



Town of Shelburne, Vermont

SELECTBOARD MEETING
ANNOTATED AGENDA
SHELBURNE TOWN OFFICES, 5420 SHELBURNE ROAD
Tuesday, April 26, 2022, 7:00 P.M.
Hybrid Meeting – in person and via Zoom

Join SELECTBOARD Zoom Meeting

<https://us02web.zoom.us/j/84799439682?pwd=SEw3QnBrTlV2UWRDVVdsdE41K2I4Zz09>

Meeting ID: 847 9943 9682; Passcode: 9gCgQQ

Dial by your location

301 715 8592 US (Washington DC); 312 626 6799 US (Chicago); 929 205 6099 US (New York)

Meeting ID: 847 9943 9682; Passcode: 843074

Call to Order/Roll Call	7:00 P.M.
*Approve Agenda	7:00 P.M.
*Approve meeting minutes of April 12, 2022	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.
*CBC Appointment	7:25 P.M.

You will recall Jeff Carr, new Shelburne resident and recent appointee as our alternate to the CCRPC Board. Although not yet confirmed as of this writing, we hope that with his significant experience in the economic arena, that he will now also seek appointment to the Finance Committee. This would be for a new, full three-year term.

MOTION: I move to appoint Jeff Carr to the Finance Committee, effectively immediately and running until April 1, 2025.

*Cat and Dog of the year	7:30 P.M.
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This annual, joyful event is facilitated and hosted by Town Clerk Diana Vachon, who will join us this evening for this event.

***Property Tax late fee waiver request**

7:35 P.M.

This is a request from a property owner for a waiver of the late fee and penalty related to the recent property tax installment. The amount sought to be waived is \$351.73. The reason offered relates to criterion #3 in the attached Selectboard policy – health/medical condition. There is no record of this property owner having been late on prior property tax payments. Note that standard practice per the policy is that a property owner enroll in automatic payment unless there is a justifiable reason otherwise. If the Board is so inclined, then

MOTION: I move to waive the late fee and penalty in an amount of \$351.73 related to account number 371-0056, as long as the property owner enrolls in automatic payment unless they are unable to do so.

***Fair and Impartial Policing Policy proposal**

7:40 P.M.

As you'll recall, this matter was brought to the Selectboard last year. Based on concerns raised about conflicts with federal law governing such matters, the matter was tabled and the proponents were asked to rework the proposal accordingly. The revised proposal is now back before the Board for consideration. As I understand it, other external circumstances may have also changed that might lessen concerns about conflicts with federal law. Note that a new concern has been raised by our insurer VLCT/PACIF, whether such a policy could cause conflict with our insurance coverage in certain circumstances. While social pressures mount to adopt unique policies like this on a town by town basis, questions have also been asked whether there's ever been an actual problem of this sort here in Shelburne; whether it makes sense to have local policies like these that are inconsistent with existing State-mandated policies already in place; and whether it might be more appropriate for proponents of such policies to seek change at the State level so that all police departments are operating under the same guidelines statewide, as exist for many other policing-related and other municipal matters? Separate from the policy implications themselves, it may also be worth considering whether changing or adding any significant policy at this very time makes sense, when we are trying to regain a sense of stability within our Police Department.

Background documents and the current FIPP proposal are attached for your review. Town attorney Brian Monaghan will also be present for this conversation to answer questions and offer perspective as may be needed. Whether the Board will feel comfortable with this proposal remains to be seen; and as always, there is no presumptive requirement to take action. However, if the Board is inclined to adopt it as proposed or as may be modified, then

MOTION: I move to adopt the Fair and Impartial Policing Policy as proposed (or as modified) for the Shelburne Police Department.

***Police Chief search process**

8:00 P.M.

Various circumstances that have brought us to this point. While looking back may at times help to illuminate lessons learned, it's important to focus our vision and efforts forward toward a desired future condition. As is often the case, there are several possible options or strategies for moving forward. These are described in the attached memo as what I hope will be a helpful launch pad for discussion.

***Funding request from Natural Resources and Conservation Committee**

8:30 P.M.

As you will see in the attached letter, the Natural Resources and Open Space Committee seeks Selectboard authorization to spend \$50,000 from the Open Space Fund toward a land conservation project at Shelburne Farms. I anticipate that representatives from the Committee and/or the Farms will be present to explain this project and this request.

***Request to authorize a grant application by the Diversity and Equity Committee**

8:45 P.M.

I anticipate that someone from the Committee will present this request.

***Ratify updated contract for Police and Dispatch**

8:55 P.M.

The short story is that we thought we had reached agreement on all elements of the version of the contract that the Selectboard had ratified several meetings ago. Since that time, questions were raised about several aspects of the contract. Upon further negotiation, we present to you a new version of this contract, as reviewed by the Town attorney and as now already signed by the Union Steward. As noted previously, and unlike historical agreements, this is a five-year contract providing longer term certainty for both the Town and the Union, and for which we will not need to begin negotiations anew almost as soon as the ink is dry here.

MOTION: I move to ratify the Agreement by and between the Town of Shelburne and the New England Police Benevolent Association Local 413, which is effective July 1, 2021 to June 30, 2026.

***Receive zoning amendment approved by the PC and schedule hearing**

9:00 P.M.

Attached please find a proposed zoning amendment as approved by the Planning Commission. With minor revisions from the current interim bylaw, this would make permanent the allowances for outdoor dining and conduct of business that were enacted to help our business community during the COVID emergency. As you know, interim bylaws are a short term 'fix' which must eventually either expire or be adopted in some form. Absent further action, then the current interim bylaw will expire on June 30. This brief bylaw is believed effective and supportive of Town Plan goals, and the Planning Commission supports adoption as presented.

As this requires further action by the Selectboard, and presuming that the Board will wish to keep this process moving forward, then

MOTION: *I move to accept the proposed zoning amendment entitled Conduct of Outdoor Business Activity and to warn a public hearing for May 24, 2022.*

***Executive Session – personnel**

9:05 P.M.

Having discussed major aspects of a Police Chief search process earlier this evening in open session, this item is on the agenda in case the Selectboard would like the opportunity to discuss other aspects of this in executive session, as it is entitled to do. If so, then

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.*

Please remember, if we do go into executive session, then it is thought good practice to return to open session in order to make any announcements or decisions that may result, or simply to adjourn.

***Adjourn**

9:25 P.M.