

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
June 11, 2019**

- MEMBERS PRESENT:** Jerry Storey (Chair); Colleen Parker [arrived 7:10 PM], Mike Ashooh, Jaime Heins. (Mary Kehoe was absent.)
- ADMINISTRATION:** Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent; Nini Anger, Executive Assistant to the Town Manager; Paul Goodrich, Highway Superintendent.
- OTHERS PRESENT:** Jim White, Jeff McBride, Tom Tompkins, Ernie Goodrich, Pete Gadue, Janet Nunziata, Bruce Nunziata, Ruth Hagerman, Linda Riell, Susan McLellan, Jane and Tom Zenaty, Andy Rowe, Chris Kent, Bill Supple, Toni Supple, Joyce Limoge, Roland Limoge, Faith Rushford, Steven Antinozzi, Warren Glory, Evelyn Dostmann, Joseph Unser, Chris Snyder, Tam Foerg, Lisa Scagliotti (Shelburne News).

1. CALL TO ORDER

Chair Jerry Storey called the meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Jaime Heins, **SECOND** by Mike Ashooh, to approve the agenda as presented. **VOTING: unanimous (3-0)** [Colleen Parker not present for vote]; motion carried.

3. MINUTES

May 28, 2019

MOTION by Jaime Heins, **SECOND** by Mike Ashooh, to approve the 5/28/19 minutes with the addition of Bill Supple to the list of attendees and correction to the vote on the approval of the agenda to be “3-0”. **VOTING: unanimous (3-0)** [Colleen Parker not present for vote]; motion carried.

May 31, 2019

Tabled due to lack of a quorum present at the 5/31/19 meeting.

4. PUBLIC COMMENT and LIBRARY/TOWN CENTER UPDATE

- Ruth Hagerman gave an update on the library/town center project, noting there are 40 people working onsite daily. Asphalt and curb work will be next. The rain gutter from the roof to the storm drain is installed. Doorframes are installed. Millwork mock-ups are in place. The town hall is nearly finished and looks great.

5. SELECTBOARD COMMENTS

- Jerry Storey observed the library project has been slow and steady. Thanks to all for their work.

6. TOWN MANAGER REPORT

Lee Krohn noted the following:

- The new Executive Assistant to the Town Manager, Nini Anger, has started work.
- Annual Back to the Beach event is 6/18/19. All are invited.
- Paving on Falls Road has begun.
- The driveway into the town campus will be widened.
- Flashing crosswalk beacons are to be installed.

7. PUBLIC HEARING FOR PROPOSED ZONING CHANGES

Jerry Storey stated the zoning amendments are relative to accessory apartments being a permitted use and having a size cap of 1,500 s.f.

MOTION by Colleen Parker, SECOND by Jaime Heins, to warn a public hearing on proposed zoning changes relative to accessory apartments on July 9, 2019.

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

8. DONATION IN MEMORY OF TOM LITTLE'S SON

Jerry Storey said the \$250 donation is in memory of Thomas BC Little for his family to donate to the organization of their choice. The town has had another misfortune in losing the son of Don Stevens who is a spiritual leader in the community and Chief of the Abenaki Tribe. Condolences and a moment of silence were held for the families.

MOTION by Jaime Heins, SECOND by Mike Ashooh, to approve a donation in the amount of \$250 from the Selectboard Discretionary Fund in memory of Thomas BC Little to an organization of the family's choosing. VOTING: unanimous (4-0); motion carried.

9. PRESENTATION: Village Bike/Ped Safety Group

Jim White and Jeff McBride with the Village Bike/Ped Safety Group gave a presentation on strategies and next steps to address traffic speed and pedestrian/bike safety on upper Falls Road (Falls Road from Route 7 in the village to Marsett Road). The strategies were divided into suggested "must do" and "should do" groups. Suggested changes include crosswalks, signs, lowered speed limits, radar signs, grass strip, narrower travel lanes, bike path expansion, speed tables, pedestrian controlled light or flashing yellow light, no parking on Falls Road along the Parade Ground, and more traffic enforcement by Police. Further changes sought involve more cost and processing by the town, and a longer implementation with the focus on comprehensive road design in alignment with the town plan. Improvements include car lanes and bike lanes, green strip, sidewalk with curb, street lamps. A slide presentation was given showing the improvements from both strategies superimposed on Falls Road. Jeff McBride observed the existing park asset would be enhanced over time with the improvements in place and street trees planted along the road.

COMMENTS

Sue McLellan, Falls Road, spoke in support of enforcement and education in schools on bike/pedestrian safety on the street.

Pete Gadue, Hillside Terrace, said the sidewalk and curbing are fine, but narrowing the car travel lanes is not.

Ernie Goodrich, Falls Road, expressed concern about using taxpayer dollars to pay for the improvements when most people are obeying the speed limit on the road. Traffic has increased on the road along with pedestrians and bicyclists, but there is not much bike traffic except in the evenings and weekends and with children riding bikes to school. Jaime Heins pointed out the data show that some drivers exceed the speed limit. The data are available to be shared.

A resident on Falls Road said the road is not safe for bikes. Improvements are expensive, but the nicest places are designed for people, not automobiles. The volume of traffic has increased. There is concern the village is becoming a thoroughfare, a truck route. Narrow travel lanes will help control the speed of cars.

Linda Riell, Falls Road, said what is proposed is how Falls Road should be. Also, the crosswalk to Bacon Drive needs repainting.

Rocco Antinozzi spoke in support of the proposal and urged having a physical separation of pedestrians from the roadway where possible.

Paul Goodrich, Shelburne Highway Superintendent, said there are worse roads for bicyclists in town (Irish Hill, Dorset, others). Much has been done to make Falls Road better, but the proposal is getting out of hand. The money should be spent on roads used by more people. There are more bikes on Dorset Street than Falls Road. Narrowing the lanes on Falls Road will cause large trucks and emergency vehicles to be mirror-to-mirror, and there is the danger of hitting a bicyclist in the bike lane.

Jim White said up to 40% of the cars are exceeding the speed limit on Falls Road, and claimed that Police are not doing enforcement in the village. Reducing the lane width to 10' is becoming the standard in the country. The road itself is not changing, just the lane width so trucks can still get through.

Bill Supple, Pierson Drive, said making the lanes less wide increases the chance of a head-on collision and increases the danger on the road. There are bigger problems in town where safety needs to be enhanced.

Jane Zenaty said the traffic study results from 2016, 2017, 2018 are available. The data show there are cars on the road exceeding the speed limit. The safety group did consult with the Police on the road improvements.

Bruce Nunziata, Falls Road, spoke in support of the proposed improvements and urged doing the quick build, inexpensive, modifiable items, some of which could be applied to other places in town as well.

Jaime Heins asked about the status of the “must do” items. Lee Krohn said the road striping will be done when the paving is done and the grass strip will be installed. A new radar sign will be posted. There was discussion of the proposed plastic bollards to separate the cars from the pedestrians on the road, and speed bumps versus speed tables. Lee Krohn will work with the safety group on the proposed improvements. Jaime Heins mentioned there is a good likelihood the town could secure grant funding for the improvements.

The Selectboard will check on the progress during budget development time. Mike Ashooh requested the items in the proposal be ranked from most to least important.

10. KWINIASKA/SHELBURNE HEIGHTS WASTE WATER FLOW INDEPENDENT ENGINEERING ANALYSIS

Mike Ashooh recused himself from the discussion. Lee Krohn reported Green Mountain Engineering was hired to do the study and after review of the as-built plans and analysis of the collected data from the Kwiniaska project they concluded there is adequate capacity in one collection system to handle the flow from the other.

COMMENTS

Toni Supple, Pierson Drive, thanked the Selectboard for taking the neighborhood’s concerns seriously and doing the analysis. Shelburne Heights wants to make sure the number of houses is adequately represented in light of potential further development on Spear Street. Also, the connection point between the two neighborhoods was not thought to be addressed in the study. The neighborhood is requesting that when the connection is done it is designed by a waste water engineer for the maximum volume flow rate.

Bill Supple, Pierson Drive, asked for an explanation of the 210 gpd value. Also, the as-built plans from Dan Scott are dated 9/11/01, but there is a letter from Paul Bohne about the project dated 2003 so there is question of the date of the final as-built plans. Other calculations the engineer should do include the maximum slope to address the flow in the pipe down Potter Place to ensure the maximum velocity number will not be exceeded and cause damage. Lee Krohn said the engineer looks at the as-builts, not the design plans, to see what is actually in place. Toni Supple referred to the letter from Paul Bohne, dated January 24, 2003, and that the letter mentioned “loose ends”, and asked if the loose ends are included in the as-builts completed 9/11/01. It was noted that “loose ends” could be contractual or financial, and not necessarily related to actual construction.

There was discussion of the initial plan to send the flow down Webster Road and the change to the system in Shelburne Heights. Bill Supple stated if the plans are still valid for Webster Road then that should be pursued if possible. Lee Krohn said the DRB required the change to Shelburne Heights over a year ago so the DRB approval would have to be amended for the project if a change is made. The plans are designed by

engineers who put their professional stamp on them. Mr. Supple said due process was not done because the neighborhood was not notified of the change to Shelburne Heights. It is easier to go down Webster Road and there will not be the worry about miscalculation of flows.

Toni Supple urged the town to look at its insurance coverage for any overflows and have a waste water engineer design the connection between Kwiniaska and Shelburne Heights and look at the maximum flow and connection at the bottom of Potter Place. Water Quality Superintendent, Chris Robinson, said the connection to Shelburne Heights was designed by the developer's professional engineer. There will be a manhole at the connection. There are hundreds of similar locations in town. Andy Rowe, engineer with Lamoureux Dickinson working on the Kwiniaska project, said the connection on Collamer Court has already been designed and approved by the DRB. The plans are complete. All the materials were given to Green Mountain Engineering to review. Chris Robinson added the town system was designed by an engineer and will handle the flows.

Roland Limoge, Potter Place, expressed concern about the system handling the flow.

Joe Unser, Spear Street, asked about restitution of the special assessment residents have been paying, and if the town will be fully responsible if the system fails. Jerry Storey stated the town owns, operates, and maintains the town system. Jaime Heins advised the scope of the town's liability is outlined in the sewer ordinance.

Tarn Foerg, Morse Drive, said residents are responsible for the pipe to the house.

Tom Tompkins, Falls Road, said from experience a sewer backup not caused by the town is not covered by the town's insurance.

Jaime Heins summarized the following will be done:

- Confirm the meaning of the 210 gpd value
- Do the maximum flow rate calculation
- Validate the connection point
- Confirm the date on the as-built as 9/11/01 [Chris Robinson referred to the plans dated April 2000 and noted Dufresne Henry received the plans from Stantec (SEI) with markups which Dufresne Henry marked received 9/11/01.]

Bill Supple reiterated his concern for the velocity of the effluent coming down Potter Place and the interaction of the slope and the pipe. Lee Krohn said he will ask the engineer to do a slope calculation on Potter Place.

Mike Ashooh returned to the Selectboard.

11. FINANCE MATTERS*Interest Rate for Late Payment of Property Taxes*

Finance Director, Peter Frankenburg, explained the interest rate for late payments is set each year. Past practice has been no charge in the first month and a charge of 1.5% per month interest thereafter.

MOTION by Jaime Heins, SECOND by Colleen Parker, to establish the interest rate to be charged for late property tax payments at 0% in the first month of delinquency and 1.5% per month thereafter. VOTING: unanimous (4-0); motion carried.

Late Filing Homestead Declaration Penalty

Peter Frankenburg said the town can charge a penalty of up to 3% of the school tax.

Colleen Parker spoke against the town charging a late fee due to the issues at the state level with the homestead declaration filings.

MOTION by Mike Ashooh, SECOND by Jerry Storey, that the Town of Shelburne establish a late homestead declaration filing penalty of 3% of the school tax. VOTING: 3 ayes, one nay (Colleen Parker); motion carried.

Municipal Records Retention Policy

Peter Frankenburg suggested establishing a seven-year limit on the retention of taxpayer payment stubs in alignment with the IRS requirement for income tax records retention.

MOTION by Jaime Heins, SECOND by Mike Ashooh, to approve the updated Shelburne Municipal Records Retention Policy as presented.

DISCUSSION:

- Jerry Storey said adopting the industry standard makes sense.

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

12. GRANT APPLICATION BY POLICE DEPARTMENT

Lee Krohn explained the grant is 100% funded by the state and will allow officers to file tickets electronically.

MOTION by Colleen Parker, SECOND by Jaime Heins, to approve the grant application by the Police Department. VOTING: unanimous (4-0); motion carried.

13. GOALS & OBJECTIVES UPDATE and ROLLING 3-MONTH WORK PLAN

Tabled to the first meeting in July. Lee Krohn will suggest which items on the list can be delayed. Jaime Heins said storm water and economic development need to be included.

14. EXECUTIVE SESSION: Solar Panel Net Metering Agreement

Jaime Heins recused himself and left the meeting.

MOTION by Colleen Parker, SECOND by Mike Ashooh, pursuant to 1VSA313 to find that premature public knowledge of contract negotiations and town strategies relative to the solar panel net metering agreement would place the town at a substantial disadvantage. VOTING: unanimous (3-0); motion carried

MOTION by Colleen Parker, SECOND by Mike Ashooh, based on the finding of premature public knowledge placing the town at a substantial disadvantage to go into Executive Session to discuss the town's contract negotiations and strategies regarding the solar panel agreement, and invite the Town Manager, Finance Director, and Town Attorney to attend. VOTING: unanimous (3-0); motion carried.

Executive Session was convened at 9:28 PM.

MOTION by Colleen Parker, SECOND by Mike Ashooh, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (3-0); motion carried.

Executive Session was adjourned at 10:03 PM.

ACTION FOLLOWING EXECUTIVE SESSION

MOTION by Colleen Parker, SECOND by Mike Ashooh, to approve two net metering agreements, one for the Shelburne library and one for the facility in St. Albans, and also the lease agreement for the Shelburne library subject to minor, non-substantive changes to the agreements, and to authorize the Town Manager to sign the documents on behalf of the Selectboard. VOTING: unanimous (3-0); motion carried.

15. ADJOURNMENT

MOTION by Mike Ashooh, SECOND by Colleen Parker, to adjourn the meeting. VOTING: unanimous (3-0); motion carried.

The meeting was adjourned at 10:05 PM.

RScty: MERiordan

For the Selectboard

Date