

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

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

**ADMINISTRATION:** Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director.

**OTHERS PRESENT:** Brandy Saxton, Dorothea Penar, Fritz Horton, Ann Milosoroff, Bonnie Christie, Ron Bouchard, Steve “Rocco” Antinozzi, Don Stevens, Michael Abrams, Heather McKim (Shelburne News).

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**1. CALL TO ORDER**

In the absence of Chairman Gary von Stange, Colleen Parker called the regular meeting to order at 7 PM.

**2. APPROVE AGENDA**

**MOTION** by John Kerr, **SECOND** by Jerry Storey, to approve the agenda as presented. **VOTING: unanimous (4-0); motion carried.**

**3. APPROVAL OF MINUTES**

*June 14, 2016*

**MOTION** by John Kerr, **SECOND** by Jerry Storey, to approve the 6/14/16 minutes as written. **VOTING: unanimous (4-0); motion carried.**

*June 28, 2016*

**MOTION** by Josh Dein, **SECOND** by Jerry Storey, to approve the 6/28/16 minutes as written.

**DISCUSSION:** It was noted that with abstentions a quorum of those present at the June 28<sup>th</sup> meeting would not be available to vote. The motion could be voted down and the minutes covered at the next meeting.

**VOTING: 1 aye, 1 nay (Jerry Storey), 2 abstentions (Colleen Parker, John Kerr); motion did not carry.**

The June 28, 2016 Selectboard minutes will be on the next meeting agenda for action.

*July 5, 2016*

**MOTION** by Jerry Storey, **SECOND** by John Kerr, to approve the 7/5/16 minutes as written. **VOTING: unanimous (4-0); motion carried.**

**4. CITIZEN PARTICIPATION & PUBLIC COMMENT**

None.

**5. SELECTBOARD COMMENTS**

- Josh Dein made positive comment on the Selectboard minutes.

- Jerry Storey mentioned the community grieves the recent loss of five law enforcement officers in Texas for the family and society.
- Jerry Storey reported the Town Clerk vacancy is posted on Front Porch Forum and the town website. The job description is informative. Anyone interested is encouraged to apply for the position.

## 6. TOWN MANAGER'S REPORT

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

- A search committee is being formed for the Town Clerk position.
- Information will be presented at the next Selectboard meeting on succession planning for known transitions.
- The bike/paths map will be a discussion item at the next Selectboard meeting to get clarity on next steps.
- Village safety will be on the July 26, 2016 agenda. Members of the Bike/Path Committee will be present.
- FY16 has ended and FY17 has begun.
- Southern gateway design charrette is scheduled on July 26, 2016 at Shelburne Vineyards from 5 PM – 8 PM. All are invited.
- The Water Commission adopted a policy on how water fees are assessed (on an allocation based charge) to be more in line with how waste water fees are assessed. The Water Commission has done a lot of work in addition to the fee policy including maintenance and repairs on both the north and south water tanks.

## 7. PRESENTATION: Certified Local Government Design Review Guidelines

Brandy Saxton, consultant, reviewed the updated design review guidelines that include more photos and illustrations, current policies, and guidelines. The guidelines outline the purpose and the community's expectation for development, materials, finishes, windows, doors, roof, porches, additions, mechanicals, energy, accessibility, demolition, relocation, site features, and design.

Fritz Horton, Shelburne Historic Preservation & Design Review Committee (SHP&DRC) said the guidelines are a good set of tools for SHP&DRC and tell the applicant what the town is looking for in the proposal. Dorothea Penar, SHP&DRC, echoed the positive comments on the guidelines and thanked Ms. Saxton for her work.

Jerry Storey stated the document is an "outstanding piece of work" that will be extremely helpful for an applicant. The illustrations are outstanding and the discussion on in-fill and accessibility is appreciated. Simple revision of the title of the document is urged though.

John Kerr said the section on energy (Section 13) should be linked to form based code and other zoning regulations to maintain a town-wide theme. The document is very usable and user friendly.

Colleen Parker said the town is re-evaluating town hall so the document is timely.

**8. ANNUAL CBC REPORT WITH SHELBURNE HISTORIC PRESERVATION and DESIGN REVIEW COMMITTEE**

Fritz Horton, SHP&DRC, said the report has been submitted and the committee will answer any questions. John Kerr mentioned the report was very complete and people can look around and see the efforts of the committee. The comment on additional members is a common theme for committees. Fritz Horton said there are requirements for members on SHP&DRC relative to design and architectural history.

Jerry Storey asked about work remaining in the Falls area. Dorothea Penar said the work started by UVM graduate students on the National Register nomination is 65% complete. Securing a CLG grant will help complete the work. Ms. Penar said her time as an historic preservation planner can be matched at a higher price. It is important for the town to put the Falls District on the National Register. Demolition of historic buildings is occurring because the land is more valuable than the physical building, but the building is culturally important. Strategies town and statewide need to be discussed. Innovative ideas on incentivizing developers are needed and the consciousness raised on historic preservation. This is an important planning piece in the town.

**9. PIERSON LIBRARY ARCHITECTURAL SERVICES CONTRACT**

Joe Colangelo reported the recommendation by the RFQ review committee is to award the contract for architectural services to Vermont Integrated Architecture (VIA) for preliminary architectural services. The intent is to continue with VIA if the project moves forward. Estimated cost of phase 1 work is \$44,200. Grant or private funding, not property tax revenue, will be used for the project at this stage.

There was discussion of the overall project cost and refining the numbers if the project progresses. Holding a public input session was suggested. Concern was expressed about approving a project with only total hours and no timeline or schedule of deliverables. Joe Colangelo said the hope is to have phase 1 complete by the end of October. There will be many public meetings and even some private meetings if private money is being raised. The project will not move forward beyond phase 1 without lots of public input and support. If the services contract is approved by the Selectboard then the architects will meet with SHP&DRC as early as possible and begin with a visioning session open to the public. The authorization is to move forward with VIA and allow the Town Manager to sign the contract. The actual contract document will have more extensive detail on the work including fleshing out a timeline.

Ann Milosoroff asked how the fundraising will be synched with the contract and paying the architects. Joe Colangelo said some money that has been raised to date will be used.

**MOTION by Jerry Storey, SECOND by Josh Dein, to take action as follows:**

- **Award the preliminary architectural services contract to Vermont Integrated Architecture (VIA) for the new library and community center municipal complex and historic town hall project;**
- **Charge the Library Building Steering Committee to manage the contract;**

- **Recognize that only non-property tax generated revenue will be used to pay for these services;**
- **Recognize the intent is to continue the relationship with VIA through the completion of the project;**
- **Authorize the Town Manager to finalize the contract including a timeline and sign the contract documents on behalf of the Town of Shelburne.**

**VOTING: unanimous (4-0); motion carried.**

#### **10. RENAME PIERSON LIBRARY FUND**

Joe Colangelo recalled the Selectboard approved a fund title “New Library Building Fund” to receive donations to the town, but the consultant advised it would be beneficial and help with fundraising and securing grants to rename the fund “The Future of the Library and Town Center Fund”. There is \$38,000 in the fund presently with more coming in. Staff is searching for grants.

Bonnie Christie, Library Trustees and Shelburne Natural Resources Committee, thanked the building steering committee and the Selectboard for the time and effort on the project to finally get to the contract stage.

**MOTION by Jerry Storey, SECOND by John Kerr, to rename the library fund to “The Future of the Library and Town Center Fund”. VOTING: unanimous (4-0); motion carried.**

#### **11. PUBLIC MEETING ROOM AUDIO/VISUAL UPGRADES**

Joe Colangelo reported meetings were held to discuss upgrades to the existing system in the meeting room. Any changes must be integrated into VCAM’s technology. There is no money budgeted for the upgrades.

Josh Dein said the goals of the upgrades are to increase the readability of materials presented at meetings by the audience, improve audio/visual participation remotely, and add the potential for public comment remotely. After meeting with an audio/visual consultant (Audio Visual Environments), VCAM and staff a wish list was drafted that included:

- 90” wall mounted flat screen TV
- Monitors at the table for board members
- Remove/Skype monitor
- Quality conference phone with audio directly connected to the VCAM system
- Laptop housing materials to be shown on the screen
- Device to monitor incoming community comments
- Document projector for materials received at the meeting
- Portable monitor

Estimated cost is \$25,000 which could be implemented over a number of years as funds are available and as appropriate. How to wire everything together and set up the microphones still needs to be worked out. An email system could potentially exist alongside the VCAM system. Details and associated costs have to be determined. The audio/visual consultant will provide a proposal for the audio/visual system. Having

college technology students set up and install the system as part of a course project could be explored. Other audio/visual suppliers can be contacted as well.

John Kerr mentioned doing a group purchase of equipment with other towns for economy of scale. Staff will investigate the matter. There was mention of using a contemporary classroom instruction model. John Kerr advised a computer based approach and using the internet as the pipeline of information is faster and easier. Josh Dein added the interactive piece is important.

## **12. BUDGETING PROCESS FOR FY2018 BUDGET**

Joe Colangelo stated the town charter requires a draft budget 45 days prior to annual meeting. The proposed budget process for the FY2018 budget includes:

- Review capital plan in September.
- Hold public hearing on the capital plan in October.
- Present a budget narrative from the department describing in general terms budget scenarios with a 3% increase, 0% increase, and 3% decrease.
- Selectboard identifies priorities based on the three scenarios and makes suggestions to the Town Manager for inclusion in the budget being drafted.
- The budget showing +3%, 0%, and -3% is introduced to the Selectboard and the community. Discussion is held with department heads and some commissions.
- Final budget based on the feedback is presented by the new year.
- Selectboard reviews the budget in January for approval and warning for town meeting vote.

Jerry Storey pointed out the process recognizes that staff needs time for the budget effort. There are additional considerations this year. The move is away from strictly incremental budgeting in a series of small steps to looking at +3%, 0%, and -3% budget pressures early in the process. Joe Colangelo added it is useful to do the Selectboard priority goal setting before seeing the three scenarios to see the services the town is trying to deliver and choices that may have to be made. Adding the two budget activities in November (presentation of +3%, 0%, -3% scenarios and collecting comments) will put some stress on staff resources, especially the Finance Director, since this is a very busy time of year with the audit, the new budget, and drafting the next fiscal year budget. Jerry Storey stressed the budget process should not be compromised to add the new activities. John Kerr observed the changes can occur over multiple budget seasons. The overall expectation of the process is what is important. Colleen Parker said there have been changes to the budget process before. The narrative will be very useful.

**MOTION by John Kerr, SECOND by Jerry Storey, to adopt the budget process as presented on July 12, 2016 for the FY2018 Shelburne Town Budget. VOTING: unanimous (4-0); motion carried.**

## **13. LEASE AMENDMENT FOR AT&T EQUIPMENT**

Joe Colangelo explained now that the maintenance is done on the south tank the town hopes to expand the equipment leases on the tank. With the AT&T lease not much

revenue was gained by the town, but the town did gain more control on the lease. The Town Attorney has reviewed the document.

**MOTION by John Kerr, SECOND by Josh Dein, to authorize the Town Manager to execute the 3<sup>rd</sup> amendment to the lease agreement with AT&T for their equipment on the south water tank. VOTING: unanimous (4-0); motion carried.**

#### **14. DISCUSS IMPACT FEES**

Joe Colangelo stated impact fees are tools to bring in revenue not through property taxes or to reduce the burden on property taxes. Other communities take advantage of these tools. The town could use funding from these fees to help cover the cost of the new storm water regulations or the new library building.

John Kerr suggested implementing some form of surcharge rather than impact fees.

There was agreement the discussion of impact fees fits in the budget discussion. A group could be convened to frame the issue. A session for public input on the general concept of impact fees or surcharges could be held. Staff will provide more information on impact fees/surcharges during the budget process.

Don Stevens, resident, said he would like to see involvement of all town officials representing the citizenry to get more public input on issues. Mr. Stevens mentioned in Enosburg impact fees were a hot item. The dilemma was imposing impact fees and losing the tax base to the neighboring town that does not have impact fees. The town had to offer incentives to entice companies to stay. Impact fees should be considered for direct impacts on town infrastructure only.

Bonnie Christie, Library Trustees and Natural Resources Committee, pointed out the town plan recognizes impacts of development and the need for impact fees.

#### **15. FY2016 ESTIMATED YEAREND STATUS REPORT**

Peter Frankenburg reported:

- Invoices are still coming in for FY16.
- Legal fees spent through the end of June 2016 total \$323,600. Some expenditures were by the Water Department and Waste Water Department, but the majority was by the town. The legal budget for FY16 was \$30,000. Vermont Railways litigation cost through June 2016 was \$207,600.
- There are offsets to the over expenditure in legal fees. Revenue from permits and fees collected by Planning & Zoning is \$31,000 over what was projected. Staffing in the Town Manager's Office saved \$20,000. Fuel cost and overtime due to the mild winter saved \$36,000 in vehicle fuel, approximately \$10,000 in heating fuel, \$14,000 in overtime in the Highway Department, and \$35,000 in salt usage. Capital improvements that were deferred to FY17 saved \$40,000.
- Property and Liability insurance was over budget by \$26,000.
- Fund balance is \$540,000. Some of the money will be used to offset the legal over expenditure.

- The schedule of legal costs has been provided. The budget status includes the bills paid. The summary sheet (one page) includes services provided, but not paid as yet. The summary sheet is the most accurate status.

Josh Dein asked for a breakdown of the \$29,000 in miscellaneous legal services. Peter Frankenburg explained when bills are reviewed costs for major items under litigation are entered as a line item and smaller issues (personnel, legal questions, and such) are put into the general miscellaneous line item. Staff can review the miscellaneous category to see if there is a trend or if further breakdown is needed. Josh Dein asked if the consultant and witnesses for the Vermont Railway case were part of the legal expenses. Joe Colangelo confirmed this.

Joe Colangelo recognized the focus on legal expenses, but pointed out staff has managed \$4.5 million in personnel expenses and a half million dollars in highway paving with only \$23,000 of miscellaneous legal issues.

Colleen Parker pointed out “miscellaneous” means something did not fit into a stated category. Ms. Parker calculated there is \$149,000 in offset of the legal over expenditure, and the impact of the items that may have been mitigated by the town through the Vermont Railways lawsuit may not show a savings immediately, but will become more evident over time.

Don Stevens, resident, acknowledged the time and effort to serve on the board, but expressed concern about the legal fees and hearing statements on the street, such as “spend money at all costs” or “don’t worry about the nickel and dime stuff”. Overall a good job is done on the budget so what is different about the legal fees. The town charter says overspending the budget needs input from the voters. Seeing a legal budget of \$30,000 and one project at \$207,000 in legal fees questions if the matter has become personal. The citizens have to pay for the over expenditure. The minutes reflect discussion of legal expenses was done in Executive Session. At some point the voters can only absorb so much. The Selectboard should ask the voters whether to continue the fight. There is precedent in Thetford with a fight against the railroad like Shelburne is experiencing. Moving forward and asking the voters to spend more on legal fees likely means the items requested in next year’s budget will not be granted. The citizens cannot afford taxes to keep increasing. The Selectboard is asked as a courtesy to the voters to remember there is not an endless supply of money and the town cannot afford to win at all costs. At some point it must be determined whether to continue or try to work out an arrangement with the other party without spending more money. Lots of people are getting vocal about the legal fees. Jerry Storey assured that most of the questions raised are familiar to the Selectboard. There is frustration that much of the conversation cannot occur publicly which makes it difficult for everyone involved. Colleen Parker noted the tremendous effort by the Selectboard and the town to include everyone in the decisions. Multiple meetings were held that were well attended. The comments were taken into consideration.

## 16. ADJOURNMENT

**MOTION by Jerry Storey, SECOND by John Kerr, to adjourn the meeting.  
VOTING: unanimous (4-0); motion carried.**

The meeting was adjourned at 9:21 PM.

*RecScty: MERiordan*