

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  
January 26, 2021**

**\*Meeting held via teleconference.**

**MEMBERS PRESENT:** Jerry Storey (Chair); Jaime Heins, Mike Ashooh, Mary Kehoe, Kate Lalley.

**ADMINISTRATION:** Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Wastewater Superintendent; Paul Goodrich, Highway; Jerry Ouimet, Fire Chief; John Goodrich, Deputy Fire Chief; Diana Vachon, Town Clerk.

**OTHERS PRESENT:** Members of the public participating in the meeting included Joyce George, Gail Albert, Abby, Barry Pius, Don Rendall, Renee Davitt, Dan York, Susan McLellan, Jim White, Luce Hillman, Tom and Jane Zenaty, Tom Tompkins, Rowan Hawthorne, iPad, Jessica Brumsted, Jacob Leopold, Cate Cross, Julia Preston, Ken Scott, Bob Bouchard, Joe Weith, Eli Lesser-Goldsmith, Jason Grignon, Don Porter, David Silvestri, Liz Weir, Dwight Mathews, Mark Sammut, Bill Deming, Paul Irish, Alexandria Chang, Kim, iPhone, Brittany Barrett, Pamela Lord, Jackie, Zsuzsanna Kadas, Larry Haugh, Garth Kauffmann, Ritchie Berger, Dan R, "RH Communit" (sic), Richard Foote

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**1. CALL TO ORDER**

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

**2. APPROVE AGENDA**

**MOTION** by Mike Ashooh, **SECOND** by Kate Lalley, to approve the agenda as presented. **VOTING** by rollcall: unanimous (4-0) [Jaime Heins not present for vote]; motion carried.

**3. MINUTES**

*January 12, 2021*

Postponed to the next meeting.

*January 19, 2021*

**MOTION** by Mike Ashooh, **SECOND** by Kate Lalley, to approve the minutes of 1/19/21 as presented. **VOTING** by rollcall: 3 ayes, one abstention (Jerry Storey) [Jaime Heins not present for vote]; motion carried.

**4. PUBLIC COMMENT**

- Don Rendall, Shelburne Natural Resources Committee, spoke on a proposed Animal Co-Existence Policy which is ready for Selectboard consideration.
- Jason Grignon, Planning Commission Chair, announced the Planning Commission is planning more joint meetings to discuss regulatory reform.
- Rep. Jessica Brumsted reported the Governor's budget of \$6.83 billion takes into consideration childcare, infrastructure upgrades, schools, broadband, climate change, outdoor recreation, housing for the homeless, and help for small businesses.

**5. SELECTBOARD COMMENTS**

- Appointments for COVID vaccinations for those 75 years or older can be made.
- There will be two seats on the Selectboard to be voted at Town Meeting.
- Sen. Leahy is sent well wishes.
- Shelburne Rescue is thanked for the assistance to a resident having a heart attack.
- Recommendations for the Colleen Haag Award are due by 2/7/21.

**6. TOWN MANAGER REPORT/UPDATE**

Lee Krohn reported:

- \$58,000 in overdue property taxes has been received, making less than 1% delinquencies for this fiscal year.
- Annual Town Report is well underway and on schedule to go to the printer.

**7. FY2022 BUDGET & TOWN MEETING WARNING***Open Space Fund*

There was discussion of the contribution to the Open Space Fund at \$50,000 on the ballot as a separate article and making it clear that the amount of \$30,000 for the Open Space Fund is already included in the proposed town budget.

Susan McLellan, resident, spoke in support of providing \$30,000 for the Open Space Fund and doing fund raising for additional money.

Gail Albert, Shelburne Natural Resources Committee, mentioned the significant external funds which have contributed toward projects over the years, and expressed concern that the language for the Open Space article will confuse the voters with regard to the proposed town budget amount.

Joyce George suggested leaving \$30,000 in the budget for the Open Space Fund and voting on adding \$20,000 to reach the \$50,000 amount. Jerry Storey explained the separate article on the Open Space Fund is to receive voter approval to put \$50,000 in the fund rather than the \$30,000 as a line item in the budget.

*Economic Development Increase to \$50,000*

The Selectboard agreed the increase for the economic development initiative will be money well spent by the town and an investment the community wants to see happen.

*Fire/Rescue Bond*

The Selectboard discussed future use of the site by Rice Lumber and felt the language in the article should be clear that the ballot item is for land purchase and construction of shared infrastructure, but not for actual construction of a new Fire/Rescue facility.

Don Porter, Finance Committee, noted the bond vote is a large financial commitment by the town. Considerations include:

- Significant additional borrowing will be needed for the fire station
- Timeframe for the construction
- Steps to ensure the full effect of the project is known to the voters so an informed decision can be made

Luce Hillman, resident, asked what happens if Healthy Living backs out of the agreement to do the shared infrastructure on the site. Joe Weith, attorney, explained Healthy Living is not obligated to go forward. Eli Lesser-Goldsmith assured Healthy Living has no intention of pulling out after working for years on the project, but the Town does have the option to buy the land and pursue another partner.

Following further discussion, the Selectboard agreed to add an additional paragraph to the article on the ballot to read: "The construction and associated financing of any future Fire/Rescue Station shall be subject to approval by the legal voters of Shelburne. The cost of any such future Fire/Rescue Station cannot be determined at this time."

*FY2022 Budget*

With the increase in the budget to add \$25,000 for the economic development initiative and clarifying language on the Open Space Fund article (including an increase to \$50,000), the updated tax rate is \$0.04673 (0.62% increase in the municipal portion of the tax rate) and a cost of \$2.90 per \$100,000 in assessed value.

**MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the annual Town Meeting warning as amended (with the clarifying language and addition of \$25,000 for economic development). VOTING by rollcall: unanimous (5-0); motion carried.**

Town Clerk, Diana Vachon, stated that ballots will be available upon request, and that informational postcards will be mailed to each household with registered voter(s).

**8. ABATE PENALTY & INTEREST LATE PAYMENT PROPERTY TAXES**

David Silvestri, Quality Inn/Three Kids, LLC, explained the reasons for the request for abatement before the Selectboard and confirmed his recent property tax payment of \$44,200 to the Town.

**MOTION by Mary Kehoe, SECOND by Kate Lalley, to waive the interest and penalty in the amount of \$1,191.34 owed by Quality Inn/Three Kids, LLC on the condition the property owner enroll in an automatic payment plan. VOTING by rollcall: unanimous (5-0); motion carried.**

**9. PUBLIC HEARING: Proposed Zoning Amendments  
MOTION by Mary Kehoe, SECOND by Kate Lalley, to open the public hearing on proposed zoning amendments. VOTING by rollcall: unanimous (5-0); motion carried.**

The public hearing was opened at 8:53 PM.

*COMMENTS*

Jason Grignon reviewed the proposed zoning amendments relative to expanding nonconforming structures in the Rural District and encroachment in the setback (Section 1920.2.B.2).

Mike Ashooh asked if neighbors will be notified of changes to property. Dean Pierce explained neighbors will receive a mailing if an application is before the DRB and the permit will be posted on the property if an administrative approval.

There was discussion of allowing 100% expansion up to a cap or floor of 1,500 s.f. the Selectboard would like the Planning Commission to monitor the matter to see if any problems arise from the revisions.

Paul Irish, resident, spoke in support of the proposed revisions to expand a nonconforming structure as a way to help preserve historic homes in the Rural District.

There was discussion of setbacks. Dean Pierce stated the list of exemptions has been lengthened in the definition of setbacks.

Dan York, resident, spoke in support of the setback change which will allow him to build a front porch on his house that was constructed in 1968.

**MOTION by Mary Kehoe, SECOND by Kate Lalley, to close the public hearing on proposed zoning amendments. VOTING by rollcall: unanimous (5-0); motion carried.**

The public hearing was closed at 9:20 PM.

**MOTION by Jaime Heins, SECOND by Mary Kehoe, to approve the two zoning change proposals as presented and the associated Zoning Change Report(s).  
VOTING by rollcall: unanimous (5-0); motion carried.**

**10. PROGRESS REPORT: Kerosene Spill on Mt. Philo Road**

Lee Krohn reported fuel saturated soil has been removed, clean fill added, and samplings of well water taken. No contaminants have been shown in the wells tested. The wells will be retested in the spring. Going forward the Town will do its best to improve notification of those affected if another situation should occur.

Mike Ashooh suggested following the protocols in the town's Hazardous Materials Ordinance and erring on the side of notifying too many people rather than too few.

#### **11. BISHOP ROAD STREETLIGHT**

Mary Kehoe stated the town has ordinances that address lighting and specifications for streetlights. The owner of the light under discussion should submit an application to the Town Manager for the streetlight and comply with all town ordinances. Mike Ashooh said the process must be addressed to avoid the town having to address the matter after the fact. The policy and ordinances need clarity.

There were comments from residents that the streetlight under discussion is obtrusive, ruins the view, and adds to light pollution. There was also comment that Town rules must be followed by everyone.

The Selectboard agreed the town has approval authority for streetlights and there is lack of clarity in the process. The Town Manager and Town Planner will follow up on the process with the owner of the streetlight and report to the Selectboard at a future time.

#### **12. EXECUTIVE SESSION: Town Manager Evaluation**

**MOTION by Mary Kehoe, SECOND by Jaime Heins, pursuant to 1VSA313 to enter Executive Session to consider appointment or employment or evaluation of a public officer, and to invite the Town Manager to participate at the appropriate time.**

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

Executive Session was convened at 9:52 PM and adjourned at 10:03 PM.

#### *ACTION FOLLOWING EXECUTIVE SESSION*

By unanimous agreement, a new employment agreement was consummated with the current Town Manager for a three-year term, retroactive to December 1, 2020 and running until November 30, 2023.

Lee Krohn thanked the Selectboard and expressed gratitude for the continued opportunity to serve.

#### **13. ADJOURNMENT**

**MOTION by Mary Kehoe, SECOND by Jaime Heins, to adjourn the meeting.**

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

The meeting was adjourned at 10:07 PM.

*RScty by tape: MERiordan*

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For the Selectboard

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Date