

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
July 24, 2018**

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

ADMINISTRATION: Lee Krohn, Interim Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Kevin Unrath, Library Director; Diana Vachon, Town Clerk.

OTHERS PRESENT: Sara and Tom Tomkins, Linda Riell, Cathy Townsend, Lauren Mathon, Ann Smallwood, Ashon Nelson, Megan, Nedowski, Rep. Jessica Brumsted, Lisa Merrill, Doris Sage, Barb Comeau, Ruth Hagerman, John Pascarelli, Kathy Brooks, Andrew Martin, Alice Winn.

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 amend the agenda to add appointment of the Selectboard member to the Library Town Center Construction Committee. VOTING: unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Josh Dein, to approve the agenda as amended. VOTING: unanimous (5-0); motion carried.

3. APPROVE MINUTES

July 9, 2018

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the minutes of 7/9/18 with the addition of John Pascarelli to the first page and to attach the document noted in the 4th paragraph. VOTING: 4 ayes, one abstention (Colleen Parker); motion carried.

July 10, 2018

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the minutes with correction of any typographical errors and to insert the word “substantial” before “disadvantage” in the Executive Session motions. VOTING: 4 ayes, one abstention (Colleen Parker); motion carried.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

- John Pascarelli spoke about the current design of the new town center and library project and urged taking pause, recognizing the significance of the project and the need for improvements, and to do this for present and future generations.
- Kathy Brooks urged all townspeople to participate in the new town manager survey. Ongoing reminders will be sent via social media.

5. SELECTBOARD COMMENTS

- Josh Dein requested the agenda for the next Selectboard meeting include discussion of the summary of items previously identified to be discussed.
- Mary Kehoe urged all to take the town manager survey which is easy to do and takes less than two minutes to complete.
- Jerry Storey stressed public views and opinions on what the town wants in a town manager are needed. All are urged to do the survey.

6. TOWN MANAGER REPORT

Lee Krohn reported:

- The sewer line replacement on Harbor Road is going well, on time and on budget.
- The library has moved to the temporary location.
- Staff continues doing its best to keep the municipal government moving forward.

7. LIBRARY TOWN CENTER PROJECT UPDATE

Cathy Townsend reported the guaranteed maximum price of the library town center project is \$5.84 million (total project budget is \$6.5 million). Fund raising is taking place. Per the construction schedule the new library should open in summer 2019.

Andrew Martin explained the project estimates and construction documents. The bid numbers are good. The bids have to move forward because the bidders cannot hold the prices. Also, the goal is to keep the project work out of winter conditions which will save the town money.

There was discussion of the proposed library building design and all the work done to date on project planning.

Accept Guaranteed Maximum Price

MOTION by Mary Kehoe, SECOND by Colleen Parker, to accept the guaranteed maximum price as presented.

DISCUSSION:

- **Josh Dein acknowledged the public comment on the design, but it is too late in the process to redo.**
- **Jaime Heins said the process has been more than thorough with lots of outreach to the public.**
- **Mary Kehoe said some of the recent design changes are due to forces outside the control of the committee. There are limits due to the budget and the site. The outcome is great in terms of safety and layout.**

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

Change Issues

MOTION by Mary Kehoe, SECOND by Colleen Parker, to authorize the Town Manager to approve change issues less than \$5,000 without review by the Selectboard, review change issues between \$5,000 and \$25,000 with the Selectboard Chair, and bring change issues over \$25,000 to the Selectboard for approval.

DISCUSSION:

- It was confirmed the construction committee will also see the change issues.

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

Name Change and Appointments

MOTION by Colleen Parker, SECOND by Jaime Heins, to change the name of the Pierson Library Building Steering Committee to the “Library Town Center Construction Committee” with the following core members:

- Ann Smallwood
- Alice Winn
- Jerry Storey
- Lee Krohn
- Ruth Hagerman
- Cathy Townsend

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

Authority to Proceed

MOTION by Colleen Parker, SECOND by Mary Kehoe, to authorize the project group and the Town to proceed with construction. VOTING: unanimous (5-0); motion carried.

8. MUNICIPAL RECORDS RETENTION POLICY

Lee Krohn suggested the town adopt the guidelines from the Vermont Secretary of State and the federal Internal Revenue service, as may be applicable, on records retention. Lee Krohn and Diana Vachon will draft a town policy for Selectboard review and approval at the next meeting.

Rep. Jessica Brumsted spoke in support of digitizing town records.

9. FY2020 BUDGET DEVELOPMENT PROCESS

Peter Frankenburg reviewed the budget schedule. The organizational improvement plan (OIP) was added to the schedule on September 25th.

10. CBC APPLICATION PROCESS

The Selectboard discussed and agreed to the following:

- Town staff members and contractors are eligible to serve on town boards and committees per current practice. No change is needed to the process.
- Terms are limited to three consecutive three year terms for members on the DRB or Ethics Committee.
- There is no need to list all the CBCs in the document.
- Selectboard policy does not supersede the Town Charter or Ordinances.
- The Selectboard can be notified by the annual CBC report and the Chair of the committee can identify any non-resident serving on the committee.
- Student members can be from any area high school.

The Selectboard will finalize the policy at the next meeting.

11. HEAD SHOP ORDINANCE

Lee Krohn reported legal advice is not to try to regulate head shops because this would be impossible to enforce.

Rep. Brumsted urged talking to Shelburne's state representatives about the position of the Town on marijuana and head shops.

12. INTERIM TOWN MANAGER CONTRACT

Lee Krohn recused himself and left the room.

Jerry Storey suggested Regional Planning be asked to extend the agreement with Lee Krohn as interim town manager for one month and possibly two months. The Selectboard can discuss the approach to take after the extension(s) at the August 14th Selectboard meeting. Jerry Storey will meet with Charlie Baker, CCRPC, to discuss the request extension.

MOTION by Colleen Parker, SECOND by Jaime Heins, to request Chittenden County Regional Planning grant a one month extension of the original agreement for the interim town manager.

DISCUSSION:

- Peter Frankenburg advocated for a two month extension because it is unlikely the town will have the new town manager in place. Jerry Storey said the Selectboard will discuss the matter further at the next meeting when more is known from CCRPC.

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

Lee Krohn returned to the meeting.

13. EXECUTIVE SESSION*Litigation*

MOTION by Jaime Heins, SECOND by Colleen Parker, pursuant to 1VSA313.a.1.E to find that premature public knowledge of litigation strategies in the CLF and Nate Burris matters would clearly place the town at a substantial disadvantage.

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

Labor Negotiations

MOTION by Jaime Heins, SECOND by Colleen Parker, pursuant to 1VSA313.a.1.B to find that premature public knowledge of labor negotiations with the AFSCME Union would clearly place the town at a substantial disadvantage. VOTING:

unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Colleen Parker, to go into Executive Session to discuss litigation matters and invite the Interim Town Manager to participate. VOTING: unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Colleen Parker, to go into Executive Session to discuss the AFSCME Union contract negotiations and invite the Interim Town Manager to participate. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 9:19 PM.

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

Executive Session was adjourned and the regular meeting resumed at 10 PM.

ACTION FOLLOWING EXECUTIVE SESSION

MOTION by Colleen Parker, SECOND by Mary Kehoe, to approve up to \$1,000 in legal fees to continue to pursue litigation with CLF regarding municipal sewage treatment plants.

DISCUSSION:

- Josh Dein expressed concern about how the case has been handled.

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

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve supplemental legal fees in an amount not to exceed \$2,000 for the purposes of filing a Motion to Reconsider with Environmental Court in the Nate Burris v Town of Shelburne matter. VOTING: 4 ayes [Mary Kehoe recused from vote]; motion carried.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to approve the agreement between the Town of Shelburne and the American Federation of State and County Municipal Employees (AFSCME), Council 93 AFL-CIO, Local 1343 Shelburne Town Employees, Chapter 008, effective July 1, 2018 through June 30, 2021. VOTING: unanimous (5-0); motion carried.

14. OTHER BUSINESS

None.

15. ADJOURNMENT

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

The meeting was adjourned at 10:06 PM.

RecScty: MERiordan

For the Selectboard

Date