

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
July 28, 2020**

***Meeting held via teleconference.**

MEMBERS PRESENT: Jerry Storey (Chair); Mike Ashooh, Mary Kehoe, Jaime Heins, Kate Lalley.
ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent.
OTHERS PRESENT: Members of the public participating in the meeting included Joyce George, Don Porter, Gail Albert, Ken Albert, Bill Deming, Allyson Myers, Anthony Seidita, Jason Grignon, Megan McBride, Diana Reilly, Jay Keeler, Sean Moran, Clare Sheffield, Wayne Elliott.

1. CALL TO ORDER

Chair Jerry Storey called the teleconference meeting to order at 7 PM, explained the procedure to be followed, and held a roll call.

2. APPROVE AGENDA

MOTION by Jaime Heins, SECOND by Kate Lalley, to approve the agenda with the addition of a wastewater allocation request. VOTING by roll call: unanimous (5-0); motion carried.

3. MINUTES

July 14, 2020

MOTION by Kate Lalley, SECOND by Mary Kehoe, to approve the minutes of 7/14/20 with the following correction(s)/clarification(s):

- **Minutes, Motion to Approve - correct the date in the motion to “6/30/20”.**
- **Public Hearing, Proposed Zoning Amendments – add “7:29 PM” as the time the public hearing was closed.**
- **Emergency Order on Masks – change the effective date to “7/20/20”.’**

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

July 21, 2020

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the minutes of 7/21/20 as presented. VOTING by roll call: unanimous (5-0); motion carried.

4. PUBLIC COMMENT

Anthony Seidita, resident, asked if the Selectboard will respond to the issues noted by a group of residents in correspondence to the Selectboard. Jerry Storey assured the Selectboard will respond to the communication.

5. SELECTBOARD COMMENTS

- Jerry Storey passed on well wishes to Paul Goodrich following his shoulder operation. Also noted was the Shelburne Museum limited opening this summer, the availability of absentee ballots for voting on August 11th, and recognition of John Lewis for his contribution to society.
- Mary Kehoe observed the mask ordinance did pass and the Governor mandated mask wearing in public in the state beginning August 1st.

6. TOWN MANAGER REPORT/UPDATE

Lee Krohn reported:

- Crosswalks are complete on Marsett Road.
- Bay Park path improvements will soon be underway.
- The Town has published an ad seeking a candidate for Town Treasurer.

7. PUBLIC HEARING: Proposed Zoning Amendments - Martindale Node/Frontage Zones in Form Based Zoning, Shelburne Road Corridor
MOTION by Mike Ashooh, SECOND by Kate Lalley, to open the public hearing on proposed zoning amendments relative to the Martindale node/frontage zones in form-based zoning in the Shelburne Road corridor. VOTING by roll call: unanimous (5-0); motion carried.

The public hearing was opened at 7:11 PM. Dean Pierce reviewed the reasons for the proposed changes to the frontage zones and the edits to the Regulating Plan to remove the Martindale node/frontage zone.

COMMENTS

There were comments by members of the public on the lack of communication with residents and the lack of transparency about the removal of the Martindale node. There were also comments in support of keeping the node or reconsidering all three nodes/frontage zones, stressing the need for evidence of what could occur in a node before making changes. Concern was expressed about making zoning changes for a particular project and setting a precedent. The loss of the “cut through” road used by residents of the mobile home park and the need for more affordable housing in Shelburne were also mentioned.

Mary Kehoe asked how removal of the Martindale node and the apartments without retail on the first floor will impact the Martindale neighborhood. Joyce George, resident, stated the development of large lots with a significant number of housing units on the lots will put a burden on the town.

There were no further comments.

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to close the public hearing on the zoning amendments relative to the Martindale node/frontage zones in form-based zoning in the Shelburne Road corridor. VOTING by roll call: unanimous (5-0); motion carried.

The public hearing was closed at 8:04 PM.

Jerry Storey outlined the options for handling the amendments including adopting the proposal, rejecting the proposal, making changes to the proposal, asking the Planning Commission to reconsider and redesign the frontage zones.

Mike Ashooh spoke in support of all the individuals who volunteered many hours of their time to work on form-based zoning and to serve on the Planning Commission. Also, if someone feels there is a conflict of interest, the town has a process to follow to handle the complaint.

Jason Grignon, Planning Commission Chair, said it is possible to redesign the nodes, but the Selectboard should be clear on what is wanted in the frontage zones. The Planning Commission is willing to work with the public. There may be some confusion on the work of the Planning Commission which does not review and approve projects and the work of the DRB which does review and approve projects.

Following discussion, the Selectboard concurred with asking the Planning Commission to reassess all the frontage nodes in the form-based corridor on Shelburne Road and hold additional public hearings.

MOTION by Mike Ashooh, SECOND by Mary Kehoe, to ask the Planning Commission to reconsider the form-based zoning nodes, re-evaluate the merits of keeping all the nodes, eliminating all the nodes, or modifying the nodes in the current proposal. VOTING by roll call: unanimous (5-0); motion carried.

Dean Pierce and the Planning Commission were thanked for all their work.

8. WASTEWATER CONSOLIDATION – South Burlington Option

Staff reviewed the options with the wastewater treatment plants and the recommendation to consolidate the two plants into one at the Crown Road location. The plant on Turtle Lane would become a pump station. Consulting engineer, Wayne Elliott, reviewed the benefits of consolidating the plants versus sending the wastewater to South Burlington for treatment. There is significant cost to direct all the wastewater flow to Plant #1 (i.e. consolidating the plants), but the Town would maintain control of operations and maintenance as well as capital investments. There was continued discussion of the options, associated costs, the long-term commitment to South Burlington if Shelburne sends wastewater flow there, and relinquishing the town's wastewater discharge permit if South Burlington is handling Shelburne's flow.

MOTION by Mary Kehoe, SECOND by Kate Lalley, to direct the Town Manager to withdraw the town's interest in the South Burlington option to send wastewater flow to the South Burlington treatment plant. VOTING by roll call: unanimous (5-0); motion carried.

9. FINANCIAL ADVISORY COMMITTEE

There was discussion of establishing a Financial Advisory Committee and having the committee draft a preferred scope of work to fit the priorities and activities listed by the Selectboard. Don Porter confirmed the committee is ready to go and will pull together a list of priorities. All current members are willing to continue serving except for Catherine Collette who unfortunately is not able to continue on the committee. It was suggested the terms be staggered so there is continuity on the committee. For flexibility, the items of priority should be reasonably determined with input by the committee, Selectboard, and Town staff. The Selectboard will make the official appointments to the Financial Advisory Committee on August 11, 2020.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to establish a Finance Committee with appointment of the current membership except Catherine Collette and with Don Porter as Chair of the committee. VOTING by roll call: unanimous (5-0); motion carried.

10. ECONOMIC DEVELOPMENT/REGULATORY REFORM/PLANNING & ZONING RESTRUCTURING

Jerry Storey stressed a decision on the town office organization and hiring an Economic Development Director either as an employee of the Town or as a consultant is needed by August 11, 2020. There is \$25,000 in the budget for the Economic Development position. Concern was expressed about over-burdening existing staff with the assignment to work on economic development and regulatory reform. There was discussion of hiring a consultant to develop a program or hiring a paid employee to bring more business to Town and help grow the existing businesses. It was suggested a consultant could be hired to work on the job description for the Economic Development Director position as a first step and also to determine how to best work with in-house staff and expertise. Lee Krohn will develop more concrete ideas and alternatives for the economic development position. Don Porter, Financial Advisory Committee, said it would be helpful to separate the person in the position from what the town wants to be done with economic development. The Selectboard will make a decision on August 11, 2020 based on the Town Manager's recommendations to move forward on the economic development position with either a new hire or a consultant.

Regarding a Town Treasurer, the Town Manager will make a recommendation on the decision for action by the Selectboard at the August 25, 2020 meeting.

Regarding regulatory reform, the Selectboard agreed a decision is needed, but the problems need to be identified first. The issue is linked to the economic development action. Dean Pierce stated regulatory reform has been under discussion for many years. There are people on staff with knowledge on the matter. Better communication between the Selectboard and Town staff is vital. Jerry Storey said an administrative plan is needed by August 11, 2020 to address regulatory reform as a whole. The subject needs to be attacked in a reasonable, moderate way. Kate Lalley suggested doing a roadmap giving an overview of the issues and objectives, and a strategy for action.

COMMENTS

Ken and Gail Albert, residents, observed the regulations to go with the town plan must be written, but the Planning Commission is constantly being given other assignments. The Selectboard is urged to stop delaying decisions.

11. SELECT AN AUDITOR

MOTION by Mike Ashooh, SECOND by Kate Lalley, to accept the staff recommendation to select RHR Smith and Company to conduct the Town of Shelburne fiscal year 2019-2020 audit at a fixed price of \$21,000 per year with the option of conducting the fiscal year 2020-2021 and 2021-2022 audits for that same fixed fee. VOTING by roll call: unanimous (5-0); motion carried.

12. PENALTY FOR LATE PAYMENT OF HOMESTEAD DECLARATION

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to set the penalty for late filing of the homestead declaration at 3% of the education property tax. VOTING by roll call: unanimous (5-0); motion carried.

13. POLICE DEPARTMENT RADIO SYSTEM UPGRADE

Staff sought confirmation from the Selectboard that this project should still be pursued. The Police Department has price quotes on the radio system upgrade. The Board agreed by consensus that this is still a "go". Staff will seek best financing options, and will bring a formal proposal to the Selectboard for action. It was also agreed to continue the original plan to spend \$20,000 in this year's budget toward the project, thus lessening the amount to be financed.

14. WASTEWATER ALLOCATION: 142 Caspian Lane

MOTION by Kate Lalley, SECOND by Mary Kehoe, to approve a wastewater allocation of 210 gpd for a single-family house at 142 Caspian Lane in the Kwiniaska Ridge housing development. VOTING by roll call: unanimous (5-0); motion carried.

15. EXECUTIVE SESSION/ADJOURNMENT

The Selectboard entered Executive Session to discuss pending or probable civil litigation and invited the Town Manager to attend.

Executive Session was convened at 10:19 PM.

RScty by tape: MERiordan

For the Selectboard

Date