



Town of Shelburne, Vermont

SELECTBOARD MEETING AGENDA

for

Tuesday, February 25, 2020

Shelburne Town Offices, 5420 Shelburne Road, Shelburne, Vermont

Call to Order	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of February 11, 2020	7:00 P.M.
Public Comments	7:05 P.M.
Selectboard Comments	7:15 P.M.
Welcome to new businesses	7:20 P.M.
Town Manager Report	7:25 P.M.
*Public hearing on proposed stormwater ordinance and related documents	7:30 P.M.
*Review/approve proposed stormwater management project	7:45 P.M.
*Town Meeting preparation	7:50 P.M.
*Shelburnewood CDBG grant application – sign resolution	8:00 P.M.
*Charles & Anne Joseph – late tax payment penalty waiver, request for reconsideration	8:05 P.M.
*Liquor License renewals	8:15 P.M.
*Executive Session – Police Union contract negotiations	8:20 P.M.
*Adjourn	8:45 P.M.

* Decision Item

Times allotted to each agenda item are approximate and may vary depending on the discussion.

Reasonable accommodations will be provided upon request to ensure that this meeting is accessible to all individuals



Town of Shelburne, Vermont

SELECTBOARD MEETING ANNOTATED AGENDA

for

Tuesday, February 25, 2020

Shelburne Town Offices, 5420 Shelburne Road, Shelburne, Vermont

Call to Order	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of February 11, 2020	7:00 P.M.
Public Comments	7:05 P.M.
Selectboard Comments	7:15 P.M.
Welcome to new businesses	7:20 P.M.
<i>This week's guest will be Mark Lurvey, General Manager for the new owners of Shelburne Shipyard.</i>	
Town Manager Report	7:25 P.M.
*Public hearing on proposed stormwater ordinance and related documents	7:30 P.M.

Pursuant to the Town Charter, we have had an introductory presentation and both first and second readings/descriptions of the general concepts in the newly revised Stormwater Ordinance and accompanying Credit Manual. There is also a third document of "technical standards" which remains unchanged; these standards do not affect the changes made in the Ordinance and Credit Manual that were made to accommodate local needs and circumstances.

The summary of concepts and changes, which you have seen before, is included again in your packets along with the Ordinance documents themselves.

However, given that we will not have a full Board present for this meeting, we already know we will need to recess the hearing to 3/24, and we will have a new Board member with us after Town Meeting elections, I suggest that we might focus this hearing on the high-level concepts, leaving the more in-depth review for later. Certainly, it will also be helpful to illuminate questions that anyone may have about the proposal that we can address at that time. We will not have Tom DiPietro with us for this introductory hearing, but he will be with us for the continued hearing on 3/24.

***Review/approve proposed stormwater management project**

7:45 P.M.

As you recall, at our last meeting, Water Quality Superintendent Chris Robinson presented several projects for your review and/or approval related to both stormwater and wastewater analyses or projects. One of these was for the so-called VELCO “constructed wetlands” project, for which we did not yet have firm cost estimates. Chris has since held a bid opening for this project, so he can now present to you the accepted bid cost, which as hoped, came in significantly less than prior bids. In addition, as described before, our 50% local match is more than met with the value of the land, easement, and license involved with this project. Based on all of this, we should be good to go for your approval of this project

***Town Meeting preparation**

7:50 P.M.

As Town Meeting is nearly upon us, it's always helpful to discuss our overall “game plan” for the evening, who may wish to address certain topics, budget presentation, any special recognitions...

***Shelburnewood CDBG grant application – sign resolution**

8:00 P.M.

This is another ‘pro forma’ requirement in the CDBG grant application process. As you have already endorsed and approved this application, a motion to approve the resolution will suffice. The document (attached) does require your signatures.

***Charles & Anne Joseph – late tax payment penalty waiver, request for reconsideration**

8:05 P.M.

Depending upon circumstances, this matter may or may not move forward at this time, or at all. As of this writing, it remains uncertain.

***Liquor License renewals**

8:15 P.M.

As you know, this time of year brings with it applications for liquor license renewals. As we began to do last year, and with Town Clerk Diana Vachon’s help, we have streamlined this process significantly by listing all current applicants on a single page, so that only that one page must be signed, instead of each and every separate application requiring everyone’s signatures. The list is attached for your review; the Police Chief noted no problems with any establishments.

A motion to recess the meeting and convene temporarily as the Shelburne Liquor Control Commission will allow the Board to consider these renewals. You can then reconvene as the Selectboard to continue the meeting.

***Executive Session – Police Union contract negotiations**

8:20 P.M.

The purpose is to inform the Board of current circumstances in these negotiations.

Motion 1: Pursuant to 1 VSA 313, I move to find that premature general public knowledge of the Town's position in a pending labor relations agreement with employees would clearly place the Town at a substantial disadvantage.

Motion 2: Pursuant to 1 VSA 313, I move to enter executive session to evaluate the Town's position in a pending labor relations agreement with employees and to invite the Finance Director and Town Manager to participate.

***Adjourn**

8:45 P.M.

*** Decision Item**

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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
February 11, 2020**

MEMBERS PRESENT: Jerry Storey (Chair); Jaime Heins [arrived 7:05 PM], Mike Ashooh, Mary Kehoe, Colleen Parker.

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent; Nina Anger, Executive Assistant to Town Manager.

OTHERS PRESENT: Gail Henderson King, Tom and Sue Tompkins, Susan and David McLellan, Ruth Hagerman, Don Porter, Anthony Seidita, Clint West, Wayne Elliott, Cathy Townsend, Lee Hillman, Scooter MacMillan (Shelburne News).

1. CALL TO ORDER

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

2. APPROVE AGENDA

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

3. MINUTES

January 21, 2020

MOTION by Mike Ashooh, **SECOND** by Colleen Parker, to approve the minutes of 1/21/20 as presented. **VOTING:** unanimous (5-0); motion carried.

4. PUBLIC COMMENT

Gail Henderson King reported the tree advisory committee is reapplying for "Tree City USA" status. Shelburne has again met the criteria. Other news from the tree advisory committee includes that the town did not receive the urban tree grant this year, UVM interns will be hired to do a management plan for the emerald ash borer (grant was received), and revisions are being made to the tree policy dealing with trees on private property and with tree protection during construction.

5. SELECTBOARD COMMENTS

- Mary Kehoe urged all to vote on March 3, 2020 and to attend the talk on women in the Civil War hosted by the Shelburne Historical Society.
- Jerry Storey thanked Public Works and emergency services for their work during the recent snow storm, and noted the vote on the Rice Lumber property for the Fire/Rescue building will occur no later than Election Day, November 2020.

6. WELCOME TO NEW BUSINESSES

One Day in July investment advisory firm was welcomed to Shelburne.

7. TOWN MANAGER REPORT

Lee Krohn reported:

- The Town Annual Report has been sent to the printers. Thanks to all who helped with the publication.
- Pierson Library/Town Hall project received the “Best of the Best” Honor Award for large commercial building design and construction, as well as the “People’s Choice” award, at the recent Efficiency Vermont Better Buildings by Design conference.
- Shelburne native, Megan Nick, received Second Place in the World Cup for aerial skiing.
- Conferences on First Responder wellness have been very informative and beneficial for building a peer network.
- Staff has been addressing issues identified by VOSHA, and negotiated the fine down from roughly \$65,000 to roughly \$19,000.

8. SELECTBOARD PARTICIPATION ON COMMITTEES

The Selectboard agreed any Selectboard member on a town committee serves as a liaison and in an advisory role only (non-voting member). The role needs to be clarified and codified in the Selectboard Rules. Also, a Selectboard member serving on a committee prior to being elected to the Selectboard needs to be clarified.

9. SHORT TERM RENTAL ISSUES

There was discussion of the issue of impact on quality of life, enforcement/inspection, behavior of renters, owner occupied or not, and other pros and cons of short-term rentals. The Selectboard suggested that the Planning Commission hold meetings or hearings to gather input from the public on the subject.

10. PUBLIC HEARINGS: Zoning and Subdivision Bylaws Amendments

Subdivision and Form Based Zoning

MOTION by Mary Kehoe, SECOND by Jaime Heins, to open the public hearing on the Subdivision and Form Based Code amendments. VOTING: unanimous (5-0); motion carried.

The public hearing was opened at 7:37 PM. Dean Pierce gave a brief overview of the changes to form based code and the subdivision regulations, noting a third of the changes to form based code were done by the consultant (Brandy Saxton), a third was done by the Planning Commission, and a third of the changes were due to applications. There was discussion of continuing to allow a choice of conventional zoning or form-based code with development proposals, allowing waivers, and making form based code more user friendly. There was also discussion of the functionality of form-based zoning.

COMMENTS

Questions were asked seeking clarification of the proposed changes and whether any of the proposed changes will make it easier for the project at the former bowling alley to move forward. The Selectboard requested more specific information on impacts. Dean Pierce noted the amendment to remove the frontage zone may impact the bowling alley

development. Substantive form-based code changes deal with redevelopment of existing sites, changes to stormwater, and removal of the frontage zone in the Regulating Plan.

Clint West, developer, supported the option to develop under form-based or conventional zoning, but said requiring buildings to be located so close to the road is problematic. His new building gets showered by snow and debris from snowplowing, and plantings will struggle to survive in that environment. Also, requiring 40% glass on the building is expensive and risky for damage with the building located so close to the road. Signage is also an issue.

There were no further comments.

MOTION by Jaime Heins, SECOND by Mike Ashooh, to continue the hearing on amendments to the Subdivision and Form Based Code to March 24, 2020.

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

Design Review

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to open the public hearing on proposed zoning changes related to historic preservation and design review.

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

The public hearing was opened at 8:43 PM.

MOTION by Colleen Parker, SECOND by Jaime Heins, to continue the hearing on proposed zoning amendments related to design review to March 24, 2020. VOTING: unanimous (5-0); motion carried.

11. PROPOSED STORMWATER ORDINANCE AND CREDIT MANUAL

Lee Krohn reviewed revisions to the stormwater ordinance and credit manual pertaining to assessment of fees, phase-in of fees, and credits. Concern was expressed about residential properties paying more in fees. This was the 'second reading' required by the Town Charter; a public hearing is warned for 2/25/20. An explanation of the stormwater ordinance and manual will be provided at Town Meeting.

12. PROJECTS FOR WASTEWATER SYSTEM ANALYSIS AND STORMWATER MANAGEMENT

Wayne Elliott, Aldrich + Elliott, reviewed the wastewater facility consolidation options and the South Burlington option. Application has been made to the state clean water revolving fund for \$82,900 for engineering. A 50% subsidy is provided. The Town Manager needs to be authorized to execute the agreement. There was discussion of the cost of inaction and the cost to upgrade the equipment at the treatment plants.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the loan application for the CWSRF program in the amount of \$82,900 with the understanding there is a 50% subsidy so the town would be borrowing \$41,450 as presented in Memo #2 from Chris Robinson, and to identify Lee Krohn as the

authorizing representative to sign any necessary documents. **VOTING: unanimous (5-0); motion carried.**

Chris Robinson reported Wright-Pierce Engineering has been hired to do an inflow and infiltration analysis, some modeling of the system, and identification of choke points. The firm will also work on the Hillside issue. A draft agreement has been submitted. The cost of the work will be paid for with funds from the wastewater capital budget.

There was a question on camera work on the sewer lines. Chris Robinson said this work has been done and some of the oldest sections of pipe have been replaced (up to 80% of Plant 1 infrastructure and 50% of Plant 2). There is more work to do.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to authorize the Inflow and Infiltration Analysis and Sanitary Sewer Evaluation with Wright-Pierce Engineering as presented in the memo from Chris Robinson at a cost up to \$200,000. VOTING: unanimous (5-0); motion carried.

Chris Robinson reported the final phosphorus control plan per the MS4 Permit is due to the state by April 2021. A status report is due April 2020. Fitzgerald Environmental Associates has been hired. The cost of the contract will be covered by the wastewater budget and a \$30,000 grant from Regional Planning if received. There is a 20% match to the grant (\$6,000).

MOTION by Mary Kehoe, SECOND by Jaime Heins, to authorize the application for a UPWP grant from CCRPC as presented. VOTING: unanimous (5-0); motion carried.

Chris Robinson reported a stone-lined ditch will be installed on Bostwick Road and the gully stabilized by the Waldorf School. Application has been made for two grants, one in-kind grant for \$13,000 for phase 1 and one from the Better Roads program for \$24,000 for phase 2.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to authorize the grant applications for the Better Roads (\$24,000) and grant-in-aid (\$13,000) grants for the Bostwick Road gully and ditch projects as presented. VOTING: unanimous (5-0); motion carried.

Chris Robinson briefly reviewed the constructed gravel wetland to be installed on the South Burlington/Shelburne line. Estimated cost is \$700,000. The Town has funding up to \$706,000 through the Clean Water grants. There is a 50% match. The town has \$666,000 of match available through what the state has already vetted (VELCO licenses, value of the land, cost of easements). The Selectboard is requested to authorize use of up to \$706,000.

The Selectboard will take action at a subsequent meeting once the bid numbers for the project are received.

13. TOWN MANAGER GOALS AND OBJECTIVES 2020

Goals include:

- Stormwater Municipal Utility
- Economic Development
- Organizational and Other Special Initiatives

There are objectives under each goal. The Board noted that these are also its own goals and objectives for the year to come, and are subject to adjustment or change as issues or matter arise over the course of the year.

MOTION by Mary Kehoe, SECOND by Colleen Parker, to approve the Town Manager Goals and Objectives for 2020. VOTING: unanimous (5-0); motion carried.

14. TOWN FACILITY USE/FEE POLICY

The proposed amendment would now include a fee exemption for nonprofits and homeowners' associations, as per prior practice. With other minor changes that the Library Trustees will make to their policy, both the Library and Town policies will be consistent, as had always been our goal.

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve the Town Facility Use/Fee Policy amendment as presented. VOTING: unanimous (5-0); motion carried.

15. VELCO AGREEMENT: HARBOR ROAD

Lee Krohn noted the three-year agreement pertains to the VELCO substation on Harbor Road. It is the same as in prior years, with VELCO agreeing to repair any damage to the road that may be caused if they have to transport very heavy equipment to the site. Prior agreements had been annual; this would be for three years, simplifying matters for both parties and protecting the Town's interests.

MOTION by Colleen Parker, SECOND by Mike Ashooh, to accept the agreement with VELCO for the Harbor Road substation and authorize the Town Manager to sign the agreement. VOTING: unanimous (5-0); motion carried.

16. WASTEWATER ALLOCATION: Fiddlehead Brewery Tasting Room

MOTION by Jaime Heins, SECOND by Colleen Parker, to authorize wastewater allocation up to 1,323 gpd for the Fiddlehead Brewery tasting room. VOTING: unanimous (5-0); motion carried.

17. CERTIFICATE OF LEGAL STATUS

Lee Krohn said the certificate applies to the grand list and that there are no appeals pending.

MOTION by Colleen Parker, SECOND by Mary Kehoe, to accept the Certificate of Legal Status and authorize signature. VOTING: unanimous (5-0); motion carried.

18. ADJOURNMENT

MOTION by Colleen Parker, SECOND by Jaime Heins, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:45 PM.

RScty: MERiordan

For the Selectboard

Date

STORMWATER UTILITY UPDATE

January/February 2020

ORDINANCE CHANGES

Adoption Winter 2019-2020
Effective July 1, 2020

Change to a two-tier approach to assessing Single Family Residential (SFR) properties:
Those with less than one acre of impervious surface;
Those with one acre or more of impervious surface.

Non-Single Family Residential (NSFR) properties are assessed based on the amount of impervious surface on the parcel. This value is derived through the use of satellite imagery.

Utility fees to be phased in over a three-year master cycle, net of any credits:
Year 1: 33% of the full billable rate;
Year 2: 66% of the full billable rate;
Year 3: 100% of the full billable rate.

CREDIT MANUAL CHANGES

Education Credit increased from 10% to 20%

Agriculture Credit increased from 25% to 45%

Total Maximum Credit (education, agriculture, and other water quality improvement practices...) increased from 70% to 75%.

BUDGET IMPLICATIONS (all round numbers):

FY '20 General Fund: \$206,000

FY '21 General Fund: \$206,000

FY '21 Stormwater Utility Fees: \$170,000 (estimated, @ 33% phase in)

Total FY '21 Stormwater Budget: \$401,000

FY '21 CIP contemplates \$250,000 for a project in Boulder Hill, believed feasible with utility fees and hoped-for grant funding.

As utility fees for all property owners phase in over time, general fund contributions from taxpayers should decrease accordingly.

RESOLUTION FOR VCDP GRANT APPLICATION AUTHORITY

Single Applicant

WHEREAS, the TOWN of SHELBURNE (hereinafter "Applicant") is applying for a Grant under the Vermont Community Development Program; and
WHEREAS, it is necessary that an application be made and agreements be entered into with the State of Vermont.
Now, THEREFORE, BE IT RESOLVED as follows:

1. that Applicant possesses the legal authority as defined in the State Act [10 VSA §683(8)] to apply for the grant and to administer the program; and
2. that Applicant apply for a grant under the terms and conditions of said program and agree hereby to enter into Certifications and Assurances there of; and
3. the Applicant has a duly adopted and current Municipal Plan (FEBRUARY 12, 2019) and that the project is consistent with said plan; and
4. the Applicant has received documentation from the Regional Planning Commission that the project is consistent with the "Regional Plan; and
5. that DEAN PIERCE, DIR OF PLANNING is hereby authorized to be Contact Person and as such to provide, on behalf of Applicant, all documents and information necessary for the completion of said application and to provide such coordination as may be necessary for said application; and
6. that (Name) LEE KROHN Title TOWN MANAGER who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Authorizing Official (AO) for the Grants Management On-line System, Intelligants; and
7. that it is understood that, if the application is funded, the receipt of VCDP funds, as federal funds passed through the State of Vermont, may require that an audit of the Applicant be conducted under the provisions of the Single Audit Act, as amended, and that VCDP funds may be used to fund only a limited portion of the audit cost.

Passed this 25th day of FEBRUARY, 2020.

LEGISLATIVE BODY

EDWARD 'JERRY' STOREY, CHAIR

JAIMESEN HEINS, VICE CHAIR

COLLEEN PARKER

MARY KEHOE

MICHAEL ASHOOH

The above resolution is a true and correct copy of the resolution as adopted at a meeting of the Legislative Body held on the ___ day of _____, _____, and duly filed in my office.

IN WITNESS WHEREOF, I hereunto set my hand this ___ day of _____, _____.

Clerk

Signature



Town of Shelburne, Vermont

CHARTERED 1763

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

February 25, 2020

The Shelburne Selectboard acting as the Shelburne Liquor Control Commission hereby approves or disapproves the following liquor licenses for Shelburne Businesses in 2019:

<u>First Class:</u>	<u>Second Class:</u>	<u>Third Class:</u>	<u>Outside Consumption:</u>
Archie's Grill	Jiffy Mart (Citgo)	Bangkok Minute Thai Café	Archie's Grill
Bangkok Minute Thai Café	Kinney Drug	Barkeaters	Bangkok Minute Thai Café
Barkeaters	Shelburne County Store	Inn at Shelburne Farms	Barkeaters
Cucina Antica	Shelburne Gift Company	Kwiniaska Golf Club	Heart of the Village Inn
Heart of the Village Inn	Shelburne Grocery	Peg & Ters	Kwini Club
Inn at Shelburne Farms	Shelburne Meat Market	Rustic Roots	Kwiniaska Golf Club
Kwini Club	Village Wine & Coffee	Waterfront Catering Group	Peg & Ters
Kwiniaska Golf Club			Rustic Roots
Peg & Ters			
Rustic Roots			
Village Wine & Coffee			
Waterfront Catering Group			

APPROVED

Jerry Storey, Chair

Jaime Heins, Vice Chair

Michael Ashooh

Mary Kehoe

Colleen Parker

DISAPPROVED

Jerry Storey, Chair

Jaime Heins, Vice Chair

Michael Ashooh

Mary Kehoe

Colleen Parker

