



Town of Shelburne, Vermont

SELECTBOARD MEETING AGENDA
SHELburnE TOWN OFFICES, 5420 SHELburnE ROAD
Tuesday, September 14, 2021, 7:00 P.M.
IN PERSON MEETING – ZOOM OPTION DETAILS BELOW

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/87966849550?pwd=WmkrRHJJZ3VITEFJUWdaMWhkTUdsUT09>

Meeting ID: 879 6684 9550; Passcode: 1VwRfS

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 879 6684 9550; Passcode: 405780

Call to Order/Roll Call	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of August 24, 2021	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.
Update from Chittenden County Regional Commission	7:25 P.M.
Update from Social Services Committee on current events	7:45 P.M.
*Streetlight Policy: review/approve updated policy	8:00 P.M.
*Accept portions of Acorn Lane and Gardenside Lane	8:15 P.M.
*Calendar look ahead	8:20 P.M.
*Executive Session possible re: collective bargaining agreements	8:30 P.M.
*Executive Session possible re: personnel	8:45 P.M.
*Adjourn	9:00 P.M.

*Decision item. Times noted are approximate, and depend upon how each topic's discussion flows.



Town of Shelburne, Vermont

SELECTBOARD MEETING

ANNOTATED AGENDA

SHELBURNE TOWN OFFICES, 5420 SHELBURNE ROAD

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***Approve Agenda** 7:00 P.M.

***Approve meeting minutes of August 24, 2021** 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.

Update from Chittenden County Regional Commission 7:25 P.M.

CCRPC Executive Director Charlie Baker will join us to speak to the Regional Planning Commission's 'annual report', and hear questions and suggestions about how they can best be of service to us.

Update from Social Services Committee on current events 7:45 P.M.

Sue Furry-Irish wishes to update the Selectboard on current events (*please see attached report*).

***Streetlight Policy: review/approve updated policy** 8:00 P.M.

This matter came to light upon the private installation of a streetlight on Bishop Road. The matter was brought to our attention by several neighbors who objected to this, and sought forced removal of this streetlight based upon the Town's streetlight policy. At the Town's request, the resident had the streetlight removed, and agreed to seek a different form of illumination at the end of his driveway. In

the meantime, it was suggested that perhaps the streetlight policy should be clarified to prevent this from recurring in the future. Toward that end, I suggest adding one sentence at the end of the section entitled, APPLICATION FOR THE ADDITION OR REMOVAL OF STREET LIGHTS, to read:

In no case may a streetlight be installed within Town highway rights of way without the express written approval of the Town Manager or Selectboard, as provided in this Policy.

In addition, if Town Manager review/approval is not thought to provide sufficient public notice regarding prospective addition or removal of streetlights, then consider instead deleting any reference to Town Manager approval, and require that any addition or deletion of streetlights be governed solely by the Selectboard.

So that you can see how either of these would read in overall context, please see the two attached versions of an amended policy – Option A with the first proposed addition above, and Option B, which includes that statement, but which also includes the change such that the sole decisionmaking authority is the Selectboard. It seems to me that either option solves the problem that brought this to light to begin with – an unapproved private installation of a new streetlight on a utility pole within the Town highway right of way.

***Accept portions of Acorn Lane and Gardenside Lane**

8:15 P.M.

This is an interesting matter that came to our attention recently. When the residential developments on Acorn Lane and Gardenside Lane were originally completed, the intent was that the “public” portions of these roads would be turned over to the Town as is our common practice. Indeed, the standard irrevocable offers of dedication for those roads were provided at that time and recorded in the land records. However, it now turns out that only portions of those roads were actually accepted by the Town, and not the entire roadway sections as was intended. We may never know why, but the solution is within our reach now.

This was brought to our attention by the Gardenside Homeowners Association, who discovered that they might have still owned Acorn Lane, and thus, should have been asked for permission for a new street in the new Gardenside neighborhood to connect to “their” street.

That said, the Town has been maintaining these roads all along as if they were public roads, including standard practices of snowplowing and repaving. The Town’s attorney advises that in cases like these, courts have upheld that Towns have in a *de facto* sense already accepted these as public roads by virtue of the regular maintenance performed on these roads over time. Based on that advice, actual, formal acceptance of these roads as originally intended may not be needed. However, in order to clarify the record once and for all, we can take formal action to accept these roads based on the irrevocable offers made years ago and that original intent.

MOTION: I move to accept as Town roads the portions of Acorn Lane and Gardenside Lane highlighted in yellow on the map as offered and dedicated originally, but which were never actually accepted previously, thereby fulfilling the original intent that these be public streets pursuant to the original offer of dedication and acceptance, and as have been maintained as public streets all along. NOTE: the specific areas to be accepted here are highlighted in yellow on the attached map, and will be referenced specifically on the map in our meeting.

***Calendar look ahead**

8:20 P.M.

September 28: dedicated primarily to a forum on planning, zoning, and community development

October 12 & 26: conceptual, high level budget overview presentations/discussions

November 9 & 23: actual budget presentations/discussions

December 7, 14?, & 21: budget discussions

***Executive Session possible re: collective bargaining agreements**

8:30 P.M.

Motion 1: Pursuant to 1 VSA 313, I move to find that premature general public knowledge of labor relations agreements 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 consider labor relations agreements with employees, and to invite the Town Manager to participate.

To maintain clarity and transparency in these somewhat different proceedings, we'd then want to exit that executive session and consider the following motion for the following, separate purpose.

***Executive Session possible re: personnel**

8:45 P.M.

Motion: Pursuant to 1 VSA 313, I move to enter executive session to consider the appointment or employment or evaluation of a public officer or employee, and to invite the Town Manager to participate.

***Adjourn**

9:00 P.M.

*Decision item. Times noted are approximate, and depend upon how each topic's discussion flows.

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES
August 24, 2021**

***Hybrid meeting held via teleconference and in-person.**

MEMBERS PRESENT: Mike Ashooh (Chair), Kate Lalley, Jerry Storey, Luce Hillman, Cate Cross.
ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Chris Robinson, Water Quality Superintendent.
OTHERS PRESENT: Members of the public participating in the meeting included Marcy Webster (Media Factory), Gail Albert, Jessica Brumsted, Lisa Vear, Mike Schramm, Wayne Elliott, Lynn McNamara, Tracy Beaudin.

1. CALL TO ORDER

Chair Mike Ashooh called the hybrid in-person and teleconference meeting to order at 7 PM and explained the procedure to be followed.

2. APPROVE AGENDA

MOTION by Mike Ashooh, SECOND by Cate Cross, to approve the agenda as amended to include adjustment to the grand list. VOTING: unanimous (5-0); motion carried.

3. MINUTES

August 10, 2021

MOTION by Jerry Storey, SECOND by Kate Lalley, to approve the minutes of 8/10/21 as amended. VOTING: unanimous (5-0); motion carried.

4. PUBLIC COMMENT

None.

5. SELECTBOARD COMMENTS

- Jerry Storey commended all Town departments and especially the Rec Dept. for a successful summer under difficult circumstances.
- Positive comment was made on the successful Shelburne Day and the Farmers' Market.

6. TOWN MANAGER REPORT/UPDATE

Lee Krohn reported:

- Shelburne Day was a success.
- Pierson Library and the Fire Station are both hosting open houses on 9/4/21.

7. ROUTE 7 SEWER LINE UPGRADE UPDATE

Water Quality Superintendent, Chris Robinson, reported the sewer line upgrade on Route 7 is nearly complete and within budget. The Town will gain 79,000 GPD in capacity from the upgrade.

8. WASTEWATER SYSTEM CONSOLIDATION PROJECT

Lee Krohn reported the results of the study on the wastewater system by the consultant and staff indicates consolidating the two treatment plants into one on Crown Road and turning the Turtle Lane plant into a pump station is the best option for the Town. Consultant Wayne Elliott with Aldrich + Elliott reviewed the results of the study that began in 2019, noting a town the size of Shelburne having two treatment plants is unusual and very expensive, but relates back to history and geography. At this point, the plants are aging and the infrastructure is approaching its useful life. Some components are time critical. Wayne Elliott reviewed the three alternatives with the plants and the force main alignments. Alternative #1 for expansion of Plant 1 on Crown Road and treatment alternative #1 are the preferred alternatives. Potential funding sources to cover the cost of the \$29 million project were reviewed. A decision from the Selectboard is needed on funding to continue the engineering work on the project.

9. VERMONT OUTDOOR RECREATION GRANT OPPORTUNITY

Lynn McNamara, The Nature Conservancy (TNC), explained the grant to expand access to the LaPlatte nature area by constructing a raised boardwalk that will get visitors out of the mud and avoid compacting the soil on the trail. The boardwalk will be fully accessible and end at TiHaul. TNC supports the grant and agrees to write and manage the grant.

The Selectboard urged having a Town representative on the project steering committee if one is formed and reaching out to people with special needs to determine what would be most helpful in the design.

MOTION by Jerry Storey, SECOND by Cate Cross, to approve the letter of intent and subsequent grant application for public access improvements along the LaPlatte River including the terms and conditions for grant administration as proposed by The Nature Conservancy, and further, it is the town's understanding that there are no local match funds required. VOTING: unanimous (5-0); motion carried.

10. ANIMAL COEXISTENCE POLICY DRAFT

Suggested edits to the policy to reduce human-wildlife conflicts and preserve habitat were reviewed. It was suggested a concise mission statement be drafted as a guiding reference rather than a policy. Chris Robinson, Water Quality Superintendent, expressed concern the policy would cause delays in Town water, sewer, and road projects, adding there are already laws on how to handle animals so the policy is not necessary.

Jerry Storey volunteered to work with the committee to redraft a policy that is narrow and workable.

11. COMMUNITY DEVELOPMENT (continued discussion)

Draft mission statements submitted by each Selectboard member were reviewed. There was discussion of the mission statement focusing on community development versus economic development. The consensus of the Selectboard is to table action on the mission statement and have each member offer a rewrite.

12. STREETLIGHT POLICY: Review/Update

Tabled.

13. ACCEPT PORTIONS OF ACORN LANE & GARDENSIDE LANE

Tabled.

14. GRAND LIST ADJUSTMENT

Lee Krohn reported the Assessor discovered a new lot was created and not accounted for as part of a subdivision at 0 Milkweed Lane. The addition will be \$140,000 to the grand list.

MOTION by Kate Lalley, SECOND by Cate Cross, to accept the Errors & Omissions Report as presented. VOTING: unanimous (5-0); motion carried.

15. ADJOURNMENT

MOTION by Jerry Storey, SECOND by Cate Cross, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 9:38 PM.

RScty by tape: MERiordan

For the Selectboard

Date

Social Services Committee Report

9/14/21

The Social Services Committee is charged with advising the Select Board on Matters relating to the needs of residents of Shelburne, and developing a vision for serving the needs of the residents in the Town of Shelburne. The Shelburne Food Shelf advised us of a growing need for food for people currently housed at the Days Inn, and we have subsequently learned there is a broader need beyond this.

Susan Stock informs us that "The current issue began on July 1 when the **state stopped providing meals to those that were being housed in local motels**. The people now being housed have either a documented disability or are elderly... there are 5 hotels housing these folks that we know of in Shelburne, with at least 57 individuals in need." Other motels include the Quality Inn, the Countryside motel, the North Star Motel, and of course, Harbor Place. Susan has been informed that there may be 200 individuals being temporarily housed in motels on Shelburne Road in Shelburne and South Burlington who were moved out of other hotels post-Covid, when those reopened to travelers.

The Food Shelf, Rotary Club, and area churches have worked together to provide food to the people in need, and the Social Services Committee granted \$2500 to the Food Shelf in August to assist with the effort. The Agency of Human Services will not approve any policy changes before October 1st. There are additional difficulties in providing and delivering food to people living in motel rooms, who are elderly and/or disabled, may have mental health issues, do not have kitchens, etc. Susan Stock says the Food Shelf has been in contact with CVOEO and with CHT to try to get further clarity on the situation.

In addition, the increased unhoused population, many with social service and mental health needs, has led to an increase in calls for police presence at these sites, requiring increased time spent there by officers. There is clearly a need to look at the bigger impact of the situation for our community.

The Social Services Committee, with the assistance of Representative Jessica Brumsted, discussed these issues at our August meeting and decided to hold a roundtable discussion of the issues at our next meeting on September 22. We hope to bring together representatives of the police, the social workers who assist the police, the school, the churches, the Rotary Club, the Food Shelf, the hotels, Agewell, and CVOEO and CHT, and our Town Manager. We hope to facilitate a discussion of the situation locally at this meeting and to follow up in October with Agency of Human Services representatives for a broader perspective, once the state has updated its policies. We will update the Selectboard as information becomes available.

We appreciate the time to share this information with the Selectboard, and appreciate the ongoing support for the needs of residents.

POLICY TO DETERMINE LOCATION OF STREET LIGHTS

OPTION A

No installation without written permission of the Town Manager or Selectboard

PURPOSE

The purpose of this policy is to provide consistent criteria when determining the location of current and future street lights. The policy will consider the level of safety for vehicular and pedestrian traffic provided by the lights, the amount and cost of energy used and the impact of lights on the built and natural environment.

CRITERIA

In general, street lights will be located at intersections of Town streets with major collector roads such as Spear Street and Harbor Road and at all intersections of Town streets and roads with Route 7. Private drives with more than 10 homes will also qualify to have a street light located at similar intersections. Within residential developments, street lights may be considered at intersections along secondary collector roads that tie directly into major collector roads, if requested by individuals or neighborhoods as outlined below under the paragraph on application for the addition or removal of street lights.

The request will be considered with respect to traffic and pedestrian volume, a comparison of nighttime versus daytime accident rate, presence of sidewalks, proximity to school and public transportation routes, and other pertinent data for a specific location or similar location.

Street lights may be located where it is determined that sufficient hazards exist to vehicular and pedestrian traffic due to permanent roadway structures such as bridges or roadway geometry and reflectorized warnings are deemed inadequate.

Street lights may be located at entrances to Town facilities that have night time operations.

Light fixtures will also be located in a generally every other pole configuration along Falls Road, Marsett Road, Church Street, Harbor Road to School Street and Route 7 from Citizen's Bank to Bostwick/Marsett Road. Implementation of The Village Streetscape Plan may result in the installation of decorative lighting within portions of the Village District.

APPLICATION FOR THE ADDITION OR REMOVAL OF STREET LIGHTS

An individual or neighborhood organization may submit a written request for the installation or removal of a street light. The request shall be to the Town Manager and indicate the reason for the addition/removal and the location by street and pole number. A decision by the Town Manager will be given within 14 days of receipt. Decisions on the locations of street lights may be appealed to the Selectboard.

If a neighborhood wishes to apply for street lights that do not qualify for installation as specified in this policy, the neighborhood must form an association as a legal entity and apply to the Town for streetlights at specific locations in their neighborhood.

In neighborhoods served by above ground electrical service, upon approval by the Town, the association may contract directly with Green Mountain Power Company (GMP) for the installation of streetlights on existing poles. The association would then be billed directly by GMP for the cost of the light at the then applicable tariff.

If the neighborhood is served by underground electric service, the cost to install street lights must be borne by the association. The lights may be installed in the Town right-of-way under conditions governed by a license with the Town. The association must contract with Green Mountain Power Corporation for the provision of energy necessary to operate the lighting system at the prevailing rates authorized by the Public Service Board.

In no case may a streetlight be installed within a Town highway rights of way without the express written approval of the Town Manager or Selectboard, as provided in this Policy.

SPECIFICATIONS FOR STREET LIGHTS

Specifications for the type and lumen output of fixtures will be contained in the Town of Shelburne Public Works Specifications.

Adopted this 24th day of January, 2010.

Amended on November 22, 2011

Amended on August 24, 2021

Mike Ashooh, Chair
For the Shelburne Selectboard

POLICY TO DETERMINE LOCATION OF STREET LIGHTS

OPTION B

No installation without written approval; Selectboard has sole jurisdiction

PURPOSE

The purpose of this policy is to provide consistent criteria when determining the location of current and future street lights. The policy will consider the level of safety for vehicular and pedestrian traffic provided by the lights, the amount and cost of energy used and the impact of lights on the built and natural environment.

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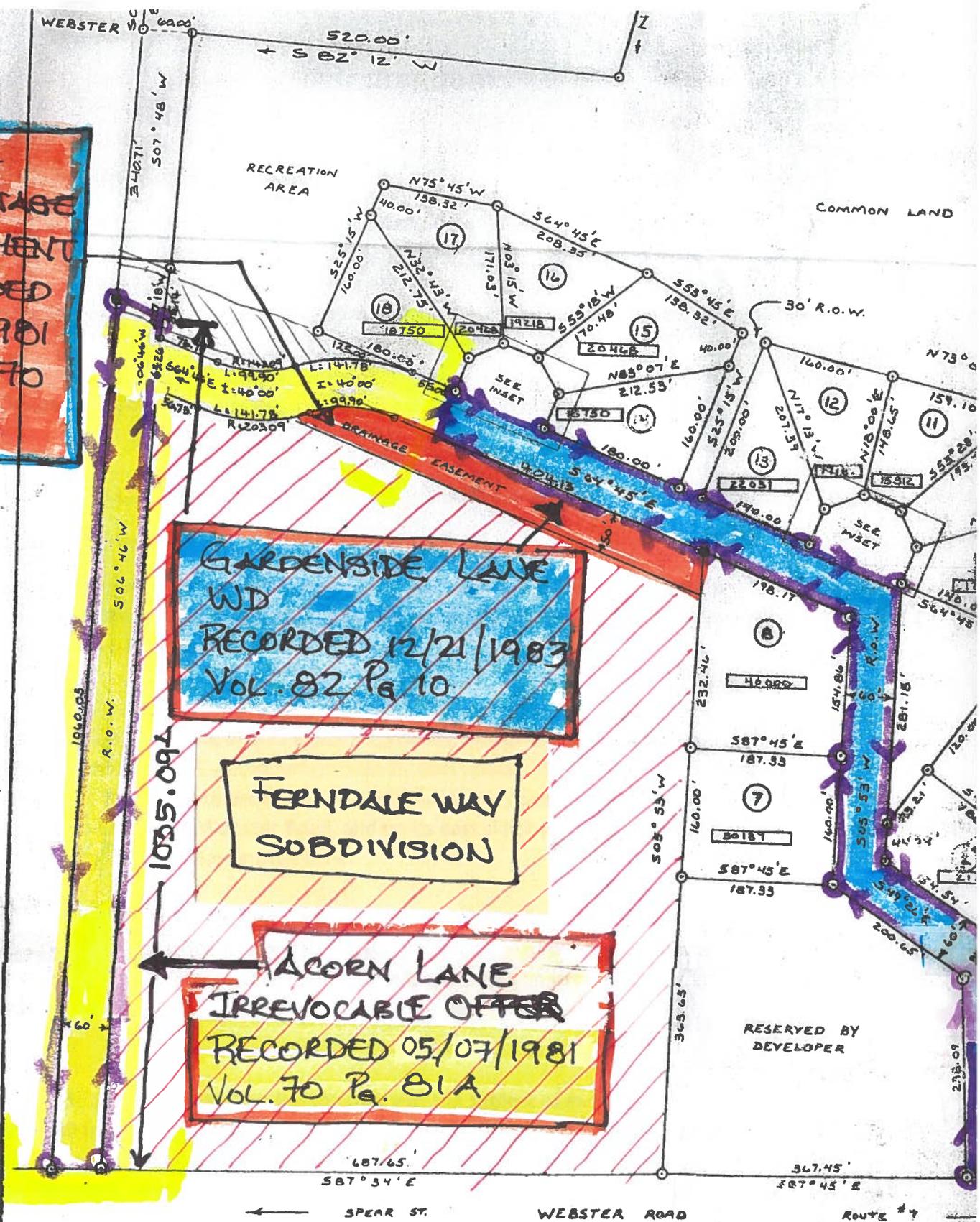
MAP SLIDE 671A FKA
 PLAT BOOK III Pg. 31

SOFT
 DRAINAGE
 EASEMENT
 RECORDED
 5/7/1981
 VOL. 70
 Pg. 91

GARDENSIDE LANE
 WD
 RECORDED 12/21/1983
 Vol. 82 Pg. 10

FERNDALE WAY
 SUBDIVISION

ACORN LANE
 IRREVOCABLE OFFER
 RECORDED 05/07/1981
 VOL. 70 Pg. 81A



LEGEND

●	IRON PIN FOUND
R.O.W.	RIGHT OF WAY
N	NOW OR FORMERLY
□	AREA
○	LOT NUMBER

SETBACKS

FRONT	50'
SIDE	15'
BACK	15'
ADJOWERS	50'

MAP SLIDE
 FKA
 PLAT BOOK

