is hoped the path remains. Instead of gravel, wooden planks can be put down at the entryway and there will be zero impact on drainage.

George Schiavone, Pierson Drive, stated not everyone understands what is to be done with the path. Gary von Stange said details are posted on the town's website. Mike Ashooh said he did try to talk to residents on Pierson Drive, but they were not home. Mr. Ashooh said he did not talk to the Supples because he knew they would likely oppose the path. Mr. Ashooh briefly described the trail structure to be put in place (tread, corridor, tree cutting to Class 3 specifications per U.S. Forest Service guidelines). The brook can be crossed without any problems and the trail from Holly Drive will be used to avoid wetlands. All the information is in the documents that were submitted.

Joe Colangelo said the difference between the path that is there now and the Class 3 path is minimal. Josh Dein added the path is a great opportunity for people to enjoy public land. Colleen Parker thanked Mike Ashooh for trying to accomplish something to benefit someone other than himself, adding it is nice to see someone put in this kind of effort and have it come to a happy conclusion for many. Jerry Storey expressed gratitude to the Supples and other neighbors who will be sacrificing some privacy for the common good. Contributions to the common good are most essential as any that can be made.

MOTION by Colleen Parker, SECOND by Jerry Storey, to authorize construction of a primitive path between Boulder Hill and Pierson Drive on town-owned land to the U.S. Forest Service Class 3 Primitive Path Standards, and any and all required permits shall be obtained prior to construction, and further, a voluntary project leader appointed by the Town Manager must work with the Town Manager prior to and during construction to ensure that proper safety practices, work conditions, and any other appropriate guidelines are followed.

DISCUSSION: Gary von Stange stated the Selectboard has done its best to bring the path out in the open for discussion and to give every single person the opportunity to be heard. There were no further comments.

VOTING: unanimous (5-0); motion carried.

9. ADOPT PIERSON LIBRARY ALCOHOL POLICY

Joe Colangelo noted the legislature passed a law allowing alcohol use in public libraries perhaps at social and fund raising functions. The town insurance carrier did not have any issues with the policy. The Library Board of Trustees will review the policy in six months to determine if any changes are needed. Ruth Hagerman, Library Board, noted many other states in the country already have a similar policy in place.

John Kerr suggested item #3 be clarified relative to regular library hours and designated areas. Josh Dein stated “community” and “social” are important to the library so anything to provide people with a feeling of being part of the community and the library as a social space is good.

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt the Pierson Library Alcohol Policy. VOTING: unanimous (5-0); motion carried.

9. ANNUAL CBC REPORTS

Dog Park

Co-Chair Kay Boyce highlighted the following on the dog park:

- It was another wonderful year at the dog park.
- Daily, weekly, monthly maintenance chores are done by volunteers.
- The seven member board would like to add two more members and actively recruit members.
- An incident with two aggressive dogs attacking another dog at the park resulted in the aggressive dogs being banned from the park in the future. Best practices for safety in the dog park have been developed.
- The dog park committee membership reflects diversity in all aspects with the exception of age. The committee would like to have high school students as members.

Jerry Storey commented on the well done, thoughtful and complete committee report and urged having a back gate as a safety precaution for dogs and people.

10. CAPITAL IMPROVEMENT PLAN – 2nd Draft

Peter Frankenburg reviewed suggested revisions to the Capital Improvement Plan including connecting Long Meadow to Boulder Hill with a primitive path in Year 6, allocating \$150,000 for town/village area bike/ped improvements, \$60,000 for lane narrowing on Falls Road/Marsett Road, doing pilot projects in FY17-18 and deferring major projects until after the analysis is complete. Only projects in Year 1 of the Capital Improvement Plan are in the budget. Projects in Years 2 through 6 are in the planning stage. There was discussion of the process of review/adoption of the Capital Improvement Plan. Details can be discussed with the Town Manager and the Finance Manager. Josh Dein said he would like to hold discussion with the Selectboard and the public on what are the important items that should be in the plan.

11. RENEWAL OF VILLAGE CENTER DESIGNATION

Dean Pierce explained the renewal of the designation is minimal cost to the town (mainly staff time to answer questions) and provides the owners of income producing properties in the designation area to be eligible for certain tax credits and some priority for different sources of funds. The designation is part of the town's economic development and economic vitality strategy.

Jerry Storey spoke in support of the designation and urged consideration of the groups such as those represented by Jeff McBride that are developing the village center area as resources if not objects of study then perhaps even volunteer helpers to address issues.

Joan Lenes said the designation is an amazing example of collaboration between state government and local municipalities. The impact of financial opportunities is tremendous and a good example of the collaborative effect.

MOTION by Colleen Parker, SECOND by Jerry Storey, to renew Shelburne's Village Center Designation and sign the resolution for the renewal. VOTING: unanimous (5-0); motion carried.

12. APPROVE DESIGN REVIEW GUIDELINES

MOTION by Jerry Storey, SECOND by Josh Dein, to approve the Design Review Guidelines effective 9/27/16. VOTING: unanimous (5-0); motion carried.

13. APPROVE PLANNING COMMISSION VERMONT MUNICIPAL PLANNING GRANT APPLICATION

Dean Pierce explained the request by the Planning Commission to submit an application for a planning grant for a parking and transportation study in the village. Maximum grant is \$15,000. There are matching funds in the budget. It may be possible to combine grant money for the library project and broaden the study.

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve and execute the proposed resolution for a municipal planning grant and should the application be funded the project may be carried out in combination or expanded to include the study of transportation issues conducted as part of the planning for the new library center with grant funds obtained by the Friends of Pierson Library. VOTING: unanimous (5-0); motion carried.

14. BAY ROAD CORRIDOR PRIORITY PROJECT UPDATE

Joe Colangelo reported:

- The underpass project received lots of input. A public hearing is planned on October 25, 2016 to determine if the changes will be made permanent.
- A grant was received to study Bay Road. A design charrette will be held and public outreach will be done.
- The area by the entrance to the TiHaul Trail has been brush-hogged. The grant for a gravel path was denied by the state. The path may not be needed if the area is kept mowed.

- Some line striping has been done.
- The guardrails will be replaced as soon as possible.
- The Selectboard needs to decide if the bridge will be a bond item. There have been discussion with the state on who is responsible for the underpass (state, railroad, or town).

John Kerr urged doing traffic control on Bay Road during events at Shelburne Farms to avoid traffic backups.

15. VERMONT RAILWAYS LITIGATION UPDATE

Gary von Stange reported newly discovered evidence was received and the town filed a motion in court which was opposed by the railroad. A court date has not yet been set.

Ron Gagnon questioned spending more money on litigation, expressing frustration as a taxpayer on seeing no end to the spending. Gary von Stange said he cannot provide an explanation due to the ongoing litigation. Josh Dein mentioned the town charter noted a department cannot overspend the budget without approval from the Selectboard, but it is not clear if legal expenses are considered a “department”.

16. AMENDMENTS TO TRAFFIC ORDINANCE – 1st Draft

Gary von Stange read the amendment to have stop signs on the west and eastbound approaches to the Bay Road underpass. A public hearing will be held on 10/25/16 and data from the traffic engineers as well as comments from the public will be available.

Josh Dein questioned holding the readings on the amendments prior to receiving the data. Joe Colangelo explained the project was a six month project and that is why the readings of the amendments were expedited. Jerry Storey pointed out expediting the process will allow more time to focus on the budget.

17. WASTE WATER ALLOCATION REQUEST

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the request for 228 gpd of waste water allocation for 43 Fisher Place. VOTING: unanimous (5-0); motion carried.

18. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jerry Storey, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 8:55 PM.

RecScty: MERiordan