

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE SELECTBOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
November 13, 2018**

MEMBERS PRESENT: Jerry Storey (Chair); Colleen Parker, Mary Kehoe, Jaime Heins, Josh Dein.
ADMINISTRATION: Lee Krohn, Interim Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director.
OTHERS PRESENT: Sign-in sheet on file.

1. CALL TO ORDER

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

2. APPROVE AGENDA

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve the agenda as presented.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to amend the agenda by adding an Executive Session to discuss contract negotiations relative to solar energy.

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

3. MINUTES

September 11, 2018

MOTION by Colleen Parker, SECOND by Mary Kehoe, to approve the 9/11/18 minutes as written. VOTING: unanimous (5-0); motion carried.

October 23, 2018

MOTION by Mary Kehoe, SECOND by Colleen Parker, to approve the 10/23/18 minutes as written. VOTING: unanimous (5-0); motion carried.

November 1, 2018

MOTION by Colleen Parker, SECOND by Mary Kehoe, to approve the 11/1/18 minutes as written. VOTING: unanimous (5-0); motion carried.

November 7, 2018

MOTION by Mary Kehoe, SECOND by Colleen Parker, to approve the 11/7/18 minutes as written. VOTING: unanimous (5-0); motion carried.

4. PUBLIC COMMENT and LIBRARY/TOWN CENTER UPDATE

Ruth Hagerman, Library Trustees, gave an update on the library/town center project and fundraising to date.

Mark Chandler requested the Selectboard consider a zoning issue relative to impact of Airbnb and small businesses in residential areas.

5. SELECTBOARD COMMENTS

- Mary Kehoe suggested the Planning Commission consider the zoning issue relative to Airbnb and small businesses in residential areas. Also, coalescence and synthesizing of the traffic studies done to date still needs to be done.
- Jerry Storey mentioned the success of the election and the work of the Town Clerk. There was high turnout and lots of community help.
- Jaime Heins echoed the comments regarding Election Day and the planning and volunteer work that was done.

6. TOWN MANAGER REPORT

Lee Krohn reported:

- Works on Falls Road continues. The contractor is doing his best to complete the work, but unexpected complications are occurring.

7. CONFIRM EMPLOYMENT OF LEE KROHN AS TOWN MANAGER
MOTION by Mary Kehoe, SECOND by Jaime Heins, to extend a conditional offer of the Town Manager position to Lee Krohn. VOTING: unanimous (5-0); motion carried.

8. TREE ADVISORY COMMITTEE: Update on Emerald Ash Borer
Gail Henderson-King, Tree Advisory Committee, advised the Selectboard on the advance of the Emerald Ash Borer beetle and potential impact on the over 700 ash trees in Shelburne. A proactive plan is being developed. The Tree Advisory Committee will seek grants.

9. SHELBURNE NATURAL RESOURCES AND CONSERVATION COMMITTEE: Funding Request for Open Space/Conservation Projects

Gail Albert, Shelburne Natural Resources and Conservation Committee, requested \$20,000 from the Open Space Fund for the purchase of 2.5 acres on Irish Hill Road from Sterling Land Company. The conservation value of the land is protecting the river shoreline, habitat, and wildlife.

Bart Frisbie, Sterling Land Trust, said public pedestrian access to the property will be granted using the roadway in the development on the other lots.

MOTION by Josh Dein, SECOND by Colleen Parker, to approve the request by SNRCC for \$20,000 for the purchase of land from Sterling Land Company off Irish Hill Road. VOTING: unanimous (5-0); motion carried.

10. CONFLICT OF INTEREST ORDINANCE: Final Draft & Warn Public Hearing

MOTION by Mary Kehoe, SECOND by Josh Dein, to amend the final draft of the Conflict of Interest ordinance as follows:

- **Remove the last sentence in Article 1.**
- **Remove the second title in Article 5.**
- **Add “and parties and quasi-judicial proceedings” to Article 7.**

- Add “If a public official has an actual conflict of interest he or she shall recuse himself or herself from consideration of the matter.”
- Add “Written notice shall be given to each member of the Ethics Committee and to the complainant.” to Section 11.C.3.c.

DISCUSSION:

- Gail Albert suggested changing “will” to “shall” in Article 5.B, and if necessary defining what determines conflict of interest for the Town Attorney in Article 11.B.6.

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

MOTION by Josh Dein, SECOND by Jaime Heins, to schedule a public hearing on the Conflict of Interest ordinance on 12/11/18.

DISCUSSION:

- Colleen Parker suggested scheduling the public hearing in January when the full board will be in attendance.

VOTING: 4 ayes, one nay (Colleen Parker); motion carried.

11. LIBRARY/TOWN CENTER PROJECT: Complications and Costs

Lee Krohn reported unanticipated issues with the library/town center project include:

- Soil for fill
- Contaminated soil
- Masonry work
- New fire panels
- Concrete in front of firehouse
- Paving
- Additional fire hydrant
- Wayfinding sign

The cost estimate to address the items is \$250,000. Staff suggests adding the cost to the CIP budget. Staff will provide further recommendations at the next Selectboard meeting.

There was discussion of keeping the costs within the project budget rather than the CIP budget. There was mention the contingency for the project seems low for the total project cost.

Comments from the public included:

- Frustration with the design professionals not seeking input from appropriate experts to identify issues with the building.
- Concern the library/town center project will be a “money pit”.
- Sticking to the project budget.
- Concern about the costs facing the taxpayers who have to pay for the new fire truck, rail litigation, and the library project.
- Using donations to the library project to reduce the bill taxpayers will have to pay.
- Ground water contamination from contaminated soil.

12. PUBLIC HEARING: CIP and Budget

Peter Frankenburg, Finance Director, gave a brief presentation on the Capital Improvement Plan. The current CIP includes over 100 projects for a total cost estimate of \$28.2 million. The Planning Commission recommended including in the CIP a study to look at connecting bike/ped paths in town, money for solar projects, continued development of the bike/ped corridor, and a line item for the Open Space Fund. Priorities with the CIP are infrastructure, facilities, public safety, and bike/ped paths.

There was discussion of including a placeholder for the Open Space Fund in the CIP. Peter Frankenburg said the practice has been to identify where the money would be spent then include funds in the CIP.

MOTION by Mary Kehoe, SECOND by Josh Dein, to open and close the public hearing. VOTING: unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Josh Dein, to approve the CIP as presented including a line item for the Open Space Fund in the amount of \$50,000 annually. VOTING: unanimous (5-0); motion carried.

13. PRIORITY LIST/WORK PLAN

14. INNOVATIVE IDEA AWARD

MOTION by Josh Dein, SECOND by Colleen Parker, to table the priority list/work plan and innovative idea award. VOTING: unanimous (5-0); motion carried.

15. EXECUTIVE SESSION

Contract Negotiations – Solar Panels

MOTION by Mary Kehoe, SECOND by Colleen Parker, to find that premature public knowledge of contract negotiations will place the town at substantial disadvantage. VOTING: unanimous (5-0); motion carried.

MOTION by Mary Kehoe, SECOND by Colleen Parker, based on the finding that premature public knowledge of contract negotiations placing the town at substantial disadvantage to go into Executive Session pursuant to 1VSA313.3 to discuss contract negotiations relative to solar panels on the library building and invite Kathy Townsend and Ruth Hagerman to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 9:14 PM.

MOTION by Josh Dein, SECOND by Jaime Heins, to exit Executive Session and resume the regular meeting. VOTING: unanimous 3-0)[Mary Kehoe and Colleen Parker not present for vote]; motion carried.

Executive Session was adjourned at 9:30 PM.

Town Manager Contract Negotiations

MOTION by Josh Dein, SECOND by Jaime Heins, pursuant to 1VSA313.3 to go into Executive Session to discuss contract negotiations relative to appointment or employment of a public officer, in this case the Town Manager, and invite Lee Krohn to attend. VOTING: unanimous (3-0)[Mary Kehoe and Colleen Parker not present for vote]; motion carried.

Executive Session reconvened at 9:35 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 at 9:50 PM.

ACTION FOLLOWING EXECUTIVE SESSION

Jaime Heins announced he was delegated to work with legal counsel, Don Jutton (consultant), and Lee Krohn on the Town Manager contract negotiations.

MOTION by Mary Kehoe, SECOND by Josh Dein, to authorize Lee Krohn to be the municipal official as grant administrator for the EV charging station and a Selectboard member as the backup administrator. VOTING: unanimous (5-0); motion carried.

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 PM.

RecScty: MERiordan