

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
January 23, 2018**

MEMBERS PRESENT: Gary von Stange [via telephone]; Jerry Storey, Colleen Parker, Josh Dein, Jaime Heins.
ADMINISTRATION: Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Ann Janda, Director of Administration.
OTHERS PRESENT: Sign-in sheet on file in town office.

[Note: Minutes reflect the order of the published agenda.]

1. CALL TO ORDER

Vice Chair, Jerry Storey, called the meeting to order at 7 PM. Chairman von Stange participated in the meeting via telephone.

2. APPROVE AGENDA

MOTION by Josh Dein, SECOND by Jerry Storey, to approve the agenda with the amendment to vote separately on the budget, open space fund, and regional dispatch items on the town meeting warning (Item #5 on the agenda). VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

Josh Dein mentioned he would like to make a presentation on regional dispatch at the appropriate time.

3. APPROVE MINUTES

January 9, 2018

MOTION by Josh Dein, SECOND by Jerry Storey, to approve the minutes of 1/9/18 with the amendment on Page 4, Item #6 (Town Manager's Proposed Budget), bullet beginning "Jaime Heins", sentence reading: "Also, the \$10,000 appropriation request..." – move the sentence to the bullet beginning "Josh Dein". VOTING: 4 ayes, one abstention (Colleen Parker); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

John Saar, resident, contrasted the Governor's speech on the state budget and no tax increase by the state with the 10% tax increase proposed in Shelburne mainly due to the \$9 million library project. Jerry Storey noted the bond vote is on the town warning that will be discussed later in the meeting.

There were no further public comments at this time.

5. TOWN MEETING WARNING & ACCOMPANYING RESOLUTIONS

Joe Colangelo reported the draft warning has the updated budget numbers.

Budget

Josh Dein requested \$10,000 allocated to the Ethics Committee be added as part of the Legal line item. Joe Colangelo said the Ethics Committee withdrew the request for the funding and is working on a solution for funds in the future. Mr. Colangelo noted there are other quasi-judicial boards in town that have more of an argument to have funds available to them

Josh Dein requested adding \$2,500 for technology upgrades to the meeting room to better project documents and enable the public to submit questions/comments remotely during meetings. Joe Colangelo said money is not in the budget at this time. Ann Janda said she would advocate for a new screen to work with the new projector. The technology has to work with VCAM so there are other items to be purchased and that increases the budget. Peter Frankenburg suggested considering using money from the Selectboard Discretionary Fund for the technology. Gary von Stange stated paving takes priority over AV items so any additional funds should be used toward paving.

COMMENTS

Sean Moran spoke in support of using money from the Selectboard discretionary fund because the technology will help clear up misconception of what happens at Selectboard meetings. Shelburne needs an involved community to start to mend the divide. People need to be informed and the technology will help do this. Using the money to inform people is a good idea.

John Saar spoke of today's technology competing with what the library offers and urged the Selectboard to reconsider the new library project to instead "gussy up" the library and build a rec center or community center to be more useful to all components of the society, and to put a cap of \$1.5 million on the construction.

There were no further comments.

MOTION by Colleen Parker, SECOND by Jaime Heins, to approve the base budget of \$8,749,307 with \$6,397,010 to be raised by taxes. VOTING: unanimous (5-0); motion carried.

Open Space Fund

Jaime Heins suggested increasing the amount for the Open Space Fund to \$30,000 to ensure the town can make investment in the long term vision of the rural district for all the good reasons heard including storm water. Josh Dein concurred, adding with the changes in land use patterns make the investment worthwhile. Colleen Parker agreed adding funding as a preventative measure is a good idea. Jerry Storey agreed to the incremental adjustment to \$30,000. Gary von Stange recalled the amount in the Open Space Fund has changed dramatically over the years from \$15,000 to \$30,000, and spoke in support of the staff recommendation of \$25,000.

COMMENTS

Gail Albert thanked the Selectboard for supporting the Open Space Fund, noting a drawdown is anticipated for a valuable piece of property and the remaining balance in the

fund plus what is allocated in the budget will not be enough to buy any piece of property in Shelburne. The \$15,000 allocation to the fund was a very long time ago and it has been at least 10 years since there was substantial input to the fund compared to the value of Shelburne property.

There were no further comments.

MOTION by Colleen Parker, SECOND by Josh Dein, that the town raise by taxes the amount of \$30,000 for the purpose of obtaining options and/or acquisition of lands or rights to lands that would preserve open space and natural resources, and any unexpended portions of such sum shall be placed in the Open Space Fund.

DISCUSSION:

- **Gary von Stange said he will vote in support in light of the general consensus of support.**

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

Selectboard Salary Increase

Colleen Parker questioned the increase in the Selectboard salary. Joe Colangelo clarified the number shows the impact on the tax rate and is not an increase. The Selectboard salary is voted from the floor at town meeting.

Regional Dispatch

Joe Colangelo commented in the past two years of work on regional dispatch not one member of the Selectboard met with him or attended any presentations on the subject. There is concern the Selectboard is not acting as a team as it should be.

Colleen Parker expressed concern about hearing Mr. Dein's presentation at this point in the process. Josh Dein said the presentation is a continuation of the discussion started at the January 9, 2018 Selectboard meeting. Jerry Storey said the town should have the opportunity to vote on the matter and Josh Dein should not be denied the opportunity to make a presentation.

Josh Dein listed reasons not to form and join a union municipal district (UMD) for regional dispatch at this time including there could be new and unknown costs or other paths to take to improve dispatch. The timing needs to be right and the town and Shelburne dispatch need to be sure this is what is wanted. The town may not have to be part of the test model and can join the UMD in the future. Mr. Dein stressed more information is needed to decide if it is in Shelburne's best interest to join the UMD.

Gary von Stange supported putting the item on the town warning ballot for a vote. Jaime Heins said a future Selectboard will have to ratify the vote so there is time to continue public outreach and get more information. The question should be put out for public vote. The town can check in again with the electorate once the informational outreach is complete. Colleen Parker spoke in favor of putting the question on the ballot. Jerry Storey spoke in favor of the voters of Shelburne having a say in the matter from the start.

COMMENTS

Sean Moran spoke in support of putting the item on the ballot for public vote and educating the public to be able to vote with confidence.

Chris Boyd urged caution because there are many unique dynamics with police, fire, and emergency services working with regional dispatch. Mr. Boyd suggested before a decision is made by the Selectboard there should be a second referendum with a massive public education component so there is complete understanding of all the factors.

John Saar stated there is risk if the town's response time decreases while response time in other towns increase. Mr. Saar spoke in support of postponing the decision to join the UMD.

There were no further comments.

MOTION by Jaime Heins, SECOND by Colleen Parker, that the Town of Shelburne enter into an agreement for the formation of a union municipal district to be known as the "Chittenden County Public Safety Authority" for the purpose of providing regional emergency dispatch services. VOTING (by roll call): Gary von Stange – aye, Jerry Storey – aye, Colleen Parker – aye, Jaime Heins – aye, Josh Dein – nay (4-1); motion carried.

Approval and signing of the town meeting warning was postponed until after Executive Session.

6. UPDATE SHELBURNE PERSONNEL POLICIES SECTIONS 1-6

Joe Colangelo reported staff met with Jerry Storey and Josh Dein to discuss possible updates to sections 1 through 6 of the town's personnel policies. Staff will provide a redline version of the document at the February 13, 2018 Selectboard meeting. Further comments on the policies should be forwarded to the Town Manager by January 31, 2018.

Josh Dein asked about the status of the social media policy. Jerry Storey advised the personnel policies are the first priority. Ann Janda suggested the focus be on the personnel policy first to ensure the policies are in compliance with federal and state law then work on the social media policy and upgrade of the policy for drug and alcohol testing for CMV drivers.

Gary von Stange expressed concern about Selectboard members getting into the minutia with the personnel policies that are mainly for the Town Manager, especially since the document has already been vetted by the Town Attorney. Ann Janda explained the process started with the VLCT model policy which stressed the importance of Selectboard involvement and to have an open, public process. Jerry Storey noted the personnel policy is one of the most important documents the Selectboard will approve, and the process has been a comprehensive community process.

COMMENTS

Sean Moran agreed the Selectboard is peripheral to the document(s) provided legal counsel has reviewed the language.

7. ECOSYSTEM RESTORATION GRANT FOR STORM WATER UTILITY

Ann Janda reported feedback was given to the grant creators that money is needed by MS-4 permit towns to cover administrative needs for storm water projects. Changes were made to the grant application. A letter of support from the Selectboard is needed. The storm water advisory committee already signed a letter of support. South Burlington will submit a letter. The grant is \$50,000 with a \$25,000 local match covered by staff time and some items already in the budget. Funds for the mass mailing to the public (\$10,000) is needed.

Josh Dein asked if the funding will be in this fiscal year or the next. Ann Janda explained drawdown of the grant will be done as milestones are reached over several years.

Colleen Parker asked how the grant was discovered and if more staff time can be devoted to searching for grants. Ann Janda said the grant was uncovered through inquiries to the state, Regional Planning, and other contacts.

Jerry Storey read the Letter of Intent from the Selectboard for the formation of a storm water utility and to approve the grant application.

MOTION by Colleen Parker, SECOND by Josh Dein, to approve the Town of Shelburne grant application for an Ecosystem Restoration Grant for the purpose of developing a storm water utility and to sign the Letter of Intent, dated January 23, 2018. VOTING: unanimous (5-0); motion carried.

8. CERTIFICATE OF COMPLETION: HARRINGTON AVENUE

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve the Certificate of Completion for Harrington Avenue for the Vermont Agency of Transportation. VOTING: unanimous (5-0); motion carried.

9. PUBLIC COMMENTS (continued)

There were no further comments from the public at this time.

10. SELECTBOARD COMMENTS

- Jaime Heins mentioned the Lake Champlain legislative breakfast and the comments by the Governor on marijuana legislation and the challenges, opiate addiction and mental health, and the state budget. Mr. Heins noted the common themes to what the state representatives from Shelburne discussed with the Selectboard.
- Josh Dein commented positively on the minutes from the previous meeting.
- Jerry Storey thanked the public for participating in the meetings.

11. TOWN MANAGER'S REPORT

In addition to the Town Manager's weekly report which is posted online, Joe Colangelo noted the following:

- The public is urged to send in nominations for the Colleen Haag Public Service Award.

12. EXECUTIVE SESSION

Legal Strategy Relative to Non-Court Ordered Mediation Session with Vermont Railways

Josh Dein recused himself.

MOTION by Colleen Parker, SECOND by Jaime Heins, to find that premature public knowledge of the Town of Shelburne litigation strategy with Vermont Railways, Inc. versus the Town of Shelburne relative to possible non-court ordered mediation between the two parties would place the town at substantial disadvantage. VOTING (by roll call): Gary von Stange – aye, Jerry Storey – aye, Colleen Parker – aye, Jaime Heins – aye, Josh Dein – recusal (4-0); motion carried.

MOTION by Colleen Parker, SECOND by Jaime Heins, to go into Executive Session to discuss Town of Shelburne litigation strategy with Vermont Railways, Inc. versus the Town of Shelburne relative to possible non-court ordered mediation between the two parties, and invite the Town Manager to attend. VOTING (by roll call): Gary von Stange – aye, Jerry Storey – aye, Colleen Parker – aye, Jaime Heins – aye, Josh Dein – recusal (4-0); motion carried.

Executive Session was convened at 8:39 PM.

MOTION by Colleen Parker, SECOND by Jaime Heins, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (3-0)[Gary von Stange not present for vote]; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:50 PM. Josh Dein returned to the Selectboard.

ACTION FOLLOWING EXECUTIVE SESSION

Approve Town Meeting Warning

Joe Colangelo reported the changes to the warning as discussed have been incorporated.

MOTION by Colleen Parker, SECOND by Jaime Heins, to approve the warning for the 2018 town meeting as presented. VOTING: unanimous (4-0)[Gary von Stange not present for vote]; motion carried.

Colleen Parker reported there are no specific decisions from the discussion in Executive Session of the Vermont Railways matter. There are ongoing discussions between the Selectboard and Vermont Railways that are consistent with the public statement made at the beginning of the month.

13. ADJOURNMENT

MOTION by Jaime Heins, SECOND by Colleen Parker, to adjourn the meeting.

VOTING: unanimous (4-0)[Gary von Stange not present for vote]; motion carried.

The meeting was adjourned at 9 PM.

RecScty: MERiordan