

**TOWN OF SHELBURNE  
SELECTBOARD  
MINUTES OF MEETING  
June 25, 2019**

- MEMBERS PRESENT:** Jerry Storey (Chair); Mary Kehoe, Mike Ashooh. (Jaime Heins and Colleen Parker were absent.)
- ADMINISTRATION:** Peter Frankenburg, Acting Town Manager and Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent; Nini Anger, Executive Assistant to the Town Manager.
- OTHERS PRESENT:** Tom Tompkins, Bruce Nunziata, Ruth Hagerman, Linda Riell, Evelyn Dostmann, Elizabeth Hollister, JT Birk, Melendy Comey, Joseph Unser, Andy Rowe, Bill Supple, Toni Supple, Roland Limoge, Tarn Foerg, Warren Glorey, Persis Worrall, Florian Foerg, Emile Fournier, John Saar, Don Porter, John DuBrul, III, Sarah Soule, Joan Lenes, David and Susan McLellan, Becky Castle, Ken Albert, Lisa Scagliotti (Shelburne News).
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**1. CALL TO ORDER**

Chair Jerry Storey called the meeting to order at 7:05 PM.

**2. APPROVE AGENDA**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the agenda as presented. VOTING: unanimous (3-0); motion carried.**

**3. MINUTES**

*June 11, 2019*

Tabled due to lack of a quorum present at the 6/11/19 meeting.

**4. PUBLIC COMMENT and LIBRARY/TOWN CENTER UPDATE**

- Joan Lenes spoke of the recent passing of Sallie Thompson Soule and her exemplary public service record and positive influence on so many people.
- Sarah Goodwin Soule thanked everyone for the kind words about her mother.
- Jerry Storey mentioned the idea of establishing a scholarship for young women in Sallie Soule's name.
- John Saar suggested locating the dog park by the Post Office building on Falls Road.
- John DuBrul, III, questioned the cost of the town permit to expand an existing gravel parking lot at the Automaster (\$9,000 fee). [Dean Pierce explained the Selectboard sets the fee schedule. Staff cannot change the fees. Driveways are excluded from the fee, but parking lots are not excluded. Jerry Storey said the Selectboard will discuss the matter at the July meeting.]
- Linda Riell complimented the Highway Department for the progress on the road work on Falls Road.
- Bruce Nunziata expressed appreciation for the work on Falls Road to make the area safer.

- Ruth Hagerman gave an update on the library/town center project, noting new curbing is in place as part of the widening of the entrance to three lanes, cement will be poured in the coming week, and the lot will be paved in a couple of weeks. Meetings with the landscaper on the plantings are being scheduled. The basement in town hall is being used for staging of library items. Once the material is placed in the library the doors will be hung. There are staircases to all the floors in the new building. The elevator is to arrive at any time and once installed the anticipated completion date of the project will be published. The woodwork and countertops are arriving.

**5. EXECUTIVE SESSION: Clark/Castle Appeal**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to find that premature public knowledge of the town's strategy and pending litigation would place the town at substantial disadvantage. VOTING: unanimous (3-0); motion carried.**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, based on the finding of premature public knowledge placing the town at a substantial disadvantage to go into Executive Session pursuant to 1VSA313 to evaluate the town's position and strategy and pending litigation relative to the Clark/Castle appeal, and invite the Acting Town Manager, legal counsel, and the Town Planner to attend. VOTING: unanimous (3-0); motion carried.**

Executive Session was convened at 7:28 PM.

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (3-0); motion carried.**

Executive Session was adjourned and the regular meeting reconvened at 8:05 PM.

**6. SELECTBOARD COMMENTS**

- Mike Ashooh asked for clarification of his liaison role on the Fire/Rescue committee. The DRB gave sketch plan approval of the development on the Fire/Rescue lot. Discussion of the cost/benefit of blasting on the lot is needed at some point. [The Selectboard will discuss the liaison role at the meeting in July.]
- Mary Kehoe made the following observations:
  - Further explanation of the \$9,000 filing fee for the gravel parking lot at the Automaster is needed.
  - Shelburne may be a breeding ground for strong and influential women (to wit Madeline Kunin, Sallie Soules, Joan Lenes, Colleen Haag just to name a few).
  - Shelburne Patrolman's Benevolent Association is being formed. Board members are needed.
- Jerry Storey recognized and thanked the individuals responsible for a successful Back to the Beach event, and thanked the Highway Department for the prompt response on upper Falls Road.

**7. TOWN MANAGER REPORT**

Acting Town Manager, Peter Frankenburg, noted the following:

- Thanks were extended to the Rec Director and Rec Committee for the Back to the Beach event.
- Josh Turner has been hired as a part-time police officer. Arielle Kilpeck is the new Dispatcher replacing Kristen Pierce. Dispatch operates 24/7 answering calls for towns and the state, dispatching for 36 different agencies.

**8. KWINIASKA/SHELBURNE HEIGHTS WASTE WATER FLOW INDEPENDENT ENGINEERING ANALYSIS**

Mike Ashooh recused himself from the discussion. Chris Robinson, Water Quality Superintendent, reported the Green Mountain Engineering Report showed the pipe on Potter Place is close to 15' per second velocity. With the Kwiniaska development the flow velocity will increase above the 15% threshold. Logan Court already exceeds the standard and with additional flow the velocity will increase. The joints in the lines are in line so the engineers feel there is no concern. Regarding the 210 gpd number, according to the state 245 gpd is used for components of the system serving up to 50,000 gallons. The engineers use 210 gpd. Previously the basis was the number of bedrooms. Using the 245 gpd number the 58% capacity of the pipes in the Shelburne Heights system increase to 60%.

Jerry Storey commented the findings show the system is reliable.

*COMMENTS*

Bill Supple, Pierson Drive, stressed the intent is to avoid a public health crisis so the due diligence by the Selectboard is appreciated, but there are still reasonable doubts the system was designed to be a link in a chain. The former town manager (Paul Bohne) commented in a letter on how difficult the system was to install (there was ledge). Mr. Supple said his interpretation of the Green Mountain Engineering report is that the system as it is now has problems based on the plans reviewed and the as-built plans not certified by an engineer. Using the Shelburne Heights system is a public health crisis waiting to happen. There is the viable, safe alternative of going down Webster Road. The town wants to save money on electricity, but the question is whether saving the money is worth the risk of ruining a neighborhood. The system has problems now and when the capacity is doubled no one knows what will happen. There is no evidence of having the as-built plans and there is circumstantial evidence from the former town manager that the system has problems. It is not known if the system will work with additional capacity, but it is known sending the flow down Webster Road will work.

Jerry Storey took exception to the statement that the Selectboard was "shoving a solution down the throat of fellow citizens" and stressed the Selectboard is making a concerted effort to resolve the problem.

Toni Supple, Pierson Drive, mentioned the comments from Green Mountain Engineering on the revised report, dated June 14<sup>th</sup>, about the thresholds on Potter Place and Logan Court for slope and maximum velocity.

Roland Limoge, Potter Place, said he has documents from 1999 discussing new development on Spear Street connecting through Shelburne Heights and requiring the developer to pay a proportionate share of the cost. Mr. Limoge publicly thanked Bill and Toni Supple for their work on the sewer matter.

Ken Albert, Pierson Drive, recalled the system was installed in the 2003 timeframe.

Evelyn Dostmann, Collamer Court, recalled being told in 1999 there would be no connection to another development. Blasting was necessary in order to install the sewer system. A letter from Paul Bohne, dated November 8, 2000, discussed the borings to determine the extent of the ledge which will increase the cost of the sewer system. A letter from Paul Bohne, dated July 25, 2001, said the project to install the sewer system has been as difficult as can be imagined. The unknowns have negatively impacted the schedule. There was more ledge than thought. Ms. Dostmann said there is a problem with trusting what has been said by the town. Jerry Storey pointed out the difficulty of a problem does not necessarily translate to an unstable or not reliant system. Sometimes the more difficult, the better the system. The Selectboard is sensitive to the issue of trust. The independent engineer that was hired has no relationship with the town.

A gentleman in the audience echoed the concern about not knowing what the displacement will be when 90 more houses are added to the system. Chris Robinson said the plan is to check displacement on a regular basis and address any problems.

Persis Whorl, Logan Court, said she has all the correspondence from the town and the neighborhood on the sewer system. Half the system worked and half did not. There were years of negotiation and multiple bond votes. A compromise was made on the fees and a promise that there would be no more development. Residents will be paying for the system for the next 20 years. If the system fails there will be a mess in the neighborhood and the streams. A backup plan and contingencies are needed. It is difficult to understand how the capacity increases from 58% to 60% when the flow is doubled. Mary Kehoe clarified the problems the neighborhood had with sewage were due to failing on-site septic systems. Seventy-four percent of the residents wanted the sewer system installed. To address the connection of the Kwiniaska development, the Selectboard hired an engineer to be impartial so the town can make a considered and informed decision. The Kwiniaska plan was approved by the DRB and not appealed.

Mary Kehoe suggested the engineer be invited to the next Selectboard meeting to answer questions. Jerry Storey said there will be a cost to have the engineer attend the meeting and there may not be more to learn.

Ken Albert spoke in support of having the engineer attend the next meeting to answer questions despite the added cost.

Mary Kehoe asked if the other items in the petition are being abandoned. Bill Supple said if the first item is done (flow sent down Webster Road) then the remaining concerns are

moot. The sewer ordinance (1991 version) says homeowners bear the risk of connection to town sewer. It would be assuring to vet the question with the engineer in person and ask if the system is going to fail. Jerry Storey said the petition with four concerns including restitution will be taken seriously even if the flow goes down Webster Road. Bill Supple said restitution will not be needed if the new neighbor does not connect to the Shelburne Heights system.

Florian Foerg, Morse Drive, said there are legitimate questions about the system even by the experts because there are unknowns.

Tarn Foerg, Morse Drive, asked about storm water runoff into the manhole. Chris Robinson said the standards have changed with storm water management and runoff into a manhole would not be allowed.

Toni Supple recalled the system install was January 2003 and residents had five years to connect. Letters from 2001 explain the delays in the project (ledge, Plant 1 moratorium). The 80 houses in the development have only been on the system for 10 years.

Jerry Storey summarized:

- Any materials residents have pertaining to the sewer system can be submitted to Peter Frankenburg by June 28.
- Green Mountain Engineering will be asked to attend the July Selectboard meeting.
- Issues will be laid out and any changes discussed.
- Discussion of restitution will remain on the table.

Chris Robinson noted that flow down Webster Road brings up issues as well with developments on the road (Boulder Hill, Mack Farm, Beaver Creek, Lilly Creek, and others). There are capacity issues and not enough available storage at the pump station. An upgrade would be needed. The gravity flow system through Shelburne Heights is low risk.

Mike Ashooh returned to the Selectboard.

## **9. WASTE WATER DEPARTMENT BUDGET**

Submit any questions on the Waste Water Budget to Peter Frankenburg.

## **10. WASTE WATER CAPACITY ALLOCATION CYCLE**

Chris Robinson explained every three years the 3-year allocation cycle is updated. The town is in the seventh 3-year allocation for the facilities and moving into the last cycle for residential and non-residential allocation. Total available allocation is split over a three-year period. The ordinance specifies 20 years, but staff will bring forth a revised ordinance to spread out the allocation until 2028.

Jerry Storey asked about the estimation of demand in the time period. Chris Robinson said demand has been steady and the town has available capacity.

Mike Ashooh asked why permission from the Selectboard is necessary for allocation. Chris Robinson explained the town has a 20-year bond to pay off and does not want to use all the capacity prior to the 20-year mark and then have a moratorium in place.

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the Waste Water Capacity Allocation Cycle set forth in Attachments B-1 and A. VOTING: unanimous (3-0); motion carried.**

**11. WASTE WATER ALLOCATION REQUEST**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the waste water allocation request for 7,050 gpd of additional capacity for the 63-unit residential development at the site of the Yankee Doodle Motel. VOTING: unanimous (3-0); motion carried.**

**12. RECORDS RETENTION POLICY REVISION**

**MOTION by Mike Ashooh, SECOND by Mary Kehoe, to approve the Records Retention Policy as revised August 14, 2018. VOTING: unanimous (3-0); motion carried.**

**13. ROAD NAMING**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the name “Luke Lane” for a private road off Spear Street. VOTING: unanimous (3-0); motion carried.**

**14. AMENDMENT TO HIGHWAY EQUIPMENT NOTE**

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the amendment to the \$70,000 highway equipment note for a one-year term at 2.25% interest with Union Bank. VOTING: unanimous (3-0); motion carried.**

**15. SPECIAL MEETING DATE TO SET TAX RATE**

The Selectboard scheduled a special meeting on 7/2/19 at 10:00 AM to set the tax rate for FY 2019-2020.

**16. EXECUTE DOCUMENTS FOR LIBRARY/TOWN CENTER BONDS**

The Selectboard signed the documents for the \$3.9 million bond for the library/town center project.

**17. ADJOURNMENT**

**MOTION by Mike Ashooh to adjourn the meeting.**

The meeting was adjourned at 9:58 PM.

*RScty: MERiordan*

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For the Selectboard

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Date