



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer  
(802) 985-5116

Town Manager  
(802) 985-5111

Zoning & Planning  
(802) 985-5118

Assessor  
(802) 985-5115

Recreation  
(802) 985-5110

FAX Number  
(802) 985-9550

## SELECTBOARD MEETING AGENDA SHELBURNE TOWN OFFICES, 5420 SHELBURNE ROAD Tuesday, April 11, 2023

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/86567853850?pwd=dGNpQXBYOGJ3NFZWMGNWXXJCNUhLZz09>

Meeting ID: 865 6785 3850; Passcode: 3ZBkja

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

Meeting ID: 865 6785 3850; Passcode: 528574

<b>Call to Order/Roll Call</b>	<b>7:00 P.M.</b>
<b>*Approve Agenda</b>	<b>7:05 P.M.</b>
<b>Disclosure of conflict of interest for items on the agenda</b>	<b>7:05 P.M.</b>
<b>*Approve meeting minutes of March 28, 2023</b>	<b>7:05 P.M.</b>
<b>Public Comments re: items not on the agenda</b>	<b>7:05 P.M.</b>
<b>Selectboard Comments</b>	<b>7:15 P.M.</b>
<b>Town Manager Report</b>	<b>7:20 P.M.</b>
<b>Cat and Dog of the Year</b>	<b>7:25 P.M.</b>
<b>*CBC Reappointments</b>	<b>7:30 P.M.</b>
<b>*Requests for waivers of late fees/penalties re: property tax payments</b>	<b>7:35 P.M.</b>
<b>*Consider authorizing grant applications</b>	<b>7:45 P.M.</b>
<b>*Consider resolution regarding the Crown Road wastewater treatment consolidation</b>	<b>7:55 P.M.</b>
<b>*Update/decision re: improvements to the RT 7/Falls Rd/Harbor Rd intersection</b>	<b>8:10 P.M.</b>
<b>**No Mow May” – discussion, consider endorsing the concept</b>	<b>8:50 P.M.</b>

**\*Liquor License Applications**

**8:55 P.M.**

**\*Executive Session – personnel**

**9:00 P.M.**

**\*Adjourn**

**9:15 P.M.**



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SELECTBOARD MEETING  
*ANNOTATED AGENDA*  
SHELBURNE TOWN OFFICES, 5420 SHELBURNE ROAD  
Tuesday, April 11, 2023

Join SELECTBOARD Zoom Meeting

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<b>Selectboard Comments</b>	<b>7:15 P.M.</b>
<b>Town Manager Report</b>	<b>7:20 P.M.</b>
<b>Cat and Dog of the Year: Town Clerk Diana Vachon will present this annual raffle drawing</b>	<b>7:25 P.M.</b>
<b>*CBC Reappointments</b>	<b>7:30 P.M.</b>

Jon Cocina seeks reappointment to NRCC; Anne Bentley and Michael Major seek reappointment to the DRB. If the Board is so inclined, then

MOTION: I move to reappoint Jon Cocina to the Natural Resources and Conservation Commission, and Anne Bentley and Michael Major to the Development Review Board, all terms effective immediately and running until March 31, 2026.

**\*Requests for waivers of late fees/penalties re: property tax payments**

**7:35 P.M.**

As you have seen in the past after each due date for property tax payments has passed, we have in hand anew several requests for waivers of late fees/penalties. As before, our policy is attached. These requests are summarized below:

Avri Faibish, 274 South Pasture Road. Stated never received a tax bill; closed on the property in October, 2022. Prior cases have been considered under criterion #7, “extenuating circumstances...”. Amount of penalty is \$319.89.

If the Board is so inclined, then

*MOTION: I move to waive the penalty of \$319.89 for late payment of property taxes under criterion #7 of the Town’s policy.*

Hunter Thayer, 73 Rose Hill Lane. Stated that payment was mailed before going away for two weeks; came home, and the envelope was returned. location? Amount of penalty is \$67.87. Prior cases were considered under criterion #6, “...operations of mails...”.

If the Board is so inclined, then

*MOTION: I move to waive the penalty of \$67.87 for late payment of property taxes under criterion #6 of the Town’s policy.*

Doug and Nina Tower, 233 Farmstead Drive. Stated that payment was mailed on March 5; went away on March 6; and then learned that this payment had not arrived timely. Prior cases were considered under criterion #6, “...operations of mails...”. They will apply for autopay to solve this for the future.

If the Board is so inclined, then

*MOTION: I move to refund the penalty paid of \$190.33 for late payment of property taxes under criterion #6 of the Town’s policy.*

**\*Consider authorizing grant applications**

**7:45 P.M.**

We have before us two grant applications for which Selectboard authorization is sought:

The Equity and Diversity Committee seeks \$2100 from SCHIP to fund and host community events: a heritage potluck & multicultural dance party; a multicultural movie series; and materials for their table at Shelburne Day. The application is attached for your review.

If the Board is so inclined, then

*MOTION: I move that the Selectboard authorize the grant application to SCHIP as proposed.*

And

Rowland Davis and Judy Raven seek authorization to apply for a \$4000 mini grant under the “community capacity” element of the new VT Municipal Energy Resilience Program to assist with community outreach efforts. They also seek *a priori* authorization to apply for any grant under this program (*fact sheet attached*).

From Rowland Davis: *If the SB could authorize any grant opportunities under the VT MERP program, as they become available, that would be great and avoid the need to come back again when the other two grant applications become available to us. The immediate opportunity for application now is the \$4,000 mini-grant under the "Community Capacity" portion of MERP -- which would fund community outreach efforts for the most part. The later grants would focus specifically on municipal building improvements for reduced GHG impact -- mostly HVAC at the town office building.*

No judgment attached here, and while certainly encouraging initiative to pursue grants that may be helpful for the Town... but it has historically been useful for the Selectboard to learn of each grant opportunity as is sought to be pursued, as many grants come with a local match requirement and/or other "strings" attached that may be important to know. Depending upon the Board's thinking here, please find below two possible motions to consider:

*MOTION: I move to authorize application for a \$4000 mini grant from the Vermont Municipal Energy Resilience Program to assist with community outreach efforts;*

OR

*MOTION; I move to authorize grant applications to the Vermont Municipal Energy Resilience Program as may exist now or in the future.*

**\*Consider resolution regarding the Crown Road wastewater treatment consolidation**

**7:55 P.M.**

At the March 28 meeting, the Selectboard formally endorsed the Crown Road location for the wastewater treatment facility consolidation/expansion. As a part of that meeting, neighbors of that site asked the Selectboard to adopt a resolution regarding that plan and project. The neighbors' letter and requested resolution are attached again to this memo for your reference.

With all due respect, and believing that the Town will certainly do its best to design and operate this facility in as good neighborly a fashion as reasonably possible, I urge caution in not offering commitments that may turn out to be infeasible, impractical, or impossible to achieve to perfection in facility design and/or operation, or that may create complications in any engineering design, permitting processes, or operational processes. It makes sense to try to screen the facility, and to take reasonable steps to limit odor, noise, or other potentially objectionable impacts. That said, this has been since 1969 and must remain into the future a functional, operating facility. No one can guarantee that the site will never be seen, heard, nor smelled.

If the Board is inclined to adopt some form of resolution in regard to these matters, perhaps the statement below might be a helpful, balanced approach:

*MOTION: With regard to the wastewater treatment plant consolidation project at the Crown Road site, I move that the Town take reasonable steps in both project design and operational implementation to limit the potential for adverse, offsite impacts such as noise, odor, and visibility. This resolution is not intended to limit nor prevent aspects of project design and/or operation that are required or necessary for the practical, effective, and efficient functioning of this facility for its current and future intended purposes.*

**\*Update/decision re: improvements to the RT 7/Falls Rd/Harbor Rd intersection**

**8:10 P.M.**

Please see below brief background summarized from Christine Forde, Senior Transportation Planner with the Chittenden County Regional Planning Commission:

A project has been accepted into the VTrans Transportation Capital Program, Traffic & Safety Program, to make improvements to the US7Harbor Road intersection based on the scoping study completed in 2014 – that study may be reviewed here at: [untitled \(ccrpcvt.org\)](http://untitled(ccrpcvt.org))

The project was selected using a new prioritization process known as VPSP2 – Vermont Project Selection and Project Prioritization. You can read about it here if you wish <https://vtrans.vermont.gov/project-selection>

A consultant has been hired by VTrans to summarize the scoping report in another document called a Regional Project Refinement Report. These reports are being prepared for projects across the state and the purpose is for all projects to be on a level playing field for advancement. Background materials and a new summary report from the 2014 study and decision from the preferred alternative at that time are included in this packet.

The Town is asked here to reaffirm its support for the preferred alternative from the 2014 study. There can be some minor tweaks to that alternative, but if the Town wants to reopen the scoping study and evaluate other options, that will have to be done outside of this Project Refinement effort and the project would likely be put on hold by VTrans.

If the Board is so inclined, then

*MOTION: I move that the Selectboard reaffirm its support for the previously-determined preferred alternative for improvements to the intersection of RT 7/Falls Road/Harbor Road, to encourage VTrans to pursue these improvements with due dispatch, to authorize the Town Manager to sign any needed documents, and to express the Town's appreciation for this intersection improvement project.*

**\*\*"No Mow May" – discussion, consider endorsing the concept**

**8:50 P.M.**

In recent years, the Selectboard has endorsed this idea, as it is known that many pollinators and other important species are at a critical stage in their life cycles during April and May, with which we as humans can help by simply waiting longer into the spring to mow our lawns. Along similar lines, it is now also suggested that we wait longer to rake and clean out garden beds for the same reason. Some suggest taking this even a step further, and reducing lawn area that must be maintained and instead, planting pollinator-friendly gardens that are both beautiful and more natural than monoculture lawns. I presume that the Board may wish to endorse and promote this concept again this year, as a small step we can all take to enhance the ecological health of our community.

If the Board is so inclined, then perhaps this is a helpful approach or starting point?

*MOTION: I move that the Selectboard again endorse the concept of "No Mow May", and encourage all property owners to limit or refrain entirely from mowing lawns and cleaning garden beds through the month of May, in order to enhance the viability of pollinators and other species who depend upon these undisturbed micro environments during this key stage in their life cycles, and to enhance the ecological health of our community.*

**\*Liquor License Applications**

**8:55 P.M.**

You know the process; our streamlined, one-page list of applicants and types of licenses sought is attached. Chief Thomas indicates no issues with any of these applicants.

*MOTION: I move to suspend the regular Selectboard meeting and convene as the local liquor control commission.*

*MOTION: I move to approve the first class, second class, third class, outside consumption liquor licenses and a tobacco license as listed on the document dated April 11, 2023.*

*MOTION: I move to adjourn as the local liquor control commission and resume the regular Selectboard meeting.*

**\*Executive Session – personnel**

**9:00 P.M.**

*MOTION: Pursuant to 1 VSA 313, I move to enter executive session to consider the appointment, employment, or evaluation of a public officer or employee, and to invite the Police Chief and Town Manager to participate.*

**\*Adjourn**

**9:15 P.M.**

**TOWN OF SHELBURNE  
SELECTBOARD  
MINUTES OF MEETING  
March 28, 2023**

**\*Hybrid meeting**

- MEMBERS PRESENT:** Mike Ashooh (Chair); Cate Cross, Luce Hillman, Andrew Everett, Matt Wormser.
- ADMINISTRATION:** Nini Anger, Assistant to Town Manager; Peter Frankenburg, Finance Director; Water Quality Superintendent, Chris Robinson.
- OTHERS PRESENT:** Members of the public participating in the meeting included Suzzanne Fay, Rowland Davis, Karen Schumacher, Stephen Kredell, Doug Merrill, Margaret Wiener, Linda Riell, Sarah Reeves, Adam Kunin, Barbara Johnson, Betsey Dempsey, Bill Deming, Don Porter, David Hall, Don Rendall, Dr. Gillom, Faith Yacubian, Gail Albert, Joyce George, JP, Judy Raven, Lee Suskin, Linda, Michele Morris, Oliver Dienz, P Worrall, Patricia Fontaine, Peggy Coutu, Rick McGuire, Roger Bogue, Susan Moraska, Tabitha Moore, Tracey Beaudin, Vivian, Wayne Elliott, Shelburne Town Host, Media Factory.

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**1. CALL TO ORDER**

Chair Mike Ashooh called the meeting to order at 7 PM.

**2. APPROVE AGENDA**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to approve the agenda as presented. VOTING: unanimous (5-0); motion carried.**

**3. CONFLICTS OF INTEREST**

None.

**4. MINUTES**

*March 14, 2023*

**MOTION by Matt Wormser, SECOND by Cate Cross, to approve the minutes of 3/14/23 as presented. VOTING: unanimous (5-0); motion carried.**

**5. PUBLIC COMMENT**

None.

**6. SELECTBOARD COMMENTS**

- Positive comment was made on the Town Manager search and having a broader discussion with the community. Thanks to all involved.
- It is heartening to see the amazing list of volunteers in town.



- The passing was noted of Sam Feitelberg, long time resident of Shelburne, member of the Cemetery Commission and member of the Veterans Memorial Committee.

#### **7. TOWN MANAGER REPORT/UPDATE**

In the absence of Lee Krohn (due to illness), Nini Anger reported:

- All are urged to visit local sugarhouses in Shelburne on maple weekend.

#### **8. INTERVIEWS/APPOINTMENTS**

The Selectboard interviewed candidates for various openings on the Town's boards, committees, and commissions. The following appointments were made.

##### *Development Review Board (DRB)*

**MOTION by Matt Wormser, SECOND by Luce Hillman, to appoint Stephen Kredell to a full three-year term on the DRB effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint John Day as a DRB alternate filling Bob Glover's term effective immediately and running until 3/31/24, and to appoint Bob Glover as a regular member of the DRB filling John Day's term effective immediately and running until 3/31/24. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Luce Hillman, to reappoint Tom Karlhuber and Shawn Sweeney to a full three-year term on the DRB effective 4/1/23 and running until 3/31/26. VOTING: 4 ayes, one abstention (Cate Cross); motion carried. [NOTE: This motion was later corrected to read "Planning Commission". See Planning Commission appointment below.]**

##### *Planning Commission*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to correct the record and reappoint Tom Karlhuber and Shawn Sweeney to a full three-year term on the Planning Commission effective 4/1/23 and running until 3/31/26. VOTING: 4 ayes, one abstention (Cate Cross); motion carried.**

##### *Bike/Ped/Paths Committee & Village Safety Group*

**MOTION by Matt Wormser, SECOND by Luce Hillman, to reappoint Joplin Wistar to a full three-year term on the Bike/Ped/Paths Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint Adam Kunin and Barbara Johnson a full three-year term on the Bike/Ped/Paths Committee and Village Safety Group effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Shelburne Historic Preservation & Design Review Committee (SHP&DRC)*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Anne Milovsoroff to a full three-year term on the SHP&DRC effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Ruth Hagerman to a full three-year term on the SHP&DRC effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Shelburne Natural Resources and Conservation Committee (SNRCC)*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Christine Haines and Fred Morgan to a full three-year term on SNRCC effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Parks & Rec*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Peggy Coutu and Sue McLellan to a full three-year term on the Parks & Recreation Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Library Trustees*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Alice Brown and Kristin Jangraw to a full three-year term as Library Trustee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Tree Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Susan Dunning and Tod Warner to a full three-year term on the Tree Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Cemetery Commission*

**MOTION by Matt Warner, SECOND by Andrew Everett, to reappoint Jennifer Brown and Stuart Morrow to a full three-year term on the Cemetery Commission effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Deb Belcher to a full three-year term on the Cemetery Commission effective 4/1/23 and running until March 31, 2026. VOTING: unanimous (5-0); motion carried.**

*Water Commission*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Pete Gadue to a full three-year term on the Water Commission effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Ethics Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Bill Deming to a full three-year term on the Ethics Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Dog Park Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Bob Owens to a full three-year term on the Dog Park Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Finance Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Don Porter to a full three-year term on the Finance Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Equity & Diversity Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to reappoint Josh Flore, Patricia Fontaine, and Jennie Hoenigsberg to a full three-year term on the Equity & Diversity Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint Chunka Mui to the Equity & Diversity Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint Faith Yacubian to the Equity & Diversity Committee effective 4/1/23 and running until 3/31/2025. VOTING: unanimous (5-0); motion carried.**

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint Sara McIlvennie to the Equity & Diversity Committee effective 4/1/23 and running until 3/31/24. VOTING: unanimous (5-0); motion carried.**

*Social Services Committee*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint Karen Schumacher to a full three-year term on the Social Service Committee effective 4/1/23 and running until 3/31/26. VOTING: unanimous (5-0); motion carried.**

*Tree Warden*

**MOTION by Matt Wormser, SECOND by Andrew Everett, to appoint David Thomas Hall to serve again as the Town's Tree Warden effective immediately and running until the next required appointment after Town Meeting 2024. VOTING: unanimous (5-0); motion carried.**

**9. PRESENTATION: Chittenden Solid Waste District (CSWD) FY2024 Budget**  
Sarah Reeves, CSWD General Manager, reviewed the proposed FY24 CSWD budget showing a 9.8% increase in revenues and an 8.7% increase in expenses. Ms. Reeves also reviewed fee increases for organics, the MRF, and drop off centers. CSWD administration is relocating to South Burlington in a building shared with the South Burlington Police Department.

**MOTION by Matt Wormser, SECOND by Andrew Everett, to approve the CSWD FY2024 Budget as presented. VOTING: unanimous (5-0); motion carried.**

**10. WASTEWATER CONSOLIDATION PROJECT ALTERNATE ANALYSIS**

Wayne Elliott with Aldrich + Elliott summarized the study of the consolidation of Shelburne's two treatment plants into one and the recommendation to consolidate at the Plant #1 site on Crown Road. There will be extensive odor control measures and noise mitigation put in place. Traffic and aesthetics will also be addressed. Next steps include finalizing design for the Plant #1 consolidation, updating costs, working on funding, doing dilution and hydrodynamic work, and permitting.

There were questions/comments about the following:

- Drop off at Plant #2 site – This could create odor issues. The site is remote. There would not be full time staffing to monitor the site.
- Timeline - Predesign and environmental process about three to four months, design and permitted about a year and a half, construction at least two years out, going operational about four or five years out.
- Amount needed to bond - Cost data will be provided by summer 2023.
- Other sources of funding – The Town can bond for the total amount, but subsidies and grants do not have to be part of that.
- Quality of life issues need to be addressed so consider adopting a resolution that says the consolidation will include state-of-the-art odor control, truck repair/maintenance at town shop on Turtle Lane, septic sewage drop off at Plant #2, and healthy trees/vegetation to shield the trucks and the facility from view - The Selectboard indicated support for odor control, maintaining a buffer, noise mitigation, and working on the wording of the resolution to address these matters.
- Issues to consider include lowering operation costs with gravity lines, finding a contractor to install the lines into Shelburne Bay, covering capital costs with matching funds, federal funds, and grants rather than 100% on the taxpayers, and the lack of ability to expand the Crown Road site.
- Keeping the community involved throughout the project which will take years to complete – The project will go through the development review process which includes opportunity for public comment.
- Limiting the volume of septage brought to the plant which is in a residential area and whether there is a change of use at the Crown Road site with septage being delivered – There will be max of 13 trucks in one day hauling septage and an average of 10 vehicles per day.
- Expected outflow of phosphorus and plan to further reduce this amount – The outflow is good or better than the current amount. There are limits operationally on what can

be done. The chemical to remove phosphorus kills the needed bacteria in the treatment process.

- There was general discussion of improving/maintaining lake health.

**MOTION by Andrew Everett, SECOND by Luce Hillman, to convert the Turtle Lane wastewater treatment plant to a pump station and expand the Crown Road facility to become the Town's sole wastewater treatment facility. VOTING: unanimous (5-0); motion carried.**

#### **11. LIQUOR LICENSES**

**MOTION by Cate Cross, SECOND by Andrew Everett, to suspend the Selectboard meeting and convene the Shelburne Liquor Control Commission. VOTING: unanimous (5-0); motion carried.**

**MOTION by Cate Cross, SECOND by Matt Wormser, to approve the First, Second, Third, and Outside Consumption licenses and a tobacco license as listed in the document, dated March 28, 2023. VOTING: unanimous (5-0); motion carried.**

**MOTION by Andrew Everett, SECOND by Matt Wormser, to adjourn the Shelburne Liquor Control Commission and reconvene the Selectboard meeting. VOTING: unanimous (5-0); motion carried.**

#### **12. LOAN AGREEMENTS**

Staff explained the loans for a project being done by the Water Dept. and for the wastewater treatment plant project.

**MOTION by Cate Cross, SECOND by Matt Wormser, to accept the Loan Agreement WPL-333-1.0 with the Vermont state revolving fund in the amount of \$46,000 and Loan Agreement RF1-264-1.1 with the Vermont state revolving fund in the amount of \$260,400, and sign the documents as required. VOTING: unanimous (5-0); motion carried.**

#### **13. MEETING SCHEDULE**

The Selectboard agreed to add Shelburne Community School as a posting site for meetings.

**MOTION by Cate Cross, SECOND by Matt Wormser, that the Selectboard's regular meetings be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month and CBC agendas be posted at Town offices, Pierson Library, Post Office, Shelburne Community School and website as required by statute, and further that *Shelburne News* be the Selectboard's newspaper of record and the Selectboard Rules of Procedure as adopted previously and dated March 8, 2022 be adopted again as written. VOTING: unanimous (5-0); motion carried.**

**14. EXECUTIVE SESSION**

**MOTION by Cate Cross, SECOND by Andrew Everett, pursuant to 1VSA313 to enter Executive Session to consider appointment or employment or evaluation of a public officer or employee, and to invite Rick McGuire, Tabitha Moore, and Dr. Stephan Gillom to attend. VOTING: unanimous (5-0); motion carried.**

Executive Session was convened at 9:11 P.M.

**MOTION by Matt Wormser, SECOND by Cate Cross, to adjourn Executive Session and resume the regular meeting. VOTING: unanimous (5-0); motion carried.**

Executive Session was adjourned and the regular meeting resumed at 9:55 P.M.

*ACTION FOLLOWING EXECUTIVE SESSION*

Mike Ashooh announced the report from the VLCT consultant was received which included the background check and reference check on the selected candidate for the Town Manager position. The position was offered to Matt Lawless from Charlottesville, Virginia and Mr. Lawless accepted and signed the contract with a start date of June 4, 2023.

**MOTION by Andrew Everett, SECOND by Cate Cross, to accept and sign the contract offered to Matt Lawless as the future Town Manager of Shelburne. VOTING: unanimous (5-0); motion carried.**

Mike Ashooh said the Selectboard will meet with employees to discuss the Town Manager selection and notify all about next steps. A press release will be done.

**15. ADJOURNMENT**

**MOTION by Matt Wormser, SECOND by Cate Cross, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 10:05 P.M.

*RScty by tape: MERiordan*

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For the Selectboard

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Date



# Town of Shelburne, Vermont

CHARTERED 1763

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FAX Number  
(802) 985-9550

Policy: 18 – 01

**Effective:**

Upon Adoption

**Purpose(s):**

Provide guidance to the Selectboard, staff, and public for requests made of the Selectboard to waive the penalty on late property taxes pursuant to §147-9.2 of the Town Charter. This policy applies to homeowners, businesses, non-profits, and all entities with property tax paying responsibilities, but only where property taxes were paid late, but within seven days after a due date. After that, regular statutory provisions apply, requiring a petition to the Board of Abatement to consider such a waiver (24 V.S.A. 1533-1535).

Payment of each property tax installment is considered on time if left in the payment box in the Finance Office by close of business on the applicable due date; by midnight on the applicable due date in the drop box at the Police Dispatch Lobby in the Town Offices; or by mail with a U.S. Postal Service postmark dated on or before the applicable due date.

**Authority:**

This policy is adopted by the Shelburne Selectboard pursuant to §147-5.1(a) of the Town Charter.

**Procedure:**

When requests from the public come before the Selectboard to waive penalty fees associated with late property tax payments pursuant to the authority provided by the Selectboard under §147-9.2 of the Town Charter. The following criteria will be used by the Selectboard as ‘just cause’ justification(s) for waiving the penalty charge, subject to timely provision of documentation by the taxpayer substantiating the request. Requests must be provided to the Selectboard in writing.

1. The property tax payer is a current member of the United States Armed Services and is deployed for military assignment outside of Vermont at the time payment was due;
2. The property tax payer has experienced an unavoidable or unplanned relocation within ninety (90) days prior to the tax due date;
3. The property tax payer, immediate household member, or close family member is experiencing a serious medical condition which affected timely payment or which requires taxpayer personal attention and use of personal or family resources as to affect timely payment;
4. The property tax payer, immediate household member, or close family member passed away within six (6) months prior to the tax due date;
5. The property tax payer, immediate household member, or close family member experiences an unexpected financial loss or change in

financial situation within six (6) months prior to the property tax due date;

6. Delays in the forwarding, receiving, or clearing of the owed tax payment attributable to the operations of mails and/or the financial institution(s) involved, which were beyond the tax payer's control;
7. Other extenuating circumstances not considered above which the Selectboard considers equivalent in nature to 'just cause' justifications listed herein.

**Process:**

If one of the criteria listed above is met, the Selectboard will use its authority under §147-9.2 of the Town Charter to consider the waiver of the property tax penalty fee, at a duly warned meeting. As a condition of waiver, the Selectboard shall require that the property tax payer first enrolls with the automatic payment option, unless a justifiable reason is provided for why the property tax payer is unable to enroll in the automatic payment option.

**Updated:**

October 26, 2021

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For the Selectboard



## SCHIP Grant Application

### Basic Information

**Grant cycle** (month/year): April 15, 2023

**Project or activity for which funds are requested** (title and summary description):  
Community & Culture Events, hosted by Shelburne's Equity and Diversity Committee,  
Community & Culture Subgroup

**Amount requested:** \$2,100

**Organization:**

Shelburne Equity and Diversity Committee

Shelburne Town Offices

Attn: Equity & Diversity Committee

5420 Shelburne Road, Shelburne, VT 05482

802-985-5110 [shelburneeandd@gmail.com](mailto:shelburneeandd@gmail.com)

**Responsible individual who can answer questions about the proposal**

(With contact information if different from above):

Jennifer Hoenigsberg, (802) 881-9529, [jhoenigsberg@gmail.com](mailto:jhoenigsberg@gmail.com)

**501 (c) (3) number** (if applicable; attach status verification if not previously provided to SCHIP):

N/A—We are a committee serving the Shelburne Selectboard

**Brief description of organization and geographic area served:**

The Shelburne Equity and Diversity Committee was formed in May of 2021 to help the town become a more equitable, diverse, and welcoming town. There are many aspects to the work our committee does, but one of the most fun and productive is uplifting Culture and Community within the town of Shelburne. We serve everyone in Shelburne at our events by partnering with Parks and Rec and Pierson Library. We advertise far and wide, and offer our events for free so they are accessible to all, regardless of socioeconomic status.

**Last grant received from SCHIP (grant cycle and amount): N/A**

**If a grant has previously been received from SCHIP, has a report detailing accomplishments been filed? N/A**

Proposal Description

**Describe how residents of Shelburne, Charlotte & Hinesburg will benefit, including estimated number to be served:**

In its first year the Community and Culture subgroup of our committee has been full of ideas. In order to make these events more inclusive, we would use the money from the SCHIP grant to grow these programs:

Heritage Potluck/ Multicultural Dance Party - Last fall we partnered with Shelburne Parks and Rec to offer a potluck celebration of the many different cultures found in Shelburne and regionally. We had 22 individuals sign up, not counting family members that came. The event was a lot of fun and a great way to share culture with neighbors.

This year, we would like to purchase appetizers to augment what is brought by participants. A new Nepali restaurant, Namaste Kitchen, recently opened in town. With the grant money we would showcase traditional Nepali food that some people might not otherwise experience. We would also like to provide beverages: juice boxes for children and seltzer for adults. This year we will also be adding a dance party to follow the potluck so grant money would also be used to cover DJ expenses.

Multicultural Movie Series - Starting last winter we have partnered with the Pierson Library to offer a monthly movie series featuring kid-friendly animated features and documentaries that showcase multicultural kids meeting educational and life challenges. This is followed by a facilitated discussion. Attendance has improved (averaging 10-20 participants) as we work on finding ideal times for families to come watch a movie. We advertise in Front Porch Forum, which shares postings with the communities of Charlotte and Hinesburg.

We would like to provide (and advertise) free pizza, popcorn, beverages, and desserts for these events, as we've found that guarantees more attendance. We would also like to offer 10, \$10 gift certificates to local businesses to help grow community awareness.

Shelburne Day at Shelburne Farmer's Market - This fall we have applied to staff an information table at Shelburne Day on August 19, and would use the funds from this grant to purchase information on Equity and Inclusion, including handouts of Equity

Terms and practices; Equity/Equality/Justice pins, multicultural stickers, and Equity-based parenting materials. Shelburne Day serves a wide audience of neighboring communities and visitors.

**Detailed description of project and timing of the proposed activity:**

- The Heritage Potluck and Multicultural Dance Party will be held on October 15th from 3:00-6:00 pm in the Town Gymnasium.
- The Multicultural Movie Series is held in the fall and spring. We approximate 4 films/documentaries per season, with weeknight and weekend showings, depending on the season and school calendar.
- Shelburne Day at Shelburne Farmer’s Market will be held on August 19th from 9:00 am - 2:00 pm.

**Detailed explanation of how funds will be used, including information on how grant funding fits into other funds available to the organization and the extent to which the grant will leverage additional funding:**

<b>Community Event</b>	<b>What For</b>	<b>Expected Dollar Amount</b>
Heritage Potluck & Multicultural Dance Party	Nepali food (\$150), beverages (\$100) plates & utensils (\$50), DJ (\$400)	\$700
Multicultural Movie Series	Pizza (\$75), beverages (\$20), popcorn (\$10), desserts (\$20), gift cards (\$100)	\$125 per event x 8 = \$1,000 + \$100
Shelburne Day Table	Equity/Equality/Justice pins (\$100), Multicultural stickers (\$100), photocopying handouts (\$100)	\$300
	<b>Total:</b>	<b>\$2,100</b>

**Describe how the project or activity will meet SCHIP mission:**

Since our beginning in 2021, our charge by the town has been to help the Town of Shelburne meet its Policy commitment: “...ensuring and sustaining equity, anti-racism, anti-bias, and belonging for all people in our community.”

We feel that our work continues to improve, and is a great match for the mission of SCHIP: 'to work together to raise funds for grants to improve the lives of our neighbors and to strengthen our communities.'

As we continue with the support of an Equity Consultant for the next year, we are refining what we can offer towards informing and supporting equity, belonging, and inclusion in both town leadership and town citizens.

By offering these community events, our hope is to both grow awareness of the work of our committee, and engage our own mission of becoming a more inclusive community as we provide opportunities to meet and have conversation around culture.

Follow-up

**Name, title, and contact information of the individual who will be responsible for providing report?**

Jennifer Hoenigsberg, (802) 881-9529, jhoenigsberg@gmail.com

**501 (c) (3) Signature:**

**501 (c) (3) email:**

**(Attention only one SCHIP grant is allowed per 501 (c) (3) organization per year.)**

**SUBMIT ELECTRONICALLY TO [grants@theschip.org](mailto:grants@theschip.org)**

*SCHIP's Treasure, 5404 Shelburne Rd, Shelburne, VT 05482*

## MERP Frequently Asked Questions

### **1. *What is energy resilience as it relates to [Act 172](#)?***

According to Cornell, the term “[energy resilience](#)” means the ability to avoid, prepare for, minimize, adapt to, and recover from anticipated and unanticipated energy disruptions in order to ensure energy availability and reliability sufficient to provide for mission assurance and readiness, including mission essential operations related to readiness, and to execute or rapidly reestablish mission essential requirements. Design principles include measures to reduce building demand such as weatherization, LED lighting, and optimizing building controls; increasing reliance on renewable energy sources; and adding back-up power supply for grid disruptions.

### **2. *What types of entities will be eligible for MERP?***

As defined by [Act 172](#), buildings owned by “covered municipalities” are eligible for program funding. “Covered municipalities” are defined as “a city, town, fire district, or incorporated village, ...except for school districts.”

### **3. *How much funding did MERP receive for “covered municipalities”?***

MERP received \$45M through [Act 172](#) to deliver grants, loans, and administrative and technical support services to covered municipalities. Of the \$45M, funds have been allocated as follows:

- \$2.4M to [Regional Planning Commissions](#) (RPCs) to provide application and technical assistance, along with program outreach and education, to covered municipalities.
- \$42.6M to the Department of Buildings and General Services to be used as follows:
  - \$5M for hiring a contractor to conduct “Energy Resilience Assessments” (costs covered in full, no maximum amount),
  - \$1M for cost associated with administering the program,
  - \$36.6M for grants to covered municipalities. Specifically, this includes:
    - “Community Capacity Building Grants” (\$4,000 maximum per covered municipality) - for community meetings, communication, and capacity building about municipal energy resilience.
    - “Implementation Grants” (\$500,000 maximum per covered municipality) - for weatherization, thermal efficiency, and to supplement or replace heating systems with more efficient renewable or electric heating systems in municipally owned buildings.

### **4. *How will a “covered municipality” access the free energy resilience assessments?***

BGS is contracting with third party contractors, who will complete the assessments and issue a draft a report of their findings. Any “covered municipality” interested in receiving an assessment may submit an [application](#) (available soon) directly to BGS or work with their [RPC](#) if they need assistance identifying candidate building(s) and/or completing the application.

### **5. *There are two types of energy resilience assessments offered through MERP- a walk-around, visual assessment (Level 1) and a more comprehensive investment grade audit (Level 2). What are the differences between the two and which is best for my “covered municipality”?***

Both assessments will satisfy the requirements in [Act 172](#) Sec. 2(d), and identify improvements to increase comfort, lower operational costs, fuel switch to renewable energy, and reduce greenhouse gas emissions. These assessments also include additional analysis items like the feasibility of on-site renewable energy generation, battery storage, and electrical vehicle (EV) charging. A Level 1 assessment is more qualitative, will identify the rough potential for energy savings, and includes a list of recommended energy efficiency measures. Building documents like architectural drawings, utility data, lighting schedules are not required for this assessment.

An investment grade Level 2 audit is more comprehensive. Auditors spend more time onsite, review building performance and system data, conduct a blower door test, and perform a detailed building survey. The report will include site-specific recommendations for detailed implementation costs, expected savings, and payback period. This audit requires the additional building documents listed above from the building owner. Either assessment may be used to apply for an implementation grant up to \$500,000. The Level 2 Assessment would also make a “covered municipality” eligible for a loan from the BGS Municipal Energy Loan Program’s revolving loan fund, also authorized by Act 172 (additional details to come). If you need assistance selecting the right assessment, please contact your local [RPC](#).

**6. *Must a covered municipality receive an energy resilience assessment through MERP, or have already completed a similar assessment, as a prerequisite for applying for an Implementation Grant?***

Yes. If a “covered municipality” is using a previous assessment, it must include all items listed in [Act 172](#) Sec. 2(d), it must have been completed in the last 5 years, and there must not have been any repairs or renovations since the assessment was performed. In such cases, previous assessments will satisfy the prerequisite and the covered municipality may apply directly for an Implementation Grant. However, since the up to \$500,000 implementation grants focus on common elements of an energy audit, “covered municipalities” can apply for the implementation grants concurrently while the remaining items from the energy resilience assessment are collected.

Note: documentation of this previous assessment will need to be provided to BGS for review and verification. Previous assessments that cover only some of the items in Act 172 Sec. 2(d) will not qualify solely. The covered municipality will need to apply for a partial MERP energy resilience assessment.

**7. *What resources can help covered municipalities that lack staff capacity and expertise participate in MERP?***

Act 172 includes funding for [RPCs](#) to offer technical and application assistance, and other added capacity for their member “covered municipalities” as requested.

“Covered municipalities” may also use the \$4,000 Community Capacity Building Grants (See FAQ 3) to actively participate in MERP and other municipal energy resilience initiatives by providing stipends, hiring consultants, contracting with technical assistance providers, establishing energy committees, or promoting municipal energy resilience with community meetings and communication. The application process for these grants is non-competitive and will be provided on a first come, first serve basis.

**8. *Does my town have to go through its RPC to access the MERP opportunities?***

Member “covered municipalities” are highly encouraged to coordinate efforts with their respective [RPCs](#). However, towns that do not need or want the technical support can apply directly to BGS. As noted in FAQ #2, RPCs are receiving funding through this program to provide application and technical assistance, along with program outreach and education, to covered municipalities.

**9. *Over what period will the funding and technical support be available?***

Energy resilience assessments must be completed by January 15, 2024. Implementation Grants and Community Capacity Building Grants must be obligated by December 31, 2024 and expended by December 31, 2026. Support from BGS will be available until December 31, 2026. However, “covered municipalities” may receive technical support from their [RPC](#) beyond December 31, 2026 if they have not yet completed their implementation project. Energy resilience projects that do not fit this timeline will be assessed on a case-by-case basis.

**10. *Will funding be awarded equitably to “covered municipalities”, and, if so, how will small communities with limited capacity and resources be able to compete against larger ones with professional staff?***

[Act 172](#) Sec. 3.(c)(2)(B) establishes “an equitable system of distributing grants statewide on the basis of need according to a system of priorities, including the following ranked in priority order:

- i. a municipality with the highest energy burden community needs and lowest resources, as defined in ;
- ii. a municipality that may not have administrative support to apply for grants;
- iii. geographic location;
- iv. community size; and
- v. whether another division of the municipality has already received a grant.”

Thus, communities with limited capacity and resources will be prioritized for MERP over communities with robust professional staffing, all else being equal. The results from the energy resilience assessments, proposed energy efficiency measures, and potential energy savings will also impact your prioritization for award.

**11. *Is there a match requirement (local cost share) for MERP grants?***

No, there is not local cost share or match requirements for the MERP grant opportunities. In addition, this program has been designated for “Revenue Loss Replacement” under ARPA State Fiscal Recovery Funds, which reduces federal reporting requirements and allows the grant funding to be treated as state dollars, which can then be used as match for other federal funding opportunities.

**12. *Could Community Capacity Building Grants be used to hire someone to search for other state and federal grants to leverage additional funding?***

Yes, but consider asking your [RPC](#) or the Vermont League of Cities and Towns [Federal Funding Assistance Program](#) first. Both organizations have received funding to support covered municipalities in accessing the MERP and other federal funding grant opportunities.

**13. *Can MERP help finance the installation of solar panels or other types of renewable energy, or even Electrical Vehicle (EV) charging, at my municipal building?***

The energy resilience assessments as described in Sec. 2(d) of Act 172 call for the evaluation of the feasibility of on-site renewable energy generation and the reasonableness of Electrical Vehicle Supply Equipment (EVSE). However, installation of solar photovoltaic panels or EVSE is not enumerated as an eligible use of the implementation grant, explicitly. Eligible uses for the implementation grant are enumerated in Act 172 Sec. 3(c)(1)(A).

The installation of rooftop panels for solar thermal systems which are used for space or water heating is potentially an eligible use of the implementation grant, if such a measure was recommended in the building energy resilience assessment.

***14. Does MERP cover new construction?***

In general, no. The MERP is only focused on existing building renovations. This is partly because Act 172 requires that a covered municipality only be eligible for an Implementation Grant “if an assessment of its buildings and facilities has been conducted pursuant to Sec. 2 of this act [Act 172].” An energy resilience assessment cannot be conducted on a building that does not exist. However, in instances where a “covered municipality” is replacing an existing municipally owned building because of a poor return on investment or the building is no longer viable, they will be considered for the up to \$500,000 implementation grant on a case-by-case basis to fund specific energy efficiency measures in the new building.

***15. Can the up to \$500,000 implementation grants be used to pay for administrative costs?***

Yes, administrative costs such as a project manager and/or clerk of the works to oversee construction are eligible expenses under the grant funding.

***16. How are the Building Energy Resilience Assessments with MERP different from Efficiency Vermont’s walkthroughs?***

Efficiency Vermont walkthroughs do not qualify as assessments to receive an implementation grant. Walkthroughs are limited to identifying energy efficiency opportunities, while the energy resilience assessments consider additional items like on-site renewable energy usage and generation, battery storage, and EV charging. Recommendations from the energy resilience assessments are analyzed based upon a phased scope of work, a prioritized order of completion regarding the recommendations from the assessment, and their estimated costs- both for implementation and for the life of the equipment, including maintenance and consumption. Please review [Act 172](#) Sec. 2(d) for more details.

***17. What can we be doing right now to prepare for the grant opportunities in advance?***

The first steps include building municipal capacity, which may include: leveraging the community capacity grants, identifying candidate buildings, and/or collecting some basic building information. “Covered municipalities” are encouraged to reach out to their [RPCs](#) for application and technical assistance, along with other program questions.

***18. When will I be able to apply for the various grant opportunities?***

Applications for the up to \$4,000 Community Capacity Building Grants and the building energy resilience assessments are expected to open by Town Meeting Day, Tuesday, March 7, 2023. The goal is to complete all energy resilience assessments in 2023. Pre-applications for the up to \$500,000



building implementation grants will become available in the fall of 2023.. For additional formation about upcoming grant opportunities, please join our mailing list available through the [MERP homepage](#).

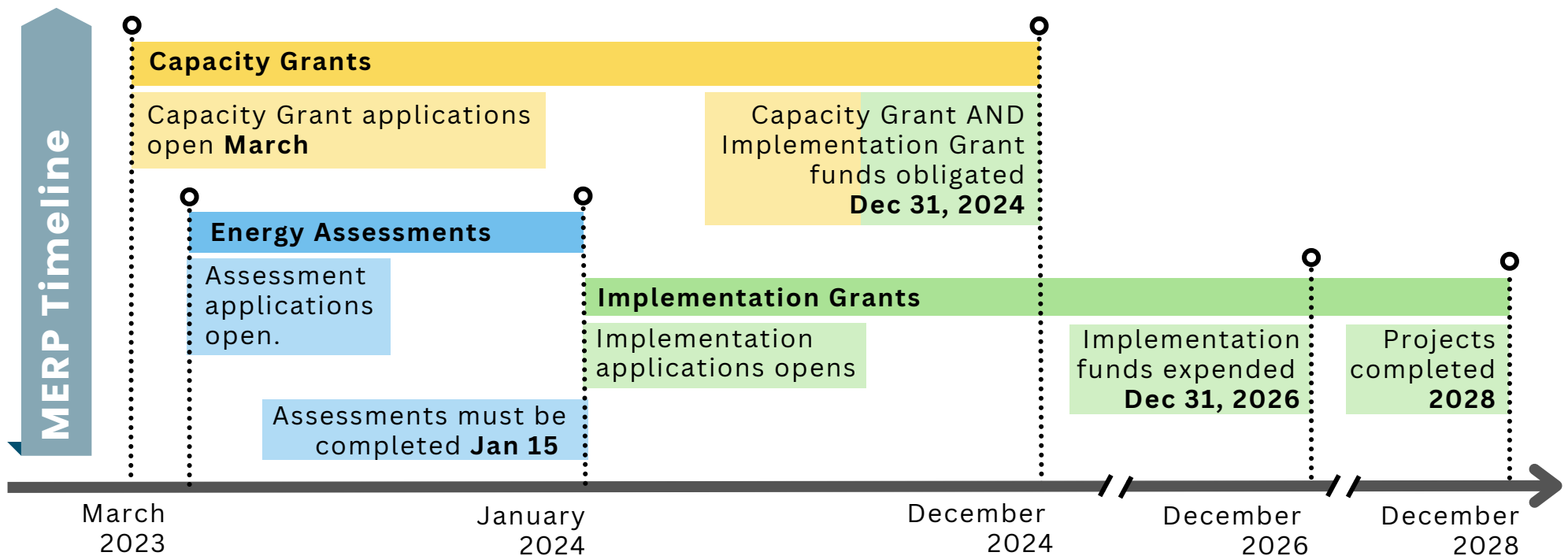
***19. Who are the program partners?***

Program partners including the Department of Buildings and General Services, the Regional Planning Commissions, the Vermont League of Cities and Towns, Efficiency Vermont, and the Vermont Energy and Climate Action Network.

Please reach out with questions or comments via email at [bgs.merp@vermont.gov](mailto:bgs.merp@vermont.gov)

# Municipal Energy Resilience Program (MERP)

The Municipal Energy Resilience Program (MERP) will provide funding to help communities become more energy resilient, reduce energy use and operating costs, and curb greenhouse gas emissions by weatherization, thermal improvements, fuel switching, and enhanced building comfort in municipal buildings and facilities. Passed on June 2, 2022, Act 172 provides \$45 million to promote dependable and sustainable connections to critical municipal services for all Vermonters. **Existing buildings owned by cities, towns, fire districts, incorporated villages, and all other governmental incorporated units except for school districts, are eligible for MERP.**



# MERP Program Components

Questions? Contact CCRPC Energy Project Manager - [ajanda@ccrpcvt.org](mailto:ajanda@ccrpcvt.org)

## Community Capacity Grants

These grants provide up to **\$4,000** to support energy resilience community capacity building. Selectboard approval for proposed projects is required.

### Sample Eligible Uses:

- ADA Compliance Audit
- Educational events
- Language services
- Website enhancements
- Purchase promotional materials
- Start an energy committee

## Free Energy Assessments

Municipalities can apply for energy assessments of any municipally-owned building(s). **As assessment is required to be eligible for the MERP Implementation Grant.** These assessments will provide recommendations and cost estimates for HVAC and thermal envelope improvements, weatherization, etc. Two levels of building energy assessment are available:

### Level 1 (~1.5 hrs)

Goes beyond Efficiency VT municipal energy walkthrough. Building documents **not** required.

### Level 2 (~2-4 hrs)

Investment grade energy audit. Includes all Level 1 aspects. Building documents **required**.

If you don't have the documents (utility bills, architectural drawings, etc.) for a Level 2 assessment, or you want something simple to swiftly access the MERP Implementation Grant, consider a Level 1 assessment. Covered municipalities may apply for either.

## Implementation Grants

Each municipality can apply for a maximum of **\$500,000** for building renovation projects regarding weatherization, thermal efficiency, and supplementing or replacing fossil fuel heating systems with more efficient renewable or electric alternatives. These funds can be split across several eligible buildings, under one project grant. The MERP Implementation Grant is designed to reach communities most in need of improving their energy resilience and experiencing high energy burdens.

## Revolving Loan Program

Still in development. Will require a Level 2 assessment to qualify.

### For more info:

[bgs.vermont.gov/  
municipal-energy-  
resilience-program](https://bgs.vermont.gov/municipal-energy-resilience-program)



# Town of Shelburne

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## Minutes & Agendas

### September 2013

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.

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#### Minutes

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- ▶ Agendas - Ethics Committee
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- ▶ Agendas - Social Services Committee
- ▶ Town Manager Advisory
- ▶ Search Committee
- ▶ Organizational Meeting Board of Civil Authority/Abatement Minutes
- ▶ Cemetery Commission Minutes
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## TOWN OF SHELBURNE

### SELECTBOARD

### MINUTES OF MEETING

September 10, 2013

**MEMBERS PRESENT:** Tim Pudvar (Chairman); Allison Cranmer, Al Gobeille, Gary von Stange, Toni Supple.  
**ADMINISTRATION:** Paul Bohne, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Town Planner.  
**OTHERS PRESENT:** Dick Elkins, Ron Bouchard, Dan Burks, Brian Precourt, David Webster, Dorothea Penar, Trey Pecor, John Paul, Dale Arango, Peter Gibbs, Matt Ottinger, Harvey & Kay Ottinger, Elissa Best, Janice Nicklas, William Posey, Chris Johnson, Katie Gonyaw, David Cranmer, Tom Zenaty, Amy Dimetrowitz, Heather McKim (Shelburne News).

#### 1. CALL TO ORDER

Chairman Tim Pudvar called the regular meeting to order at 7 PM and announced Executive Session to discuss real estate was not held prior to the regular meeting.

#### 2. APPROVAL OF AGENDA

There were no changes to the agenda.

#### 3. APPROVAL OF MINUTES

August 27, 2013

**MOTION by Toni Supple, SECOND by Gary von Stange, to approve the 8/27/13 minutes with the following correction:**

**MOTION on receipt of the Planning Commission report on the sewer service area should read: "unanimous (5-0)".**

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

#### 4. CITIZEN PARTICIPATION

*Peter Gibbs, 92 Fletcher Lane*

Peter Gibbs expressed complaint about the streetlight being installed on the corner of School Street/Creekside rather than Stokes/School Street which is a very busy intersection. Mr. Gibbs requested the light be relocated to the originally planned location. Paul Bohne explained the solar powered streetlight could not be located where previously planned (southern corner of Stokes/School) because of the large trees. Installing the light on the other corner would have placed two lights only 135' apart (too close). A request was received for the School/Creekside location so the light was installed. The situation will be monitored to confirm if the location is working.

*Matt Ottinger, Fletcher Lane*

Matt Ottinger stated it is unfair not to have discussed the changed location of the streetlight with the public especially when the light locations were approved over a year ago. Mr. Ottinger spoke in support of installing the lights where originally planned.

*Harvey Ottinger*

Harvey Ottinger echoed the comments about the light being installed where previously approved and informing the neighborhood of the reason for the change in location. Mr. Ottinger called for remedial action.

Gary von Stange commented the Selectboard should have been notified by the Town Manager if there was a problem with the approved location of the streetlight and the public had a right to know. The procedure that was followed was flawed. Tim Pudvar pointed out the Selectboard does not tell the road crew where to locate culverts. The situation is such with streetlights because the issue is so sensitive. Toni Supple and Allison Cranmer echoed the comments about informing the Selectboard and having a public meeting to hear public comment. Al Gobeille commented the location change may indicate that a solar powered light will not work in the original location of Stokes/School. Paul Bohne stated if the streetlight was installed under the large pine trees the town would look like an idiot. Review of the historical record shows there was no light at the intersection, but was one by the condo entrance. The town would also look like an idiot if two lights were installed only 135' apart. Logic needs to be applied. Staff is not going to survey 160 houses in the neighborhood to confirm something that logically and by common sense should be done.

The Selectboard will include streetlights on the next Selectboard agenda for further discussion.

#### 5. ANNOUNCEMENTS and SELECTBOARD COMMENTS/QUESTIONS

Ø Toni Supple invited all to enjoy the cookies she brought to the meeting.

Ø Gary von Stange expressed concern about an email from the Town Manager he received that appeared to promote form over substance, distinction without a difference in trying to avoid the open meeting laws. The email suggested people speak with one or two Selectboard members in private and then have the Selectboard members speak with other

members of the board. Mr. von Stange said he found this to be inappropriate and should not be continuance.

## 6. MANAGER'S REPORT

Town Manager, Paul Bohne, reported the following:

- Results of the survey sent out to neighborhoods to gather information on the reinstallation of streetlights shows which poles are wanted with lights and without lights plus general comments from the respondents. Discussion of the results of the survey will be on the agenda for the September 24, 2013 meeting.

## 7. OLD BUSINESS

*Public Hearing: Amendments to Shelburne Comprehensive Plan*

The public hearing was reopened at 7:24 PM. The following was discussed:

- Street Lighting

- o Toni Supple suggested replacing reference to the town's streetlight policy in #8 with "The town should install street lighting where appropriate. This determination shall recognize different needs...".
- o Gary von Stange questioned if cost was factored into undergrounding overhead utility line (#7). Brian Precourt, Chairman of the Planning Commission, said the item was left in the plan because it is a desired element to try to achieve. New development is required to underground utilities. Dean Pierce noted the language was 'softened' from a mandate to a suggestion. "Overhead street crossings" (#11) are utility lines
- o Toni Supple recommended item #12, official map, not be included and that an official map for Shelburne should not be done. The Planning Commission in the past was split on the issue with developers on the commission in support and others opposed. There are less than 10 towns in the state with official maps. An official map basically gives the right of first refusal to the town on any land in the town. No development can occur unless it meets what the town has planned per the official map. Dean Pierce noted official maps are traditionally used for transportation facilities, but some communities have been using the map to designate open space or bike paths, and such. Gary von Stange asked if the official map impacts fair market value of the land, and if the highest or best use of the land does not occur then it is a taking of the land by the town. Toni Supple said the town has imminent domain. Al Gobeille said in his experience the town has a set time period to act on imminent domain, and the value of the land is highest and best use of the land, not necessarily the development on the land. Dean Pierce pointed out the benefit of an official map is greater control on the destiny of the community and planning for the future with streets, parks, and such. The official map is an additional tool beyond zoning, subdivision regulations, capital budget, and impact fees to plan for its future in a way that balances community needs with fairness to the property owner that could include compensation. The official map is an implementation tool adopted by the Selectboard. Shelburne does not have an official plan presently, but the language in the plan would allow one to be drafted. Toni Supply cited an article in 2003 entitled "Public Power Private Gain" about 10,000 cases of threatened condemnation of private property. Al Gobeille noted the Burlington waterfront would not have been developed without a public/private partnership. The Selectboard concurred further research is needed on the matter of an official map.
- § Dick Elkins commented with an official map a small group of people make a decision and the map does impact property value.

- Growth Area II Beyond the Village

§ Dorothea Penar expressed concern about the working relationship between the Shelburne Historic Preservation & Design Review Committee and the Planning Commission (needs to be stronger). HPDRC submits comments on applications being reviewed by the DRB, but there is little interaction with the Planning Commission. Much of the development activity in the village impacts historic resources and HPDRC is not always consulted. A procedure needs to be in place to ensure the expertise and skill sets of the people on the committee are used. HPDRC is a Certified Local Government and receives federal funding because there is an historic preservation commission. HPDRC should be consulted on street furniture, lighting, parking, signage and such for impact on historic resources.

§ Bill Posey spoke in support of building patchwork neighborhoods and pocket neighborhoods with smaller houses (900 s.f. – 1200 s.f.), common land, and small private parks to provide diversification in the community and a closer knit community with housing for the elderly, single parents, single people and such. Dean Pierce said there is language in the plan that suggests housing and density be reviewed on a regular basis. Toni Supple asked if there is any area suitable for condominiums or the suggested smaller dwellings. Dean Pierce explained condominium is a form of ownership. The regulations do authorize multi-family dwellings. Al Gobeille added the plan may create the vision, but the zoning has to match the vision. Al Gobeille asked if there is a way to increase density with housing and pocket parks and have a higher quality of life. Dean Pierce stated there is language saying in the village units can be higher when smaller in size structure (requires less land).

§ Dorothea Penar spoke about density in the village and compatibility with historic buildings and the need to diminish scale to avoid dwarfing the historic village. Preserving density is desirable in the village, but also should be considered in other growth areas, such as on Route 7.

§ David Webster spoke in support of spreading out density to other areas with the same services as the village, such as along Route 7.

o Tim Pudvar mentioned reference to form based regulations in the plan. There was discussion of amending the language to indicate that form based code is not a predetermination, but will be in place at some point in time for sections of the town. Gary von Stange suggested a general paragraph on the idea of form based zoning if and when it is adopted. Form based code is being contemplated, but is not a policy. Dean Pierce pointed out there is a statement that narrows the application of form based code geographically in town.

o Toni Supple stated narrow streets, street trees on both sides of the street, and sidewalk on one side (#13, item 6, 3<sup>rd</sup> bullet) should not be a mandate, but rather should be encouraged and the language should be amended to reflect this. Dean Pierce stated the subdivision regulations include a requirement for street trees which can be waived if appropriate. Removing the language from the town plan does not amend the zoning regulations.

o An example of 'non-motorized connection for travel' is the bike path on Webster Road.

**MOTION by Allison Cranmer, SECOND by Al Gobeille, to continue the public hearing on amendments to the comprehensive plan until the next Selectboard meeting. VOTING: unanimous (5-0); motion carried.**

*Lease Agreement with Lake Champlain Transportation (LCT) for Dry Dock Facility at Shelburne Shipyard and Operating Agreement with LCT for Operation of Facility as part of Requirement for "Public Sponsorship" to Allow LCT to be Eligible for Grant Funds to Refurbish Dry Dock*

Al Gobeille recused himself. Paul Bohne reported VEDA has not responded to the town's application as yet. The next VEDA meeting is October 25<sup>th</sup>. LCT agreed to reimburse up to 10 hours of legal fees. To date the monthly legal retainer has covered the work. The documents received by the Selectboard and LCT address the concerns raised by Gary von Stange.

There was discussion of the legal retainer and billing for services. Many items are covered under the retainer, but court cases and associate work is at the billable rate. Paul Bohne will provide the Selectboard with a copy of the contract.

John Paul, LCT, explained the timeframe for work on the dry dock. Weather is a factor and if work cannot begin soon the project will have to be pushed to the following year. Gary von Stange pointed out the concerns already expressed remain. There is question of whether the town has the authorization to enter into the agreement. Gary von Stange also stressed the town should not incur any costs or be placed at any risk by helping LCT.

Trey Pecor suggested getting an opinion from the Town Attorney on the authorization of the town without VEDA and based on that answer pursuing VEDA if necessary. If the answer is not positive from VEDA then both parties can move on. The dry dock work is needed, but the project can be done in New York (the money would be spent in NY rather than Vermont). Paul Bohne noted VEDA should have an idea of their answer by the next Selectboard meeting (9/24/13) and if the answer is positive then hopefully VEDA can take action on the application by their next meeting on October 25, 2013.

The town will continue to pursue the matter and expedite as much as possible. Al Gobeille returned to the Selectboard.

## 8. NEW BUSINESS

### *Presentation by CVU Turf Field Committee on Proposed Project to Install Turf Fields at CVU High School*

Fred Palmer gave a presentation on the proposed turf fields at CVU high school and progress to date with fund raising \$1.1 million to augment the \$1.5 million 10 year bond supported by the school board (the voters must approve the bond). Total project cost is \$2.6 million for two synthetic fields, lighting, and seating. The fields will be multipurpose and a long term solution for the community. The fields can be rented out to other entities to generate revenue. Support of the fund raising effort for the fields is requested.

### *Accept Revised Grant Agreements, Authorize Selectboard Chair to Execute Revised Grant Agreements, and Approve Resolution on Revised Grant Agreements in Support of Harrington Village Project*

Paul Bohne recused himself. Dean Pierce explained there are two agreements, one with Champlain Housing Trust and one with Cathedral Square.

**MOTION by Allison Cranmer, SECOND by Al Gobeille, to approve the revised grant agreements, authorize the Selectboard Chair to execute the revised agreements, and approve/sign the resolution on the revised grant agreements in support of the Harrington Village project.**

**DISCUSSION:** Dean Pierce stated the agreements have been reviewed and the Town Attorney did not have a problem bifurcating the agreements. Toni Supple suggested language on the successor of the contact person be added. Dean Pierce said the state modifies the contracts if there is a change in leadership. Amy Dimetrowitz said the authorizing agent for the town typically is the Town Manager. Due to circumstances the signer in Shelburne is the Selectboard Chairman. Toni Supple suggested the language say the authorizing agent can be the town manager or the selectboard chair. There were no further comments.

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

### *Accept Revised Administrative Agreement, Authorize Selectboard Chair to Execute Revised Administrative Agreement, and Approve Resolution on Revised Administrative Agreement in Support of Harrington Village Project*

**MOTION by Allison Cranmer, SECOND by Gary von Stange, to approve the revised Administrative Agreement, authorize the Selectboard Chair to execute the revised agreement and approve the resolution on the revised Administrative Agreement in support of the Harrington Village Project.**

**DISCUSSION:** Toni Supple asked about the change in the Administrative Agent from Colleen Haag to shared responsibility between the Town Clerk and Town Planner. Dean Pierce confirmed Colleen Haag is the administrative agent and provided the current document to the Selectboard.

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

The resolutions and agreement were signed. Paul Bohne returned to the meeting.

### *Progress Report from Social Services Committee*

David Cranmer updated on the Selectboard on the Social Services Committee activities after six months. The role of the committee is seen as gathering information on what other entities in town are doing (charities, social services), advising the Selectboard on social services needs and making recommendations on the budget. A community meeting is planned for 9/18/13 to discuss what is happening in town. A needs assessment is being done to be complete by October. Regional and state agencies will also be contacted.

### *Presentation of Plan from Tree Advisory Committee to Plant Two Shade Trees on Village Green*

Paul Bohne reported the tree committee has been active in reviewing plans for the Green and Parade. Some scrub plantings were removed and replaced with a tree by the church. Two shade trees are proposed to be planted along Route 7.

### *Discussion of Survey Connected to Municipal Planning Grant to Study Potential Development, Parking Needs, and Regulatory Considerations for the Area East of Falls Road and Route 7*

There was discussion of the survey as part of the municipal planning grant requirements. The following was noted:

- The purpose of the survey is to help the Town Planner and consultants in where parking could be located in the village or where roads could be connected, and such.
- The survey was not being conducted to address whether there should or should not be a connector street.
- The survey is driving the land use scenarios developed by the consultants that will include or not include a connector road. The planning study has a marketing piece, parking piece, infrastructure piece, and land use regulation piece.
- The survey has been part of the study since the start in September 2012.
- The survey has a limited purpose and once the data is collected and the scenarios presented there will be public meetings.
- Gary von Stange stated when the item was on the agenda it was not a municipal planning grant for the loop road, but for form based zoning and that was changed without notice to the public and no opportunity for public comment. The entire process was flawed from the start.
- Toni Supple recalled while on the Planning Commission she was opposed to taking money to study the loop road (staff indicated funding for a form based code grant was unlikely, but funding for form based loop road grant was more likely). The survey was ill advised and damaging. The map showed straight grid streets which is what the Selectboard approved in the capital plan process because this worked with the town plan and would work in the



- village, but the survey had information on scenarios that are not acceptable and not under consideration.
- Al Gobeille said he asked for the survey item to be on the agenda to learn more as to why the survey was being done. The Selectboard voted on the study over a year ago and held as the number one priority in the capital plan to examine the loop road. The town plan in 2007 included a loop road. The Selectboard wanted a small research study and staff started the process which has taken time. In the course of the work the membership on the Selectboard has changed and allegations have been made. The Selectboard did take the loop road out of the town plan and the capital plan, but there is a huge traffic problem in town and whether it is addressed by a loop road, traffic lights, crosswalks, bus to school, whatever the answer, the situation needs to be addressed because it impacts quality of life. Everyone should be involved.
- There was public comment that the survey questions were biased and planners should be talking to consultants and then getting public opinion. Also, the expertise of town committee members should be used. Doing a survey before dialogue is a way to collect uneducated, uninformed responses. The problem to be solved is not clear with the survey results. Dean Pierce explained if people felt the survey was biased because it leads people to a future where there is a road it is because the study is looking at the impacts of a road, not asking if there should be a road. The survey is to assess benefits and costs of a future that involves a road, and that is the purpose of the study. It is in error to represent the survey will have hard core statistics when it was clear the survey was for the development of scenarios to be used by the consultants and presented at public meetings.
- Concern was expressed that only the four scenarios based on the information will be provided and that the loop road is still being discussed.
- It was noted the town planning has always assumed there will be connecting neighborhoods.
- The consultants found the loop road was not effective, yet the road continues to be included in plans which give the appearance there is a hidden agenda.
- A former plan showed a road connector on the west side of Route 7.

*Approve Sewer Allocation in the Amount of 1,575 gpd for Ascension Childcare, Inc. at 2386 Shelburne Road*  
 Katie Gonyaw, Ascension Childcare, provided historical information on sewer usage by the daycare and church in support of the need for less allocation. Ms. Gonyaw requested the Selectboard revisit the use by the daycare after a year of operation and either refund any overpayment or apply the amount to taxes for the site. The state will be approached to reconsider the guideline for early education facilities because typically there is less sewer use due to the age of the children (preschoolers).

Paul Bohne explained the sewer ordinance uses the state guideline, not documented usage, and there are no provisions for flexibility in the town sewer ordinance as written. For the daycare there is a significant difference between the guideline and actual usage.

**MOTION by Al Gobeille, SECOND by Allison Cranmer, to approve 1,575 gpd of sewer allocation for Ascension Childcare, Inc. at 2386 Shelburne Road. VOTING: unanimous (5-0); motion carried.**

The Selectboard will revisit the usage amount by Ascension Childcare following a year of operation.

*Consider Sewer Allocation in the Amount of 40 gpd for Regina Limoge and Matthew Wheeler for an Apartment at 4253 Shelburne Road*

**MOTION by Al Gobeille, SECOND by Allison Cranmer, to approve 40 gpd of sewer allocation for Regina Limoge and Matthew Wheeler for an apartment at 4253 Shelburne Road. VOTING: unanimous (5-0); motion carried.**

*Modify 2013 Grand List through Errors and Omissions Process by Increasing the House Site and Homestead Values of Property at 3807 Shelburne Road by \$4,300*

**MOTION by Al Gobeille, SECOND by Gary von Stange, to modify the 2013 Grand List through the errors and omission process by increasing the house site and homestead values of property at 3807 Shelburne Road by \$4,300. VOTING: unanimous (5-0); motion carried.**

*Request from Nancy H. McGowan to Waive Penalty for Late Payment of Property Taxes*

**MOTION by Allison Cranmer, SECOND by Toni Supple, to grant the request by Nancy H. McGowan to waive the penalty for late penalty of property taxes. VOTING: 2 ayes, 3 nays (Pudvar, Gobeille, von Stange); motion did not carry.**

**9. EXECUTIVE SESSION and/or ADJOURNMENT**

**MOTION by Al Gobeille, SECOND by Allison Cranmer, to adjourn the regular meeting and convene Executive Session for the purpose of discussing personnel issues and litigation where premature public knowledge would place the Town of Shelburne at a disadvantage, and to invite the Town Manager to attend. VOTING: unanimous (5-0); motion carried.**

The regular meeting was adjourned and Executive Session convened at 10:25 PM.  
 The Board exited Executive Session at 10:45 PM.

RScty:MERJordan

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*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**

**September 24, 2013**

**MEMBERS PRESENT:** Tim Pudvar (Chairman); Allison Cranmer, Al Gobeille, Gary von Stange, Toni Supple.  
**ADMINISTRATION:** Paul Bohne, Town Manager; Lara Keenan, Library Director.

**OTHERS PRESENT:** Wallace Nolen, Spencer Palmer, Tracy Beaudin, Dick Elkins, Ron Bouchard, David Webster, Matt Ottinger, Harvey Ottinger, Bill Stuono, Greg Edwards, David Grover, Jason Charest, Beverly Remick, Lois Knapp, Patricia Elvin, Norm & Betsy Silcox, Mark Brooks, Stephen & Deb Mayfield, Stephen Selin, Kevin Clayton, Melissa Fletcher, John Zicconi, Paul Grover, Heather McKim (Shelburne News), Mike Donoghue (Burlington Free Press).

#### 1. CALL TO ORDER

Vice Chair Allison Cranmer called the meeting to order at 5:47 PM, in Chairman Pudvar's absence. AI Gobeille and Toni Supple were also in attendance.

**MOTION by AI Gobeille, SECOND by Toni Supple, to go into executive session to discuss personnel and litigation.**

**VOTING: unanimous (3-0); motion carried.**

The Board entered executive session

Tim Pudvar, Gary von Stange, and Abby Friedman from VLCT joined the Board in executive session at 6:00 PM.

The Board exited executive session at 6:55 PM.

Chairman Tim Pudvar reconvened the meeting at 7 PM and announced the Selectboard met in Executive Session prior to the regular meeting. Gary von Stange and Tim Pudvar recused themselves from a portion of the Executive Session.

#### 2. APPROVAL OF AGENDA

Changes to the agenda included:

- Removal of the appointment of Laurie Smith as an alternate to the DRB since Mr. Smith has withdrawn his candidacy.
- Postpone until October 8, 2013 consideration of the appointment of Robert Scharf as alternate to the DRB.

#### 3. APPROVAL OF MINUTES

*September 10, 2013*

**MOTION by Gary von Stange, SECOND by Allison Cranmer, to approve the 9/10/13 minutes with the following correction(s)/clarification(s):**

**Globally correct the spelling of 'countenance' and 'eminent' in the minutes;**

**Page 3, Amendments to Town Plan, Street Lighting, 3<sup>rd</sup> bullet, sentence reading "Toni Supple said the town has eminent domain" – insert "it would not if" before "the town has eminent domain";**

**Page 4, Amendments to Town Plan, Growth Area II in the village, 2<sup>nd</sup> bullet – clarify the statement reading: "Dean Pierce stated there is language saying in the village units can be higher when smaller in size structure (requires less land)."**

**Page 7, Survey, 7<sup>th</sup> bullet, 1<sup>st</sup> sentence, parenthetical text – delete "form based" in sentence reading "...funding for form based loop road grant...".**

**DISCUSSION:** There was discussion of an official town map and the town having eminent domain with or without an official map.

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

#### 4. CITIZEN PARTICIPATION

*Wallace Nolen, Barre, Vermont*

Mr. Nolen mentioned two traffic tickets issued to him by a Shelburne police officer, noting the following:

- The tickets are contested.
- This is the final demand for records from July 15, 2013 back to the same time in 2012 in the form requested.
- The state legislature declared that citations in total are public information even if in electronic form.
- If there is not access to the information requested by noontime on September 25, 2013 a lawsuit against the town and its officials will commence.
- The information already provided is only a smidgen of the summonations issued during the stated time period and the two contested tickets are only the tip of the iceberg.
- There appears to be a consistent pattern in which tickets are issued and pleas are taken, but that is as far as the matter goes.
- One employee of the town has clearly written bogus tickets. Eighty percent of the tickets issued by this one person never go to trial or dismissal and no word on the disposition after pleading guilty is heard.
- The judicial bureau says the matter is a town issue.

#### 5. ANNOUNCEMENTS and SELECTBOARD COMMENTS/QUESTIONS

Ø Allison Cranmer announced she attended the tree planting ceremony on the town green and it was nice to see people beautifying the town.

Ø Tim Pudvar thanked the Shelburne Police Dept. for the great work along with other agencies in the recent sizable drug bust. The work is dangerous. Much was accomplished.

#### 6. MANAGER'S REPORT

Town Manager, Paul Bohne, reported the following:

- Words of support for the police department's work and ability to solve crimes were echoed.
- A video for the promotion of the community is under consideration. Advertising in the video will pay for the video so there is no cost to the town. A similar video was done for Middlebury, Milton, and St. Johnsbury. Mr. Bohne will work with the Shelburne Business and Professional Association regarding potential assistance with the project.

#### 7. OLD BUSINESS

*Public Hearing: Amendments to Shelburne Comprehensive Plan*

The public hearing was reopened at 7:17 PM. The following was discussed:

- Page 20 - More information is needed on how the maps in the plan relate to the JAM court case. (Page 20).
- Page 21, #3 – There was discussion of the language saying the town policy of not extending the sewer service area continues. It was noted a decision on whether to change the policy or not has not been made, but as stated in the



plan the sewer service area cannot be changed. Gary von Stange pointed out there are instances in the state of towns not following their town plan.

- Page 21, #5 – Conservation of land was discussed.

o Toni Supple expressed concern about using taxpayer money via the conservation fund to buy and conserve land for the town when 30% of the town's land is already conserved and out of the tax base.

o Tim Pudvar pointed out there is resounding public support for conserving land in the town.

o Allison Cranmer suggested it would be informative to outline for the voters how much land is in conservation, how much should be in conservation, and the associated cost.

o Gary von Stange stated 32% of the land is out of the tax base, but land conservation is overwhelmingly supported by the voters.

o Al Gobeille spoke in support of making no change to the plan to conserve land in the town because the natural resources and conservation plans for the town are incredibly thorough and thoughtful. The leadership of these committees listens to the people in town. Conserving land is one of the top priorities in the town. The amount of money being put into the conservation fund is not at the level where the 32% will be increased at any one time (i.e. there is not enough in the fund to make a large land purchase).

o Paul Bohne noted update of the open space plan by the Natural Resources Committee is anticipated. Also, the percent of conserved land is an area that is not necessarily permanently conserved. For example there is the Abele land that is open with no plans for development at this time.

o The language in the plan says "continue to support". The Selectboard agreed to ask the Natural Resources Committee about impact on the town by the amount of conserved land.

- There was discussion of mandating that utility lines be buried and unreasonable cost burden. The town did not follow the mandate due to cost with the Harbor Road sidewalk project. There was mention of 'softening' the language to say consideration should be given recognizing cost is a factor. There should be separate standards for new construction, renovations, and municipal projects.

Ø Dick Elkins, Shelburne Planning Commission, stated the wording could say "encourage", but should be strong enough to provide the DRB with the necessary tools to make a decision.

Ø Ron Bouchard, Shelburne Planning Commission, urged thinking about how the town will present itself in the end. Using cost as a factor could mean the lines are not buried and the town does not look like what was envisioned.

- Discussion of the policy on noise was postponed until Dean Pierce is present.
- Form based code – Paul Bohne said he wants confirmation from the Selectboard on moving forward with form based code and language in the plan before signing the contract with the consultants to develop the code.

o Al Gobeille pointed out the language in the plan appears to indicate the town is implementing form based code when actually the approach is only exploring how and if form based code will benefit the town.

o Toni Supple added the area under consideration for form based code is on a section of Shelburne Road, not the entire town or village.

o The Selectboard concurred new language needs to be crafted for form based code in the town plan.

**MOTION by Allison Cranmer, SECOND by Gary von Stange, to continue the public hearing on amendments to the comprehensive plan until the next Selectboard meeting (October 8, 2013). VOTING: unanimous (5-0); motion carried.**

*Authorize Town Manager to pursue a VEDA Application on Behalf of Lake Champlain Transportation (LCT) in Support of Enhancing the Authority Necessary for the Town to be a "Public Sponsor" to allow LCT to be Eligible for Grant Funds to Refurbish the Marine Railway*

Al Gobeille recused himself from the discussion and decision.

**MOTION by Toni Supple, SECOND by Allison Cranmer, to authorize the Town Manager to pursue a VEDA application on behalf of Lake Champlain Transportation in support of enhancing the authority necessary for the town to be a 'public sponsor' to allow LCT to be eligible for grant funds to refurbish the marine railway.**

**DISCUSSION:** Paul Bohne reported VEDA staff is waiting to hear from the bond council and is crafting a resolution for the VEDA Board to discuss on October 25, 2013. There was brief discussion of the dry dock project and finding a way for the town to be authorized to legally enter into a contract with LCT.

**VOTING: unanimous (4-0); motion carried.**

Al Gobeille returned to the Selectboard.

*Presentation of Scoping Study Results by Stantec Consulting Services under the Auspices of Chittenden County Regional Planning Commission and Approve Preferred Alternative*

Paul Bohne noted the following:

- Over a year ago the Selectboard asked Regional Planning to do a scoping study of the Falls Road/Route 7/Harbor Road intersection and outline a preferred alternative to address traffic congestion.
- The town provided a small match to the cost of the study.
- A public concerns meeting was held in August 2012 to gather information.
- The study was done and a report provide in December 2012.
- There were meetings with stakeholders and further reports.

Jason Charest, Regional Planning, noted:

- Regional Planning does transportation and land use planning in Chittenden County using federal, state, and local funding.
- The Regional Planning Board of Directors is comprised of representatives from each member town. John Zaconi is the representative from Shelburne.
- Regional Planning does work per request of towns.
- Stantec Consulting Services is the consultant on the team working on the Shelburne project and producing the report.
- Three alternatives were identified initially in the study. After further comment the better elements from the first three alternatives were used to form a fourth strategy. Shelburne now needs to select the preferred alternative.

Greg Edwards, Stantec Consulting Services, presented the results of the intersection study that produced four strategies.

Shelburne village is on the National Historic Register which presents special constraints for projects in the village. Identified alternatives and improvements in brief include:

- v Strategy 1 – upgrade intersection only. The “complete streets” approach would be used on the roadways. The turn lane on Route 7 would increase to 400’ in length. Sidewalk connection would be made.
- v Strategy 2 – One-way traffic flow on Falls Road with intersection upgrade. Improvements similar to Strategy 1 plus using Church Street to go north on Rte.7. A traffic signal would be needed at Church St./Route 7 and a left turn lane on Church Street.
- v Strategy 3 – Right turn only from Falls Road with intersection upgrade. Church Street would be used to go left onto Route 7.
- v Strategy 4 – No Route 7 southbound right turn, a median island on Route 7, narrowing Harbor Road, and left turn lane on Harbor Road.
- v Travel demand management and grid streets are other considerations.

Mr. Edwards reviewed components of each strategy including cost. Strategy 4 (cost of \$1.4 million) was highlighted as the preferred alternative mainly because there is no adverse impact on historic resources. Next steps in the project include selection of the preferred alternative by the Selectboard and finalizing the scoping study.

John Zicconi stated there are ways besides Strategy 4 to move traffic through the village, but as an historic resource there is need to keep the street as it is now (travel lanes, green strip, sidewalk). If federal funding is used then the alternative with no impact on historic resources is the required selection even if the other choices produce more of a reduction in traffic congestion. The consultants considered how traffic moves in the village, the character of Shelburne, and identified the possible and probable alternative.

Al Gobeille asked what happens when the traffic problem returns after a strategy has been implemented. John Zicconi said the town is encouraged to do ongoing long term traffic demand management, such as grid streets.

Toni Supple expressed concern about having a bike lane share the travel lane with cars, especially with children on bikes. It was noted that typically sidewalks are used by children riding bikes to school and there are school buses as an option, too.

#### *PUBLIC COMMENTS*

Paul Grover said he attended the public meetings on the project and did not realize the other alternatives were nonstarters. Mr. Grover questioned why the state is not taking any action now since traffic is already backed up. Greg Edwards said the selection of the probable alternative is based on an opinion that the other strategies will have an impact on historic resources.

Kevin Clayton expressed concern about the impact on his business by losing four parking spaces with the preferred alternative when the town plan speaks to providing public parking (request has been made to post signs for public parking at the village center, but this has not yet happened). The plan shows the train station as a park-and-ride area, but this is not the case as yet. Mr. Clayton said he has not had any accidents with the current parking configuration by his business. Parking should not be taken away without allowing a waiver for the business. Mr. Clayton suggested looking at the Route 116 interchange as a possible solution to get traffic off Route 7 through the village. Harbor Road and Falls Road have local traffic which backs up because parents are driving their children to school or going to the gym. Bay Road has become a de facto secondary road to the village. Mr. Clayton also mentioned moving the bus stop will change the nature of moving traffic on Route 7.

Stephen Selin agreed the parking loss with the proposed alternative is a concern. The existing angled spaces do not seem to be a problem. Mr. Zicconi confirmed the consultants were aware of the loss of parking, but help to the Clayton business was beyond the ability of the project. The project cannot create a dangerous situation and having parallel parking or angled parking is not safe with a turn lane being added on Harbor Road.

Tracy Beaudin said as a crossing guard and Shelburnewood resident she would suggest a right turn arrow on Falls Road going north on Route 7 and modifying the pedestrian crossing light when Falls Road is green. Moving the “Do Not Block Driveway” sign closer to the driveway of the restaurant would be good and lines painted on the road. Having a median by Church Street may impact large trucks delivering to the supermarket. John Zicconi stated VTrans would like to eliminate access to the Bearded Frog restaurant so close to the intersection, but the project does not address this. Future management of traffic can address this.

David Webster said he still sees times when traffic is backed up on Route 7 and there is no one on Falls Road or Harbor Road so perhaps the timing of the traffic signal should be adjusted. Greg Edwards explained one car on the side road can trigger a light cycle. The cycle now is 120 seconds. Toni Supple asked about a “smart” traffic light. Mr. Edwards stated adaptive traffic controls with cameras is a great benefit in a coordinated system where intersections “talk” to each other. Having only one smart light is not a solution.

Harvey Ottinger suggested a police officer direct traffic at the intersection at specified times during the day. Jason Charest stated a traffic signal is more efficient and cost effective.

Stephen Mayfield spoke in support of Strategy 4, but asked why the bus turnout is moving south rather than north. John Zicconi said there is room headed south, but not north. Paul Bohne added CCTA will move the stop from the Bearded Frog to Falls Road. The goal is to move away from the Mobil Station.

There were no further comments.

**MOTION by Allison Cranmer, SECOND by Al Gobeille, to table discussion and action on the scoping study recommendations until October 8, 2013. VOTING: unanimous (5-0); motion carried.**

*Approve Installation of Streetlights in Neighborhoods Where Lights Existing Before January 26, 2010 and Where Poles are Present*

Tim Pudvar mentioned the recent records request has occupied Paul Bohne’s time at the expense of fully addressing the streetlight issue. Mr. Pudvar said he viewed the streetlight installation on School Street and agrees the initial location was not practical.

**MOTION by Al Gobeille, SECOND by Allison Cranmer, to ask the Town Manager to get at least two cost estimates for a streetlight on the corner and that the Selectboard will take action at the next meeting. DISCUSSION: Paul Bohne stated one estimate for the light is \$9,500. Getting a second estimate may be**

difficult in such a short timeframe due to the current workload. Gary von Stange stated with the full workload staff should not be burdened with getting a second estimate when the amount will likely be the same.

**PUBLIC COMMENTS**

- o Lisa McCullough, Stokes Lane, said the light at Davis/School causes glare when turning off Stokes onto School which is not safe. The light shine needs to be downward.
- o Stephen Selin stated a \$10,000 light seems to conflict with earlier comments about fiscal responsibility. The change on Bacon and Falls have worked well. Fewer streetlights are good. Use the streetlights or money elsewhere in town.
- o A gentleman in the audience spoke in support of getting another bid, especially if the cost is \$9,500 for one light. Solar is \$5,000 and there is a location for a solar light.

There were no further comments.

**VOTING: 3 ayes, 2 nays (Supple, von Stange); motion carried.**

Paul Bohne reported staff is in the process of surveying households with streetlights on power poles. Neighborhoods with power lines underground will also be surveyed. The survey asked if all, none, or some lights are wanted and which ones. Responses from Longmeadow and upper Hullcrest have been compiled.

**MOTION by AI Gobeille, SECOND by Allison Cranmer, to replace all the streetlights on the document for Longmeadow (nine lights) and Hullcrest (11 lights) for a total of 20 streetlights.**

**DISCUSSION:** The lights will be LED, cut off fixtures, 16' up on the pole. The cost is \$350 with a 50% rebate from Efficiency Vermont. Green Mountain Power will install the lights at a cost of \$200 per hour (two or more lights can be done in an hour).

**COMMENTS**

- o Norm Silcox confirmed the location and height of the reinstalled streetlights and suggested a shield be installed behind the bulb to prevent the light from shining on houses.

There were no further comments.

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

**8. NEW BUSINESS**

*Introduce New Pierson Library Director, Lara Keenan*

Melissa Fletcher, Chairwoman of the Pierson Library Board introduced Lara Keenan, Library Director. Ms. Keenan stated her goal as director is to reach out to the townspeople and work closely with town staff.

*Appoint Bill Stuono as Alternate to the Development Review Board to fill an Unexpired Term Ending 2015*

Bill Stuono's qualifications were reviewed (Masters in Urban Planning, former member/Vice Chair of the DRB in South Burlington). Mr. Stuono said he is retired for health reasons and sees his role on the DRB as administering the bylaws, not interpretation of the bylaws.

Gary von Stange asked Mr. Stuono if his personal opinion or the bylaws would prevail with an application that met or did not meet the bylaws. Mr. Stuono said as a member of the DRB he would be required to rule as dictated by the bylaws. There are grey areas where the bylaw is not clear. Mr. von Stange asked if a board member following personal opinion that differs from the bylaw is grounds for dismissal from the DRB. Mr. Stuono said the Selectboard would have to decide the matter.

Toni Supple stated Mr. Stuono will be an asset to the DRB.

AI Gobeille expressed concern about a personal agenda for serving on the board and cited a comment made by Mr. Stuono about a piece of private land being worthless in value. Mr. Stuono stated he submitted his comments in writing to the Planning Commission on the matter being referred to by Mr. Gobeille and clarified he commented the land was not likely to be developed (the cost would be prohibitive), not that it was worthless. The comprehensive plan is clear on expansion of sewer service into the rural areas. Mr. Stuono urged the Selectboard to read his comments or view his past service on the South Burlington DRB to confirm his professionalism. Mr. Stuono stressed Mr. Gobeille's interpretation of his comments is erroneous.

**MOTION by Toni Supple, SECOND by Gary von Stange, to appoint Bill Stuono as alternate to the DRB to fill an unexpired term ending 2015. VOTING: unanimous (5-0); motion carried.**

*Appoint Mark Brooks as Alternate to the Development Review Board to fill an Unexpired Term Ending April 1, 2014*

Tim Pudvar, Gary von Stange, and AI Gobeille each disclosed their relationship with Mark Brooks and his family. All felt they can be fair and impartial with the appointment.

**MOTION by AI Gobeille, SECOND by Allison Cranmer, to appoint Mark Brooks as alternate to the DRB to fill an unexpired term ending April 1, 2014. VOTING: unanimous (5-0); motion carried.**

*Amendment to Town of Shelburne Traffic Ordinance to Add Stop Sign at Intersection of Spear Street/Bishop Road*

**MOTION by Allison Cranmer, SECOND by Toni Supple, to approve the first reading of the amendment to the traffic ordinance to add a Stop sign at the intersection of Spear Street and Bishop Road and to warn a hearing on October 8, 2013. VOTING: unanimous (5-0); motion carried.**

*Approve Request for 210 gpd of Sewer Allocation for 750 Bay Road by Precourt Investment Company*

**MOTION by Gary von Stange, SECOND by AI Gobeille, to approve the request for 210 gpd of sewer allocation for 750 Bay Road by Precourt Investment Company.**

**DISCUSSION:** Paul Bohne noted the ranch house on the site which had 210 gpd allocation will be replaced with a duplex so an additional 210 gpd allocation is needed.

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

*Approve Request for 210 gpd of Sewer Allocation for Lot 21 Sycamore Street by Willowbrook Homes*

**MOTION by Gary von Stange, SECOND by Allison Cranmer, to approve the request for 210 gpd of sewer allocation for Lot 21 Sycamore Street by Willowbrook Homes.**

**DISCUSSION:** It was noted Lot 21 is the last lot in the Rivercrest development.

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

*Acknowledge Receipt of Proposed Amendments to Town of Shelburne Zoning Bylaws*

**MOTION by AI Gobeille, SECOND by Allison Cranmer, to acknowledge receipt of the proposed amendments to the zoning bylaws.**

**DISCUSSION:** A hearing will be scheduled on the amendments on the last Selectboard meeting in November.  
**VOTING:** unanimous (5-0); motion carried.

**9. ADJOURNMENT**

**MOTION** by AI Gobeille, **SECOND** by Toni Supple, to adjourn the meeting. **VOTING:** unanimous (5-0); motion carried.

The meeting was adjourned at 10:01 PM.

*RScty: MERiordan*

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# Town of Shelburne

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## Minutes & Agendas

October 2013

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.

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## TOWN OF SHELBURNE

### SELECTBOARD

### MINUTES OF MEETING

October 8, 2013

**MEMBERS PRESENT:** Tim Pudvar (Chairman); Allison Cranmer, Al Gobeille, Gary von Stange, Toni Supple.  
**ADMINISTRATION:** Peter Frankenburg, Finance Director; Dean Pierce, Town Planner.  
**OTHERS PRESENT:** Paul Orzech Sallie Thomas, Dick Elkins, Brian Precourt Greg Edwards, Jason Charest, John Zicconi, Stephen & Deb Mayfield, Kevin Clayton, Sean MacFaden, Matt Chandler, Dorothea Penar, Bill Stuono, Ron Bouchard, Gail Albert, Amy Demetrowitz, Michael Monte, Liz Weir, Heather McKim (Shelburne News).

#### 1. CALL TO ORDER

Chairman Tim Pudvar called the meeting to order at 6:45 PM.

#### 2. EXECUTIVE SESSION

The Selectboard met in Executive Session to discuss personnel matters.

#### 3. RECONVENE REGULAR MEETING

The regular meeting reconvened at 7:04 PM. Tim Pudvar announced there is no report from the Executive Session on personnel matters. Paul Bohne is on vacation for the next two weeks. Peter Frankenburg is filling in on his behalf.

#### 4. APPROVAL OF AGENDA

Changes to the agenda:

- Remove Request by Green Mountain Kenworth (request was withdrawn)
- Possible Executive Session to discuss litigation following regular meeting

#### 5. APPROVAL OF MINUTES

September 24, 2013

**MOTION by Allison Cranmer, SECOND by Gary von Stange, to approve the 9/24/13 minutes as written.**  
**VOTING: unanimous (5-0); motion carried.**

#### 6. CITIZEN PARTICIPATION

None.

#### 7. ANNOUNCEMENTS and SELECTBOARD COMMENTS/QUESTIONS

Ø Toni Supple said the striped directional arrows on Shelburne Road coming from South Burlington to Shelburne are only pointing west.

Ø Gary von Stange said the arrow to direct traffic into the Shelburne Vineyard is beyond the turn for the vineyard.

#### 8. MANAGER'S REPORT

No report.

#### 9. OLD BUSINESS

*Approve Preferred Alternative Produced by Consulting Firm, Stantac, under Auspices of Chittenden County Regional Planning Commission and Presented to Selectboard on September 24, 2013*

Jason Charest with Regional Planning gave a synopsis of the four alternatives to address the Route 7/Harbor Road/Falls Road intersection previously presented on 9/24/13.

Toni Supple distributed diagrams of the intersection and proposed the selection be Alternative #4 with the parking on Harbor Road remaining unchanged (remain diagonal) because there does not appear to be any gain with parallel parking and the gain to have a grass strip is at too great a cost (without the grass strip there would be more room for parking). Also, if parking is taken away from the business, the town should consider designating some public parking for employees of the business. Ms. Supple expressed disappointment that the right turn lane from Route 7 onto Harbor Road is removed from the alternative, and suggested relocating the bike lane closer to the sidewalk to allow widening of the road for a turn lane (Stantac advised this is not possible). Tim Pudvar commented when the traffic numbers warrant a turn lane then it is likely a turn lane will be added.

There was further discussion of parking on Harbor Road. Jason Charest, Greg Edwards with Stantec, and John Zicconi, Shelburne's representative to Regional Planning, noted the following:

- The decision for parallel parking was because angled parking is less safe and parallel parking provided two extra spaces. Back-in angled parking was considered and that configuration would provide one additional parking space, but many people are not familiar with using back-in spaces and may try to front end into the spaces.

- Alternative #4 locates the sidewalk in the town right-of-way rather on private property.
- The flow of traffic on Route 7 is not impacted by the parking. The recommended change was based on factual data that angled parking close to the intersection is not as safe as parallel parking.
- The space by the sidewalk and green strip is not unusable. Tables could be set out there.
- VTrans will consider the Selectboard's point of view, but will focus on safety and the Selectboard's point of view appears to put VTrans and the engineers into creating an unsafe situation.
- VTrans cannot help the business with parking because that is not part of the project, but the town can do something on its own. The town will have to request altering the proposed parking because VTrans and the consulting engineers will continue to recommend the best safety option. VTrans will decide if the parking item can be part of the project. Federal Highway must be convinced as well. Amenities are an issue with funding and if the parking is considered an amenity then the state will not accept it or if the state does accept the parking then the feds might not.
- Funding for the project is 80% federal, 10% state, and 10% local money.
- The state historic preservation officer advised there cannot be significant impact on the historic village.

Gary von Stange stated the parking issue could also be viewed as economic vitality. Mr. von Stange spoke in support of exploring the possibility of a legitimate reasonable way to address losing two parking spaces as part of the project. John Zicconi said the consultants did look hard to save the parking and did not find a way for on-street parking. The town can make up the parking. It was noted the parking for Mr. Clayton's business is on town owned property and the town is now proposing to change how the area is used. Town parking is public so deeding spaces to Mr. Clayton for his employees is not an option. There was agreement further discussion of improving parking in the village is needed. Kevin Clayton volunteered to meet with the Selectboard to discuss parking options for his business.

Al Gobeille suggested the project include three lanes on Harbor Road and all other items in Alternative #4 plus nose-in parking. Greg Edwards pointed out with Alternative #4 there is not sufficient room for three lanes on Harbor Road and maintaining the north side curb and green strip to avoid impacting the historic village. Al Gobeille asked if there could be five diagonal parking spaces with three lanes on Harbor Road. Greg Edwards confirmed this can be done, but from a safety point of view the change to parallel parking from drive-in diagonal parking results in a 40% decrease in crashes. With back-in diagonal parking there is a 70% decrease in crashes. John Zicconi stated there is no perfect project, but all projects need to focus on safety. For perspective only two parking spaces in the entire walking village are being impacted.

#### COMMENTS

Kevin Clayton noted there have been no accident reports indicating the way the parking is now configured is not working or that the parking is impacting the intersection. The parking is self-regulating now. The parking is the same type found all over the village. People will not be patient with parallel parking. Mr. Clayton questioned why the parking by his business only is being changed and cautioned against making a change to parking that makes the village a walking village.

Steve Mayfield asked about the new sidewalk link that is paving over some of the town green. John Zicconi explained the sidewalk is unfinished and this completes the link. The state historic preservation officer felt the link improved safety for walking without a huge loss of the green.

There were no further comments.

**MOTION by Toni Supple, SECOND by Gary von Stange, to adopt Alternative #4 with the change that parking be five diagonal spaces and the green strip between the sidewalk and parking spaces be removed. VOTING: 4 ayes, one nay (Allison Cranmer); motion carried.**

Allison Cranmer inquired as to why a meeting was called with the consulting traffic engineers by a selectboard member without notifying the full board. Toni Supple explained she asked the consultants about the viability of moving the bike lane to gain space. The inquiry was for information only and the consultant felt the explanation was more understandable by viewing the site plan.

The Selectboard agreed to further discuss parking in the village in the near future.

#### Public Hearing: Amendments to Shelburne Comprehensive Plan

The public hearing on amendments to the town plan was reopened at 8:01 PM. The following was discussed:

- Natural and Scenic Resources and Land Conservation
  - o Gary von Stange pointed out under Goals & Objectives, #4 is inconsistent in saying "support the concept of right to farm" with #3 on Page 32 that says "implement the right to farm". Dean Pierce explained the first occurrence pertains to policy and the second occurrence pertains to recommended action.
- Wildlife Habitat Overlay
  - o There was discussion of actions related to wildlife habitat, existing maps showing these areas, and potential impact on developers. Regional Planning recommends doing a habitat disturbance assessment.
  - o Al Gobeille asked if an overlay on your land so it cannot be developed constitutes a taking. Dean Pierce said if the buildable lots were subdivided the regulations in effect when the subdivision application and approval were made stand. Gary von Stange briefly explained 'taking' is an eminent domain claim on the land. How much or to what degree is where the disagreement occurs. Al Gobeille suggested a better policy to protect habitat is through the conservation fund because acquisition is property specific and what is approved is known. The proposed language does not take into account property rights or economic issues, only environmental issues. The language needs to articulate with more detail what the town wants to do. Al Gobeille suggested the Planning Commission be asked to study the issue before inclusion in the plan, and provide sample maps. An economic study on impact should be done. The issue should be studied and common language drafted. Add wording saying "consider developing an overlay" and explain what is meant by a "major development proposal".
  - o Toni Supple spoke in support of the language as drafted.
  - o Allison Cranmer asked what prompted the addition of a wildlife district to the plan and how it works on developed land and open land. Dean Pierce explained the Natural Resources Committee provided the most input and the same process for adoption of the language would be followed. There is no map now. Suggestion has been made to synthesize existing maps to identify the most important habitat features in the town as the goal.
  - Ø Gail Albert, Natural Resources Committee, noted it is easier and less expensive for a developer to have information upfront. Ms. Albert suggested the language support the development of mapping to outline the habitat in order that more information could be made available when the subdivision regulations are updated.
  - Ø Sean MacFaden, Natural Resource Committee, stated the existing maps are outdated and need updating and consolidation which will simplify assessment of wildlife habitat and streamline the regulatory process as well. The intent of



the Natural Resources Committee for inclusion of the language is due to the JAM Golf decision. The town should know where important wildlife resources are located to effectively plan for them. The habitat overlay was not imagined as a no development zone, but just to protect habitat resources. Zoning can determine how. Gary von Stange clarified the JAM decision involved the Vermont National PUD application and South Burlington's zoning relative to scenic views and wildlife habitat. Superior Court ruled the language was vague and unenforceable.

- Ø Sallie Thomas asked if development is defined as just houses or includes windmills, solar farms, cell towers, and other types of structures.
- Ø Dean Wong pointed out the words say "consider amending" so the item is in the work plan and not an item being implemented.
- Ø Dorothea Penar, Historic Preservation Committee, cautioned against 'softening' the language too much. The town plan is looked at to support decisions before the Public Service Board, for example. There must be quantification to support the supposition of impacts. The language should be clear and supportable.
- Ø Brian Precourt, Planning Commission, said the Planning Commission will look at the language. There are hundreds of recommended actions in the plan and many recommended actions that are not acted on.

- Historic and Cultural Resources

Ø Dorothea Penar suggested the words "preserve" and "character" remain in the text because the words are standard lingo in historic preservation. Also, the responsibility of the Historic Preservation Committee is to support and maintain the survey of resources as a CLG requirement. Some of the wording changes in the plan changed the responsibilities and commitment of CLG which could impact receipt of federal funding. Ms. Penar suggested the Historic Preservation Committee draft their comments on the Historic and Cultural Resources section of the plan and submit them to the Selectboard for discussion at the next meeting.

**MOTION by Allison Cranmer, SECOND by Gary von Stange, to continue the public hearing on amendments to the comprehensive plan until the next Selectboard meeting (October 22, 2013). VOTING: unanimous (5-0); motion carried.**

*Approve Amendment to Town of Shelburne Traffic Ordinance by Adding a Stop Sign at Intersection of Spear Street and Bishop Road*

**MOTION by Allison Cranmer, SECOND by Al Gobeille, to approve amendment of the Shelburne traffic ordinance by adding a stop sign at the intersection of Spear Street and Bishop Road.**

**DISCUSSION:** The following comments were made:

- Matt Chandler, Kelady Drive (private road), said the stop sign placement is about one and a half car lengths from Kelady Drive which will make it very difficult to turn left onto Spear Street. Mr. Chandler suggested aligning Kelady Drive with Bishop Road be considered to make the intersection safer. Some drivers going north do not fully stop at the stop sign.
  - Liz Weir, Bishop Road, suggested the stop sign be located farther north and cross-hatching be painted on the road surface so the driveway is not blocked. The signage is not good for northbound traffic. Drivers do not stop at the stop sign.
  - Allison Cranmer suggested the amendment allow for all way stop (three stop signs).
  - Tim Pudvar stated the Highway Dept. will do the proper alignment and signage.
- VOTING: 4 ayes, one nay (Toni Supple); motion carried.**

Gary von Stange noted the effective date of the change in the ordinance will not be until the sign is installed.

## 10. NEW BUSINESS

*Presentation by Michael Monte and Amy Demetrowitz from Champlain Housing Trust for a Project to Create Transitional Housing at the Econo Lodge Motel in Shelburne*

Michael Monte, Chief Operating and Financial Officer for Champlain Housing Trust, explained the plan to purchase the Econo Lodge Motel with a focus on transitional housing for people in the state, noting the following:

- The housing will be temporary to help people in need who meet the criteria and have enough points to qualify for a room.
- A range of resources and services will also be offered to people staying at the motel.
- Residents will be referred by the Agency of Human Services, Fletcher Allen, Howard Mental Health Services. Veterans, victims of flood or fire, domestic violence situations, or homeless individuals who meet the criteria could stay at the motel temporarily.
- Length of stay for referrals from Howard Mental Health is not limited. Referrals from FAHC can stay a few days. Referrals from the Agency of Human Services can stay 28 days up to 84 days depending on the criteria that are met.
- There are 59 rooms in the motel. The Agency of Human Services secured 30 rooms. Other organizations have 10 rooms. The remainder will be "over-the-counter" at some point.
- There will be weekly and daily residents. Full time staff and overnight staff will be at the motel. Security will be there during the evening. Security cameras will be installed. The place will close at 8 PM. Calls for rooms after that time will not be accepted.
- November 1<sup>st</sup> is the target opening.
- The budget for maintenance and upkeep of the approximate five acre site is between \$250,000 and \$300,000.
- Shelburne police are happy with the plan.
- Champlain Housing Trust has a contract with the Agency of Human Services and will meet with the state in three months to see if the program is working.

Mr. Monte offered to return to the Selectboard on a regular basis to discuss the operation.

Al Gobeille asked if there is any impact on property taxes by the use. Mr. Monte said the property will pay property taxes. The same amount as paid now is budgeted. The property is being purchased for the assessed value.

Toni Supple asked if ex-convicts, homeless, or sex offenders will be allowed at the motel. Mr. Monte explained the residents will come to the motel through the Agency of Human Services or FAHC or Howard Mental Health and must meet the criteria to be allowed to stay.

Ron Bouchard asked if individuals released from prison can stay at the motel. Mike Monte said the individual must meet the criteria. A person who is disabled or homeless and freezing at night and has been in prison in the past could be allowed to stay if the criteria are met. Individuals will be referred after screening. The intent is to provide people in need with a place to stay short term.

Sallie Thomas expressed concern about vulnerable children or people recouping from illness mixing with pedophiles or drug addicts.

*Presentation by Peter Frankenburg of the Budget Status for Year Ending June 30, 2013*

Shelburne Finance Director, Peter Frankenburg, briefed the Selectboard on the pre-audit status of the budget ending June 30, 2013, noting the following:

- Town general fund budgeted fund balance was \$639,061. The actual fund balance was \$475,888. The largest variance was due to the Wake Robin tax appeal that had an impact of \$333,230.
- Revenue variations for FY2012-13, budgeted versus actual, for items not offset by corresponding expenses was \$85,580 more than budget. Revenues were better than budgeted in property taxes, clerk's office fees, highway state aid, grants for police, planning/zoning fees, state current use payment, and cell tower fees.
- Expenditure variations for FY2012-13, budgeted versus actual, for items not offset by corresponding revenues was \$259,394 more than budget. Expenditures were more than budget under tax appeals, the Harbor Road slide, police salaries and overtime, the fire station roof, and police gas expense.
- Capital projects done in FY2012-13 include the fire station roof, fire air packs, rescue boat, field mowers, resurfacing the beach boat ramp, LaPlatte overlook and path, Harbor Road sidewalk, Webster Road path, police communications radio transmission upgrade, two police cruiser replacements, Harbor Road slide, and a dump truck.

*Agreement with Vermont League of Cities and Towns (VLCT) to Provide Assistance to the Selectboard in the Search for a new Shelburne Town Manager*

**MOTION by AI Gobeille, SECOND by Allison Cranmer, to enter into an agreement with VLCT to provide assistance to the Selectboard in the search for a new Shelburne Town Manager.**

**DISCUSSION:** Tim Pudvar announced Paul Bohne, Shelburne Town Manager for the past 13 years, will retire effective on town meeting day in March. The Selectboard will solicit as much public involvement as possible in finding a replacement for Mr. Bohne. Email Tim Pudvar for consideration of involvement on the search committee. Town staff will also be engaged. Bill Stuono asked the details of the agreement with VLCT. Tim Pudvar said an hourly rate will be charged for a total not to exceed \$5,000. VLCT has also handled the search for a town manager in Colchester and Brattleboro. Many municipalities use the service.

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

*Appointment of Paul Orzech to the Development Review Board for an Unexpired Term Ending in 2015*

Paul Orzech explained his interest in applying for the vacancy on the DRB came about when dealing with a homeowners association issue and an application before the DRB by a resident. Mr. Orzech said he is retired and has no prior government experience.

Gary von Stange asked Mr. Orzech about supporting the town plan, zoning bylaws, and subdivision regulations over personal opinion when dealing with applications. Mr. Orzech said he would support the bylaws with applications and then pursue a change in the bylaw if he felt the bylaw was not working.

Toni Supple asked Mr. Orzech if he is affiliated with a developer or a development company. Mr. Orzech said he is not.

**MOTION by Gary von Stange, SECOND by Toni Supple, to appoint Paul Orzech to the Development Review Board for an unexpired term ending in 2015.**

**DISCUSSION:** AI Gobeille noted in the past the Selectboard has gone into deliberative session before making a decision. The Selectboard agreed and convened deliberative session at 9:24 PM then returned to regular session at 9:32 PM to take action on the appointment.

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

*Request from Green Mountain Kenworth for Waiver of Late Charges on Sewer Bill*

Request was withdrawn by Green Mountain Kenworth.

#### 11. EXECUTIVE SESSION and/or ADJOURNMENT

**MOTION by AI Gobeille, SECOND by Allison Cranmer, to adjourn the regular meeting and convene Executive Session to discuss legal matters, and invite Peter Frankenburg to attend. VOTING: unanimous (5-0); motion carried.**

The regular meeting was adjourned and Executive Session convened at 9:54 PM.

#### Adjourn

**MOTION by AI Gobeille, SECOND by Gary von Stange, to leave Executive Session.**

**VOTING: 5-0; motion carried.**

**The meeting adjourned at 10:10 PM**

*RScty:MERiordan*

## TOWN OF SHELBURNE

### SELECTBOARD

### MINUTES OF MEETING

October 22, 2013



**MEMBERS PRESENT:** Allison Cranmer, Al Gobeille, Gary von Stange, Toni Supple. (Tim Pudvar was absent.)

**ADMINISTRATION:** Paul Bohne, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Town Planner.

**OTHERS PRESENT:** Ron Bouchard, Dick Elkins, David Webster, Brian Precourt, Scott Kelly, Peter Gadue, Robert Scharf, Heather McKim (Shelburne News).

#### 1. CALL TO ORDER

In the absence of Tim Pudvar, Allison Cranmer called the meeting to order at 7 PM.

#### 2. APPROVAL OF AGENDA

Add under New Business:

- Certificate of Project Completion

#### 3. APPROVAL OF MINUTES

*October 8, 2013*

**MOTION by Gary von Stange, SECOND by Al Gobeille, to approve the 10/8/13 minutes with the following correction(s)/clarification(s):**

**Page 1, Announcements, 1<sup>st</sup> bullet – add “by the LaPlatte Bridge at the Webster Road extension entrance” to the end of the sentence;**

**Page 2, Old Business, 2<sup>nd</sup> paragraph, sentence reading “Ms. Supple expressed disappointment that the right turn lane...” – change “suggested relocating the bike lane” to “had investigated relocating the bike lane”;**

**Page 3, top of page, bullet reading “The state historic preservation officer advised...” – add “to qualify for federal dollars” to the end of the sentence.**

**VOTING: unanimous (4-0); motion carried.**

#### 4. CITIZEN PARTICIPATION

None.

#### 5. ANNOUNCEMENTS and SELECTBOARD COMMENTS/QUESTIONS

Ø Toni Supple mentioned the news coverage on Channel 3 on the Econo Lodge project was very positive.

Ø Al Gobeille said he received several calls about the water at Wake Robin. Paul Bohne explained the town's water has been tested and the results have been fine. There is low chlorine residual in the water which is normal. The result of the last test of the town water is expected on 10/23/13. The town supplies water to Wake Robin which has its own water and distribution system. Bacteria were found in the water at Wake Robin so residents were told to boil their water until the matter can be resolved. The town has been trying to help Wake Robin find the problem.

Ø Allison Cranmer reported the selectboard workshop she recently attended was very informative. Subjects included preparing for town meeting, ordinances, and terminating employees.

#### 6. MANAGER'S REPORT

Paul Bohne reported:

- The September 24, 2013 Selectboard minutes need to be corrected to reflect Bill Stuono appointed to the DRB as a full member, not an alternate.

**MOTION by Gary von Stange, SECOND by Al Gobeille, to amend the 9/24/13 Selectboard minutes to reflect that Bill Stuono was appointed to the DRB as a member and not an alternate. VOTING: unanimous (4-0); motion carried.**

- Streetlights have been ordered. Green Mountain Power is ready to install once the lights are received.
- Results of the streetlight survey will be presented at the next Selectboard meeting. Green Mountain Power will be able to continue working through the list with installations. (Allison Cranmer noted survey information on the underground utilities is needed for the budget.)
- A second estimate (from B&R Electric) for the installation of the streetlight at Stokes/School was higher than the quote from Green Mountain Power for the work.
- Staff developed a resolution for Lake Champlain Transportation that was vetted by the staff attorney and the bond council. The report is supportive of recommending the board approve the resolution. If this is done the town can move forward at the Selectboard meeting on November 12, 2013.

#### 7. OLD BUSINESS

*Public Hearing: Amendments to Shelburne Comprehensive Plan*

The public hearing on amendments to the town plan was reopened at 8:16 PM. The following was discussed:

- Growth and Development

- o Toni Supple provided a copy of minutes from last year reflecting discussion of the growth figure of 110. Ms. Supple recalled the Planning Commission agreed to language saying “by no more than 110”, but the text in the town plan reads “an average of 110”. An average needs beginning and end points.
- o Al Gobeille pointed out the issue is having a cap versus an average and the language addressing growth over time rather than growth at one time. The language in the town plan should not hinder or limit growth or prevent the town from having another development like Wake Robin.
- o There was further discussion of the growth figure of 110 and language referring to an average or a cap (“no more than”). Gary von Stange pointed out the figure of 110 in the town plan denotes the historical trend in the town.
- o Following further discussion the Selectboard agreed an average growth rate over time should be indicated in the plan, and the sentence reading: “This growth rate should not be taken as a goal to be achieved” should be included.
- o The text in the plan should be consistent in saying “an average of 110 persons”.
- o Regarding Recommended Action #1 – Gary von Stange stressed the Selectboard needs to discuss the sewer policy before any text pertaining to sewer allocation or sewer policy is included in the plan. Paul Bohne will add this item to the next agenda for discussion.
- o Regarding Recommended Action #5 – following discussion the Selectboard wanted the language in the 2007 town plan for this item rather than the current language.
- o Regarding Recommended Action #7 – Dean Pierce explained the language says to be more proactive in planning residential, commercial, and residential/commercial development in a pedestrian friendly way with connections between developments. Al Gobeille expressed concern about forcing business owners to invest in “sidewalks to nowhere”. There was discussion of the meaning of “multi-use area” versus “mixed use area”. Allison Cranmer suggested the language read “mixed use area that encourages a pattern convenient and appropriate for pedestrians...”. Following further discussion there was agreement to have the language read “...encourage connectivity while simultaneously considering economic concerns...”
- o Regarding Recommended Action #6 – Gary von Stange objected to saying in the town plan that an economic development officer will be hired by the town because the town plan should not be specifying personnel positions in the town. It was suggested the language be ‘softened’ to say “encourage having an economic development officer”. Al Gobeille opined the language in the town plan is not supportive of growth and puts constraints on growth so having the position would be in conflict with the town plan as currently drafted. Following further debate of the language in the plan relative to the economic development officer the Selectboard agreed to strike the language completely.

**MOTION by Gary von Stange, SECOND by Al Gobeille, to continue the public hearing on amendments to the comprehensive plan until the next Selectboard meeting (November 12, 2013). VOTING: unanimous (4-0); motion carried.**

*Set Hearing Date on Amendments to Zoning Bylaws Previously Forwarded to Selectboard by Planning Commission*

**MOTION by Gary von Stange, SECOND by Al Gobeille, to set the hearing date of November 26, 2013 on the amendments to the zoning bylaws previously forwarded to the Selectboard by the Planning Commission. VOTING: unanimous (4-0); motion carried.**

The sewer policy discussion will be included on the agenda for the November 12, 2013 meeting.

## **8. NEW BUSINESS**

*Presentation by Scott Kelly with Utility Services of the Asset Management Program for the South Water Tank*

Scott Kelly, water system consultant with Utility Service Company, presented an asset management plan for the south water tank and noted the following:

- Utility Service Company is a water tank maintenance and management company with clients across the country.
- Utility Service Company has been in operation since 1963.
- Services offered to Shelburne for the south tank include assessment of the tank, rehabilitation, asset management, cleaning, maintenance, communications (cell antenna).
- The south tank needs full renovation. Upfront renovation cost for the south tank, exterior and interior, is \$422,022.
- The asset management program through Utility Service Company provides annual inspection, cleaning, repair and preventative maintenance, exterior/interior coating renovation, tank related engineering services, and emergency repairs. A lifetime warranty is offered.
- The focus of the asset management program is maintaining the tank properly and not allowing the tank to go to failure. The cost of a new tank in the same location would be in excess of a million dollars.
- The upfront renovation cost is paid in installments of \$88,543 over six years (2014-2019) and then beginning in 2020 a flat annual fee of \$24,211 is paid for the asset management program. The program is renewed annually.
- Champlain Water District is in the program for their water tanks.

Gary von Stange asked for assurance that the company is financially viable to support the lifetime

warranty. Mr. Kelly will provide the assurances.

Peter Gadue, Shelburne Water Commission, mentioned past practice has been to bond to cover the cost of painting the tank (\$250,000). The water rate is increased to cover the cost of the bond. Having an asset management plan through Utility Service Company means the company will handle all the maintenance for a set cost and assume all the risk with the tank. The water rate will have to be increased to cover the cost of the management plan. Toni Supple asked if bids were solicited for painting and maintaining the tank. Mr. Gadue confirmed bids were received and the best bid chosen.

Ms. Supple asked if other companies like Utility were contacted for an estimate. Paul Bohne said to date only Utility has been contacted. Al Gobeille pointed out there are other scenarios to consider including a new tank, repair of the existing tank, contracting out the maintenance, or turning over the tank to Champlain Water District (CWD will only take tanks in good condition and without cell antennas).

There was mention of revenue from the cell antennas benefiting the town as a whole not just those on town water.

*Amend Shelburne Temporary Sign Ordinance by Correcting Reference to Zoning Bylaws*

Paul Bohne suggested this be considered the first reading on the amendment and the second reading be scheduled on November 26, 2013 to coincide with the hearing on the other zoning bylaw amendments previously received from the Planning Commission.

**MOTION by Al Gobeille, SECOND by Gary von Stange, that this is the first reading of the amendment to the temporary sign ordinance by correcting reference to the zoning bylaws. VOTING: unanimous (4-0); motion carried.**

**MOTION by Gary von Stange, SECOND by Al Gobeille, to set the hearing date for the second reading on 11/26/13. VOTING: unanimous (4-0); motion carried.**

*Appoint Robert Scharf to the Shelburne Natural Resources and Conservation Committee for a Term Ending April 1, 2014*

**MOTION by Al Gobeille, SECOND by Gary von Stange, to appoint Robert Scharf to the Shelburne Natural Resources and Conservation Committee for a term ending April 1, 2014.**

**DISCUSSION: Robert Scharf mentioned his experience in natural resources and conservation, especially from the legal side, and his interest in serving on the committee.**

**VOTING: unanimous (4-0); motion carried.**

*Execute Certificate of Project Completion for Municipal Bond Bank for Harbor Road Sidewalk, Webster Road Bike/Ped Path Completed in 2012, and Falls Road/Marsett Road Water Line*

Peter Frankenburg explained tax exempt bonds financed the projects and the bond bank wants the town to provide milestones. The certificate affirms the projects were done with the funds that were allocated. The town will now start paying back the bonds.

**MOTION by Gary von Stange, SECOND by Toni Supple, to execute the Certificate of Project Completion for the municipal bond bank for the Harbor Road sidewalk, Webster Road bike/ped path completed in 2012, and the Falls Road/Marsett Road water line. VOTING: unanimous (4-0); motion carried.**

**9. EXECUTIVE SESSION and/or ADJOURNMENT**

**MOTION by Gary von Stange, SECOND by Toni Supple, to adjourn the regular meeting and convene Executive Session to discuss personnel matters. VOTING: unanimous (4-0); motion carried.**

The regular meeting was adjourned and Executive Session convened at 8:54 PM.

**MOTION by Al Gobeille, SECOND by Gary von Stange, to leave Executive Session. VOTING: 4-0; motion carried.**

The meeting adjourned at 9:35 p.m.

*RScty:MERiordan*

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# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

April 11, 2023

The Shelburne Selectboard acting as the Shelburne Liquor Control Commission hereby approves or disapproves the following liquor licenses for Shelburne Businesses in 2023:

<b>First Class:</b> *Shelburne Vineyard	<b>Second Class:</b> *Walgreens	<b>Third Class Restaurant/Bar:</b>  <b>Tobacco License:</b> *Walgreens	<b>Outside Consumption:</b>
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## APPROVED

\_\_\_\_\_  
Mike Ashooh, Chair

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Kate Lalley Vice Chair

\_\_\_\_\_  
Cate Cross

\_\_\_\_\_  
Luce Hillman

\_\_\_\_\_  
Matt Wormser

## DISAPPROVED

\_\_\_\_\_  
Mike Ashooh, Chair

\_\_\_\_\_  
Kate Lalley Vice Chair

\_\_\_\_\_  
Cate Cross

\_\_\_\_\_  
Luce Hillman

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Matt Wormser