

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
January 12, 2016**

MEMBERS PRESENT: Gary von Stange (Chairman); Tim Pudvar, Toni Supple, Colleen Parker, John Kerr.
ADMINISTRATION: Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director.
OTHERS PRESENT: Ian McCray, Tim Williams, Jerry Storey, Dave Wulfson, Peter Young, Kate Lalley, Dave Connery, Michael Abrams, Joan Lenes, Colleen Haag, Bill Deming, Pete Gadue, Heather McKim (Shelburne News).

1. CALL TO ORDER

Chairman Gary von Stange called the meeting to order at 7 PM and noted the January 5, 2016 minutes are not available for approval at this time.

2. APPROVAL OF AGENDA

MOTION by Colleen Parker, SECOND by Tim Pudvar, to approve the agenda with the amendment to remove approval of the January 5, 2016 minutes. VOTING: unanimous (4-0)[Collen Parker not present for vote]; motion carried.

3. APPROVAL OF MINUTES

January 5, 2016

Postponed to the next meeting.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

None.

5. SELECTBOARD COMMENTS & QUESTIONS

None.

6. TOWN MANAGER'S REPORT

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

- Upcoming agenda items include a meeting on 1/19/16 on the budget if needed and a legislative preview on 1/26/16.

7. PUBLIC HEARING: Proposed FY2017 Town and Shelburne Community School Budgets

MOTION by Tim Pudvar, SECOND by Colleen Parker, to open the public hearing on the proposed FY2017 Shelburne Town Budget. VOTING: unanimous (5-0); motion carried.

The public hearing was opened at 7:03 PM. Joe Colangelo gave a presentation on the FY2017 budget. The following was highlighted:

- Total expenditures are \$7,739,226 which is an increase of 3.4%.
- Property tax revenue required is \$5,680,446.
- Estimate municipal tax is \$0.3731 which is an increase of 3.6%.
- Assumed Grand List growth is zero.
- Since 2009 the municipal tax has increased 12%. The school tax has increased 29%. The municipal budget uses 20% of the property tax collected. The school budget uses 80% of the property tax collected.
- Some items in the FY2017 municipal budget include:
 - Second FTE in the Town Manager's Office
 - Charter change to appoint separate Town Clerk and Town Treasurer positions
 - Contracted part-time Zoning Enforcement Officer to ensure compliance with the zoning ordinances
 - Increase in Library Director salary to align with other town department heads and be competitive
 - Entering the Health Exchange,
 - Entering into a storm water partnership with South Burlington
 - Increase in the paving budget
 - Decrease in long term debt
- Capital projects financed in the FY2017 budget include a computer server and phone system in the town offices, roof top heat exchangers on the building, Pierson Library columns, and Fire Department TIC, gear, and generator.

Joe Colangelo reviewed budget changes in Police, Highway, Storm Water, Library, Open Space, and Cell Tower Revenue.

Gary von Stange stated the Selectboard tried to provide the services the residents want and be fiscally responsible with the budget and tax rate.

COMMENTS

Bill Deming asked about a contribution to the VNA, the Open Space Fund being a ballot item, and urged the Selectboard to reconsider the split of the cell tower revenue. Gary von Stange explained the Selectboard followed the recommendation of the Social Services Committee and provided funds to the United Way which then funds the VNA. The Open Space Fund will be a ballot item as requested by the Open Space Committee. The Selectboard has held lengthy discussion on the cell tower revenue with the majority agreeing to no change in the split.

Pete Gadue asked the Selectboard to reconsider the split of the cell tower revenue and noted the following:

- Water Department Budget is \$975,000 compared to the Town Budget of \$7.7 million.
- Last year the Water Department ended the year with a deficit of \$80,000 due to numerous water breaks. To balance the books \$65,000 had to be taken from the Capital Improvement Fund which is money to be used for infrastructure within the system. Lines are replaced oldest to newest.

- Current/existing debt in the Water Department is \$116,000 per year or 12% of the budget due to two bonds for the Route 7 water line relocation and Falls Road/Marsett Road line repair. Year 2023 is the earliest bond pay off.
- Upcoming expenses include repair/repaint of the south water tank and pending improvements to the north water tank. Cost to maintain the tanks each year is \$96,000.
- All the cell antennas must be removed from the water tank before any work can be done. The process is costly and complicated. Costs will exceed the cell tower revenue received by \$27,300 per year.
- Shelburne's water rates are similar to those in the Town of Milton which also has water tanks to maintain.

There was continued discussion of the cell tower revenue share. The Selectboard commented as follows:

- Gary von Stange noted the tax increase will be even higher if more of the cell tower revenue is allocated to the Water Department.
- Toni Supple reiterated her support of changing the allocation and having a plan over time to transfer the full amount to the Water Department.
- Tim Pudvar pointed out the town budget is now accustomed to the cell tower revenue. Painting the water tank has been discussed for a long time and has not happened as yet and the condition is getting worse. If a new water tank were built the rate payers would cover the expense so that is clear the revenue should stay with the Water Department. The Water Commission is trying to address the water rates. The sense of the Selectboard is to start transitioning the revenue, but there will be an increase in the town budget.
- Colleen Parker reiterated support for transitioning the funds so the water users are not subsidizing the rest of the taxpayers.
- John Kerr spoke in support of a phased plan over one or two budget cycles to transition the revenues to the Water Department.

Dave Connery asked about the appointed Treasurer position. Gary von Stange explained the town is looking toward the future after the current Clerk/Treasurer retires and wants to appoint an individual with the required skill set for the position.

There were no further comments.

MOTION by Colleen Parker, SECOND by John Kerr, to close the public hearing on the proposed FY2017 Town of Shelburne Town Budget. VOTING: unanimous (5-0); motion carried.

The public hearing was closed at 7:45 PM.

The School Board gave a presentation on the proposed FY2017 Shelburne Community School Budget of \$13,289,971 (1.44% increase) for a tax rate of \$1.0453 (increase of 4.09%).

8. CCRPC FY2017 UNIFIED PLANNING WORK PROGRAM APPLICATIONS

Staff is seeking authorization for applications in FY2017 for the following projects:

- Form base zoning
- Vision Tomorrow sewer development tool
- Maintenance
- Rural area build-out analysis
- Bay Road corridor study
- Village transportation study
- Update GIS parcels

MOTION by Tim Pudvar, SECOND by Colleen Parker, to approve the CCRPC FY2017 Unified Planning Work Program applications as presented. VOTING: unanimous (5-0); motion carried.

9. VERMONT RAILWAYS PROPOSED INTERMODAL FACILITY

Joe Colangelo noted the following on the proposed intermodal facility:

- Vermont Railways purchased the property on 12/28/15 to build an intermodal facility that will likely include a rail spur, salt shed(s), equipment shed, vehicle shed, office building, fuel containment, and heavy equipment storage.
- Vermont Railways asserts the railroad is exempt from local zoning and land use regulations as well as Act 250 review.
- There will be significant impacts to Shelburne by traffic, noise, safety, and environmental concerns. For example, with a storm it is estimated that 60 large Barrett trucks could be exiting/entering onto Route 7.
- The location is close to the village center in an area that is already a bottleneck of traffic.
- The backup noise from the trucks will exceed 100 decibels. Concert noise level at Shelburne Museum is less than 80 decibels and complaints are received.
- Because the railroad is exempt from local review information on traffic and noise will not be submitted by Vermont Railways so the town will not know exactly what the impact will be or the mitigation. The town feels the impacts will be significant.
- A large number of trees will be removed from the property for the facility. The lot is presently heavily wooded. (Pictures of the site were shown.)
- The facility does not increase the town's grand list.

Toni Supple commented on the amount of time the town has put into town planning and zoning to create the quality of life that is wanted in Shelburne, and it is disheartening that this amounts to nothing when there is a federal exemption. The proposal will impact the quality of life of people within earshot and has the potential to impact property values, making Shelburne a less desirable place to live. The village will be impacted. The image of Shelburne will change with the amount of traffic the facility will generate.

Colleen Parker said safety concern is an issue and a traffic light may not be the solution. The town has been trying to increase the walk/bike-ability in town and encourages

children to walk and bike to school. Adding 60 huge trucks and other vehicles is significant and the town may not be able to accommodate this. The facility will happen fast and the town will have to pick up the pieces and clean up the mess.

Tim Pudvar said more information on runoff and containment is needed as well as more accurate truck numbers. There is the sense that the railroad is willing to work with the town.

John Kerr agreed there is a spirit of cooperation and it is understood why the project had to begin, but there is a bottleneck of traffic in the area every day to the point that drivers are using Bay Road to circumvent the area to get to Harbor Road. The safety issue is paramount and a turn lane is critical to keep the traffic flowing. To build a turn lane on Route 7 is quite an expense for the railroad based on one contractor. Other issues include environmental impacts and locomotion noise in the evening.

COMMENTS

Dave Connery expressed concern about increase in traffic and school children in the area. There is an unintended consequence to have a traffic light to cross Route 7. Also, the development is close to the river that flows into the lake so having a calcium chloride facility so close to the water is a concern. Mr. Connery noted he works in an office park by the existing salt shed in Burlington and sees Barrett trucks hauling material all the time. The proposed facility is double the size of the one in Burlington.

Tim Williams urged the Town Manager and Selectboard to look seriously at the project because there will be a significant impact on the town. Vermont Railways is not sharing information on trip traffic which could be calculated by the volume of salt each shed can hold and the size of the trucks. The facility will create huge traffic and safety issues for the town.

Kate Lalley stated not being required to do an environmental impact statement is counter to the water quality initiatives by the town and state mandated by the Federal Government. Gary von Stange noted Vermont Railways is asserting the railroad is pre-empted under federal law from state and local regulations, but safety and police powers are not exempted.

George Schiavone asked why the area was selected and why the project is being done now and who owned the land previously.

Dave Wulfson, Vermont Railways, mentioned the following:

- There was a meeting with the Shelburne Fire Chief on fire safety, hydrants, the sprinkler system, and access to the buildings.
- Vermont Railways purchased the land which had been for sale for many years.
- The railroad must comply with federal storm water runoff requirements. Over \$100,000 has been spent on design and engineering for storm water. The majority of the facility site will be paved and made to retain salt runoff.

- The size of the building is doubled, but the salt volume is not. It is best to stockpile salt in the summer months so the salt is there for winter. Vermont Railways has built salt sheds across the state and is required to have proper storm water plans in place. Environmental rules are followed.
- The majority of the truck traffic is already moving through Shelburne now. The addition to the traffic will be northbound on Route 7. The southbound traffic should not change from what is occurring now.
- The site is the first open piece of land going south in the rail corridor and the railroad owns the land. The pre-emptions are to ensure the railroad stays in operation. There will be an impact, but the railroad is willing to work with the town to minimize negative impacts and improve safety to the best of the railroad's ability (i.e. add a turn lane, traffic light, berms, mirrors, tunnel). The railroad has access to intermodal funds.
- The benefit to the town is the town will not run out of salt.

Toni Supple asked about trains being loaded at night. Dave Wulfson said Vermont Railways is a short line railroad and must run based on the Class 1 railroad schedule which the railroad cannot control. The switching and locomotion idling can be controlled. The switching may add 20 minutes a day to the time the train is in town during the day. Unloading is done early in the morning. Noise will be from the train engine and train cars moving. Salt is unloaded onto an electric conveyor to a dump truck. The trucks have backup alarms similar to what the town trucks have. It takes about 15 minutes to load a truck and all the trucks will not be at the site at once. The trucks will arrive early in the morning and the goal is to move them out before traffic builds up on Route 7 to avoid delays.

Dave Connery asked if the train will block Harbor Road when at the site. Dave Wulfson said the train may trigger the crossing lights, but will not block the road. An issue the town and state should address is cars backed up on Harbor Road across the rail crossing. The crossing signal is not linked to the traffic light and cars could be trapped on the crossing when a train is coming through.

Gary von Stange commented the intermodal facility will:

- change the character of the downtown
- have a negative impact on traffic safety with increased truck traffic
- elevate safety concerns for children walking and biking to school
- magnify existing traffic problems in town particularly during snow events
- require an additional traffic light and turn lane on Route 7
- produce noise impacts with 102 decibel backup alarms on trucks which is louder than the noise from concerts at Shelburne Museum
- have a negative impact on the environment
- foster storm water runoff issues
- advance train related concerns
- avoid a town rec easement

The impact is unknown until the facility is built because the project is exempt from local review. The number of trucks in/out of the facility will not be known to the town. There

will not be a traffic study, environmental study, safety study, or study of the impact on the village center. The Town Manager feels the project could be the single most impactful project Shelburne has seen. If the project goes forward there will be thousands of trucks going through the center of town every year. An engineer said without information, without vetting, without safety issues addressed, this is not a question of if, but when an accident will occur. The project could change the town. The Selectboard is actively investigating options and are providing residents notice, information, and opportunity to be heard. The town hopes to have a productive relationship with Vermont Railways, but there has already been a contested hearing before the Act 250 panel. There are serious concerns with the project and the town would like more information on what safety measures will be put in place. Residents want information and a comfort level that they do not have now. It is hoped the town and the railroad can work together.

10. EXECUTIVE SESSION and/or ADJOURNMENT

Collective Bargaining Agreement, Litigation between Town of Shelburne and APC Properties (Collette), and Receive Confidential Legal Advice on Proposed Intermodal Facility

MOTION by Colleen Parker, SECOND by Tim Pudvar, to find that premature public knowledge of the town's negotiations with NEBPA, discussion of litigation with APC Properties, and confidential client/attorney legal counsel on the Vermont Railways intermodal facility will place the town at a substantial disadvantage.

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

MOTION by Tim Pudvar, SECOND by Toni Supple, to go into Executive Session pursuant to 1VSA313.7(A)(B)(E)(F) to discuss negotiations with NEBPA, discussion of litigation with APC Properties, and confidential client/attorney legal counsel on the Vermont Railways intermodal facility, and to invite the Town Manager to attend and to invite the Town Planner to attend for the discussion of the litigation with APC Properties. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 9:09 PM.

RecScty: MERiordan