

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
June 14, 2016**

- MEMBERS PRESENT:** Gary von Stange (Chairman); Colleen Parker, John Kerr, Jerry Storey, Josh Dein.
- ADMINISTRATION:** Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Kate Mitchell, DRB Administrator; Jerry Ouimet, Fire Chief; Jim Warden, Police Chief; Paul Goodrich, Highway Superintendent.
- OTHERS PRESENT:** Kevin O'Brien, Carole Obuchowski, Catherine Collette, Andrea Bergeron, Liz Rider, Fenn Rider, Candy Bessette, Ron Gagnon, Maryanne Hamilton, Jessica Brumsted, Gail Albert, Ken Albert, Norm Silcox, Peter Gadue, John Schold, Tim Bergeron, George Goodwin, Tracey Beaudin, Rick Bessette, Josh Flore, Marc Gamble, Steve "Rocco" Antinozzi, Jeff Swayver, Jason Charest, Lucy Gibson, Susan Meganberg, Michael Abrams, Heather McKim (Shelburne News).

EXECUTIVE SESSION

Pursuant to 1VSA313(1), the Selectboard met in Executive Session at 6:47 PM to discuss litigation between the Town of Shelburne and APC Property.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

MOTION by Colleen Parker, **SECOND** by Jerry Storey, to approve the agenda as presented. **VOTING: unanimous (5-0); motion carried.**

3. SETTLEMENT AGREEMENT IN ENVIRONMENTAL DIVISION OF VERMONT SUPERIOR COURT WITH APC PROPERTY AND WILD ROSE CIRCLE HOMEOWNERS

Jerry Storey recused himself. Gary von Stange gave a brief summary of the Environmental Court action and mediation resulting in the agreement reached by all parties (APC, Wild Rose Circle, and the town). The agreement includes screening with three partitions in front where the U-Haul trucks are parked, adding a cluster of evergreens on the north end of the lot, and allowing one U-Haul truck to be parked on the side of the APC property. Colleen Parker added after two days of negotiation no party got all that was wanted, but all three are satisfied with the results.

Tim Bergeron, 78 Wild Rose Circle, spoke in support of the settlement and thanked the Selectboard and Collettes for the effort to come up with the compromise agreement.

MOTION by Colleen Parker, SECOND by Josh Dein, to approve the settlement agreement with APC property, LLC and the Wild Rose Circle homeowners as presented. VOTING: unanimous (4-0); motion carried.

Jerry Storey returned to the Selectboard.

4. APPROVAL OF MINUTES

May 24, 2016

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 5/24/16 minutes as written. VOTING: unanimous (5-0); motion carried.

5. CITIZEN PARTICIPATION & PUBLIC COMMENT

None.

6. SELECTBOARD COMMENTS

- Jerry Storey commended and thanked Colleen Haag and members of the Veterans Memorial Committee for the sponsorship and holding a moving and glorious celebration of those who have sacrificed themselves for the benefit of all. The Memorial Day gathering was inspirational with a great deal of community participation. Mr. Storey said as a veteran himself it was personally very rewarding to have recognition for service in the armed forces.
- Jerry Storey thanked the Town Manager and the townspeople for the opportunity to attend a session by VLCT on 21st Century Policing based on the premise of decreasing liability and risk management. One aspect of the meeting was policing in contemporary times as a role gradient between warrior and guardian. Shelburne police officers make the effort to achieve this balance.
- Gary von Stange called for a moment of silence for the victims in Orlando, Florida.
- John Kerr congratulated all the CVU graduates, adding the town should be proud of the students from Shelburne who represented the town well.
- John Kerr mentioned the moving Memorial Day celebration and how fortunate the town is to have a place to visit to remember all that has been done to live the lives we enjoy.

7. TOWN MANAGER'S REPORT

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

- Thanks are extended to Peter Frankenburg and Anne Janda for handling the Town Manager duties while Joe Colangelo was on vacation.
- Staff is a team and every position is as important as another. The team cannot be successful unless everyone does their best. Two crossing guards, George Goodwin and Tracey Beaudin, are recognized for their dedication in helping schoolchildren safely cross roads in all weather conditions through the school year. Police Chief Warden and the Town Manager presented a certificate to Mr. Goodwin and Ms. Beaudin. Chief Warden mentioned the difficulty in finding people to be crossing guards due to the demands of the job. Mr. Goodwin and Ms.

Beaudin have been very dependable, are great with the kids, and have never been late.

8. RECOGNITION OF RUTH MORROW'S SERVICE TO TOWN OF SHELBURNE

Gary von Stange read a statement recognizing Ruth Morrow's over 50 years of service to the Town of Shelburne including swim instructor at the town beach in the 1950s, town auditor (1962-1968), library trustee (1971-1981), cemetery commission (1987-2016), election assistant for over 30 years, and hundreds of hours of volunteer time. Ms. Morrow who recently passed away received the Vermont Public Service Award for 50 Years of Service.

Shelburne's poet laureate, Rick Besette, recited a poem in honor of Ruth Morrow.

9. USE OF SELECTBOARD DISCRETIONARY FUND TO SUPPORT JOSH FLORE IN POLICE UNITY BICYCLE TOUR

Josh Flore reported the bike event was held May 9th-13th to raise awareness for fallen officers in the United States. There were 2000 riders and \$2.3 million was raised. Over the past 20 years of the event \$20 million has been raised. Officer Flore said he raised \$4,220 and this is his 10th year participating.

MOTION by Jerry Storey, SECOND by Josh Dein, to donate \$200 from the Selectboard Discretionary Fund to the Police Unity Bicycle Tour. VOTING: unanimous (5-0); motion carried.

10. PUBLIC HEARING: Amend zoning bylaws to add pet care facilities for up to 100 animals as a conditional use in the Commerce & Industry District

The public hearing was opened at 7:24 PM. Dean Pierce gave a brief description of the zoning change. There were no further comments.

MOTION by Colleen Parker, SECOND by Jerry Storey, to close the public hearing on pet care facilities. VOTING: unanimous (5-0); motion carried.

The public hearing was closed at 7:27 PM.

MOTION by Colleen Parker, SECOND by Jerry Storey, to amend the zoning bylaws to add pet care facilities with space for no more than 100 animals to the list of conditional uses in the Commerce & Industry District as presented. VOTING: unanimous (5-0); motion carried.

11. PUBLIC HEARING: Amend the comprehensive plan to update the sidewalk map

The public hearing was opened at 7:29 PM. Dean Pierce gave an overview of the statutory requirements with Village Center Designation to recognize the designation in the comprehensive plan so the designation can be renewed and the need to update the map in the town plan on sidewalks and paths. Marc Gamble and Steve "Rocco"

Antinozzi reported the Paths Committee identified 19 potential path projects to build a network to link neighborhoods and the community. The map supports the projects recommended to the Selectboard for inclusion in the Capital Plan and helps with the long term vision of the town. The map also helps when applying for grants. The majority of funding for path projects is from grants.

COMMENTS

Ken Albert, Shelburne Vineyard, spoke of the path going to Teddy Bear and the seasonal workers who use the path. The situation is very dangerous due to the traffic on Route 7.

Toni Supple, Pierson Drive, pointed out the agenda was not clear that paths through neighborhoods would be included otherwise more people in neighborhoods impacted by these paths would be in attendance. Ms. Supple said each path should be separately vetted rather than lumped together as one project. The appearance is the paths have all been vetted by the Selectboard, but the situation is more like a “Trojan horse” and not very transparent.

Bill Supple, 239 Pierson Drive, stated assuming neighborhoods want to be linked is dangerous. People buy on cul-de-sacs because of the cul-de-sac and not to be connected. The neighborhoods directly affected by the path connection should be contacted because they likely will be against the path versus others who are insulated from the impacts and receive the benefits who will likely be in support of the path. A qualitative analysis of the data should be done. Bike paths lower property value. Cul-de-sacs raise property value. There is opportunity to bike without destroying the integrity of cul-de-sac neighborhoods to expand the bike path.

Marc Gamble stated the path by Boulder Hill is only one of the 19 projects identified by the Paths Committee. The objective is to develop a network and link neighborhoods. The projects should be vetted, but the decision is by the entire town.

Dean Pierce noted the language in the comprehensive plan relative to the paths is not mandatory or having a regulatory effect.

A resident on Logan Court spoke against the path through the last remaining green space in the area. Having the path on a wish list is fine provided there is not a foregone conclusion the path will be done.

Rocco Antinozzi stated each project must be in the Capital Plan due to the cost and the Selectboard has to allocate the funds. The Planning Commission reviewed the path map twice and unanimously recommended forwarding to the Selectboard for approval.

Gail Albert, Shelburne Natural Resource Committee and Pierson Drive resident, suggested the Natural Resources Committee comment on the location of each path to ensure precious natural resources are protected.

Jeff Swayver, Bay View Lane, stated the map is an important tool to evaluate individual projects similar to how the county and state evaluate projects.

There was continued discussion of having a better description of the subject matter at the second public hearing on June 28, 2016. Josh Dein suggested a summary of the process of what happens when a path is included on the map be provided. Staff will provide information that supports bike paths increasing property value.

There were no further comments.

MOTION by Colleen Parker, SECOND by Jerry Storey, to close the public hearing on the paths map. VOTING: unanimous (5-0); motion carried.

The public hearing was closed at 8:05 PM.

12. APPOINT COLLEEN HAAG AS TOWN TREASURER PURSUANT TO SECTION 147-3.5 OF THE TOWN CHARTER

Ken Albert and Joan Lenes spoke of the dedication, professionalism, and compassion by Colleen Haag for the Town of Shelburne.

MOTION by Jerry Storey, SECOND by Colleen Parker, to appoint Colleen Haag as Town Treasurer. VOTING: unanimous (5-0); motion carried.

13. COMMUNITY CONCERNS MEETING: Southern Gateway Project

Peter Charest, RPC, and Lucy Gibson, Dubois & King, reviewed the planned study of the southern gateway to Shelburne to address growth, economic activity in the area, and safety. Stakeholders will be contacted for input. Options and alternatives will be explored and discussed. A preferred alternative will be identified. Ms. Gibson reviewed existing conditions with vehicles and pedestrians in the area.

COMMENTS

Gary von Stange stressed the need for a pedestrian/bike path for the safety of people who are now walking along Route 7. Teddy Bear is interested in participating in a pedestrian network. Also, a turn lane into the Ridgefield neighborhood is warranted. Sight lines at the intersections need to be addressed.

Joe Colangelo said many comments have been received about a sidewalk off Route 7 being desperately needed.

Police Chief Warden said the police have much information on Route 7 accidents in the area. The zone has one of the highest number of accidents.

There was discussion of the town taking over ownership of Route 7 through the village. Lucy Gibson said VTrans encourages towns to do this.

Pete Gadue spoke of heavy traffic and tractor trailer traffic on the neighborhood roads and Route 7.

Susan Meganberg urged consideration be given to the significant number of bicyclists on the road. Also, clear lane markings are needed.

Gail Albert mention the speed of traffic on Route 7 and people using Spear Street to avoid going through the village. The comments about sight lines at the intersections and pedestrians and children walking on the side of Route 7 are echoed.

Rocco Antinozzi suggested a welcome center at the gateway to the town be considered.

14. BAY ROAD CORRIDOR REPORT

Joe Colangelo reported the stop sign pilot project by the Bay Road Bridge is underway. Other solutions for the corridor are under consideration. John Kerr gave a summary of the work planned for Bay Road, noting when the shoulders are rebuilt and the paving is done space will be created for pedestrians. Town equipment will be used and contractors hired to do the work. The paving will be done in July/August timeframe. The bridge needs to be replaced. A temporary bridge may need to be installed. Funding approaches could include setting aside money in an escrow account, looking to a third party for funding, going to the state.

Gail Albert asked about permitting for protection of wetlands in the area. Mr. Kerr said if anything is changed then the full gamut of permits will be needed. Wholesale replacement of the bridge will be straightforward.

Marc Gamble suggested narrowing the travel lanes of the road to slow down the cars.

Jeff Swayver encouraged the community to pass a bond to replace the bridge which will allow sidewalks for bikes and pedestrians.

15. CBC REPORT FROM WATER COMMISSION

With a quorum of members present, John Schold, Chairman of the Water Commission, called the meeting of the Water Commission to order at 9:02 PM. Mr. Schold reported on the repainting of the south water tank and the longer term maintenance agreement with USG to help ensure consistent maintenance costs going forward. Work on the north tank will begin and when complete ownership of the tank will be transferred to Champlain Water District (CWD). The south tank cannot be transferred because CWD will not accept a tank with cell antennas. Goals of the Water Commission include long term financial stability of the Water Department. Infrastructure is aging. Revenue is mainly from residential users. To generate more revenue more water must be sold or the rates increased. Revenue from the cell antennas is \$100,000 annually. Prior to 2002 the Water Department received 100% of the revenue for maintenance. Since 2002 the revenue has been split with 74% to the town and 27% to the Water Dept. The Water Commission would like to discuss potential reallocation of the revenue to provide more money for maintenance. Another option to increase revenue is to increase water rates (already very

high) or change the fee structure. Fees for connections could be revisited. Mr. Schold mentioned the water breaks on Spear Street that need to be addressed for the long term, not just patched. All are invited to attend the Water Commission meetings.

The Selectboard agreed to discuss reallocation of the cell antenna revenue and the Spear Street water line breaks. Colleen Parker suggested a notice be posted on the website if there is a water break to inform the public. Jerry Storey suggested a special fee be considered where capacity is exhausted by a development or use, for example.

There were no further comments. With no further business the Water Commission meeting was adjourned at 9:21 PM.

16. CBC REPORT FROM DEVELOPMENT REVIEW BOARD (DRB)

Mary Kehoe, DRB Chair, spoke of dealing with form based code, one the record review, and MAPA requirements. Ms. Kehoe stressed the need to have a good phone conferencing system in place in order to hear testimony from witnesses and/or DRB members participating in absentia. Ms. Kehoe spoke positively of the DRB members and the invaluable administrative support from Kate Mitchell.

17. SHELBURNE WASTE WATER FY2017 BUDGET

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt the FY2017 Shelburne Waste Water Budget and corresponding rates as presented. VOTING: unanimous (5-0); motion carried.

18. ISSUE PUBLIC DEBT TO COMPLETE ROAD PAVING PROJECTS

Jerry Storey noted the following:

- Low borrowing rates and paving cost due to low oil rates so the paving for next year should be accelerated to this year.
- Paul Goodrich, Highway Superintendent, maintains the roads in town extremely well.
- Consideration should be given for a reserve fee.
- Appreciation is extended to staff for the good work that was done on the financial analysis.

Joe Colangelo said adding a reserve fee and impact fees in next year's budget process will be considered.

19. EMERGENCY DISPATCH EQUIPMENT

MOTION by Colleen Parker, SECOND by John Kerr, to approve a loan for \$16,200 at an interest rate of 1% with National Bank of Middlebury to finance police emergency dispatch equipment.

DISCUSSION: Peter Frankenburg explained the standard practice of equipment purchase through a grant and the town pays down a portion each year then renews a portion. There were no further comments.

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

20. REPLACE SHELBURNE FIRE DEPARTMENT ENGINE #3

Joe Colangelo explained there is no cost to the town because the equipment is a trade, but the equipment was not included in the Capital Improvement Plan.

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the purchase of a 2016 Dodge 3500 utility truck replacing Fire Department Engine #3. VOTING: unanimous (5-0); motion carried.

21. GOVERNOR'S HIGHWAY SAFETY PROGRAM POLICE GRANTS

MOTION by Jerry Storey, SECOND by Josh Dein, pursuant to Section 147-5.1 of the town charter to approve the application for three Governor's Highway Safety Program police grants totaling \$474,406 for traffic enforcement and public safety education in Chittenden County.

DISCUSSION: Gary von Stange itemized the grants as follows:

- \$232,608 DUI Sharp Grant
- \$232,608 OP Sharp Grant
- \$9,190 Education Sharp Grant

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

22. BOND ALLOCATION AGREEMENT TO ASSIST WALDORF SCHOOL WITH REVENUE BOND

MOTION by Colleen Parker, SECOND by John Kerr, to execute the bond allocation agreement with the Vermont Economic Development Authority to assist Lake Champlain Waldorf School in obtaining financing for a revenue bond as a qualified tax exempt obligation. VOTING: unanimous (5-0); motion carried.

Jerry Storey recognized the good job done on the revenue bond by staff. The document was most informative.

23. EXECUTIVE SESSION: Vermont Railways

Gary von Stange advised an update could be given on the Vermont Railways lawsuit in open session. Mr. von Stange reported both parties were directed to submit post-trial memos. Vermont Railways without authorization from court submitted a reply brief. The town submitted a request to file a reply to Vermont Railways post-trial memo and reply brief which was granted by the court.

24. ADJOURNMENT

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

The meeting was adjourned at 9:45 PM.