

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
June 26, 2018**

MEMBERS PRESENT: Jerry Storey (Chair); Jaime Heins, Mary Kehoe, Josh Dein. (Colleen Parker was absent.)

ADMINISTRATION: Lee Krohn, Interim Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning & Zoning Director; Chris Robinson, Water Quality Superintendent;

OTHERS PRESENT: Tom and Sara Tompkins, Linda Riell, Dave and Sue McLellan, Steven Metz, Mike Schramm, John Reily, Mike Ashooh, Lee Suskin.

1. CALL TO ORDER

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

2. APPROVE AGENDA

The following additions to the agenda were made:

- Waiver of payment by the town for a town construction permit for the library project.
- Executive Session – Vermont Railways litigation

MOTION by Mary Kehoe, SECOND by Jaime Heins, to add waiver of the payment by the town for a town construction permit for the library project to the agenda. VOTING: unanimous (4-0); motion carried.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to add discussion of the Vermont Railways litigation in Executive Session. VOTING: unanimous (4-0); motion carried.

MOTION by Mary Kehoe, SECOND by Josh Dein, to approve the agenda as amended. VOTING: unanimous (4-0); motion carried.

3. APPROVE MINUTES

June 12, 2018

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the minutes of 6/12/18 as written. VOTING: unanimous (4-0); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

Dr. Steve Metz spoke against the state legislature approving the legalization of recreational marijuana which is contrary to the effort to improve public health, and urged the Shelburne Selectboard to outlaw use of marijuana in the Town of Shelburne.

5. SELECTBOARD COMMENTS

- The Selectboard thanked Ann Janda for acting as the interim Town Manager in the absence of Lee Krohn.
- Jaime Heins applauded having police officers on bikes patrolling Harbor Road and targeting drivers using mobile phones while driving.

6. TOWN MANAGER REPORT

Lee Krohn reported:

- Thanked staff for the assistance in his absence.
- The library project continues to move forward.
- Progress is being made on the water capacity agreement with South Burlington for Spear Street.

7. PRESENTATION: Waste Water Consolidation Plan

The consulting team from Hoyle & Tanner Associates reviewed the cost/benefits of Alternative 4 which consolidates the flow from both treatment plants in Shelburne and pumps to the South Burlington facility at Bartlett Bay. In sum, Alternative 4 has short and long term economic benefits compared to the other alternatives and non-monetary factors that benefit the alternative. The project schedule from preliminary engineering to construction is estimated to cover 9 years with the town going online with the South Burlington plant by January 2027. There may be incentives available to the town through the Clean Water Act to assist with costs. The town is urged to begin discussions with South Burlington before South Burlington begins the upgrade of the Bartlett Bay plant. The town should also continue to eliminate infiltration in the town's system to save capacity.

There was discussion of the users of the system paying the cost of the upgrade and connection to the South Burlington plant. With a town bond all taxpayers contribute to repayment. The town would continue to cover the cost of operation of the pump stations and the cost to decommission the two treatment plants. The loss of revenue from septage received by the treatment plants currently is not significant if the town connects to the South Burlington plant. There was mention of controlling phosphorus and pollution. It was noted South Burlington has a good record of environmental stewardship and will be operating on the TMDL for phosphorus in Shelburne Bay.

The consensus of the Selectboard is to enter into discussions with South Burlington to formally define each municipality's intent on consolidation.

8. ETHICS ORDINANCE

Lee Suskin reported the working committee produced a short, more concise ordinance for consideration. Remaining issues include:

- Aspirational guidelines
- Definition of "personal conflict of interest"
- Personal bias or prejudice toward individual(s) in a proceeding
- Recusal
- Investigations
- Prohibited conduct

Josh Dein urged ensuring that the playing field is level for someone bringing a complaint forward. Also, the Ethics Committee should have a degree of independence and a mechanism for this in order to perform its duties.

Jaime Heins stressed the need to educate the public and officials on the ordinance. Lee Suskin said the committee will be active in educating public officials and the public on the ordinance.

9. VILLAGE CENTER TRANSPORTATION STUDY SYNTHESSES

The Selectboard discussed forming an ad hoc committee charged with the task of synthesizing the village traffic studies, perhaps in a summit format, and providing recommendations to the Selectboard. Josh Dein will draft a framework to move the process forward. Dean Pierce mentioned the Planning Commission is also discussing transportation issues. Suggestion was made to delegate the workload over existing groups and address the speed of traffic on Falls Road to reduce risk now. The first step is to have the police enforce the speed limit on the road. The Selectboard discussed decoupling the project and policy level (i.e. bigger transportation picture versus the traffic issue on Falls Road). Lee Suskin will draft a list of items that can stand alone versus those that need Selectboard involvement.

10. LETTER TO E911 BOARD

The Selectboard signed the letter.

11. CBC APPLICATION PROCESS

Mary Kehoe said comments received to date have been incorporated into the document. Mary Kehoe will draft language for an oath or pledge for appointees.

12. POTENTIAL WASTE WATER ALLOCATION REQUEST

No request was actually made, so no action was taken.

13. SET INTEREST RATE FOR LATE TAX PAYMENT

Peter Frankenburg noted per Section 9.2 of the town charter the town can charge a 5% penalty and interest rate of 1.5% per month. The town policy is not to charge interest for the first month of lateness.

MOTION by Josh Dein, SECOND by Mary Kehoe, to set the interest rate for late property tax payment for FY2019 at 1.5% month after the initial first month of lateness. VOTING: unanimous (4-0); motion carried.

14. ZONING PERMIT FEE FOR LIBRARY

MOTION by Mary Kehoe, SECOND by Jaime Heins, to waive the zoning permit fee for the town center application process as long as there is appropriate recognition for the zoning office of the work done associated with the waived fee. VOTING: unanimous (4-0); motion carried.

15. EXECUTIVE SESSION*Labor Relations*

MOTION by Jaime Heins, SECOND by Mary Kehoe, to find that premature public knowledge of AFSCME contract negotiations would clearly place the town at a substantial disadvantage. VOTING: unanimous (4-0); motion carried.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to go into Executive Session under the provisions of 1VSA313.1.B to discuss AFSCME negotiations, and invite the interim Town Manager to attend. VOTING: unanimous (4-0); motion carried.

Executive Session was convened at 9:36 PM.

MOTION by Josh Dein, SECOND by Mary Kehoe, to adjourn Executive Session. VOTING: unanimous (4-0); motion carried.

Executive Session was adjourned at 9:47 PM.

Vermont Railways Litigation

Josh Dein recused himself.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to find that premature public knowledge of Vermont Railways litigation would clearly place the town at a substantial disadvantage. VOTING: unanimous (3-0); motion carried.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to go into Executive Session under the provisions of 1VSA313.1.E to discuss Vermont Railways litigation, and invite the interim Town Manager to attend. VOTING: unanimous (3-0); motion carried.

Executive Session was convened at 9:48 PM.

16. ADJOURNMENT

No action was taken following Executive Session and the meeting was adjourned.

RecScty: MERiordan