



Town of Shelburne, Vermont

SELECTBOARD MEETING AGENDA
SHELBURNE TOWN OFFICES, 5420 SHELBURNE ROAD

Tuesday, October 11, 2022, 7:00 P.M.

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/89410077933?pwd=bFl6K2hVR1AwbWNhTW1YdU5QcDdmZz09>

Meeting ID: 894 1007 7933; Passcode: F23bbA

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

Meeting ID: 894 1007 7933; Passcode: 138732

Call to Order/Roll Call	7:00 P.M.
*Approve Agenda	7:00 P.M.
Disclosure of conflict of interest for items on the agenda	7:00 P.M.
*Approve meeting minutes of September 27, 2022	7:00 P.M.
Public Comments re: items not on the agenda	7:05 P.M.
Selectboard Comments	7:15 P.M.
Town Manager Report	7:20 P.M.
*Beach House update	7:25 P.M.
*Request to change the name of the Open Space Fund	7:45 P.M.
*ARPA Committee Charter	8:00 P.M.
*Local Option Tax concept: draft Charter amendment language; draft use policy	8:15 P.M.
*Request to fly a flag honoring National Native American Heritage month	8:30 P.M.
*Request for proclamation recognizing 10/23-10/29 as Childhood Cancer Awareness Week	8:40 P.M.
*Town Manager search committee: discussion and possible action	8:45 P.M.
*Adjourn	9:00 P.M.

**Potential action items. Times are approximate and depend upon how discussion flows.*



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Town Manager Report 7:20 P.M.

***Beach House update** 7:25 P.M.

I anticipate that Parks and Recreation Director Betsy Cieplicki and Architect Jeff McBride will offer a progress update on current design, engineering review, and permitting.

***Request to change the name of the Open Space Fund** 7:45 P.M.

Please see the attached request from the Natural Resources and Conservation Committee.

***ARPA Committee Charter** 8:00 P.M.

Now that the ARPA committee has been constituted, it seems appropriate that some form of 'charter' and possible timeframe/lifespan be created to guide the committee as to the Selectboard's hope and intent. To help start the conversation, please find below a rough draft for conversation purposes:

The Selectboard has created a new, temporary “ARPA Committee” to seek public input and to assemble a list of projects to be recommended to the Selectboard for consideration for funding from the Town’s federal ARPA allocation. The total amount of that allocation is \$2,286,168.57. It is expected that this committee will abide by all requirements of the Open Meeting Law, as well as the Town’s conflict of interest policy. The committee is encouraged to make use of the many ARPA-related informational resources available on the website of the Vermont League of Cities and Towns to help guide its deliberations.

The Selectboard would like to receive the committee’s recommendations no later than:

_____.

Suggested timeframes: April 11, 2023 (six months from now)? Perhaps instead, or in addition, request preliminary findings in time for presentation at Town Meeting? Or a later date? Please remember that ARPA funds must be obligated by 12/31/2024. Sounds like a long time from now... but we all know how time flies; how bandwidth is consumed easily by known issues on our plate and issues yet to be brought forward; and that “obligated” often means actually designated to defined projects of known design, engineering, and cost if related to any form of infrastructure.

Funds must all be spent no later than 12/31/2026. Again, sounds like a long time from now... but remember that every other municipality will be doing this same work. If ideas or projects are identified that need professional consulting assistance and/or actual construction, everyone else will likely also be seeking those same services within this same timeframe.

This is all a proverbial twin-edged sword: while exciting to contemplate possibilities for use of these one-time funds for maximum long-term community benefit, it may be challenging to analyze what might be a wide array of desires into a manageable priority list of achievable and affordable projects.

***Local Option Tax concept: draft Charter amendment language; draft use policy**

8:15 P.M.

As is known, the Selectboard has agreed to place the Local Option Tax (LOT) matter on the Town Meeting ballot. Toward that end, the Finance Committee has done significant background analysis on the topic, and has been “making the rounds” with presentations at a wide variety of organizations and committees. It is believed of critical importance that the Selectboard, while relying on information and recommendations of the Finance Committee, must take the lead to inform the public and manage this process. It is more complex than most issues, in requiring an amendment to the Town Charter, with the requisite timeframes and legal requirements, as well as final approval by the Legislature if approved by Shelburne voters.

One of many key elements is proposing the actual Charter language to be considered. Upon the strong recommendation of Representative Jessica Brumsted, in order to smooth the path in the Legislature (again, if first approved by the voters), we should propose a Charter amendment identical to that used by the City of St. Albans, modified only as necessary (ie., “Town”, not ‘City’, ensuring that statutory references remain accurate, and checking on title section numbering). The reason is that if approved by the voters and proposed to the Legislature, if it’s the same as that which they have adopted before, it will likely be easier to adopt it again for Shelburne. If it’s different or unique in any way, it may lead to protracted debate or be ‘placed on the wall’ for a future legislative session, delaying the Town’s ability to benefit from this revenue.

That language is simple, clear, and concise; creating enabling authority to adopt LOT without further elaboration. Again, this all presumes prior approval by the voters, but all of this preliminary work is still needed prior to the Town Meeting vote in case approval is granted. To wit:

Chapter XXX: Town of Shelburne

(Cite as: 24 VSA ch. XXX, subsection YY)

XXX-YY Taxation

The Town Selectboard shall be authorized to levy a one percent tax on sales, meals, and alcoholic beverages, and rooms. Any tax imposed under the authority of this subsection shall be collected and administered pursuant to 24 VSA ss 138 (Amended 2009, No. M-23 (Adj. Sess), ss 24, eff. May 20,2010; 2019 (Adj. Sess.), No. M-10 (Adj. Sess.), ss 2.)

We have asked our Town attorneys to review this for proper format, content, and statutory references.

Concurrent with all of this has been a parallel recommendation that the Selectboard adopt a policy for prospective future use of LOT revenues, both as proactive clarification of purpose and intent, and to help allay concerns expressed that this is just a way to spend more money in the operating budget. Toward that end, please find below a proposed draft policy for review and consideration:

POLICY # XYZ

Use of Revenue Received from Local Option Taxes

It is the policy of the Shelburne Selectboard that revenues derived from local option taxes be dedicated to the following purposes:

Capital expenditures/projects;

Debt reduction;

Reserve funds for future capital projects;

Repairs or other emergency needs related to a disaster as declared by the Selectboard or State or Federal agencies; and/or

Land conservation/open space protection.

Adopted by the Shelburne Selectboard on DATE, 2022

For the Shelburne Selectboard

Date

***Request to fly a flag honoring National Native American Heritage month**

8:30 P.M.

It is anticipated that Selectboard Vice Chair Cate Cross may speak to this matter.

***Request for proclamation recognizing 10/23-10/29 as Childhood Cancer Awareness Week**

8:40 P.M.

It is anticipated that Selectboard Vice Chair Cate Cross may speak to this matter. Please see attached background information received on this subject.

***Town Manager search committee: discussion and possible action**

8:45 P.M.

***Adjourn**

9:00 P.M.

**Potential action items. Times are approximate and depend upon how discussion flows.*

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
September 27, 2022**

***Hybrid meeting**

MEMBERS PRESENT: Cate Cross, Kate Lalley, Luce Hillman, Matt Wormser.
(Mike Ashooh was absent.)

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Adele Gravitz, Planning Director; Diana Vachon, Town Clerk.

OTHERS PRESENT: Members of the public participating in the meeting included Judith Raven, Bill Deming, Bob Bouchard, Don Porter, Gail Albert, Jen Holliday, Jessica Trautwine, Kenneth's iPad, Mary Kehoe, Max K, Paul's phone, Ryan Brown, Sarah Reeves, Shelburne Town Host, Steve Kendall, Susan Moraska, Robert Birkett, Steve Brandon, Shelley Crombach, Steve Baietti, Susan McLellan, Peggy Coutu, Suzanne Fay, Pete Serensky, Robilee Smith, Nancy Badami, Greg Doremus, Ann Hogan, Media Factory.

1. CALL TO ORDER

In the absence of Chair Mike Ashooh, Cate Cross called the meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Matt Wormser, **SECOND** by Luce Hillman, to approve the agenda.
VOTING: unanimous (3-0)[Kate Lalley not present for vote]; motion carried.

3. CONFLICTS OF INTEREST

None.

4. MINUTES

September 13, 2022

MOTION by Matt Wormser, **SECOND** by Luce Hillman, to approve the minutes of 9/13/22 as presented. **VOTING: unanimous (4-0); motion carried.**

5. PUBLIC COMMENT

- Bob Birkett, Harbor Road, spoke against the local options tax and stressed the citizens of Shelburne need more information such as who is going to pay and how much. [Cate Cross explained the Selectboard voted to put the item on the ballot only. There will be information sessions to explain the tax. The Selectboard intends to spend the money on capital and conservation projects in town. Don Porter, Finance Committee, said the information sessions are 12/6 and 12/20, and the Finance Committee is willing to make presentations to any group.]

- Susan McLellan, Falls Road, spoke in support of the housing voucher for the homeless development on Shelburne Road to be revoked and Champlain Housing paying security costs, not the Town of Shelburne. [Cate Cross said the Town Attorney advised the voucher cannot be withheld. Matt Wormser suggested the item be on a future agenda for discussion.]
- Diana Vachon, Shelburne Town Clerk, announced Sue Moraska earned her Vermont Clerks certification.

6. SELECTBOARD COMMENTS

- The Selectboard commented on the many talented people in town who offered to serve on the ARPA committee.
- Fire/Rescue open house and training demo was informative and impressive.
- Heritage Potluck sponsored by the Rec Dept. and the Equity Committee is in October.
- Cate Cross is on the Equity & Diversity Panel at the VLCT Annual Town Fair.

7. TOWN MANAGER REPORT/UPDATE

Lee Krohn reported:

- Congratulations to Sue Moraska in the Town Clerk's Office on earning her Vermont Clerks certification. Sue Moraska is also seeking her Certified Treasurer certification.
- Fire Dept. pancake breakfast is 10/8/22 at Shelburne Community School.
- Mike Thomas was appointed Shelburne Police Chief. Formal ceremony is 10/15/22.
- Recent town hires include a police officer, water operator, and highway worker.

8. PROPERTY TAX LATE FEE WAIVER REQUESTS

Small Boat Exchange

MOTION by Matt Wormser, SECOND by Luce Hillman, to grant a waiver of the property tax late fee totaling \$186.05 for Small Boat Exchange with the condition the property owner sign up for automatic withdraw for future tax payments.

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

Jolene Perkins

MOTION by Matt Wormser, SECOND by Luce Hillman, to waive the delinquent fee of \$44.53 per the request of Andrew Day contingent upon the property owner signing up for automatic withdraw for future tax payments. VOTING: unanimous (4-0); motion carried.

Jesusa Krag

MOTION by Matt Wormser, SECOND by Luce Hillman, to approve the request from Jesusa Krag to waive the late fee penalty of \$270.02 (property owner has already signed up for automatic withdraw for future tax payments). VOTING: unanimous (4-0); motion carried.

9. PRESENTATION: CSWD Bond Vote

Sarah Reeves and Jen Holliday, CSWD, gave a presentation on the bond vote to build a new CSWD Material Recovery Facility (MRF) to replace the existing MRF which was built in 1993 and is at capacity for both processing materials and storage space. The new facility will use state-of-the-art technology including optical sorting and be able to take in more and different types of recycling (including glass) to carry CSWD through the next 30 years. The cost of the new facility is \$26 million to be paid by operational revenue over 25 years. There will be no impact on the property tax. Money that was being put into reserves for the MRF replacement will be used to help keep the tip fee stable.

10. ALL HAZARD MITIGATION PLAN

Staff will investigate whether the salt shed in town is included in the plan.

MOTION by Matt Wormser, SECOND by Kate Lalley, to approve the resolution adopting the 2022 Chittenden County Vermont Multijurisdictional Hazard Mitigation Plan including the Shelburne specific annex therein and authorize the Town Manager to sign the resolution on behalf of the Selectboard. VOTING: unanimous (4-0); motion carried.

11. PLANNING COMMISSION PROPOSED ZONING AMENDMENT

Staff explained the amendment is to eliminate the Mixed Residential Character District from the Form Based Overlay and return that area to conventional zoning. Following discussion, the Selectboard agreed to hold a special hearing on the amendment.

MOTION by Kate Lalley, SECOND by Matt Wormser, to accept the Planning Commission proposed zoning amendment and warn a public hearing (special meeting) on 11/15/22. VOTING: unanimous (4-0); motion carried.

12. PROPOSED BUDGET DEVELOPMENT TIMELINE/SCHEDULE

The Selectboard reviewed the document.

13. EXECUTIVE SESSION: Personnel

MOTION by Matt Wormser, SECOND by Luce Hillman, pursuant to 1VSA313 to enter Executive Session to consider appointment or employment or evaluation of a public officer or employee and invite the Town Manager to participate. VOTING: unanimous (4-0); motion carried.

Executive Session was convened at 8:36 PM and adjourned at 9:15 PM. The regular meeting resumed.

14. OTHER BUSINESS

ARPA Task Force

With thanks to all who expressed interest and applied to serve, Matt Wormser announced the nine individuals selected to serve on the ARPA committee:

Alan Kungis, Becky Jewitt, Dan Mclean, Jeff Loiter, John Schold, Katherine Myers, Patty Brennan, and Sue Dixon; with myself as Selectboard liaison, Don Porter as Finance Committee liaison, and Peter Frankenburg as Town Finance Director/liaison.

15. ADJOURNMENT

MOTION by Kate Lalley, SECOND by Matt Wormser, to adjourn the meeting.

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

The meeting was adjourned at 9:58 PM.

RScty by tape: MERiordan

For the Selectboard

Date

Dear Select Board members,

We are writing on behalf of the Natural Resources and Conservation Committee with a request to change the name of the Open Space Fund to the **Open Space Conservation Fund**. The current Town Plan, in fact, incorporates this suggested change as a proper reflection of the priorities and mission the Fund was created to support.

The 2017 Open Space Plan <https://www.shelburnevt.org/DocumentCenter/View/311/Open-Space-Plan-2017> page 9 identifies the various methods of protecting Shelburne's most valuable natural resources and articulates the various levels of protection that have traditionally been employed to provide that protection. It notes that only those lands "owned by private, non-profit conservation organizations ... provides specific and permanent legal protection against conversion to a developed use [and provide the] highest level of protection" *in perpetuity*. In contrast, lands reserved by landowner associations, set aside under open space agreements, a Conservation Easement entered by Landowners, municipalities, boards, or the State are subject to change by transitions in board membership or subsequent owners.

Given the impact of Shelburne's growth and development pressure and the challenges to natural communities imposed by the rapidly changing climate, we believe that specifically targeted private conservation protection of our most precious resources must be the focus of the Fund. These resources include our water resources, the forested lands that provide carbon and stormwater sequestration or specific parcels that provide habitat, wildlife corridors and steep slopes, and the unique viewsapes that are hallmarks of Shelburne's identity. As the Select Board and the Town are aware, the limited funds we vote to allocate to Resource Conservation each year leverage more than five (5) times the dollars we invest to protect what cannot be replaced. Inflation and rising property values put greater pressure on those limited funds; thus we must ensure those funds will not be diminished by other important but less targeted uses

While we believe that developed open spaces such as paths, walking/biking trails, parks, and other recreational opportunities for residents to enjoy our environment and reduce our carbon imprint are also important to our quality of life, we believe they should be supported with specific funds designated for that purpose. And we believe different terminology should be used when describing them so as not to conflate the very different types of resources. Those funds might come from Development fees, grants or from separate funding efforts initiated for that purpose. We believe that our very limited Open Space **Conservation** dollars must be used to protect those important resources that once destroyed by development can never be replaced. Thus, our request to redefine to the specific and make clear the only use of the Fund must be for Conservation of the irreplaceable Natural Resources we've named above and as articulated in the **2017 Town Plan**.

To this end, we request that you formally change the name of the Open Space Fund to "The Open Space Conservation Fund to sustain the historic purpose of conserving our irreplaceable ecological resources.

Thank you for your consideration of our request!

Gail Albert and Don Rendall

From: **Kids Cancer Connection, Inc** <acfckids@earthlink.net>

Date: Sun, Sep 18, 2022 at 3:28 PM

Subject: Shelburne VT / Childhood Cancer Awareness Week / October 23 - October 29

To: <matt_wormser@yahoo.com>, <cateforvermont@gmail.com>, <katelalley2@gmail.com>, <lucehillman@gmail.com>, <mashooh@gmail.com>, <dvachon@shelburnevt.org>

Dear Chair Ashooh, Vice Chair Cross, Selectboard Members and staff,

We hope you are doing well during this challenging time. We are writing to request a proclamation recognizing October 23 - October 29 as Childhood Cancer Awareness Week in Shelburne. It's that time of year again!

Cancer is the leading cause of death by disease among children in our country today. This tragic disease is detected in more than 16,000 of our country's young people each and every year. We are truly grateful for Vermont's many years of support.

The Lions Club of Barre will sponsor the request this year. Constituent Mark Tatro of Barre is the Club's president. We will also collaborate with the Boys and Girls Club of Burlington to create beautiful handmade cards for hospitalized children.

-Lions Clubs International / Childhood Cancer Initiative
www.lionsclubs.org/en/start-our-global-causes/childhood-cancer

-Boys and Girls Clubs of America / Children's handmade poster
www.flickr.com/photos/kidscancerconnection/48955627691

We will continue to coordinate activities including our popular toy distributions and other hospital activities at the Children's Hospital at UVM Medical Center in Burlington among other regional facilities. We've included sample text below for your reference.

-State of Vermont / Children's handmade poster 1
www.flickr.com/photos/kidscancerconnection/52023392737

-State of Vermont / Children's handmade poster 2

www.flickr.com/photos/kidscancerconnection/49824024756

-State of Vermont / Children's handmade poster 3

www.flickr.com/photos/kidscancerconnection/49835099853

-State of Vermont / Children's handmade poster 4

www.flickr.com/photos/kidscancerconnection/49490329142

-State of Vermont / Sept. 2022 Childhood Cancer Awareness proclamation / Governor Scott

www.flickr.com/photos/kidscancerconnection/52325406680

-State of Vermont / Sept. 2018 Childhood Cancer Awareness proclamation / Governor Scott

www.flickr.com/photos/kidscancerconnection/44994120101

-State of Vermont / Sept. 2015 Childhood Cancer Awareness proclamation / Governor Shumlin

www.flickr.com/photos/kidscancerconnection/19535658111

-State of Vermont / Sept. 2012 Childhood Cancer Awareness proclamation / Governor Shumlin

www.flickr.com/photos/kidscancerconnection/14007740032

-Washington County / Children's handmade poster

www.flickr.com/photos/kidscancerconnection/51712418274

-City of Montpelier / Children's handmade poster

www.flickr.com/photos/kidscancerconnection/48977704988

-City of Montpelier / 2022 Childhood Cancer Awareness proclamation

www.flickr.com/photos/kidscancerconnection/52367023204

-Chittenden County / City of Burlington / University of Vermont Children's Hospital

www.flickr.com/photos/kidscancerconnection/494900596

-City of Burlington / Children's handmade poster

www.flickr.com/photos/kidscancerconnection/49490627047

-Grafton County, NH / Sept. 2022 Childhood Cancer Awareness proclamation

www.flickr.com/photos/kidscancerconnection/52305643257

-Grafton County, NH / City of Lebanon / The Children's Hospital at Dartmouth-Hitchcock

www.flickr.com/photos/kidscancerconnection/49823105238

(*) May we please receive a .JPEG format copy to share?

(**) May we also please receive the original copy in the mail?

Thank you for your time and consideration.

Sincerely,
Steven Firestein, M.A.
Volunteer Director

Dr. Amy Firestein

Volunteer, Clinical Services Director

Kids Cancer Connection, Inc.

IRS 501 (C)(3) # 56-2520924

American Cancer Fund for Children, Inc.

IRS 501 (C)(3) # 13-3780954

-KCC Website

www.KidsCancerConnection.org

SAMPLE: Childhood Cancer Awareness Week

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 16,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers. An estimated 400,000 children and adolescents are diagnosed with cancer globally each and every year; and WHEREAS, founded nearly thirty years ago by Steven Factor Firestein, a member of the philanthropic wing of the Max Factor cosmetics family, the American Cancer Fund for Children, Inc., Kids Cancer Connection, Inc. along with Lions Clubs International are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the Children's Hospital at UVM Medical Center in Burlington, the Children's Hospital at Dartmouth-Hitchcock in Lebanon NH,

as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor toy distributions, Laughternoon - Laughter is Healing, positive appearance programs, pet-assisted therapy, family sailing programs, KCC Supercar Experience, educational programs and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

-Please include your concluding statement.

--

Thanks,
Cate

Cate Cross

Shelburne Selectboard

cateforvermont@gmail.com

617-970-2168