

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
November 27, 2018**

MEMBERS PRESENT: Jerry Storey (Chair); Colleen Parker, Jaime Heins, Josh Dein, Mary Kehoe [via telephone].
ADMINISTRATION: Lee Krohn, Interim Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Kevin Unrath, Library 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 Colleen Parker, **SECOND** by Jaime Heins, to approve the agenda with the advance of the Executive Session with the Town Attorney to discuss the Vermont Railway litigation to follow the Town Manager report. **VOTING:** unanimous (5-0); motion carried.

3. MINUTES

October 25, 2018

MOTION by Jaime Heins, **SECOND** by Josh Dein, to approve the 10/25/18 minutes as written. **VOTING:** 4 ayes, one abstention (Colleen Parker); motion carried.

November 13, 2018

MOTION by Jaime Heins, **SECOND** by Josh Dein, to approve the 11/13/18 minutes with the following correction(s)/clarification(s):

- Page 1, Approval of November 7, 2018 minutes – note that Josh Dein abstained from the vote.
- Page 4, motion to close the public hearing on the CIP and budget – correct the spelling of “MOTION”.
- Page 4, Executive Session, Solar Panels – note that Josh Dein recused himself.

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 construction site and the materials arriving and being removed.

5. SELECTBOARD COMMENTS

- The Selectboard expressed appreciation to the road crew for clean up of the roads after the recent storm.

6. TOWN MANAGER REPORT

Lee Krohn reported:

- Thanks are extended to the Highway Department for the work following the recent storm.
- Work on Falls Road sewer line is wrapping up.

6.b EXECUTIVE SESSION: Vermont Railway Litigation

Josh Dein recused himself.

MOTION by Jaime Heins, SECOND by Colleen Parker, to find that premature public knowledge of Vermont Railway litigation will clearly place the town at substantial disadvantage. VOTING: unanimous (4-0); motion carried.

MOTION by Jaime Heins, SECOND by Colleen Parker, based on the finding that premature public knowledge of Vermont Railway litigation placing the town at substantial disadvantage to go into Executive Session pursuant to 1VSA313.1 to discuss Vermont Railway litigation to which the town is a party and invite Claudine Safar, town legal counsel, and Lee Krohn, Town Manager, to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 7:28 PM.

MOTION by Jaime Heins, SECOND by Colleen Parker, to exit Executive Session and resume the regular meeting. VOTING: unanimous (4-0); motion carried.

Executive Session was adjourned at 7:58 PM. Josh Dein rejoined the meeting.

7. NATURAL RESOURCES COMMITTEE FUNDING REQUEST

Gail Albert, Shelburne Natural Resources Committee, explained the request for \$80,000 from the Open Space Fund to be used toward acquiring 48.1 acres on the former Ewing Farm off Cheesefactory Road. The land abuts Shelburne Pond, Muddy Brook, and the surrounding farms, and contains a large archeological site (one of the top three in the state) as well as mature forest. The land will be conveyed to UVM for research and educational purposes. The Nature Conservancy will hold a conservation easement. There will be public access, but this will be limited to protect the natural resources.

There was brief discussion of the status of the surrounding properties (much is already conserved). The Nature Conservancy is willing to work with willing landowners. There was mention of the years of work and negotiations that have transpired to get to this point.

MOTION by Josh Dein, SECOND by Colleen Parker, to approve use of an \$80,000 contribution from the Open Space Fund for land on the former Ewing Farm off Cheesefactory Road. VOTING: unanimous (5-0); motion carried.

8. PROPOSED ZONING AMENDMENT AND TOWN PLAN

MOTION by Colleen Parker, SECOND by Jaime Heins, to receive the proposed town plan and schedule public hearings on January 22, 2019 and February 12, 2019. VOTING: unanimous (5-0); motion carried.

9. ZONING CHANGE

Dean Pierce gave an overview of the zoning amendments pertaining to PUDs in the Rural District and fences in the PUD buffer.

MOTION by Colleen Parker, SECOND by Josh Dein, to accept the proposed zoning amendments and warn a public hearing for February 12, 2019. VOTING: unanimous (5-0); motion carried.

10. WAIVE HOMESTEAD DECLARATION LATE PENALTY

John McCann explained the April filing deadline was missed due to a confluence of events. The document was filed in September.

MOTION by Colleen Parker, SECOND by Jaime Heins, to waive the homestead declaration penalty of \$106 for John McCann, 142 Lakeview Road. VOTING: unanimous (5-0); motion carried.

11. ZONING CHANGE: Fences in the PUD buffer

There was discussion of changing the rule to exempt fences from the PUD setback.

MOTION by Josh Dein, SECOND by Colleen Parker, to communicate to the Planning Commission that the Selectboard would like the issue to be reviewed at their convenience. VOTING: unanimous (5-0); motion carried.

12. SCHOOL RESOURCE OFFICER

The proposal from Shelburne Police to have a resource officer on site at CVU was accepted by the school district. The officer while on duty at the school will be paid by the school district. When working in the community the officer will be paid by the town. The officer is a Shelburne town employee, not a school employee. Training for the position will be done for both the resource officer and a substitute. The Town Attorney will review the inter-agency agreement.

13. EXPAND CBC APPOINTMENTS FOR ONE YEAR

Lee Krohn suggested due to the management transition, town plan review, and upcoming budget meetings to extend the appointments on boards and committee for one year. Staff will query the Chairs of the committees and boards about the extension.

14. LIBRARY/TOWN CENTER PROJECT COMPLICATIONS AND COSTS

Ruth Hagerman reported on the cost of unanticipated items with the library project. There has been \$500,000 in value engineering identified. Fundraising has raised \$1 million toward the project. The process for in-kind donations has begun. The \$50,000 for design changes has been spent. There is \$83,000 in construction contingency and \$78,000 for

latent costs. It is proposed to use \$65,000 of the \$78,000 to meet code requirements and maintain the balance of \$12,500 in reserve. The costs related to the soil include \$15,000 for testing, \$99,000 for removal, \$10,000 deductible for remediation and monitoring, and \$17,500 for soil allowance. The balance needed is \$106,000.

There was question as to why the soil condition was not found at the start and planned for in the budget. There was also question of how the town was not aware of state codes. There was mention that there may be ways to find more funding that does not involve using taxpayer money. The Selectboard assured the town will continue to seek means of funding the obligations.

15. PRIORITY LIST/WORK PLAN

The Selectboard discussed the value and use of the priority list and how to make progress on the items. It was suggested priorities for the Town Manager be separated from the priorities for the Selectboard

16. INNOVATIVE IDEA AWARD

Jerry Storey explained department and office heads will be asked to respond to serious economic and political changes in the coming years, and the award will be for the most innovative ideas.

17. COLLEEN HAAG AWARD

Jerry Storey suggested a committee independent of the Selectboard be formed to craft the process for selecting the committee and determining the award recipient.

MOTION by Colleen Parker, SECOND by Jaime Heins, to reactive the Colleen Haag Award and designate Jim Brannon as the organizing lead to come back to the Selectboard with his view on a process and how to establish selection. VOTING (by roll call): Jerry Storey – aye, Colleen Parker – aye, Jaime Heins – aye, Mary Kehoe – nay, Josh Dein – nay (3 ayes, 2 nays); motion carried.

18. EXECUTIVE SESSION

Town Manager Contract Negotiations

MOTION by Jaime Heins, SECOND by Colleen Parker, to find that premature public knowledge of contract negotiations for appointment or employment of a public officer will clearly place the town at substantial disadvantage. VOTING: unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Colleen Parker, 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 (5-0); motion carried.

Executive Session reconvened at 10 PM.

MOTION by Josh Dein, SECOND by Colleen Parker, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (4-0)[Mary Kehoe not present for vote]; motion carried.

Executive Session was adjourned at 10:25 PM.

ACTION FOLLOWING EXECUTIVE SESSION

Jaime Heins said negotiations with Lee Krohn on the Town Manager contract will continue.

19. ADJOURNMENT

MOTION by Josh Dein, SECOND by Colleen Parker, to adjourn the meeting. VOTING: unanimous (4-0)[Mary Kehoe not present for vote]; motion carried.

The meeting was adjourned at 10:27 PM.

RecScty: MERiordan

For the Selectboard

Date