



December 18, 2017

Dear Shelburne Selectboard and Town Manager Joe Colangelo:

For more than fifty years, the Vermont Natural Resources Council has been Vermont's leader in protecting and restoring our natural resources and communities. By building coalitions, working together, and offering common sense solutions, VNRC has set the standard for an approach to environmental protection that endures.

We are aware of the litigation the Town of Shelburne has defended over the past two years with Vermont Railway. We are also aware of the current procedural posture of the case, the recent decision of the District Court for the District of Vermont and that the Town has the ability to appeal that decision by acting now. We have read the decision, consulted with attorneys and feel that it is appropriate for the Town to pursue the appeal.

In addition, over the past year we have been involved in a petition to reclassify the LaPlatte River Marsh as a class 1 wetland. While this petition is unrelated to the Vermont Railway case, it has raised our awareness, and the awareness of our members, of the unique ecological values associated with the surrounding area.

Members in the community and surrounding communities who are concerned about the project have approached us with the request that VNRC use its non-profit status to act as a fiscal agent for private donations to support the Town's appeal, which is wholly consistent with our organizational mission and bylaws. To that end, VNRC is prepared to provide \$20,000 for the purpose of completely funding the appeal. We understand that the Town Attorney has agreed to complete the appeal for a sum not to exceed that amount inclusive of fees and expenses. We further understand that VNRC will have no role in determining strategy, nor will we be privy to private attorney/client communications. In fact, other than making the donation, we will have no role in the appeal. Our donation is strongly for the public purpose of supporting the Town. We fully understand that the Town is the Client of the Town Attorney and not VNRC who is merely the donor of these funds.

If the Town chooses to accept our support, please know that we have no objection to the Selectboard publically acknowledging VNRC's financial support. We wish to be open and transparent.

Upon confirmation that the Town intends to proceed with the appeal, we will forward a check to either the Town's Attorney or to the Town Manager, whichever you prefer.

I look forward to hearing from you.

A handwritten signature in black ink that reads "Brian Shupe". The signature is written in a cursive, flowing style.

Brian Shupe
Executive Director

