

## SHELBURNE SELECTBOARD

### Meeting Minutes for January 21, 2020

Present: Chair Jerry Storey, Vice Chair Jaime Heins, Colleen Parker, Mike Ashooh; also Town Manager Lee Krohn, Finance Director Peter Frankenburg, and others per sign in sheet.

The meeting was called to order at 7:00 P.M.

Approve agenda: upon a suggestion to change the order of items 12 & 13 (WW allocation before the Town Manager's evaluation, motion by Heins to approve the agenda as amended; seconded by Ashooh and approved 4-0.

Meeting minutes of January 7, 2020: motion by Heins to approve; seconded by Parker and approved 4-0.

Meeting minutes of January 14, 2020: motion by Heins to approve; seconded by Parker and approved 4-0.

Public Comments: none.

Selectboard Comments: Storey noted the clarity and quality of recent meeting minutes.

Town Manager Report: work has continued on the budget, stormwater ordinance, and other matters.

Late tax payment penalty waiver: landowners Anne and Charlie Joseph participated by telephone regarding their request for a decrease or waiver in the penalty for late payment of property taxes. They explained their situation as recent purchasers of property, and the inadvertent mistake with the many documents transmitted in the closing process. They have every intention of paying taxes owed, and have signed up for automatic payment for future installments. Board members welcomed them to Shelburne, and apologized for this being their first experience with the Town. Discussion followed regarding the Board's adopted policy in this matter, how or whether this request satisfied criteria in that policy, and concern for precedent. Suggestions were offered of varying percentage reductions of the penalty. Landowners then spoke of life circumstances (elderly parents needing care) that also consumed their time and attention. Motion by Parker to reduce the penalty by 10%; seconded by Heins, and approved 3-1, Ashooh opposed. Owners expressed disappointment in the outcome. The option of possible reconsideration was offered if landowners wished to submit additional information.

Receive proposed bylaw amendments, warn public hearing: Planning Director Dean Pierce described proposed amendments to subdivision bylaws that relate in part to the form-based code amendments which have already been warned for a hearing February 11. Krohn explained that also warning these proposed amendments for that same night would be timely and efficient for everyone. Motion by Heins to accept the proposed amendments and to warn a public hearing for February 11, 2020; seconded by Parker and approved 4-0.

Public hearing on proposed FY '21 budget, continued from Jan. 14: Krohn offered a brief overview of changes as made by the Selectboard last week. "All in", including all separately warned articles

(Selectboard salaries, open space fund, Police Department radio purchase/financing), the budget would increase the municipal portion of property taxes by 5.73% (if all articles are approved).

Questions and discussion ensued whether this was too 'bare bones', and whether certain items were being short changed (such as economic development and open space) that could lead to long term improvements and the opportunity costs of funding these at less than requested amounts. The Board expressed a belief in its due diligence, balancing duties, needs, and concerns for fiscal responsibility and affordability... and that with a 4.1% increase as a starting point based on fixed costs and debt, this represented in actuality a 1.6% increase in operating cost. It is a tough year overall, and the Board has scrutinized the proposed budget very carefully. After further discussion, motion by Ashooh to close the public hearing; seconded by Heins, and approved 4-0.

Adopt proposed budget: motion by Parker to adopt the proposed budget for fiscal year 2020-2021 and warn for a public hearing; seconded by Heins and approved 4-0.

Adopt Town Meeting Warning: motion by Parker to approve the entire Town Meeting Warning as amended (to include specific reference to the current Selectboard salaries so the voters know what they are being asked to consider); seconded by Heins and approved 4-0.

Public hearing on proposed stormwater ordinance and credit manual – it was noted for the record that this is the "first reading" pursuant to the Town Charter. Motion by Heins to open the public hearing; seconded by Parker and approved 4-0. Krohn offered a presentation on stormwater generally, external regulatory drivers forcing work and costs upon municipalities, and changes made to the proposals since last year. All those who worked hard over the past year were thanked for their efforts, and for their willingness to work together toward hard-won consensus and a 'unified front' in presenting this new draft to the Selectboard. Key changes include a two-tiered approach to single family residential properties, a three-year phase-in of utility fees, increases in credits that may be earned for educational programs and agricultural practices, and an increase in the total amount of credits that may be earned. Questions and discussion followed. As utility fees phase in over time, there would likely be a somewhat proportional decrease in the funding currently provided by property taxes. It was clarified that stormwater is not related to wastewater, and that the ordinance on its own may not address every concern (such as residential property with cattle in a stream in an impaired watershed). However, we need to start somewhere, and the ordinance and credit manual are a good start. It was also clarified that Munroe Brook is considered impaired for stormwater, but not necessarily for water quality concerns. Properties earning credits will require annual monitoring and recertification. Agricultural credits only apply if following the State's Required Agricultural Practices. Shelburne Farms appreciates the efforts that have gone into this overall approach, and supports the proposals as presented.

If a property owner disagrees with the % of impervious area, there are administrative appeal processes built into the system. If site changes are made that change the amount of impervious area, this can be transmitted via the DRB review process, or satellite imagery data can be updated on a periodic basis. It was acknowledged that there are significant administrative and staffing costs/challenges/hurdles to overcome to initiate and manage the utility. The Board thanked staff and the committee for their work. Although admittedly unworkable at this time, it was suggested that credits for residential properties be considered in the future? Public engagement will be needed. The stormwater budget will be considered in the spring with the other enterprise funds, and the Board will review at that time. In closing, it was noted that this revised proposal addresses the prior Selectboard concern that this ordinance not just be

a 'copycat' approach from other municipalities, but should be unique to Shelburne's needs, opportunities, and constraints. It was suggested that the continued discussion on February 11 include greater depth on the credit system and how that would work.

Krohn suggested that procedurally, it would be best to close this hearing, note for the record that the second reading will occur on February 11, and warn for another public hearing on February 25. Motion by Heins to close the public hearing, hold a second reading of the ordinance on February 11, and to warn a second public hearing for February 25; seconded by Ashooh and approved 4-0.

Wastewater allocation for Bart Frisbie, who seeks to build a new single-family home at 104 Mount Philo Road: all technical issues are OK. Motion by Parker to approve as presented for a wastewater allocation of 210 gallons per day; seconded by Ashooh and approved 4-0.

Town Manager performance evaluation: motion by Parker to enter executive session to evaluate a public officer or employee, and to invite the Town Manager to participate; seconded by Ashooh and approved 4-0.

The Board came out of executive session at 10:40 P.M. and adjourned promptly thereafter.

Respectfully submitted by Lee Krohn

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For the Selectboard

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Date