A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE SELECTBOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
March 8, 2016

MEMBERS PRESENT:	Gary von Stange (Chairman); Colleen Parker, John Kerr, Jerry Storey, Josh Dein.
ADMINISTRATION:	Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Colleen Haag, Town Treasurer; Dean Pierce, Planning Director; Chris Robinson, Waste Water Facilities Director.
OTHERS PRESENT:	Linda & Ilene Gritnai, Rick Bessette, Derek Senior, Elise Serhaus, Dave Connery, Roberta Nubeille, Brian Precourt, Ken & Gail Albert, Matt Cohn, Ray Brigham, Wayne Elliot, Lee Suskin, Mark Sammut, Tim Williams, Bill Stuono, Michael Abrams, Heather McKim (Shelburne News).

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1. CALL TO ORDER

Town Manager, Joe Colangelo, opened the meeting at 7 PM and facilitated the election of Selectboard Chair.

2. ORGANIZATIONAL MEETING

Chair

MOTION by Colleen Parker, SECOND by Jerry Storey, pursuant to Section 147-5.2 of the town charter to nominate Gary von Stange as Chair of the Shelburne Selectboard. There were no other nominations. **VOTING: unanimous; motion carried**

Gary von Stange is Chair of the Shelburne Selectboard and assumed facilitation of the meeting.

Vice Chair

MOTION by John Kerr pursuant to Section 147-5.2 of the town charter to nominate Colleen Parker as Vice Chair of the Shelburne Selectboard. There were no other nominations. **VOTING: unanimous; motion carried.**

Colleen Parker is Vice Chair of the Shelburne Selectboard.

Rules of Procedure

Josh Dein provided suggested revisions to the Rules of Procedure based on the VLCT revised rules in 2014. The Selectboard will review and consider the revisions at the next meeting.

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt the Shelburne Selectboard Rules of Procedure as supplied to the public and the Selectboard for the 3/8/16 meeting and for further review at the next Selectboard meeting. VOTING: unanimous (5-0); motion carried.

Local Emergency Operations Plan (LEOP)
Joe Colangelo noted Bob Lake, Emergency Management Director/Coordinator, had to execute the LEOP once when the entire town was without power due to an ice storm.

MOTION by Jerry Storey, SECOND by Colleen Parker, to adopt the Local Emergency Operations Plan (LEOP) effective 3/8/16 as presented. VOTING: unanimous (5-0); motion carried.

Town Officers
MOTION by Colleen Parker, SECOND by John Kerr, to appoint the slate of officers as listed in the information provided by the Town Manager for the 3/8/16 Selectboard meeting. VOTING: unanimous (5-0); motion carried.

Poet Laureate
MOTION by Colleen Parker, SECOND by Jerry Storey, to appoint Rick Bessette as Shelburne's first poet laureate in accordance with the poet laureate program for a term starting April 1, 2016 and ending March 31, 2018. VOTING: unanimous (5-0); motion carried.

Rick Bessette thanked the town, the committee, and the Selectboard for the nomination and said he accepts the position with pride and a sense of humbleness. Mr. Bessette noted his plan to approach the schools in support of poetry, have a section in the newspaper for the students' works, and gather adults together to express themselves through poetry. Mr. Bessette said like Robert Frost once said "this is my day of days".

3. APPROVAL OF AGENDA
MOTION by Colleen Parker, SECOND by John Kerr, to approve the agenda as presented. VOTING: unanimous (5-0); motion carried.

4. APPROVAL OF MINUTES
February 2, 2016
MOTION by Colleen Parker, SECOND by John Kerr, to approve the 2/2/16 minutes as written. VOTING: 3 ayes, 2 abstentions (Storey, Dein); motion carried.

February 6, 2016
MOTION by Colleen Parker, SECOND by John Kerr, to approve the 2/6/16 minutes as written. VOTING: 3 ayes, 2 abstentions (Storey, Dein); motion carried.

February 9, 2016
MOTION by Colleen Parker, SECOND by John Kerr, to approve the 2/9/16 minutes with the addition of Colleen Parker to the list of members present. VOTING: 3 ayes, 2 abstentions (Storey, Dein); motion carried.

February 23, 2016

MOTION by Colleen Parker, SECOND by John Kerr, to approve the 2/23/16 minutes as written. VOTING: 3 ayes, 2 abstentions (Storey, Dein); motion carried.

January 26, 2016
MOTION by Colleen Parker, SECOND by John Kerr, to approve the 1/26/16 minutes as written. VOTING: 3 ayes, 2 abstentions (Storey, Dein); motion carried.

5. CITIZEN PARTICIPATION & PUBLIC COMMENT

Derek Senior, Vermont United, stated the intermodal rail project is also being called the "Vermont environmental fiasco". Mr. Senior read a petition against the proposed trans-modal facility with 1,000 signers (811 of which are Shelburne residents) so the message is clear what the town wants. The Selectboard is urged to fight the pre-emption and lead the town in the fight. The Selectboard is urged to read the comments.

Elise Serhaus stated her organization is actively fundraising to help the town with the legal battle against the railroad project. The organization had good success in assisting the Town of Hinesburg in the fight against Hannaford's and it is hoped the same can be done in Shelburne.

Dave Connery, Shelburne School Board, encouraged the newest members of the Selectboard to join in the fight against the intermodal facility, noting there is much opposition by the townspeople to the project and more residents will lose and only a handful will gain from the proposal. Mr. Connery urged the Selectboard to look at the facts and the history of what is going on as well as the character of the individual the town is dealing with.

Roberta Nubeille expressed concern about the salt facility and that the railroad needs to answer to the towns they go through and cannot hide behind federal exemption. The railroad has to answer to environmental safety of a town otherwise there will be disasters the town will live with for years beyond. The Selectboard is asked to support the fight against the project. There are hundreds of people standing behind the Selectboard.

6. SELECTBOARD COMMENTS

- Jerry Storey stated his expressed honor to be in service to the town as a member of the Selectboard and thanked all for electing him. Mr. Storey urged residents to contact him with thoughts, opinions, and concerns.
- John Kerr publicly welcomed Josh Dein and Jerry Storey to the Selectboard and offered support in any way. Mr. Kerr also mentioned the CVU girls basketball team playing for the state championship and urged all to attend the CVU Theatre offering of "One Acts".
- Colleen Parker thanked the townspeople and the neighboring communities for the help and support given to the Selectboard with the rail project.
- Josh Dein thanked all for the support and encouragement, and said he is looking forward to interesting discussion and asking questions.
- Gary von Stange welcomed the new members and noted the importance of the institutional knowledge on the board. Mr. von Stange stressed that the Selectboard

strives to be open, transparent, and civil. Regarding Vermont Railways, the court asserted the railroad's assumption of preemption was premature and if preemption were applicable there could be exceptions that come into play in this particular matter. The court wanted to learn more of the relationship between Vermont Railways and Barrett Trucking. The hearings on the temporary and permanent injunction were consolidated into a three day evidentiary trial with discovery. The hearing is scheduled May 3, 4, and 5, 2016. Both the town and railroad did press releases. The railroad's press release falsely said the court rejected the town's motion for a preliminary injunction. In actuality the court consolidated the hearings into a three day evidentiary trial. Docket 18 contains the relative information. Mr. von Stange expressed appreciation for the petition with 1,000 signers plus the hundreds of calls and emails, assuring that the Selectboard takes direction from the people.

Gail Albert, Shelburne Natural Resources Committee, asked if the work that is underway by the railroad will cease. Gary von Stange said he cannot answer at this point, but the position of the railroad is they can go forward at this time. An answer will come after the hearings in May. Of note, Vermont Railways has positioned a railcar to block the view of the site.

Ken Albert asked if the injunction is on the federal preemption or continued work on the site. Gary von Stange reiterated there will be answers in May. The court wanted the parties to brief the preemption issue. The court was also interested in the two easements the town has over the land.

David Connery observed the railroad could be saying they prevailed because an injunction was not issued and the court wanted more information. Gary von Stange explained there is a difference of opinion. The statement in the railroad's press release that the court rejected the town's motion was false. The court set down a three day evidentiary hearing for a fact determination on whether preemption is applicable and if applicable then there are issues.

7. TOWN MANAGER'S REPORT

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

- All are urged to contact the Town Manager with any questions on the weekly manager's report.

8. REAPPOINTMENTS TO COMMISSIONS, BOARD, AND COMMITTEES

MOTION by Colleen Parker, SECOND by John Kerr, pursuant to Section 147-5.1 of the town charter to reappoint the slate of committee, board, and commission members as presented in the March 5, 2016 memo from the Town Manager and attached to the minutes of March 8, 2016. VOTING: unanimous (5-0); motion carried.

MOTION by Colleen Parker, SECOND by John Kerr, to reappoint John Zaconni to the CCRPC Board of Commissioners and George Schiavone as the alternate for a

term beginning July 1, 2016 through June 30, 2018. VOTING: unanimous (5-0); motion carried.

9. FY2015 AUDIT PRESENTATION BY SULLIVAN, POWERS AND CO.

Ray Brigham with Sullivan, Powers and Co. reviewed the audit process and contents of the audit report, highlighting the following:

- Town of Shelburne received an unqualified opinion again thanks to the good work of the finance team, staff and Town Manager.
- "Management Discussion and Analysis" document describes what happened with the financial statements during the year. The document was prepared by Peter Frankenburg and staff.
- The auditors felt the 5% fund balance may be too low. The town may want to consider increasing the amount to 10% or more.
- The auditors felt the unrestricted fund balance of $95,000 in the Water Department budget may be too low.
- The town has a substantial number of small funds that could be consolidated or reorganized.
- The Management Letter lists significant deficiencies and material weaknesses plus other recommendations from the auditors.

Jerry Storey expressed pride in the audit and commended staff for their work. Mr. Storey asked if the pass through debt will affect the town's credit rating. Ray Brigham said in his experience he has not seen any issues with the loans and how they are shown.

Colleen Parker asked for an explanation of deficiencies and internal controls. Ray Brigham said the auditors felt the items mentioned were important enough to be in the audit report. The auditors want to be sure the town has complete checks and balances.

Gary von Stange commented the town has an exceptional Finance Department with Peter Frankenburg as Finance Director and Colleen Haag as Town Treasurer.

The full audit is posted on line.

MOTION by Colleen Parker, SECOND by John Kerr, to accept the FY2015 audit presentation from Sullivan, Powers and Co. VOTING: unanimous (5-0); motion carried.

10. APPROVE LOAN APPLICATION FOR ENGINEERING SERVICES RELATED TO SEWER CAPITAL IMPROVEMENT BOND

Joe Colangelo noted the voters approved up to $3 million in debt service for sewer capital improvements. The engineering work is for the improvements. Wayne Elliot with Aldrich + Elliot Engineering gave an overview of the preliminary engineering for the collection system, pump stations, and facility work using the state's clean water revolving loan fund. Preliminary engineering will provide updated costs, total project cost, and timeline for the project. Next stage is design/permitting for components, getting contract documents ready, and ultimately to go to construction.

Jerry Storey asked if 180 days is a state standard. Mr. Elliot said the timeframe is not a state standard, but a realistic time to get the report finalized and approved. Mr. Storey asked if the review will rationalize choices where there are competing priorities for the same money. Mr. Elliot confirmed this.

Josh Dein noted the voters acted on the situation of seven of 13 pump stations needing immediate upgrade, but the contract indicates the stations will be evaluated. Chris Robinson said the engineer's work is to prioritize which stations will be done first and what the options are (i.e. lifecycle costs and best style of replacement station). The existing pump stations are over 20 years old and repairs are needed often. The pump stations will also be standardized with three-phase power. Wayne Elliot added there will be a list of major items, dates installed, ranking of condition, and estimate of remaining useful life.

MOTION by Colleen Parker, SECOND by Jerry Storey, to apply for a state revolving loan in the amount of $37,800 for preliminary engineering and planning to construct improvements to the Town of Shelburne waste water system and treatment plants, and to designate the Town Manager, Joe Colangelo, as the authorized representative in connection to the project for the purpose of furnishing information, data, and documents pertaining to the project as required by the State of Vermont. VOTING: unanimous (5-0); motion carried.

11. WASTE WATER SURCHARGE POLICY FOR HIGH STRENGTH WASTE

Chris Robinson explained the need for a policy to cover additional costs incurred to treat significant loading (BOD) from microbreweries, wineries, and potentially distilleries in town. Residential users should not be paying for the additional treatment costs. The allocation ordinance covers flows while the surcharge policy addresses high strength loading. Joe Colangelo added the Town Attorney recommended eventually the policy should be incorporated into the ordinance.

Josh Dein mentioned pretreatment of the waste before going to the treatment plant. Chris Robinson said some companies do pretreatment, others do not. The state requires pretreatment once a specified threshold (5%) is reached.

Matt Cohn, Fiddlehead Brewing Company, stated his brewery has always done and continues to do all it can to decrease high strength waste discharge. Other companies are producing BODs as well so it is not fair to single out breweries. All businesses in town should be examined. Chris Robinson assured all businesses in town are being reviewed.

Ken Albert, Shelburne Vineyard, said his winery is instituting best practices. Wine is made once a year and that is when there is a heavy load. Mr. Albert requested guidance on the monthly testing regime.

MOTION by John Kerr, SECOND by Colleen Parker, to adopt the Waste Water Surcharge Policy as submitted for high strength waste. VOTING: unanimous (5-0); motion carried.

12. WASTE WATER ALLOCATIONS

Rite Aid

MOTION by Jerry Storey, SECOND by John Kerr, to approve waste water allocation of 25 gpd for Rite Aid. VOTING: unanimous (5-0); motion carried.

Fiddlehead Brewery

MOTION by Colleen Parker, SECOND by Josh Dein, to approve 100 pounds of BOD per day from Waste Water Treatment Plant #2 as Fiddlehead Brewery allocation.

<u>DISCUSSION</u>: Joe Colangelo noted staff and the Town Attorney will work on a separate agreement with Fiddlehead.

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

13. LIQUOR LICENSE RENEWALS

MOTION by John Kerr, SECOND by Colleen Parker, to approve a First Class Liquor License for Restaurant and Bars for the following establishments:

- **Buono Appetito**
- **Chef Lou's**
- **Shelburne Field Post**
- **Shelburne Taproom**
- **Village Wine and Coffee**
- **Barkeaters**
- **Kwiniaska**

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

MOTION by John Kerr, SECOND by Colleen Parker, to approve a First Class Liquor License for Hotels for the following establishments:

- **Heart of the Village Inn**
- **Inn at Shelburne Farms**

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

MOTION by John Kerr, SECOND by Colleen Parker, to approve a Second Class Liquor License for the following establishments:

- **Buono Appetito**
- **Colonial Deli Mart**
- **Green Pasture Meats**
- **Kinney Drugs**
- **Route 7 Liquor and Deli**
- **Shelburne Meat Market**
- **Village Wine and Coffee**
- **Shelburne Grocery Store**

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

MOTION by John Kerr, SECOND by Colleen Parker, to approve an Outdoor Consumption License to the following establishments:

- **Kwiniaska**
- **Barkeaters**
- **Heart of the Village Inn**

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

MOTION by John Kerr, SECOND by Colleen Parker, to approve a Tobacco License to the following establishments:

- **Colonial Deli Mart**
- **Kinney Drugs**

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

MOTION by John Kerr, SECOND by Colleen Parker, to approve a Local Bring-Your-Own-Bottle (BYOB) Permit until such time the state approves the First and Second Class licenses for Buono Appetito. VOTING: unanimous (5-0); motion carried.

14. SELECTBOARD RETREAT

There was discussion of having a facilitator at the retreat. A majority of the Selectboard felt a facilitator would not be necessary at the upcoming retreat, but the matter can be discussed further in the future.

MOTION by Colleen Parker, SECOND by John Kerr, to schedule a Selectboard retreat on April 16, 2016 beginning at 4 PM (location to be determined). VOTING: unanimous (5-0); motion carried.

15. EXECUTIVE SESSION

APC Properties; Vermont Railways

MOTION by Colleen Parker, SECOND by John Kerr, to find that premature public knowledge of the discussion of litigation relative to APC Properties and litigation relative to Vermont Railways will place the town at a substantial disadvantage. VOTING: unanimous (5-0); motion carried.

MOTION by Colleen Parker, SECOND by John Kerr, to go into Executive Session pursuant to 1VSA313.7(A)(B)(E)(F) to discuss litigation relative to APC Properties and litigation relative to Vermont Railways, and to invite the Town Manager and appropriate staff to attend. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 9:12 PM.

MOTION by Colleen Parker, SECOND by John Kerr, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (5-0); motion carried.

Executive Session was adjourned and the regular meeting reconvened at 11:22 PM.

ACTION FOLLOWING EXECUTIVE SESSION
MOTION by Colleen Parker, SECOND by John Kerr, to appoint Gary von Stange as the spokesperson on behalf of the Selectboard for the Vermont Railway matter. VOTING: 3 ayes, one nay (Dein), one abstention (Storey); motion carried.

16. ADJOURNMENT
MOTION by Colleen Parker, SECOND by John Ker, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 11:25 PM.

Accepted,

On Behalf of the Shelburne Selectboard

Town of Shelburne, Vermont

CHARTERED 1763

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

Clerk/Treasurer	Town Manager	Zoning & Planning	Assessor	Recreation	FAX Number
(802) 985-5116	(802) 985-5111	(802) 985-5118	(802) 985-5115	(802) 985-5110	(802) 985-9550

MEMORANDUM

To: Selectboard
From: Joe Colangelo, Town Manager
Date: March 1, 2016
Re: Town Officer Appointments March 8, 2016

Consider the following slate of appointments as Town Officers.

Town Manager	Joe Colangelo
Town Attorney	Monaghan, Safar, Ducham
Emergency Management Director	Bob Lake
Emergency Management Coordinator	Bob Lake
Grand Juror	Tim Pudvar
Health Officer	Bob Lake
Deputy Health Officer	Pete Gadue
Town Service Officer	Bob Lake
Fence Viewer	Steve Gronlund
Harbor Master	Dan Couture
Tree Warden	[Vacant]