

**TOWN OF SHELBURNE  
SELECTBOARD  
MINUTES OF MEETING  
January 3, 2017**

**MEMBERS PRESENT:** Gary von Stange (Chairman); Colleen Parker, Jerry Storey, Josh Dein, John Kerr.

**ADMINISTRATION:** Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Lara Keenan, Library Director; Diana Vachon, Town Clerk; Jerry Ouimet, Fire Chief; John Goodrich, Assistant Fire Chief.

**OTHERS PRESENT:** Ruth Hagerman, Chris Kent, Barbara Comeau, A.J. Humphrey, Erin Heins, Jane McKnight, Cathy Townsend, Alice Winn, Ann Smallwood, Laureen Mathon, Tom and Jane Zenaty, Jim White, Jeff McBride, Gerald Klempner Michael Abrams, Heather McKim (Shelburne News).

---

**1. CALL TO ORDER**

Chairman Gary von Stange called the meeting to order at 7 PM.

**2. APPROVE AGENDA**

Add: Potential action following Executive Session on the Town Manager's contract.

Jerry Storey questioned the need for Executive Session on any of the items listed to be discussed in Executive Session (including the manager's contract) and urged involving the community in decisions affecting them and in which they would have interest. The community should be involved in the awards and discussion of the process. Mr. Storey reiterated his suggestion to discuss the items slated for Executive Session in open session.

Josh Dein agreed, adding it feels as if there is a theme that the items have not been discussed by the Selectboard and the process has not been developed on how the items would move forward. All the items would benefit from public comment and do not appear necessary to be in Executive Session.

Gary von Stange pointed out the items listed for Executive Session are litigation with Vermont Rail, the manager's contract, Colleen Haag Public Service Award, and dedication of the annual report. Chairman von Stange questioned advocating for discussion in open session litigation strategy of a pending lawsuit. Josh Dein clarified that item is not included in the request for discussion in open session, just manager's contract, public service award, and dedication.

Colleen Parker stated the Town Manager's contract is a legal contract between the town and the employee and should not be discussed in public. Colleen Haag Public Service Award should be primarily discussed in Executive Session. In the future this could possibly be public discussion, but there could be delicate information shared about each individual and that should not be done in public.

**MOTION** by Colleen Parker, **SECOND** by John Kerr, to approve the agenda as amended. **VOTING:** 3 ayes, 2 nays (Jerry Storey, Josh Dein); motion carried.

### **3. APPROVAL OF MINUTES**

*December 13, 2016*

**MOTION** by Colleen Parker, **SECOND** by John Kerr, to approve the minutes of December 13, 2016 with the following correction(s)/clarification(s):

- In the Selectboard Comments correct the spelling of “peace” in the comment by Jerry Storey on the holiday season.
- In the motion to accept the roads in Harrington Village – correct the vote to 3 ayes, 2 nays (Jerry Storey, Josh Dein) and note the motion carried.

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

*December 14, 2016*

**MOTION** by Jerry Storey, **SECOND** by Colleen Parker, to approve the minutes of December 14, 2016 as written. **VOTING:** unanimous (5-0); motion carried.

*December 20, 2016*

**MOTION** by Colleen Parker, **SECOND** by Jerry Storey, to approve the minutes of December 20, 2016 as written.

**DISCUSSION:** Josh Dein noted there are a number of items identified in the minutes under the budget discussion as having consensus of change, but the budget does not reflect the change. Mr. Dein said he will defer his discussion until after the budget discussion later in the meeting.

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

### **4. CITIZEN PARTICIPATION & PUBLIC COMMENT**

There were no comments from the public in attendance.

### **5. SELECTBOARD COMMENTS**

- Josh Dein expressed disappointment at the request to modify the agenda and felt it appropriate to discuss the items listed for Executive Session in public. Mr. Dein requested the items (Town Manager contract, public service award, and dedication of the town report) be put on the agenda for the next meeting in public session.
- Jerry Storey recognized the effort, dedication, and sacrifice over the holiday weekend on the part of public safety and rescue personnel and the police department. Holidays are a difficult time for those constrained by their service and it is reassuring that they are on duty, ready and willing. Appreciation is extended from the Selectboard and the town to them.
- John Kerr said he received nearly 50 comments from neighbors and some businesses in town about industrial noise being generated from the intermodal facility. Staff at The Flying Pig Bookstore indicated a number of the children that attend Waldorf School are disappointed they cannot go outside because of the noise and they are scared of the sound because they do not know what it is. Also, some people who work at home are hearing the loud vibrating noise of railcars

being emptied of material. The neighbors would like to know what is going on and asked for a way to come before the Selectboard. Mr. Kerr said he would petition the Selectboard to put the item on the next agenda for citizen comment. Gary von Stange said he received a call from a representative of Waldorf School saying the school is quite concerned about the level and type of noise. Many people are scared because they do not know what it is. There have also been reports of noise after 6:30 PM on the weekend.

- John Kerr said there is activity at the site all the time. People are working at 11 PM. There are a number of trains sitting on the tracks extending enough to trigger the Harbor Road crossing without a train going through. The trains trigger the switch in order to back into the facility. Vermont Rail assured the town this would not happen. On December 19, 2016 at 5 PM the intersection was backed up and full of cars from the rail siding up and there was not a train in sight. Also, a number of idling trains have been seen on the Bay Road Bridge section waiting to unload or pass through. People are seeing these things and making comments. Gary von Stange said the Harbor Road crossing is being closed more often when Vermont Rail said this would not be and the town cannot get a ladder truck or Quint under the Bay Road Bridge so it is a safety issue.

#### **6. TOWN MANAGER'S REPORT**

No report given.

#### **7. BOND BALLOT ITEM TO PURCHASE A QUINT FIRE APPARATUS**

Joe Colangelo stated the accurate figure for the ballot item is \$970,000, not \$995,000. Fire Chief Ouimet explained the Quint will replace an engine and a heavy rescue vehicle at a cost of about \$500,000 less than it would be to replace the two vehicles. In addition maintenance costs will be reduced. The Quint provides more than a fire engine does and carries the same number of personnel and fits in the station. Regarding the Harbor Road and Bay Road Bridge areas, there has not been an issue to date with the Harbor Road crossing being closed. If the crossing is blocked and Bay Road is used the Quint or a ladder truck will not fit under the bridge, but an engine will fit and ground ladders would be used. The Fire Department is developing idea on the underpass and will present these to the Selectboard.

**MOTION by Jerry Storey, SECOND by Josh Dein, to include an article for \$970,000 on the town meeting warning for a bond ballot item to purchase a Quint fire apparatus. VOTING: unanimous (5-0); motion carried.**

#### **8. COST ESTIMATES FOR LIBRARY BUILDING PROJECT AND NEXT STEPS**

With a quorum of the Library Building Steering Committee in attendance, Lara Keenan called the meeting to order. Ms. Keenan reviewed the timeline of the library building project and the cost estimate for the preferred alternative. The cost estimate shows a range for the library, green roof, site construction of the library and around the historic town hall and campus improvements, some renovations to historic town hall,

contingencies, professional fees, and other cost allowances. People want a 21<sup>st</sup> century library and town hall, but it is apparent this cannot happen with fund raising alone.

Colleen Parker spoke in support of putting the project on the ballot as a bond item and letting the voters decide.

Gary von Stange mentioned the balancing act of supporting the library and containing property taxes in light of other significant considerations such as storm water costs. Chairman von Stange urged the steering committee to try to determine what the community will support for the library project.

Jerry Storey urged continuing the momentum and “hiving off” a piece that could be a bond issue then looking for library planning grants and possibly funding the match.

Ruth Hagerman, Library Trustees, thanked the steering committee for the work on the project. The Library Trustees want a new library which will most likely have to be a bond issue. Time is needed to refine the numbers so it is not expected to have a bond issue on the March ballot. Gary von Stange advised that the community needs notice and opportunity to be heard before putting the item on the ballot. Jerry Story urged identifying potential funding sources as well.

With no further business and without objection the meeting of the Library Building Steering Committee was adjourned.

## **9. FY2018 GENERAL FUND BUDGET & POTENTIAL CHANGES FOR JANUARY 10, 2017 PUBLIC HEARING**

### *Pedestrian Safety in Village Core*

There was mention of adding \$12,000 to the budget for two radar signs and \$2,000 for the Local Motion study. Joe Colangelo assured there is still time to discuss the budget and make changes. There is money in the budget for Local Motion, but not as a separate line item because the town has had success in getting grants for radar signs. Josh Dein asked about the process to make a firm commitment for an item to be in the budget. Joe Colangelo explained once the Selectboard takes action on the budget for the public hearing then that is the budget. Colleen Parker spoke in support of pursuing grants for the radar signs and not earmarking funds in the budget. Gary von Stange clarified even if an item is in the budget if another funding source is found that funding can be used.

Tom Zenaty, Meadow Lane, stated the issue of pedestrian safety in the village core has been identified as a focus since 1988 and now the Selectboard is asking for yet another study. There have been multiple studies already. The village core is a key component of the town. Speed radar signs work great, but disappear in the winter. A series of permanent speed radar signs need to be sprinkled throughout the town so people are aware they are going through the historic village core.

Falls Road residents including a young child spoke of the traffic on the road making it difficult to cross the street and feeling dangerous to walk or bike. It was stressed people

are more important than cars. Speed bumps and lowered speed limits would slow the cars and give a sense of a Vermont village core. Improving the feeling of the town will boost real estate prices. An offer was made by a resident to pay for a crosswalk.

Jerry Storey expressed appreciation for the community involvement and hours spent on the pedestrian safety issue.

**MOTION by Jerry Storey, SECOND by Gary von Stange, to include in the budget an expenditure of \$12,000 for traffic and pedestrian safety measures in the village core as identified by the Marsett/Falls Road neighborhood committee.**

**DISCUSSION: Josh Dein asked if the amount is enough given the project.**

**Jerry Story pointed out decision can be made on using the funds to purchased two fixed or one mobile speed cart. There were no further comments.**

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

Jerry Storey urged consideration be given to having the Local Motion pilot be town-wide and any neighborhood can join the Marsett/Falls Road group to identify places for Local Motion to go.

#### *Increase in Staff Hours in Finance Department*

There was discussion of the increase in staff hours in the Finance Department. Peter Frankenburg, Finance Director, explained in years past there were three positions in the Finance Department. One position evolved into a webmaster and the individual retired, but is working 20 hours from home supporting the town website. That left 20 hours in the Finance Dept., but more than 20 staff hours are needed for what was a three full time position structure. Thirty hours per week are proposed. The web support hours (20 hours) will transfer to the Town Manager's Office so actually only 10 hours are gained.

Josh Dein spoke in support of a 40 hour position.

#### *Open Space*

Jerry Storey noted open space in town is subjected to a town vote, but treated as a budget item. A notation of the tax rate impact should be shown. Joe Colangelo assured that is done. Debt is estimated to the best of staff's ability because the bond rates from the bond bank are not known by town meeting. Peter Frankenburg added per the charter the town report shows estimated tax rate for the base budget. With the voted articles an estimate of the impact on the tax rate is provided. Jerry Storey suggested to be consistent the same should be done with open space.

#### *Legal Expenses*

Jerry Storey questioned if the amount for legal fees in the proposed budget is enough. Joe Colangelo said the number is hard to predict, but is similar to surrounding towns.

#### *AV improvements*

Josh Dein stated AV improvements will increase the public's ability for greater involvement in town meetings.

**MOTION by Josh Dein, SECOND by Colleen Parker, to increase the budget by \$18,000 for improvements to AV technology.**

**DISCUSSION:** Gary von Stange said there are many items the Selectboard would like, but there is need to keep real estate taxes down. From a priority standpoint AV improvements do not reach that level. Alice Winn asked if interactive involvement would be possible (i.e. call into a meeting). Josh Dein said an email or text could be sent. Colleen Parker stated if the addition does not pass now it likely will in the future because AV improvements are needed. There were no further comments.

**VOTING: 2 ayes, 3 nays (Gary von Stange, Colleen Parker, John Kerr); motion did not carry.**

#### *CBC Funding*

Josh Dein stated the effort of the volunteers serving on town boards, committees, and commissions should be supported. Joe Colangelo pointed out the funding was transferred to the Town Manager's Office so there is the ability to fund projects from the CBCs.

**MOTION by Josh Dein, SECOND by Jerry Storey, to increase the line item (#16) for the CBC budget by \$5,000. VOTING: 2 ayes, 3 nays (Gary von Stange, Colleen Parker, John Kerr); motion did not carry.**

#### **10. PRESENTATION: DAVID CONNERY ON SCHOOL CHOICE**

David Connery and Bob Mason explained the change from Shelburne School District to Champlain Valley School District (CVSD) where one board will oversee 4,059 students. Shelburne School District is responsible for day-to-day operations until June 30, 2017. CVSD is charged with transition work. Budget development was a challenge with consolidating seven different school districts into one. The budget will be adopted January 17, 2017. There will be a single report for CVSD. The Shelburne School Report will still be in the town's annual report and there will be an annual meeting for the Shelburne School District. The annual meeting for CVSD is in February. Shelburne will vote on the combined budget of \$75 million for CVSD. The votes will be comingled then counted district-wide for one vote, pass/fail.

Jerry Storey asked if the towns will be identifiable in the composite. Bob Mason said the CVSD budget will be for K-12. Some numbers from a management perspective (i.e. staffing salaries and such) can be identified.

Gary von Stange asked if the consolidation will help Shelburne. David Connery said in the long run it will, but in the first year the budgets will be comingled and categories assigned across the district to start tracking costs and duplication from a consolidated standpoint. Chairman von Stange asked what happens when one town wants a staff position, but another town in the district does not. David Connery said CVSD will continue to ensure educational resources are applied equitably. Leveraging resources

across multiple schools could happen with cost sharing across the district. Funds will be assigned to each building to pursue their own initiatives. Gary von Stange said there is concern that programs, such as music, will be cut when the budget tightens. Bob Mason stated the larger entity is better able to respond to pressure without impacting quality to the students. With the budget this year the separate school districts are not being compared to one another. The budget is more of a combining and figuring out costs and determining where there can be decreases.

The Selectboard expressed appreciation for the information on the consolidated school district. Jerry Storey recalled the cautionary note from the school last year that the consolidation is not a consolidation of the cost savings kind.

David Connery announced the retirement of Bob Mason from CSSU. The Selectboard thanked Mr. Mason on behalf of Shelburne and wished him good luck in his retirement.

**11. REQUEST FOR 50% REIMBURSEMENT OF WASTE WATER CHARGES SINCE 2008 BY ROBERT AND JESSICA BARRETT**

There was discussion of allowing one more opportunity for the Barretts to appear before the Selectboard before taking action on the request.

**MOTION by John Kerr, SECOND by Jerry Storey, to table action on the request until the next available meeting (with the understanding the Selectboard will take action then). VOTING: unanimous (5-0); motion carried.**

**12. REQUESTS TO WAIVE PENALTY FOR LATE PROPERTY TAX PAYMENT**

*107 Summit Circle*

Gerald Klempner, 107 Summit Circle, explained he has always paid his taxes on time, but was late in November due to debilitating illness the month of October.

There was discussion of past practice by the Selectboard to waive charges for death, military service out of the country, or serious unanticipated illness (individual unable to physically make the payment due to being in the ER or in the hospital). Colleen Parker suggested in recognition of the good payment record by Mr. Klempner and the illness that was not life threatening the amount waived could be reduced by half.

**MOTION by Colleen Parker, SECOND by Josh Dein, to reduce the interest penalty for late payment of property tax for 107 Summit Circle to \$63.10.**

**DISCUSSION: Josh Dein suggested clearly stating the criteria and making the policy available to the public. Joe Colangelo said there is not a written policy, just past practice by the Selectboard. The charter says the Selectboard has the ability to waive the fees. Alice Winn, former Selectboard member, noted the Selectboard when she served did not waive the penalty. Jerry Storey acknowledged the strain, but lacking a completely compelling case it is troubling to determine proportionate relief on a case-by-case basis. There were no further comments.**

**VOTING: 1 aye, 4 nays (Gary von Stange, John Kerr, Jerry Storey, Josh Dein); motion did not carry.**

**13. APPOINTMENT TO NATURAL RESOURCES AND CONSERVATION COMMISSION**

No action taken.

**14. EXECUTIVE SESSION and/or ADJOURNMENT**

**MOTION by Colleen Parker, SECOND by John Kerr, to go into Executive Session to discuss evaluation of public officials and invite the Town Manager to attend.**

**DISCUSSION: The following comments were made:**

- **Josh Dein opined a secret session is not required to discuss the issues of Town Manager contract, Colleen Haag Public Service Award, and dedication of the town report because the discussion is primarily of procedure on how the decisions would be made. It is not known if a decision will be made. The public has an interest in understanding the process. The speed and rapidity with which the matters came up, especially the contract, is not in line with past procedures.**
- **Joe Colangelo pointed out this same board previously approved his contract under the same process and the items were on the agenda a number of times in November and December, but the meetings went late.**

**There were no further comments.**

**VOTING: 3 ayes, 2 nays (Jerry Storey, Josh Dein); motion carried.**

The regular meeting was adjourned and Executive Session convened at 9:07 PM.

The Selectboard Exited Executive Session at 10:00pm

**15. ACTION FOLLOWING EXECUTIVE SESSION**

**MOTION by Colleen Parker, SECOND by Jerry Storey, Passed Unanimously, the Selectboard agreed to put the Town Manager's Salary at \$110,000 for the budget to be presented at the Public Hearing on January 10<sup>th</sup>.**

**16. Adjourn**

**MOTION by Josh, SECOND by Jerry Storey, Passed Unanimously, the Selectboard Adjourned the Meeting at 10:05pm.**

Accepted,

By the Chair of the Selectboard