

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
March 27, 2018**

MEMBERS PRESENT: Jerry Storey (Chair); Colleen Parker, Josh Dein, Jaime Heins, Mary Kehoe.
ADMINISTRATION: Joe Colangelo, Town Manager; Dean Pierce, Town Planner; Chris Robinson, Water Quality Superintendent.
OTHERS PRESENT: Sign-in sheet on file.

[Note: The minutes reflect the order of the amended agenda.]

1. CALL TO ORDER

Chair Jerry Storey called the meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Jaime Heins, SECOND by Mary Kehoe, to approve the agenda with the following amendments:

- **Hear the Town Manager Report prior to Selectboard Comments.**
- **Advance Date, Time, Location of Annual Selectboard Retreat to follow Selectboard Comments.**

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

3. APPROVE MINUTES

February 20, 2018

MOTION by Jaime Heins, SECOND by Josh Dein, to approve the minutes of 2/20/18 as written. VOTING: 3 ayes, 2 abstentions (Jerry Storey, Mary Kehoe); motion carried.

February 22, 2018

MOTION by Jaime Heins, SECOND by Jerry Storey, to approve the minutes of 2/22/18 as written. VOTING: 2 ayes, 3 abstentions (Colleen Parker, Josh Dein, Mary Kehoe); motion carried.

March 13, 2018

MOTION by Jaime Heins, SECOND by Josh Dein, to approve the minutes of 3/13/18 with deletion of the friendly amendment in the motion to form a committee for the Colleen Haag Award. VOTING: unanimous (5-0); motion carried.

March 20, 2018

MOTION by Jaime Heins, SECOND by Mark Kehoe, to approve the minutes of 3/20/18 with the note to include the last name of individuals mentioned in the minutes. VOTING: unanimous (5-0); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

There were no comments from the public at this time.

5. TOWN MANAGER REPORT

In addition to the report posted on the town website, Joe Colangelo noted the following:

- Interviews are being done for the Highway Maintenance positions.
- A letter of hire has been given to a candidate for the DRB Coordinator position. CCRPC will provide assistance in the interim.
- The Library is working with the Fire Department on traffic circulation in the parking lot with the new building design.
- Mark Kobzik is moving on from *Shelburne News*. Mr. Kobzik's excellent investigative reporting skills will be missed.

Joe Colangelo announced he has signed a contract with Hanover, Massachusetts and pledged a smooth transition to the new town manager in Shelburne.

6. SELECTBOARD COMMENTS

- The Selectboard wished Mr. Colangelo and his family the best of luck and success in Hanover, MA. The Selectboard will hold contract negotiations to discuss the release date and any salary adjustment.
- Jerry Storey acknowledged the Public Works Department for keeping the roads safe through the long winter.
- Mary Kehoe mentioned her recent tour of the waste water treatment plants and visit with Chris Robinson. All residents are urged to meet with Chris Robinson to learn about this valuable town asset so an educated vote can be made when the utility needs an upgrade.
- Josh Dein urged all residents to read the expanded Selectboard Rules of Procedure posted on the town website and submit any comments.
- Colleen Parker suggested the Selectboard discuss a planned visit to all town departments and vital areas of town at the Selectboard retreat.

7. TIME, DATE, LOCATION, FORMAT OF ANNUAL SELECTBOARD RETREAT

MOTION by Colleen Parker, SECOND by Jaime Heins, to warn a Selectboard retreat on April 3, 2018 from 6 PM to 9 PM with the location to be announced.

DISCUSSION:

- **Josh Dein noted a second retreat may be necessary in May. The retreats are open to the public.**

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

Jerry Storey said the Selectboard will discuss the search for the new town manager and an interim manager at the retreat. Jaime Heins suggested warning the manager item as a decision item on the agenda in case there is an agreement the Selectboard can act on. Following discussion there was agreement the Selectboard will discuss modifications to the employment contract and the resignation of the current Town Manager in Executive Session at the end of the regular meeting.

8. COMPREHENSIVE PLAN TIMELINE AND PROCESS

Dean Pierce, Town Planner, and Jason Grignon, Planning Commission Chair, briefed the Selectboard on the progress to date with the update of the town's comprehensive plan. Mr. Pierce reviewed required content, the plan's role, and the schedule to finalize the draft and adopt the plan. Jason Grignon urged the public to get engaged with the update and submit comments.

9. STORM WATER ADVISORY COMMITTEE UPDATE

Chris Davis and other members of the Stormwater Advisory Committee, reported on committee activities to investigate having a storm water utility by July 2019 and having a Selectboard member as a liaison to the committee. The storm water issue is very complex. The committee is drafting an ordinance for consideration by the Selectboard if a utility is to be formed. Public hearings must be held before the ordinance can be adopted. Target date of adoption is by the end of the year. If a utility is formed the fee will be incorporated into the billing for water and sewer. The Selectboard must decide how to move forward and the schedule.

Joe Colangelo noted the town received a \$25,000 grant to develop a utility going forward.

Chris Robinson stressed the need to adopt an ordinance before the end of December 2018. Colleen Parker spoke in favor of maintaining the schedule to form a utility and having a Selectboard liaison. Josh Dein asked if there was any discussion of a regional approach. Chris Robinson said many municipalities have created utilities and set up their systems. Shelburne is partnering with South Burlington. Joe Colangelo noted there is nothing to prevent regionalizing in the future.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to reaffirm the agreement that the Storm Water Advisory Committee (SWAC) continue moving forward with plans to submit to the Selectboard on or around Labor Day 2018 a draft storm water ordinance. VOTING: unanimous (5-0); motion carried.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to appoint Jaime Heins as the Selectboard liaison to the SWAC. VOTING: 4 ayes, one abstention (Jaime Heins); motion carried.

10. APPOINTMENTS TO CBCs*Veterans Committee*

MOTION by Mary Kehoe, SECOND by Colleen Parker, to reappoint Eric Hanley, Bud Ockert, and Jim Donaldson to the Veterans Committee for a term ending April 2021. VOTING: unanimous (5-0); motion carried.

Dog Park Committee

Lisa Williams explained her past volunteer activities with school and town projects and interest in serving on the Dog Park Committee.

MOTION by Colleen Parker, SECOND by Jaime Heins, to appoint Lisa Williams to the Dog Park Committee for a term ending April 2021. VOTING: unanimous (5-0); motion carried.

DRB

David Hillman briefly reviewed his professional background and past volunteer service to the town, expressing interest in contributing to the community as a member of the DRB.

MOTION by Colleen Parker, SECOND by Josh Dein, to appoint David Hillman to the DRB for a term ending April 1, 2021. VOTING: unanimous (5-0); motion carried.

Planning Commission

Josh Dein suggested the Planning Commission review the candidates and make a recommendation for appointment based on the needs of the Planning Commission.

John Day briefly reviewed his practice of land use law for the past 40 years and service on the Connecticut version of a DRB. Mr. Day asked to be considered for a future opening on the Planning Commission, suggesting the current opening to be given to Mr. Selen.

Stephen Selen reviewed his background as an architect and business owner in Shelburne for over 20 years, and his interest in serving on the Planning Commission.

MOTION by Colleen Parker, SECOND by Jaime Heins, to appoint Stephen Selen to the Planning Commission for a term ending April 2020. VOTING: unanimous (5-0); motion carried.

Joe Colangelo urged the Selectboard to codify a policy on committees and boards being involved in appointing new members so the expectations of the appointment process are clear.

11. DRUG AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE DRIVERS FOR TOWN OF SHELBURNE

Jerry Storey suggested the reference to “EAP” be clarified in the policy.

MOTION by Jaime Heins, SECOND by Colleen Parker, to adopt the Town of Shelburne Drug and Alcohol Policy for Commercial Motor Vehicle Drivers as presented on 3/27/18. VOTING: unanimous (5-0); motion carried.

12. LOCAL EMERGENCY OPERATION PLAN (LEOP)

MOTION by Colleen Parker, SECOND by Jaime Heins, to defer adoption of the LEOP to the April 10, 2018 Selectboard meeting. VOTING: unanimous (5-0); motion carried.

13. COLLEEN HAAG AWARD

MOTION by Mary Kehoe, **SECOND** by Jaime Heins, to rescind the decision to create a committee to select the recipient of the Colleen Haag Award made at the 3/13/18 Selectboard meeting.

DISCUSSION:

- Mary Kehoe explained the Selectboard may have acted too quickly in forming the committee and “kicking the can down the road” with respect to the selection of the 2018 recipient of the award. The Selectboard did not have enough information in order to make a well informed decision about creating the committee and the guidelines for the committee to make the decision on the recipient.
- Jaime Heins confirmed the motion pertains to the 2018 award. Another motion is needed on the committee structure for future awards.
- Mary Kehoe said the decision should be in the hands of a disinterested group of people with clear guidelines. There should be clear guidelines on who is on the committee and how the committee will be formed so the committee has a charge that the members understand.
- Sean Moran, resident, reminded the Selectboard of the letter from one of the committee members that demonstrated complete bias against one of the nominees. The author of the letter confirmed his feeling that the nominee should not be chosen. That should disqualify the committee member. The town wants a fair decision. The decision should be in the hands of the Selectboard. Also, it was unclear how many will be on the committee. Starting over is a good option.
- Colleen Haag said she agreed to serve on the committee in hopes of moving the award forward. Ms. Haag said she believes in inclusiveness of all candidates. Ethically what happened has to be considered and following further thought Ms. Haag said she decided not to serve on the committee for the Colleen Haag Award. Ms. Haag said she has been contacted by people who would be great candidates for the committee.
- Colleen Parker observed the Selectboard had a year to clarify the process and failed to do this resulting in something that was to unite the community ended up being more divisive. Forming the committee was not “kicking down the road”, but an attempt to “apoliticize” the issue which should not have been politicized.
- Dr. Steve Metz, resident, said the lack of criteria for the award is disturbing. If the criteria were known and understood by all there would not have been controversy. It is best to have a concrete basis for the selection so all understand the rules. Step 1 should be to determine the criteria. Jaime Heins pointed out the committee was to develop the criteria.
- Jaime Heins said he is open to reconsidering the committee because the namesake of the award changed her mind about serving on the committee.

There were no further comments.

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

MOTION by Mary Kehoe, **SECOND** by Josh Dein, to form a committee for the purpose of developing criteria and to select the recipient of the Colleen Haag Award for 2019 forward.

DISCUSSION:

- Mary Kehoe suggested there be at least five people on the committee. Members should be people who have been in Shelburne for a long time. The list of the people who contacted Colleen Haag could be reviewed. Once the committee is formed then the committee will develop a set of guidelines. A clear set of guidelines and expectations are needed for the committee.
- Dr. Steve Metz, resident, suggested the composition of the committee and further instruction for the committee be determined by the Selectboard at a future meeting.

FRIENDLY AMENDMENT to state that the specific mission and composition of the committee be determined at a later date.

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

MOTION by Mary Kehoe, **SECOND** by Josh Dein, to select from the nominees made by various forms (Shelburne News, Front Porch Forum, emails to the Town Manager) and that the person who received the most nominations be selected for the 2018 Colleen T. Haag Award, and that person is Jim Warden. **VOTING: unanimous (5-0); motion carried.**

14. LIQUOR LICENSES

MOTION by Mary Kehoe, **SECOND** by Colleen Parker, to commence a hearing of the Liquor Control Commission. **VOTING: unanimous (5-0); motion carried.**

There were no announcements of conflicts of interest.

MOTION by Colleen Parker, **SECOND** by Jaime Heins, to grant a First Class Liquor License and Outdoor Consumption Permit to The Bearded Frog. **VOTING: unanimous (5-0); motion carried.**

MOTION by Colleen Parker, **SECOND** by Jaime Heins, to close the hearing. **VOTING: unanimous (5-0); motion carried.**

15. FUTURE SELECTBOARD MEETING ITEMS

The list of agenda items includes the following:

- Ordinance revision
- Town plan
- Town Manager search and interim manager
- Yearend close of fiscal year
- Budget

- Contracted services

Mary Kehoe suggested the following be discussed at the retreat:

- Critical decisions and big ticket items
- Addressing the Selectboard rules
- Search for the new Town Manager and interim manager

Josh Dein suggested having a community input session to help prioritize the items and work on the budget. Mr. Dein will collect public input on agenda items. Jerry Storey suggested dividing up the list across the Selectboard and each member contributing items.

Joe Colangelo cautioned against overburdening an already burdened staff with the best of intentions.

16. EXECUTIVE SESSION

MOTION by Colleen Parker, SECOND by Jaime Heins, to find that premature disclosure of contract negotiations between the Selectboard and Town Manager would place the board at a substantial disadvantage.

DISCUSSION:

- **Josh Dein urged the Selectboard to limit Executive Session to only when absolutely needed.**
- **A gentleman in the audience noted the two issues to be discussed have already been identified in public and are now general knowledge. Jaime Heins said there may be more issues that come up during Executive Session that fall under the contract negotiation umbrella.**
- **Josh Dein agreed the items to be discussed have been identified and can be voted. Jaime Heins said the Selectboard has not spoken to the Town Manager about the requests so there could be different points of view and information.**
- **Mary Kehoe said this is also an employment matter which should be discussed in Executive Session.**

There were no further comments.

VOTING: 4 ayes, one nay (Josh Dein); motion carried.

MOTION by Colleen Parker, SECOND by Jaime Heins, pursuant to 1VSA313(a) to go into Executive Session for the purposes of contract negotiations between the Selectboard and the Town Manager, and to invite the Town Manager to attend.

DISCUSSION:

- **Mary Kehoe said it is perfectly proper to go into Executive Session for the purpose of evaluating an employee per Section 313.a.3.**

VOTING: 4 ayes, 1 nay (Josh Dein); motion carried.

Executive Session was convened at 9:25 PM.

MOTION by Josh Dein, SECOND by Jaime Heins, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (5-0); motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:40 PM.

17. ACTION FOLLOWING EXECUTIVE SESSION

MOTION by Colleen Parker, SECOND by Mary Kehoe, to accept the following modifications to the contract between the Town of Shelburne and the current Town Manager, Joe Colangelo:

- **Mr. Colangelo will staff the April 24, 2018 Selectboard meeting and stay employed until on or about April 27, 2018.**
- **Mr. Colangelo will continue to be on call for questions from staff and Selectboard members until 7 AM on July 27, 2018.**
- **Based on the above conditions the Selectboard accepts the resignation of Joe Colangelo.**

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

18. ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jaime Heins, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:47 PM.

RecScty: MERiordan