

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
September 13, 2016**

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

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

OTHERS PRESENT: Toni Supple, Bill Supple, Perry Gaglardi, Tom Denenberg, John Schold, Wendy Sanki, Tom & Jane Zenaty, Doris Sage, Jim White, Jeff McBride, Alice Brown, Andrew Curith, Carolyn Gorman, Marc Vincent, David Hall, Pete Gadue, Tod Walker, Janet Nunziata, Ken Albert, Linda Lavalette, Marc Gamble, John Wagger, Don Russell, Barbara Glade, Gail Henderson-King, Sam Fiddleberg, Joanna Watts, Michael Abrams, Heather McKim (Shelburne News).

1. CALL TO ORDER

Chairman von Stange called the meeting to order at 6:30 PM

2. EXECUTIVE SESSION

The Selectboard entered Executive Session at 6:35 PM pursuant to 1VSA313(i)&(ii) to evaluate candidates for the Town Clerk position and to discuss litigation between the Town of Shelburne and Vermont Railways.

3. RECONVENE REGULAR MEETING

The regular meeting reconvened at 7 PM.

4. APPROVE AGENDA

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

5. APPROVAL OF MINUTES

August 9, 2016

MOTION by Jerry Storey, **SECOND** by Colleen Parker, to approve the 9/9/16 minutes with the following correction(s)/clarification(s):

Page 2, Town Manager's Report, bullet on retirement party – note that the party was for Colleen Haag, retiring Town Clerk;

Page 2, Library Building, 1st bullet – correct the spelling of “stigma”;

Page 6, Vote on APC Property settlement – correct the vote to reflect 4 ayes and one recusal (Jerry Storey).

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

September 6, 2016

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 9/6/16 minutes as written. VOTING: unanimous (5-0); motion carried.

September 12, 2016

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the 9/12/16 minutes as written. VOTING: unanimous (5-0); motion carried.

6. CITIZEN PARTICIPATION & PUBLIC COMMENT

Linda Lavalette, Bay Road, spoke of residents on Bay Road not being in support of the sidewalk and road shoulder improvements because of the loss of limited frontage on their property and the fact there have been no pedestrian/bike – car accidents so having the sidewalk and shoulder does not necessarily improve safety in the area. Ms. Lavalette noted there have been accidents with cars and pedestrians/bicyclists on Falls Road and Harbor Road, both of which have sidewalk.

7. SELECTBOARD COMMENTS

- Gary von Stange mentioned the loss by fire of the dairy barn on Shelburne Farms and the response by Shelburne Fire Department as well as area departments. The town has reached out to Shelburne Farms to offer any assistance moving forward.
- Jerry Storey echoed the remarks on the Shelburne Farms fire and mentioned the retirement party for Colleen Haag (retiring after 35 years as Town Clerk) at the Pizzagalli Center at the Shelburne Museum on 9/15/16. The community is urged to attend. Gary von Stange thanked Shelburne Museum for making the building available to honor Colleen Haag who is a legend and has given so much to so many for so long.
- Colleen Parker mentioned the charrette on 9/20/16 at Shelburne Vineyard at 6 PM for the library building project.
- Josh Dein spoke in support of holding Executive Session prior to the regular meeting as a routine because the time to be in session is limited and decisions can be made in the regular meeting when the public may be in attendance.

8. TOWN MANAGER'S REPORT

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

- Ethics Seminar is 9/14/16 at 7 PM. The Town Attorney will facilitate the seminar.

9. ADOPT ALL OR PORTION OF PRIORITY PATHS & SIDEWALK MAP INTO SHELBURNE COMPREHENSIVE PLAN

Joe Colangelo announced the Bike/Ped Paths Committee feels the maps are good, but concedes more process is essential to come to a compromise on something the public can rally around.

With a quorum of the Paths Committee present, Chair Marc Gamble called the meeting to order at 7:18 PM and read a statement on the map as a high level plan in response to the 2014 Town Plan and objectives to increase connectivity in the town. The tension that has been created over the map is not productive so the committee will work with the town

and Selectboard to better define the process and try to deliver a plan by March. The process is open to the public. All are urged to get involved.

Jerry Storey said he is troubled by the loss that may be represented by withdraw of the map. Concern was previously raised about transparency, adequacy of the vetting process, and deficiencies in the notification process. One of the measurable benefits of the past weeks of discussion is to shine light on these concerns if not to rectify them then to at least adjust them to a standard of town behavior. Significant time has been spent discussing the map and it would be good to issue a resolution to reconfirm town support of connectivity or approve a map with dotted lines. The issue with properties can be addressed in individual path approval by the Selectboard in the future. Mr. Storey spoke in favor of adoption of the entire map at this point because the greatest benefit to the community is to have connectivity and the idea in some form less than prescriptive, but more than visionary.

Josh Dein agreed with much of Mr. Storey's statement and working with the Paths Committee. The decision to withdraw the map is regrettable, but will be honored. The Selectboard is not a "rubber stamp" to the committee's decision. A motion made to support the map would be supported by some members. The discussion has been good with many issues covered. The Selectboard delegated responsibility to draw up the plan so there may be a sense that enough guidance was not delivered to the committee to honor what the Selectboard was interested in seeing. Extending the process and going back to the drawing board without extensive discussion with the Selectboard to determine what is wanted to be considered or if there are issues will create the same situation as currently. There were heated opinions expressed, but there is not a lot of division in the town and there may be more support than not. The process is important and direct guidance from the Selectboard is important to help the Paths Committee. Time can be saved if the map is accepted as is and work is done on individual paths as they are proposed.

Colleen Parker agreed with the comments, but pointed out the Selectboard is expected to provide leadership and part of leadership is planning for the future. Problems usually come up due to poor planning. Part of good planning is having a beginning and a visionary plan. Shelburne can do this successfully and move forward in a thorough manner. There are paths people want that are not disputed.

MOTION by Colleen Parker, SECOND by John Kerr, at the request of the Bike/Ped Paths Committee to revisit the paths and sidewalks maps for adoption into the town's Comprehensive Plan through the process presented in the memorandum from the Director of Planning & Zoning, dated 9/9/16.

DISCUSSION: The following comments were made:

- **John Wagger, Woodbine Road, said no communication was received that the path would be taking part of his driveway and the surrounding mature trees. Mr. Wagger said the trees and privacy are important reasons why he chose to live where he does (been there for 43 years and wants to stay). Also, there is a problem with drainage in**

the area which necessitated installing a drainage system over the years. Removal of the trees will create more of a water problem.

- Gary von Stange said there will be open discussion of visionary and regulatory (property rights) issues with all the paths.
- Toni Supple complimented the Selectboard on how the matter was handled and making sure everyone was informed. Ms. Supple said she heard positive comment on the Selectboard Chair's handling of the situation. Giving people more time to speak about specific paths affecting their property is a good approach.
- Don Russell, Woodbine Road, said the proposed path cuts through his property and the trees which will impact his privacy. Notification was not received of the proposal. Request is made to remove the path from the proposed location on Woodbine Road.
- Barbara Glade, Pierson Drive, said she was not notified of the plan and expressed concern about the impact of the path on wildlife in the area.
- Gary von Stange thanked the Bike/Path Paths Committee for their time, strong leadership, and hard work.
- Josh Dein stated one of the issues on the map that has caused problems is the scale. The size of the path is out of proportion to the size of the map. The exact location of the path is not well represented on the map and that has caused concern. It is unlikely the Paths Committee would suggest something detrimental to properties.

There were no further comments.

VOTING: 3 ayes, 2 nays (Jerry Storey, Josh Dein); motion carried.

Gary von Stange stated the one path not intended to be part of the group is the path known as "Shelburne Heights connector" which will be discussed at the 9/27/16 Selectboard meeting.

10. ANNUAL CBC REPORTS

Tree Advisory Committee

With a quorum of the Tree Advisory Committee present, Chair Gail Henderson-King called the meeting to order at 7:45 PM. Ms. Henderson-King highlighted:

- The Street Tree Management Plan is complete.
- The walking tour pamphlet exploring the cultural landscape of Shelburne is complete.
- The first tree was planted as part of the Memorial Tree Program. The tree was planted at Davis Park and another tree is to be planted at Shelburne Beach.
- A tree donated by Gardenside and Majestic Landscaping was raffled off on Shelburne Day. Other donations were received toward the tree fund.
- A grant was received from the Vermont Urban & Community Forestry Program for a tree at the town beach.
- Maintenance costs are a consideration so the committee is trying to be proactive with maintenance.

Jerry Storey commented on the well written, thoughtful committee report and the idea on involving young people in town government and on tree maintenance and timing with the capital budget.

Gary von Stange mentioned tree branches in the public right-of-way, specifically on Bay Road. Dave Hall, Shelburne Tree Warden, said he informally works with the Highway Department to address trees. Budget and time are issues (the tree warden position and membership on the tree committee are volunteer). More of a maintenance cycle for pruning is needed. Gail Henderson-King said the committee is trying to expand the focus to include outside of the village and would rather spend money on tree maintenance than tree removal. David Hall noted removed trees are chipped and shared with the property owner or picked up by people who burn wood.

Lee Suskin asked about the charge of the Tree Advisory Committee and whether the mission needs to be clarified or changed to match the focus of the work. Gail Henderson-King confirmed there is a mission statement for the committee and documented responsibilities which matches the work done. Dave Hall said Section 9 of the Tree Policy does need clarification with regard to tree removal on private property and the jurisdiction of the policy with regard to tree branches dropping onto adjoining property.

Ethics Committee

With a quorum of the Ethics Committee present, Chair Lee Suskin called the meeting to order at 8 PM and introduced the committee members present. Mr. Suskin reported the committee has a clear mission to hear filed complaints under the Ethics and Conflict of Interest Ordinance, but no complaints have been filed in the last year. The ordinance is to ensure all town committee, commission, and board members are acting ethically and recusing properly. The Ethics Committee advised the Town Manager and Town Attorney on the upcoming training seminar on ethics that will be facilitated by the Town Attorney. In consideration of whether a meeting needs to be warned for a committee giving a presentation the Selectboard is requested to ask the Town Attorney to outline when a meeting needs to be warned. Gary von Stange said the Town Attorney advised “discussion of business” is a grey area so it is best to err on the side of warning a meeting.

Gary von Stange noted there is a protective mechanism in the ordinance that says complaints are first referred to the Chair of the Selectboard. The goal of the ordinance is to give people enough knowledge and experience that there are no complaints.

Veterans Committee

Sam Fiddleberg, Chair of the Veterans Committee, reported the following:

- The flag at the memorial was stolen and not recovered after investigation.
- September 13th is the first anniversary of the monument. A celebration will be planned.
- Recruitment on the committee is to include younger vets and women.
- The committee staffed a table at the weekly farmers market in Shelburne through the summer to provide information on the memorial, the work of the committee,

- and to accept donations. Flags and beads were given out. Aubuchon provided the flags.
- There are many visitors to the monument. The crosswalk is working well and there is plenty of parking, but signs will be posted to direct people to the proper entrance to the memorial (rather than the church entry). There is now water (leaks presently) and electricity at the monument.
 - Colleen Haag and Mike Lynch did the original work with the architect on the monument and then the committee took over to raise funds. The energy, love, and attention provided by Colleen Haag cannot be measured. The committee is dedicating a bench to her. Town staff is thanked for the help in getting the bench.
 - The committee does ceremonial activities (raising the flag, outreach), maintenance and care of the monument, and outreach to young people to work with the committee on the monument and the Rotary for scholarships. Presently there are 433 bricks in place. Donations averaged \$100 per week while at the farmers market along with random donations for an approximate total of \$2,400 which covers expenses.

Colleen Parker thanked the committee for their work and service to the country. The report is a pleasure to read and shows what has been accomplished in a community centered and inclusionary way.

11. APPOINTEMENTS

DRB ALTERNATES

The Selectboard interviewed Norm Blais (via telephone), Joanna Watts, and Perry Gaglardi for the position of alternate on the Development Review Board. There are two openings presently. The candidates briefly reviewed their professional background (Norm Blais and Joanna Watts are attorneys, Perry Gaglardi has a background in finance/investments). The candidates all expressed interest in serving the community. The Selectboard will deliberate in Executive Session at the end of the meeting and make a decision on the candidates in regular session.

The Selectboard interviewed Marc Vincent for a position on the Shelburne Historic Preservation and Design Review Committee. Mr. Vincent briefly reviewed his professional background and interest in serving the town.

MOTION by Colleen Parker, SECOND by Jerry Storey, to appoint Marc Vincent to the Shelburne Historic Preservation & Design Review Committee for a term starting immediately and ending March 31, 2018. VOTING: unanimous (5-0); motion carried.

12. REVIEW DRAFT CAPITAL IMPROVEMENT PLAN AND SET PUBLIC HEARING

Joe Colangelo noted the Capital Improvement Plan (CIP) includes the full cost of the items in the plan. The draft is the first in an iterative process.

Finance Director, Peter Frankenburg said the CIP or Capital Budget and Program is defined in state statute. The following was noted:

- The CIP is a planning tool to look at the town's capital needs for the next six years and plan accordingly to avoid large tax or rate hikes or large expenditures wherever possible.
- There are 100 projects in the CIP. The projects are prioritized.
- The first year of the six year plan has projects that will take place. Years 2 through 6 show future projects. A project in the CIP is not a guarantee the project will be done.
- In order to receive a grant for a project the project must be in the CIP so the project has gone through the public process.
- The cost of the projects in the 2016 CIP is \$27.2 million compared to the 2015 CIP at \$21.4 million. The 2016 CIP includes storm water projects, the sewer bond, and the water line on Spear Street. Funding for the 2016 CIP is \$21.9 million versus \$17 million for the 2015 CIP. Sources of funding include grants, donations, non-tax sources (38%), loans, bonds (45%) and the general fund budget.
- Critical projects include the Bay Road Bridge, storm drain repairs, storm water regulations, emergency services. Projects in Year 3 include the new library building, town center site, town hall, highway garage repair and storage building. Projects in Year 6 include the Bay Road underpass, Falls Road/Route 7 intersection, Falls Road streetscape, and the connector road from Harrington Avenue to the Shopping Park.
- There is funding included in the CIP for sidewalks and paths including the sidewalk from the town center site to the Shelburne Museum, sidewalk on Falls Road from the bridge, pedestrian safety improvements in the village area, Bay Road corridor improvements to shoulders and for visibility, and connecting Rivercrest to the village via Irish Hill Road with a bridge crossing.
- Debt service on past capital projects does not show much of a decrease in the CIP until the debt is retired. There are 20 year loans in the Waste Water Department that continue to be paid down.

Positive comment was made on the format and readability of the CIP. Jerry Storey asked if escalators are used. Peter Frankenburg said there are escalators in the plan. Department Heads provide input and the plan is fine-tuned with each iteration. Jerry Storey asked about private donations for the library building rather than bonds. Peter Frankenburg said the majority of funding for the library building is grants and donations so a bond if necessary would be minimal. The Selectboard needs to decide the funding level by the town. Colleen Parker said the amount in the CIP is a place holder. There is a plan to secure funding in a different fashion.

Josh Dein said he would appreciate an education on how items get into the CIP, the cost figures, and where the information on replacement cycles can be found. Posting the information on the website for the public to view is suggested as well.

John Kerr noted the first draft of the CIP will change and there is opportunity to ask questions. Some priority items need to stay in the plan. Staff does a great job of packaging the content.

Gary von Stange mentioned damage to fire trucks while at the barn fire on Shelburne Farms. Chief Ouimet said Engine 1 and Engine 2 sustained windshield, headlights, and paint damage from the heat and lack of water to protect the equipment. Once all the water was used to fight the fire the equipment was exposed to the intense heat. It took some time for other departments to arrive on scene with more water. Gary von Stange said another issue for consideration is the height of the Quint Fire Truck being able to get to a fire if the rail crossing on Harbor Road is blocked (the truck will not fit under the Bay Road Bridge). Vermont Railway and the state have an agreement that the railroad is to provide maintenance on the bridge, but the railroad disputes this. The bridge is in terrible shape.

Jeff McBride mentioned the Pedestrian Safety Committee that has been formed with a focus on implementing pedestrian safety improvements in the village to help increase safety and develop the streetscape. Actions are needed to further change the sidewalk and streetscape to be able to further decrease the speed limit on the road. Reducing the width of Marsett and Falls Road and incorporating Local Motion as the vetting ground of ideas to further improve the streetscape are suggested.

There were no further comments.

MOTION by Colleen Parker, SECOND by John Kerr, to warn a public hearing on October 25, 2016 for the adoption of the Capital Improvement Plan. VOTING: unanimous (5-0); motion carried.

Joe Colangelo said per statute the CIP will be presented to the Planning Commission.

Jerry Storey thanked Joe Colangelo for his involvement with the CIP.

13. REPLACE/UPGRADE SPEAR STREET WATER LINE

With a quorum in attendance Chair John Schold called the meeting of the Water Commission to order at 9:32 PM and explained the \$500,000 bond for the Spear Street water line replacement that will be put before the voters for approval. Four hundred homes in Shelburne are impacted by the water line on Spear Street which has suffered multiple breaks. Joe Colangelo mentioned the plan to loop the line from South Village in South Burlington so there is an extra loop should there be a water line break on the South Burlington side. There are only a handful of properties on the line in South Burlington. The Water Department has \$150,000 remaining from a bond that will be available if needed. The Water Commission supports the bond.

Colleen Parker asked if South Burlington would be interested in having the three houses in their town on the Shelburne line and subsidizing the loop. Joe Colangelo said South

Burlington may be willing to provide an easement for the loop, but Shelburne is better served by having the line looped.

Josh Dein questioned if South Burlington is getting a deal from Shelburne. There could be a 4% increase in the water rates. Mr. Dein said he would like to see the estimates for the water line replacement before agreeing to a bond vote. Colleen Parker assured there will be time for discussion.

MOTION by Colleen Parker, SECOND by Jerry Storey, to warn a special town meeting on the November 8, 2016 bond vote for the \$500,000 capital improvement project to upgrade the Spear Street water line, and to sign the necessary documents. VOTING: 4 ayes, one abstention (Josh Dein); motion carried.

Jerry Storey asked the anticipated completion of the project. John Schold said July 31, 2017 is the projected completion date.

14. WASTE WATER ALLOCATION REQUEST

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve the request for an additional 210 gpd of waste water allocation for 624 Falls Road. VOTING: unanimous (5-0); motion carried.

15. APPROVE RENEWAL LOAN FOR 2012 HIGHWAY TRUCK

MOTION by Colleen Parker, SECOND by Jerry Storey, to approve a renewal loan in the amount of \$18,000 with National Bank of Middlebury to finance a 2012 highway truck and to sign the necessary documents. VOTING: unanimous (5-0); motion carried.

16. AUDIO VISUAL UPGRADES

Joe Colangelo outlined three options for audio visual upgrades to the meeting room. Josh Dein noted the original proposal included remote access if a member had to leave the room and the ability for a community member to ask questions remotely. Staff will provide more information at the next meeting. Gary von Stange suggested delaying the audio visual equipment decision until further discussion with the DRB on whether on the record review should continue. The Selectboard concurred.

17. PUBLIC HEARING: Amend Traffic Ordinance

Joe Colangelo said the pilot project of stop signs under the rail underpass provided lots of data. Regional Planning will do a follow up study.

MOTION by Colleen Parker, SECOND by Jerry Storey, to warn a public hearing to amend the traffic ordinance on October 25, 2016. VOTING: unanimous (5-0); motion carried.

18. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jerry Storey, to go into Executive Session to discuss the candidates for the DRB alternate positions. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 9:52 PM.

RecScty: MERiordan