

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
September 25, 2018**

- MEMBERS PRESENT:** Jerry Storey (Chair); Colleen Parker, Mary Kehoe, Jaime Heins, Josh Dein.
- ADMINISTRATION:** Lee Krohn, Interim Town Manager; Peter Frankenburg, Finance Director; Ann Janda, Director of Administration; Chris Robinson, Water Quality Superintendent; Dean Pierce, Director of Planning.
- OTHERS PRESENT:** Tom and Sara Tompkins, Linda Riell, Lee Suskin, Ruth Hagerman, Tom DiPietro, Dorothea Penar, Susannah Kerest, Dick Elkins, Kate Lalley, David and Susan McLellan, Elke Bowman, Berenice Sarafzade, Mike Schramm, Chip Stulen, Chris Davis, Tom Denenberg, Wendy Saville, Tom Nold, Ken Scott, Kevin Boehmcke, Charlie Baker, John Zenaty, Craig Bartlett, Mike Donoghue (Shelburne News).

[Note: Minutes reflect the order of the published agenda. Absent a quorum, the Selectboard held an informal joint discussion with the Planning Commission prior to the regular meeting to discuss the new draft town plan.]

1. CALL TO ORDER (regular meeting)

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

2. APPROVE AGENDA

September 11, 2018

MOTION by Jaime Heins, SECOND by Josh Dein, to approve the agenda with the change to delay approval of the 9/11/18 minutes until October 19, 2018 and advance the planning grant item to follow the Town Manager's report. VOTING: unanimous (5-0); motion carried.

3. APPROVE MINUTES

September 11, 2018

Deferred to 10/9/18.

4. CITIZEN PARTICIPATION & PUBLIC COMMENT

Ruth Hagerman, Library Board of Trustees, gave a brief update on the library/town center project and the upcoming groundbreaking event.

Linda Riell, Falls Road, requested the public be updated on the rail litigation schedule. Lee Krohn noted oral arguments are scheduled on November 8, 2018.

5. SELECTBOARD COMMENTS

- Jerry Storey called for patience with the construction in the village. The projects are critical.
- Mary Kehoe volunteered to help facilitate the synthesis of traffic studies done by the town.
- Jaime Heins thanked Vermont Railway for use of the parking spaces during the library/town center construction, and mentioned the fire prevention and safety day that was recently held.
- Colleen Parker thanked all school and rec volunteers.

6. TOWN MANAGER REPORT

Lee Krohn reported:

- There are two vacancies on the DRB.
- Annual Fire Department breakfast is 10/13/18 at Shelburne Community School.
- Two cars can legally pass under the Bay Road Bridge. Patience by the public is urged.

7. CCRPC ANNUAL REPORT & UPDATE

CCRPC Executive Director, Charlie Baker, and Shelburne representative on the CCRPC board, John Zenaty, reviewed the annual report which highlights how Regional Planning helps the town and the projects underway. There was brief discussion of outcomes from the Transportation Demand Program and regional dispatch.

8. PUBLIC HEARING: Proposed Storm Water Ordinance and Fee Structure MOTION by Jaime Heins, SECOND by Mary Kehoe, to open the public hearing on the storm water ordinance and fee structure. VOTING: unanimous (5-0); motion carried.

Chris Robinson, Water Quality Superintendent, and Tom DiPietro, South Burlington, gave a presentation on storm water and MS4 permit requirements. The storm water investment by the town is estimated at \$4.7 million. The storm water fee that is recommended is an ERU (equivalent residential unit) based on the square footage of impervious surface. The fee amount annually is estimated to be \$69.72. Property owners can apply for a credit. A two tiered approach can be considered to equitably address larger single family houses and more modest single family houses. There are grants available to help set up the storm water program.

COMMENTS

Linda Riell, Falls Road, spoke in support of a two tiered program to be more equitable.

Tom Deneberg, Shelburne Museum, said the storm water fee is like a tax to a nonprofit. There is a big difference between a paved parking lot and gravel roads and historic buildings. Shelburne Farms has many large barns and much acreage to handle storm water runoff. There should be an exemption for large barns that do not contribute to storm water. Also, capping the fee for nonprofits should be considered or nonprofits should have a flat fee like the residential single family house fee.

Tom Tompkins, Falls Road, urged putting the onus on those who can afford to pay – the wealthy with large houses and tennis courts and such. The storm water fee should be based on the grand list because it is up to the taxpayers to fund the town.

Tom Nold, resident, said property tax is a reliable source of funding. [Ann Janda noted relying on the property tax is a risk because the Selectboard could decide to cut an item in the budget, such as storm water, to reduce the tax rate.]

Jerry Storey announced Robert Plat sent an email stating support for as equitable a fee as possible.

Josh Dein suggested incorporating the Blue Program certification into the storm water ordinance. [Tom DiPietro said the Blue credit program would be an incredible amount of work.]

Other items noted relative to the storm water ordinance included:

- Having a staff member on the quasi-judicial board.
- Having an adequate mapping tool for storm water.
- Adding language on how to remove items in the water course and enforcement.
- Marking the storm water system and having language in the ordinance on damage
- Linking impervious surface to cost with consideration of the size of the parcel and assessed value.
- Expanding the language to better explain institutions that can gain a credit.
- Definition of limits and timeframes (the more defined the regulations the easier to enforce).
- Judicial Bureau needs clarification with the change in language.
- Storm water mitigation fee must go to management of the storm water on the parcel.
- The process would benefit from discussion with staff and the committee.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to continue the public hearing to 10/9/18. VOTING: unanimous (5-0); motion carried.

Staff will provide additional information prior to the next meeting to include:

- Half acre tiered system
- Nonprofit treatment
- Quasi-judicial board
- Impervious surface versus assessed value
- Phasing in the fee
- Incorporating single family residences and handling residential storm water issues in the program.

9. REQUESTED FOR WAIVER OF FEES

Late Filing of Homestead Declaration

Ken Scott, O'Brien Drive, explained his homestead declaration was filled late due to family circumstances and lack of knowledge of the declaration as a new Vermont resident.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to waive the penalty of \$293.78 for late filing of the homestead declaration by Ken Scott. VOTING: unanimous (5-0); motion carried.

Colleen Parker recused herself.

Craig Bartlett explained the homestead declaration was filed on time with the state, but the state did not have a record of this. Also, the taxes are listed as "nonresident".

MOTION by Jaime Heins, SECOND by Mary Kehoe, to waive the penalty in the amount of \$547.39 for a late homestead declaration filing for Dr. Craig Bartlett and Dr. Colleen Parker at 4047 Spear Street, Shelburne, Vermont. VOTING: unanimous (4-0); motion carried.

Colleen Parker returned to the Selectboard.

Sewer Charges

MOTION by Josh Dein, SEOND by Mary Kehoe, to waive the sewer charge of \$20.51 as requested by the individual per the severe health criterion. VOTING: unanimous (5-0); motion carried.

10. SCOUT BARN MOU

MOTION by Colleen Parker, SECOND by Jaime Heins, to approve the memorandum of understanding for the scout barn as presented. VOTING: unanimous (5-0); motion carried.

11. MUNICIPAL PLANNING GRANT

Dean Pierce explained the municipal planning grant would be used to hire consultants to do a PUD typology.

Jerry Storey read the resolution for the grant.

MOTION by Colleen Parker, SECOND by Jaime Heins, to adopt the resolution for a municipal planning grant as read. VOTING: unanimous (5-0); motion carried.

12. PROJECT COMMITMENT FORM FOR IRISH HILL BIKE/PED GRANT

Lee Krohn noted this is the first step to allow the administrative agreement to move forward and the town to begin the project.

MOTION by Colleen Parker, SECOND by Jaime Heins, to authorize the Town Manager to sign the project commitment form for the Irish Hill Bike/Ped grant as stated. VOTING: unanimous (5-0); motion carried.

13. LETTER OF SUPPORT FOR HISTORICAL SOCIETY GRANT APPLICATION

Dorothea Penar explained the need for a letter of support from the Selectboard in order to apply for a grant to set up a scan and digitalizing program and display boards for the Historical Society.

MOTION by Josh Dein, SECOND by Colleen Parker, authorizing the Town Manger to draft a letter of support for the Historical Society grant application. VOTING: unanimous (5-0); motion carried.

14. C/P COVERAGE WITH VLCT PACIF

Jerry Storey recused himself and Jaime Heins facilitated the meeting. There was brief discussion of contract services, legal services, and insurance services and agreement to renew the services and resolve the contract services issue when the new town manager is in place.

MOTION by Colleen Parker, SECOND by Josh Dein, to renew the C/P coverage with VLCT PACIF. VOTING: unanimous (5-0); motion carried.

Jerry Storey returned to the Selectboard and resumed facilitation of the meeting.

15. CONFLICT OF INTEREST ORDINANCE

Lee Suskin, Ethics Committee, noted the full committee has not reviewed the draft copy that was reviewed by town counsel. Some issues that have been identified include the matter of two public officials on the same town committee or board being a conflict of interest, the Ethics Committee having authority to provide an advisory opinion, the Ethics Committee determining what is posted on the website, and authorizing public officials to recuse, definition of deminimus. Minor edits were made to the text to include Section 11.C.3.a (change “investigation” to “inquiry”), Sections 11.B.C and 11.C. D. (text should say “shall encourage mediation”), Section 11.D (language should say the Ethics Committee can request funds from the Selectboard when necessary). The Selectboard will review the final draft ordinance on 10/9/18. Jaime Heins and Mary Kehoe will work with the Ethics Committee on the items discussed.

COMMENTS

Linda Riell, Falls Road, spoke in support of the Ethics Committee having authority to provide an advisory opinion.

16. ADJOURNMENT

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

The meeting was adjourned at 10:33 PM.