

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
July 26, 2016**

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

ADMINISTRATION: Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Police Chief Jim Warden.

OTHERS PRESENT: Katelyn Brewer-Colie, Jim White, Janet Nunziotta, Beth Roundtree, Jan Lawson, Kate Lalley, Judy Raven, Doug Merrill, Andrew Everett, Mike Ashooh, Marc Gamble, Jason Levinthal, Luke Levinthal, Bonnie Christie, Gail Albert, Jessica Brumsted, Doris Sage, Time Burke, Peter Antinozzi, Steve "Rocco" Antinozzi, Joplan James, Andrea Bergeron, Jane & Tom Zenaty, Don Randau, Elizabeth Hollister, Debby Bergh, Brian Barrett, Brittany DuPratt, Michael Abrams, Heather McKim (Shelburne News).

CHARRETTE: Southern Gateway

The Selectboard participated in a charrette to plan the southern gateway prior to the regular meeting.

1. CALL TO ORDER

Chairman Gary von Stange called the regular meeting to order at 7 PM and noted this is VCAM's 300th episode of broadcasting Shelburne Selectboard meetings.

2. APPROVE AGENDA

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

3. APPROVAL OF MINUTES

June 28, 2016

MOTION by Josh Dein, **SECOND** by Jerry Storey, to approve the 6/28/16 minutes as written. **VOTING:** 4 ayes, one abstention (John Kerr); motion carried.

July 26, 2016

MOTION by Jerry Storey, **SECOND** by John Kerr, to approve the 7/26/16 minutes as written. **VOTING:** 4 ayes, one abstention (Gary von Stange); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

None.

5. SELECTBOARD COMMENTS

- Colleen Parker thanked the Alberts for hosting the charrette at Shelburne Vineyards to discuss the southern gateway design. The turnout was great and much was learned.

- Jerry Storey commended the Cemetery Commission and Ernie Goodrich and crew for their efforts to maintain the cemeteries as restful, serene, respectful final resting places.
- John Kerr thanked Joe Colangelo and Paul Goodrich for their help with looking at improvements on Bay Road. Mr. Kerr also mentioned activity with Vermont Railways and Saturday morning trains rolling through town around 4 AM. There is an extraordinary amount of whistle blowing by the trains. Dave Wulfson, Vermont Railways President, said they are not trying to be disruptive and are trying to be good neighbors. The community should be aware of this and share comments with Vermont Railways so there can be a better relationship.
- Gary von Stange commented on the magnificent job being done by Poet Laureate, Rick Bessette, and thanked fellow board members for supporting the program and appointing Mr. Bessette.

6. TOWN MANAGER'S REPORT

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

- Immediate steps were taken to fix the discharge of unchlorinated water from waste water treatment Plant 1. DEC is happy with the town's thorough response. The discharge was not raw sewage, but was water not treated with chlorine. The lake water is still safe for swimming. The \$3 million bond passed by voters will mostly be used toward needed improvements at the treatment plants.
- The storm water drainage ditch at Brook Lane will have a rain garden added to eliminate the risk of someone falling into the ditch.
- Updated plans from Vermont Rail Systems have been received and are available for viewing in the Town Manager's Office. Staff is trying to get the plans in a form to be posted online.

7. PUBLIC HEARING: Shelburne Solar Electric Facility Siting Standards Ordinance

The public hearing was opened at 7:12 PM.

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

COMMENTS

Gail Albert asked why all the natural resource items were deleted from the ordinance, stressing the town should maintain the town's commitment to natural resources in the ordinance. Gary von Stange explained the Town Attorney did not want Shelburne to bear the burden of legal costs to support the ordinance beyond what the legislature approved. Joe Colangelo added the ordinance is not what the Planning Commission desired, but is as much as the legislature would allow municipalities to do at this time. Amendment of the ordinance can be done in the future. The Planning Commission preferred moving forward with the ordinance rather than not having an ordinance for solar electric facility siting in place.

There were no further comments.

MOTION by Colleen Parker, SECOND by Josh Dein, to close the public hearing. VOTING: unanimous (5-0); motion carried.

The public hearing was closed at 7:16 PM.

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt and sign the Shelburne Solar Electric Generation Facility Siting Standards Ordinance as presented. VOTING: unanimous (5-0); motion carried.

8. FUTURE BIKE/PED PRIORITY SIDEWALK AND PATHS MAP

Following discussion the Selectboard agreed the focus will be on the procedure to follow with the paths map rather than discussion of specific paths or sidewalks. John Kerr suggested the Paths Committee further vet the paths. Colleen Parker suggested consulting the Paths Committee to see if they feel the vetting is complete. Josh Dein said the Paths Committee and Planning Commission did vet the paths. The map is a vision so sending it back may not accomplish the goals of the Paths Committee. Gary von Stange noted the concern is whether enough notice as to what was being considered was given so those impacted could be heard.

MOTION by Jerry Storey, SECOND by Josh Dein, to set public comment at three minutes per person for whomever wants to comment. VOTING: unanimous (5-0); motion carried.

COMMENTS

Marc Gamble, Paths Committee, suggested the Selectboard move forward on 16 of the 19 paths recommended by the committee and further discuss the three controversial paths (Shelburne Museum property, Shelburne Heights/Pierson Drive to Boulder Hill, Logan/Webster Road).

Toni Supple, Pierson Drive, agreed the Pierson Drive/Boulder Hill path should be discussed separately from the other paths on the map. The path is still shown on the map even though the Selectboard did not make a decision to accept the path. The neighborhood including two members who could not attend the meeting care very much about the issue and want the full attention of the Selectboard on the matter.

Peter Antinozzi said the map is a plan. The paths are not set in stone and each one would have to go through the approval process before being built. There is not a problem having a vision. The map should go to the Selectboard as a nonbinding vision. Joe Colangelo confirmed the map is a visionary document, not regulatory, and no path or sidewalk will be constructed without authorization by the Selectboard.

Michael Ashooh spoke in support of the paths map as a complete package with 19 paths. The map is a vision and aspirational, not binding. Vetting has been done. Public hearings were held. Each path must be supported. The Selectboard should take action on the complete package.

Gail Albert agreed the map should stay with the Selectboard because it is a vision. If further review is needed then Shelburne Natural Resources Committee should be included because there are natural resource implications. If any paths are separated out of the list then not all are getting the same vetting. The town needs to decide if this is the vision or not and look at the entire plan. A condition could be set that only paths on public land will be covered.

Elizabeth Hollister, Pierson Drive, requested more discussion on the path at Shelburne Heights by the Selectboard.

Doug Merrill said the plan with 19 paths is a cohesive plan and basically a list of priorities by the Paths Committee that sets the agenda for work in the future. Each path will have to be approved separately. Regarding paths on private land, there were certain connections the town wanted to make, but did not have the resources at the time. The plan is for five, 10, 15 years in the future so having Shelburne Museum understand the town would like a path that crosses their property even though the town has no means to do this may be productive in the future.

Judy Raven agreed with previous comments on keeping the plan before the Selectboard and commended the Paths Committee for the work done.

Rocco Antinozzi endorsed the prior statements and recalled in 2008 there was a bond vote and discussion on how paths will be implemented. The Selectboard voted explicitly then that each path would go before the Selectboard for a vote prior to construction.

Kate Lalley said the paths have been thoroughly vetted by the Paths Committee and did come before the Planning Commission in warned meetings. The town plan is clear that in Growth Area 2 the goal is to achieve connectivity between neighborhoods.

Jason Levinthal said it seems like a waste of time and eventually money to debate for hours when the town does not have the money to do the paths now, and then five years from now have the same discussion with new people in town.

Jerry Storey suggested the Selectboard hold a vote at the 8/23/16 meeting on the paths with excise of the three paths needing additional conversation which should be taken up with as much dispatch as possible. "Visionary" is one description, but inclusion in a plan on a map is longer than indicative yet shorter than prescriptive so a statement should be added saying these designations have no regulatory effect.

Josh Dein expressed preference to move forward procedurally with what the Paths Committee and the Planning Commission put forth to recognize the work that has been done. Second guessing what was brought to the Selectboard does not support the work. Each path will be thoroughly addressed when it comes up for review. From a visionary standpoint it is useful to have all the paths recognized. Each path will be discussed at the implementation phase.

John Kerr said it is clear in the memo from the Shelburne Museum that the path on their property is not wanted so that path should not be included on the map.

Colleen Parker agreed that approving the list piecemeal sets a bad precedent, but there is a difference between a path on town property versus land not owned by any particular person or persons. Town land should be accessible to all. The list of paths minus the path on the Shelburne Museum property should move forward.

Gary von Stange spoke in favor of the Selectboard endorsing 16 paths and discussing the three controversial paths separately at another meeting. The consensus of the Selectboard appears to be to decide at the next meeting which paths will go forward to public hearing in September and to set a date after which a date will be set for the three controversial paths with the goal to have all the paths moving forward for discussion at some point.

9. VILLAGE SAFETY PEDESTRIAN AND TRAFFIC CONCERNS WITH INTERESTED NEIGHBORS

Joe Colangelo said there is concern in the village among residents of unsafe traveling speeds by vehicles and pedestrian safety. Police Chief Warden and staff have investigated the matter.

COMMENTS

Jan Lawson, Hillside Terrace, spoke of the concern for pedestrian safety at the crosswalk on Route 7 by Church Street. A flashing light or lowering the speed limit is needed. Also, residents from Harrington Village must walk to the Mobile Station in order to use the crosswalk yet there are three crosswalks between the Country Store and the Catholic Church on Falls Road which is half the distance. On Falls Road by the cemetery the sidewalk is not apparent to drivers. Cars are passing on the right and driving on the sidewalk. The speed limit is too high in the area as well.

Beth Roundtree, Marsett Road, expressed concern for the speed of cars on Marsett Road and Falls Road. The speed cart when present has made a difference. The sidewalk on Falls Road has no separation from the road which makes pedestrians feel vulnerable.

Jim White, Hillside Terrace, said in a car dominated society the perception is of drivers, not pedestrians. Pedestrians are trying to move through an "asteroid field" when walking on Falls Road with cars and trucks going by. People may not be walking because they are not comfortable with the traffic. Regarding the 85th percentile and only 15% of drivers driving above the speed limit, if it is assumed drivers are exceeding the 35 mph speed limit by five or 10 mph then the speed limit should be set at 25 mph if the town wants driving at 35 mph.

Doris Sage, Marsett Road, said there has been a problem with cars on Marsett Road for over 30 years. Traffic has now quadrupled so it is impossible to cross the road. There are three streets coming into a densely populated area so 35 mph does not make sense. Lowering the speed limit to 25 mph and adding a crosswalk would make sense. The road

is too hazardous as it is now and something is going to happen if the matter is not addressed.

Janet Nunziotta, Falls Road, said the Selectboard should be concerned when there is a known hazard on Falls Road with the sidewalk at grade level. It is not a safe situation so the 85th percentile rule should not be followed. The Selectboard needs to be more concerned about safety knowing there is a hazard rather than whether the speed limit can be enforced.

Kate Lalley said the town has control of Falls Road, but does not control Route 7. Falls Road is an opportunity to pursue for better safety, quality of life, sense of place, and a better arrival experience to town. The speed limit should be lowered and the road put on a "road diet" with expanded sidewalk and curb, planting street trees, adding on-street parking. The town has been designed exclusively for the automobile and not the people who live here and the bicyclists. The changes would be more equitable for people and good for storm water management.

Katelin Brewer-Colie, Local Motion, noted past work with the town by Local Motion on projects and commended the town for the paths map. Ms. Brewer-Colie said roads are designed for speeds higher than the posted limit so cars travel faster. Enforcement of the speed limits is needed. The town should look at the road design and try to narrow the lanes to signal to drivers that the place is for people, not for fast driving. Local Motion has a pilot trailer stocked with materials towns can use to try to reduce traffic speed. Gary von Stange mentioned the work by Local Motion on changes to Bay Road and spoke in support of a bike path from Charlotte through Shelburne to Burlington.

Tom Zenaty said he is frightened when walking on the sidewalk on Falls Road with traffic and suggested a rumble strip be installed between the road and sidewalk or a visual reminder be posted to make drivers more aware of the sidewalk. This is a liability issue for the town.

Peter Antinozzi suggested cameras be posted that will photograph license plates and send a ticket to offending drivers.

Police Chief Warden stated the speed cart has been placed at different locations around town. The cost of each cart is \$13,000. Most motorists lose track of their speed or just do not follow the rules. Route 7 through Shelburne is a high accident area mostly due to the inattentiveness of the operator. Between January 2015 and July 2016 the police made 114 stops on Falls Road and 44 stops on Marsett Road for speeding. Marsett Road is more dangerous than Falls Road. People are speeding from the traffic light. A grant was received and an officer has been assigned to speed and stop sign enforcement in the area two to three times per week. Bicyclists cutting in front of cars are ticketed. The police do recognize there is a problem and are trying to address it with enforcement, the speed cart, cones in crosswalks.

Joe Colangelo stated staff has looked at lots of options. The Selectboard can lower the speed limit, but it must be enforceable. The sidewalk on Falls Road is not safe and will be expensive to fix. The road needs other improvements as well. The town is working with Regional Planning and seeking funding.

Jerry Storey said there is a thoroughfare problem on Marsett Road and a different problem of safety and convenience on Falls Road past the Post Office. Mr. Storey suggested a temporary advisory body be convened to further discuss with residents, Selectboard, town staff, and experts from the state and region the cost of curbing and sidewalk, for example, so the problem is not left in the abstract and then specific proposals can be entertained.

Josh Dein suggested the same process that resulted in improvements to Bay Road and the charrette on the southern gateway be followed to address the problems with Marsett Road and Falls Road. Gary von Stange pointed out there are problems on virtually every road in the area.

Kate Lalley suggested starting with the purchase of more speed carts and placing these in key locations then making incremental changes to Falls Road such as the rumble strip, removing some pavement and creating a verge between the sidewalk and road, planting some trees. Gary von Stange said the purchases should be brought up when the Selectboard is discussing the capital budget because the issue of speeding cars and traffic is town-wide.

Following further discussion there was agreement the Town Manager will draft suggestions for consideration and discussion by the Selectboard at a future meeting. Joe Colangelo was credited with bringing up for discussion the matter of pedestrian safety and traffic in the village. John Kerr suggested the weekly report from the Town Manager contain a brief note on the activity on the roads.

10. ANNUAL CBC REPORT WITH SHELBURNE BIKE/PED PATHS COMMITTEE

Marc Gamble, Chairman of the Bike/Ped Paths Committee, highlighted the following:

- The committee follows the mission to create a network of paths linking residents and fostering a sense of community.
- The committee provides input to the Selectboard, Planning Commission, and DRB.
- Geographic diversity is reflected on the committee.
- The committee secured nearly \$200,000 in grants for path work for the town.

Gary von Stange suggested the committee look at the agendas for the Planning Commission and DRB to provide comment when appropriate. The Selectboard thanked the Paths Committee for the commitment to their work. Jerry Storey asked if there are organizations that adopt walking or biking as wellness programs. Marc Gamble said VTrans, Local Motion, and Regional Planning have all spoken at committee meetings.

Katelin Brewer-Colie with Local Motion said there are some programs in the schools and other organizations, like AARP, that are interested in walking and biking.

11. BAY ROAD CORRIDOR FOLLOW UP

Joe Colangelo reported most of the comments received have been in favor of the Bay Road underpass pilot project. The data collected will be analyzed before the Selectboard adopts the ordinance. A grant has been submitted for a gravel path connecting the fishing access parking lot and the Bay Park parking lot to the TiHaul trail crossing. If the grant is not received then a path will be mowed along the roadside. The shoulder between the bridge and the TiHaul trail will be increased. The Selectboard must decide if the bridge will be on the ballot. The Bay Road corridor study is with Regional Planning.

Pictures of the extensive erosion and corrosion on the bridge were shown. Next steps include looking at a bond issue for the bridge or installing a temporary structure.

Doug Merrill stated increasing the width of the road shoulder could increase the speed of cars. Joe Colangelo said Regional Planning will review the matter. The road will be striped so the travel lanes are clear. John Kerr added to solve the drainage issue the pavement must be extended into the shoulder.

Kate Lalley suggested putting resources into the path rather than widening the pavement.

12. TOWN MANAGER REPORT: Organizational Planning

Joe Colangelo reported there are staff changes occurring so organizational planning is needed going forward. A plan will be drafted for department heads to consider relative to the current and future function of their department. The organizational improvement plan will be reviewed each year.

13. APPOINT INTERVIEW COMMITTEE FOR TOWN CLERK POSITION

Joe Colangelo suggested the interview committee include town staff, a Selectboard member, and two at-large citizens. The Selectboard will determine the responsibilities of the committee and give instruction. The committee can do the first round of interviews, but the Selectboard will still interview applicants. The committee will disband once the Town Clerk is appointed.

Josh Dein pointed out an interim person will be appointed until the position is filled by election in March. It is important to have public input on the process and the transition.

MOTION by John Kerr, SECOND by Colleen Parker, to create an interview committee for the Town Clerk position and appoint the following people:

- **Jerry Storey (Selectboard)**
- **Joe Colangelo (Town Manager)**
- **Colleen Haag (current Town Clerk)**
- **Susan Cannizzaro (town staff)**
- **David Webster (citizen at large)**
- **Tom Little (citizen at large)**

And further, that the interview committee will be responsible for the initial interview of applicants and provide the Selectboard with a summary, and after the Town Clerk position is appointed the committee will disband. VOTING: 4 ayes, one abstention (Jerry Storey); motion carried.

14. APPROVE 630 gpd OF WASTE WATER ALLOCATION FOR 110 GREY ROCK ROAD

MOTION by Jerry Storey, SECOND by Colleen Parker, to approve 630 gpd of waste water allocation for 110 Grey Rock Road. VOTING: unanimous (5-0); motion carried.

15. PROPERTY LINE ADJUSTMENT FOR TOWN OPEN SPACE

Joe Colangelo reported there is no increase or decrease in the amount of land with the adjustment, just transfer from one area to another. Shelburne Natural Resources Committee has reviewed the proposal.

MOTION by Jerry Storey, SECOND by Josh Dein, to authorize the Town Manager to approve the adjustment of 3,915 s.f. of town open space land to accommodate the current boundary line adjustment approved by the Development Review Board. VOTING: unanimous (5-0); motion carried.

16. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jerry Storey, to find that premature disclosure of the town's litigation strategy involving Vermont Railways and the multi-sector general permit public hearing with Vermont DEC for permit #3-9003 would 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 to discuss litigation strategy involving Vermont Railways and the multi-sector general permit public hearing with Vermont DEC for permit #3-9003, and invite the Town Manager and Town Attorney (via teleconference) to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened and the regular meeting adjourned at 9:36 PM.

RecScty: MERiordan