

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
October 25, 2016**

- MEMBERS PRESENT:** Gary von Stange (Chairman); Colleen Parker, Jerry Storey, John Kerr, Josh Dein.
- ADMINISTRATION:** Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Ann Janda, Assistant Manager; Colleen Haag, Town Treasurer; Chris Robinson, Water Quality Superintendent; Jim Warden, Police Chief; Lara Keenan, Library Director.
- OTHERS PRESENT:** Alex Nalbach, Marc Vincent, Crea Lintilhac, Michael and Louise Kopek, Anita Roger, Brian Precourt, Tom Beaudoin, Ed Dixon, Gillian Dorfman, Cathy Phillips, Adam Forman, Ellen McShane, Paul Boisvert, Susan Dunning, Georg Steinhersson, Barbara Jewett Noyes, Julia Ely, Stephen Baietti, Jeff Zweber, Carolyn & Doug Brown, Kate Longmaid, Stephen Baad, David Mitchell, Victoria Johnson, Betsy & Don Dempsey, Ashley Adams, Paul Adams, Pyke Porter, Marc Gamble, Paul Adams, Doug Robbie, Bob Saymore, Kate Lalley, Boston Neary, Jea Lavalette, Kerry Cyr, Eric Sieber, E.F. Jewett, Ned McMahon, Don Rendall, Jeff McMahon, Paula Beales, Ronald Beales, Jane Osborne McKnight, Ruth Hagerman, Laurian Matton, Doris Sage, Terry Kennaugh, Robin Jeffers, Jack Morish, Mike Abrahms, Heather McKim (Shelburne News).

The Selectboard met at 6 PM to hold a Bay Road Pedestrian and Bicycle Mobility Study local concerns meeting.

1. CALL TO ORDER (regular meeting)

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

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

October 11, 2016

MOTION by Jerry Storey, **SECOND** by Colleen Parker, to approve the 10/11/16 minutes as written. **VOTING: unanimous (5-0); motion carried.**

October 13, 2016

MOTION by Jerry Storey, SECOND by Josh Dein, to approve the 10/13/16 minutes with the correction to the time of adjournment and that Josh Dein left the meeting. VOTING: 3 ayes, 2 abstentions (Gary von Stange, Colleen Parker); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

There were no comments from the public.

5. SELECTBOARD COMMENTS

- Jerry Storey urged everyone to get out and vote.

6. TOWN MANAGER'S REPORT

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

- A consortium of town managers and fire/rescue chiefs met to discuss the dispatch implementation study. Consultants are doing interviews. A report will be provided at the end of the year.
- Shelburne's storm water program was presented at the Professional Managers Conference. Shelburne now needs to focus on creating economic development opportunities.

John Kerr mentioned the Vermont State Police may be seeking to build a facility in the local area. Joe Colangelo will investigate the matter.

7. ANNUAL CBC REPORTS

Library Trustees

With a quorum of Library Trustees present, Ruth Hagerman called the meeting to order at 7:10 PM and reviewed the report to the Selectboard with the mission statement of the library and the annual calendar of events. The following was highlighted:

- The library board and responsibilities are per state statute.
- Diversity on the board is representative of Shelburne. Appointment recommendations are made to the Selectboard.
- New policies on alcohol and background checks for the library have been adopted.
- A fund raising consultant has been hired to work on implementation of internal processes.
- The Library Trustees are receiving requests to use donations to fund library operating costs (last year 1.5% of private donations were used).
- Goals include filing a new three year strategic plan with the state and continued work with the steering committee toward the new building.
- Circulation figures show the library is very busy with book loans, programs, and visits to the library up significantly. The library is 5% of the town budget and costs \$52 to \$55 per year per resident. The library offers a variety of services in addition to books. Nearly 70% of Shelburne residents have active library cards.

Jerry Storey asked about the reply to the question on a 2% cut in the budget. Ms. Hagerman said the information will be in the budget narrative. Jerry Storey commented

the congruence between the mission statement and potential of a new facility is strong direction and a well-made point.

Colleen Parker asked about library conference room use. Lara Keenan explained the library conference room is free to use. A Shelburne resident must reserve the room which is only available during library hours. The room is on a first come, first served basis. The room is in use all the time. Colleen Parker asked about publicizing the library and events. Lara Keenan said about \$25 per month is spent to Facebook popular events. Other sources include Shelburne News, Front Porch Forum, Shelburne Heights, Seven Days, Burlington Free Press. Colleen Parker asked about special steps to be taken by the library coming into winter. Lara Keenan mentioned preventative measures taken to avoid frozen pipes and flooding into the library.

Joe Colangelo said the library has been paying for the cleaning services that are needed at the library due to the high volume of use. The town should supply this service and can discuss this at budget time.

Library Building Steering Committee

With a quorum in attendance, Lara Keenan called the meeting of the Library Building Steering Committee to order at 7:24 PM and highlighted the following:

- The library is a hub for economic development and fosters business in the community.
- There are two new members on the steering committee.
- A consultant has been hired for fund raising and an architecture firm has been hired for building design. There is a project manager and a grant was received for the library project. A system has been set up to organize donors and volunteers.
- Public engagement sessions are being held. Lots of feedback is being received. There is an online form for feedback on the design of the building.
- Funding options are being explored.
- The project name is “20/20 Vision: The Future of Shelburne’s Library Center”.
- Goals include one design for the library, walkability of the campus, and town hall, and a feasible funding plan.
- 3-D models of the new library building will be available in November. Costs will be priced out by December.

Doug Robbie questioned the need for 11,000 s.f. of library space for a town of 7,700 people when there is 20,000 s.f. of space in the town center building. Mr. Robbie also expressed concern about the cost of the library especially after the \$9.2 million school bond. Mr. Robbie mentioned materials being available via the internet having an impact on the future of the library and that architects have a vested interest in building new buildings. Gary von Stange stated the library is needed. The figures demonstrate the library is an integral part of the community and growing in use. The square footage of the library in 1995 was recognized as insufficient then and would have to be increased. A bond has not been discussed by Selectboard. There have been discussions of financing perhaps up to 90% of the new building with private donations. Colleen Parker confirmed the steering committee did investigate the need for a new building and the size. There is

an upcoming charrette scheduled on the library project where questions can be asked and answers provided.

With no further business before the Library Board or Building Steering Committee and without objection, both meetings were adjourned at 7:44 PM.

8. APPOINTMENTS TO TREE ADVISORY COMMITTEE

The Selectboard interviewed Hope Johnson for a position on the Tree Advisory Committee. Hope Johnson explained her past experience and interest in trees, especially with Treebeard who accompanied her to the meeting. Treebeard recommended Ms. Johnson for the position. The interview of Dawn Keough-Schmidt was postponed until the applicant can be in attendance.

MOTION by Colleen Parker, SECOND by Jerry Storey, to appoint Hope Johnson to the Tree Advisory Committee for a term beginning immediately and ending March 31, 2019. VOTING: unanimous (5-0); motion carried.

9. PUBLIC HEARING: Parking Ordinance Amendments to create a one lane, alternating traffic condition at the Bay Road underpass

The public hearing was opened at 7:49 PM.

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

Sai Sarepalli, CCRPC Transportation Planning Engineer, reviewed results of the data collected pre- and post-pilot program involving stop signs on each side of the underpass. Regional Planning will work with the town to explore more options. The data show pedestrians, bicyclists, and cars want to use Bay Road. Traffic control should be in place during area events when traffic volume on the road significantly increases. Pedestrian and bike facilities on Bay Road should be investigated. Signs should be posted to allow full use of the lanes by bikes. Removable speed bumps can be installed. The town should work with the railroad on options and funding for the railroad bridge.

The complete report from Regional Planning will be posted online.

COMMENTS

Ellen McShane, Bay Road, said it is unclear how traffic on the road will diminish with sidewalks or how safety will improve. Traffic on the road has increased over the past 20 years and continues to increase. Police are not seen on Bay Road slowing down the cars. The stop signs create pollution from idling cars and when there is event traffic it is impossible to get out of the driveway.

A woman on the telephone urged voting against making the stop signs permanent because they are not needed. There have been no accidents and that speaks to safety. Bikers need to stop at the signs as well as cars. Bikers need to use common sense. The proposal is coddling to a small population and inconveniencing everyone else. This is the

first step to making Bay Road a community bike path. This is a dangerous and slippery slope. The Harvest Festival had traffic backed up going to the event. Shelburne Farms does not allow bike traffic.

Marc Gamble asked about the traffic increase. Gary von Stange said there is a seasonal increase each year, but there has also been a gradual increase as more people move to Shelburne and visit the town. Mr. Gamble mentioned the effort to have volunteers collect pedestrian data. The sample size (15 people) is small, but has positives in factors of five. Pedestrians and bikers are obviously in support of the amendment.

Crea Lintilhac, Shelburne resident who uses Bay Road, said the issue is public safety. The effort needs to be refined to something comprehensive in terms of improving the underpass, the bridge, and making Bay Road safer for pedestrians, cyclists, and autos. It is safer driving through the underpass with the stop signs in place. Bay Road is a beautiful road and people should be encouraged to walk and bike. The bridge and underpass will have to be rebuilt as time goes on. The effort to improve public safety on Bay Road is appreciated.

Pyke Porter spoke in support of the stop signs being permanent. The corner is blind coming to the bridge and a safety hazard. The stop signs help. The extra delay by motorists is well worth the safety the stop signs provide.

Julia Ely, Bay Road, suggested stop lights be considered on each side of the underpass rather than stop signs so there is a group of cars that can advance through the underpass at one time rather than a single car. This may alleviate the horn honking and aggression that is occurring with the stop sign arrangement.

Paul Boisvert, Bay Road, said as a compromise two cars should be allowed to pass through the underpass at once and have stop signs on each side. This will slow traffic and allow safe passage while doubling the amount of traffic going through.

Doris Sage stated stop signs on each side feels safer. Bay Road should be more compatible with pedestrians and cyclists. Everyone lives in the community and Bay Road is not a throughway or highway.

Barbara Jewett Noyes, Bay Road, said she walks the road and has not had an issue with safety because she uses common sense when dealing with the traffic. Having stop signs at the underpass will slow cars down and allow two to pass at once. There is concern with the noise from cars and boat trailers hitting the speed bumps as well as flooding from trapped water. Cars beep their horns now at the stop signs and there is the noise of idling engines.

Terry Kennaugh, Harborwood Shores, suggested a flashing pedestrian light and proper signage might be an alternative to consider. There could be an increase in the number of accidents in winter with the stop signs in place (i.e. cars trying to stop and sliding into the car in front).

Ashley Adams stated if a car cannot stop at the stop sign then the car is traveling too fast. The condition on Bay Road is unsafe and has been unsafe for decades. The town is thanked for addressing the matter.

Police Chief Warden stated his officers have seen few pedestrians on Bay Road, but there has been an increase since the stop signs were installed. The police patrol the road and do selective enforcement. The bridge is a problem. Trucks have hit the bridge or had to turn around before the bridge because they are too large which backs up traffic. Calls were made to the 911 Center about the traffic from the Harvest Festival, but Shelburne did not have any available officers to cover the event. Two officers are needed due to the bridge. The stop signs do back up traffic and there are lots of boats. Bicyclists running stop signs happen all over town. The road is not conducive to being a safe road, but there have not been many accidents.

Robin Jeffers asked if a signalized pedestrian crossing or decreasing the speed on the entire road has been part of any study. There are crashes all the time (cars going off the road). Safety is a big concern. Stop signs may not be the most ideal solution.

There were no further comments.

MOTION by Colleen Parker, SECOND by Jerry Storey, to continue the hearing on the Parking Ordinance Amendments on Bay Road to November 8, 2016. VOTING: unanimous (5-0); motion carried.

10. PUBLIC HEARING: FY2017-FY2022 CAPITAL IMPROVEMENT PLAN

The public hearing was opened at 8:33 PM. Peter Frankenburg reviewed that the six year Capital Improvement Plan (CIP) covers the current fiscal year and the next five years. The plan is updated each year. Projects in the plan are not guaranteed to be done except for projects in the current fiscal year that are funded. Projects in the CIP are linked to the town plan. The CIP is a planning tool for projects to avoid large tax and rate increases, to prioritize projects, to be able to charge impact fees and to apply for grants. The Rec Committee has requested a project to renovate the beach house at the town beach be added to the CIP. The project can be added in Year 3. Other projects in the plan include:

- Upgrade of the emergency services communication center antenna
- Replacement fire truck in Year 2
- Bike/ped projects in town
- Bay Road improvements
- Storm water
- Library/town center improvements
- Water line replacements
- Waste water system improvements

Jerry Storey proposed increasing the amount for electronic speed signs to \$15,000 which seems to be an economical means to address a safety problem. Also, funding for

traffic/pedestrian safety improvements in the village area should be increased to \$75,000. Jerry Storey spoke of the remarkable initiative and leadership by the Town Manager.

COMMENTS

Tom Zenaty stated there have been 12 meetings on traffic and pedestrian safety improvements in the village area, particularly Falls Road and Marsett Road. The town core, the historic center, is a critical piece. Any improvements for pedestrian safety can beautify the village and enhance the welfare and safety of the people.

Jack Morish, lower Falls Road, said residents in the lower Falls Road area have an interest in improving safety and support any effort to get traffic calming measures in place. A petition with 27 signatures from people living in the lower Falls Road area supporting the effort and including lower Falls Road was submitted.

There were no further comments.

MOTION by Colleen Parker, SECOND by John Kerr, to close the public hearing on the Capital Improvement Plan. VOTIG: unanimous (5-0); motion carried.

The hearing was closed at 8:46 PM.

MOTION by Colleen Parker, SECOND by Jerry Storey, to adopt the FY2016-FY2022 Capital Improvement Plan as amended (beach house renovation, increased funding for electronic speed signs and safety improvements in village area). VOTING: unanimous (5-0); motion carried.

Jerry Storey mentioned the effort to implement traffic and pedestrian safety measures extends to Cynosure Drive and Martindale.

11. STORM WATER UPDATE

Chris Robinson, Water Quality Superintendent, reported the following:

- The inter-municipal storm water agreement with South Burlington was signed July 1, 2016. South Burlington will assist with street sweeping, catch basin cleaning, inspections, and fall leaf sweeping.
- Shelburne signed up for a pilot project to get phosphorus credits for leaf sweeping.
- Project schedule and financial plan for the Monroe Brook Flow Restoration Plan will be submitted to the state.
- An appendix will be added and the Storm Water Management Plan will be updated.
- Flow precipitation monitoring will be done on Monroe Brook
- Pine Haven Shore gravel wetlands is moving forward.
- Brook Lane rain garden has been installed.
- The storm water summit that was recently held was well received.
- Upcoming activities include rewriting the Storm Water Management Plan and getting a good grasp on the actual costs for storm water to budget appropriately,

determining how to deal with expired permits for privately owned storm water facility and those in the full restoration areas, and determining how Shelburne will handle storm water management (set up a fee, be part of the South Burlington utility, or another approach).

Jerry Storey asked if the Monroe Brook cost estimate should be increased. Chris Robinson said that depends on what the town policy is to be (i.e. if the owner of the storm water facility must bring the facility up to standard or the town), but there is agreement the cost estimate likely should be increased. Jerry Storey asked if there is a state bias for municipalities to take over permits. Chris Robinson said that is likely because the state knows the town will maintain the systems.

Josh Dein asked about cleaning the catch basins. Chris Robinson said areas will be broken into zones and the basins will be cleaned in each zone. All the zones will be cycled through and done within five years. Josh Dein asked where most of the private permits are held. Chris Robinson said most are held by homeowner associations for subdivisions. The permits are state permits that have been allowed to lapse. The state included a provision in the MS4 permits that the towns have to handle the state permits that lapsed.

12. APPROVE SHARP GRANT FOR SHELBURNE POLICE DEPARTMENT

Joe Colangelo explained the grant will allow special details to discourage underage drinking.

MOTION by Jerry Storey, SECOND by Colleen Parker, to approve the SHARP grant for the Shelburne Police Department.

DISCUSSION: Peter Frankenburg said Sargent Fortin deserves all the credit for securing and managing the grants received by the department.

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

13. UPDATE: Vermont Railways Litigation

Gary von Stange reported newly discovered evidence was found and the town filed a motion. Vermont Railways filed opposition. A hearing was held and the judge ordered discovery to take place in regard to the town's motion.

Josh Dein asked if the town has received the documents or must request them. Gary von Stange said the town has not received the documents which was to be done on an expedited basis. There can be further discussion in Executive Session. John Kerr said the judge directed the attorneys for both parties to handle the matter. Josh Dein asked the status of the appeal of Judge Sessions' order. Gary von Stange said the court ordered a camp conference (mediation session) for October 28, 2016.

14. ADJOURNMENT and/or EXECUTIVE SESSION

MOTION by Colleen Parker, SECOND by Jerry Storey, that premature general knowledge of the Town of Shelburne's litigation strategy with Vermont Railways,

Inc. and the labor relations agreement with the Town Treasurer would place the town at substantial disadvantage.

DISCUSSION: Josh Dein mentioned holding Executive Session before the regular meeting would allow the public the opportunity to participate in any discussion/decision(s) in open session following Executive Session.

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

MOTION by Colleen Parker, SECOND by Jerry Storey, based on the finding of premature disclosure placing the town at a substantial disadvantage and under the provisions of Section 313 of Title 1 of Vermont state statute to go into Executive Session to discuss Town of Shelburne litigation with Vermont Railways, Inc. and invite the Town Attorney to attend via teleconference, and to discuss the town labor agreement with the Town Treasurer and invite the Town Manager, Finance Director, and Colleen Haag to attend. VOTING: unanimous (5-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 9:13 PM.

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