

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
March 26, 2019**

MEMBERS PRESENT: Jerry Storey, Jaime Heins, Mary Kehoe, Mike Ashooh, Colleen Parker [via telephone].

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director.

OTHERS PRESENT: Sara and Tom Tompkins, Linda Riell, Catherine Collette, Paul Irish, Anne Bentley, Don Bentley, John Saar, Ruth Hagerman, Cathy Townsend, John Goodrich, Megan McBride, Chris Boyd, Lisa Scagliotti, Carole Obuchowski.

1. CALL TO ORDER

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

2. APPROVE AGENDA

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

3. MINUTES

March 12, 2019

MOTION by Mary Kehoe, SECOND by Jaime Heins, to approve the 3/12/19 minutes with clarification of the comment by Jaime Heins under ‘Selectboard Comments’ that there was poor voter turnout. VOTING: unanimous (4-0) [Colleen Parker not present for vote]; motion carried.

4. PUBLIC COMMENT and LIBRARY/TOWN CENTER UPDATE

Ruth Hagerman spoke about the library supporting local businesses and the dedicated space center in the new library for people to access databases, use equipment, have meeting space, and hold events.

John Saar, resident, mentioned businesses using the space at the library paying for use of the space. Mr. Saar also mentioned the court ruling on the rail case and urged the Selectboard to issue a formal apology to Mr. Wulfson.

5. SELECTBOARD COMMENTS

- Mary Kehoe suggested a regular Selectboard meeting date be used as the retreat date and Kevin Clayton’s place or Shelburne Vineyard as potential venues.
- Thanks were extended to Gail Albert and Shelburne Vineyard for hosting the SBPA gathering to discuss economic development.
- Mike Ashooh mentioned philosophical talks being held around the area on a variety of topics.

6. TOWN MANAGER REPORT

Lee Krohn noted the following:

- Vacancies on town committees have been advertised. Current members are willing to serve for another year. The storm water committee will continue.

7. WARRANTS & ACCOUNTS PAYABLE SCHEDULE

MOTION by Jaime Heins, SECOND by Mary Kehoe, to approve the proposed schedule for signing warrants and account payable orders as presented. VOTING: unanimous (4-0) [Colleen Parker not present for vote]; motion carried.

8. EXECUTIVE SESSION

Litigation

MOTION by Jaime Heins, SECOND by Mary Kehoe, to find that premature public disclosure of pending civil litigation relative to the Vermont Railway lawsuit would place the town at a substantial disadvantage. VOTING: unanimous (4-0) [Colleen Parker not present for vote]; motion carried.

MOTION by Jaime Heins, SECOND by Mike Ashooh, based on the finding that premature public disclosure of pending civil litigation placing the town at substantial disadvantage to go into Executive Session pursuant to 1VSA313(a)(1)(E) to discuss the decision by the 2nd Circuit Court of Appeals, and to invite the Town Manager and Town Attorney to attend. VOTING: unanimous (4-0) [Colleen Parker not present for vote]; motion carried.

Executive Session was convened at 7:16 PM.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (4-0) [Colleen Parker not present for vote]; motion carried.

Executive Session adjourned at 8 PM. Jerry Storey announced the town will not pursue an appeal of the court decision.

John Saar, Harbor Road, read a statement saying the town needs to issue a formal apology to Mr. Wulfson and do a forensic audit of the bills from the Town Attorney followed by a request for partial reimbursement. The standing of the Town Attorney should be reviewed in view of a record of uniform failure. Former Selectboard member, Josh Dein, should be thanked for standing up to the hostility from the former Chair of the Selectboard. Due to the rail issue the previous Selectboard ignored matters needing attention like the new fire department headquarters which cannot be built on the same site due to the library project. The previous board approved the Rice Lumber project which allowed blasting and clearing of trees when there could have been help with the new station.

Linda Riell, Falls Road, said it is time to review the law firm representing the town and pursue a firm that works things out rather than encourages lawsuits.

Chris Boyd, Thomas Road, said the town needs to apologize in writing to Mr. Wulfson and Josh Dein, and re-evaluate the two ordinances that were written to benefit the lawsuit.

Mary Kehoe explained the law firm was the messenger and the Selectboard made the decisions. A review of the bills from the law firm did not reveal any overbillings. Also, the appeal was written on a pro bono basis. The work was done well.

9. FIRE/RESCUE SITE ANALYSIS STEERING COMMITTEE

Jerry Storey reviewed the composition, charge, and timeline of the steering committee.

MOTION by Jaime Heins, SECOND by Mary Kehoe, to appoint the following individuals to the Fire/Rescue Site Analysis Steering Committee for a term beginning 3/26/19 and ending with the dissolution of the committee:

- **Lee Krohn (Chair)**
- **Fire Chief Ouimet**
- **Rescue Chief Leopold**
- **Catherine Collette**
- **Chris Boyd**
- **Doug Merrill**
- **Mike Ashooh**

VOTING: 4 ayes, one abstention (Mike Ashooh); motion carried.

10. THREE MONTH ROLLING WORK PLAN

Lee Krohn reviewed the status of key priorities being addressed including:

- Fire/Rescue project
- CBC appointments
- Storm water utility
- Library/Town Center project
- Waste water treatment facilities
- Town Treasurer position
- Collection of delinquent taxes
- Local Emergency Operations Plan
- Administrative Assistant in the Town Manager's Office
- Energy conservation issues
- Bike/Ped issues
- Traffic safety
- Economic development committee
- Town facilities capital improvement analysis

11 ENERGY CONSERVATION and ECONOMIC DEVELOPMENT INITIATIVES

Jerry Storey reviewed the charge of the committees and questions to be addressed.

Megan McBride volunteered to serve on the Energy Conservation Commission and mentioned her thoughts on ways to reduce the town's carbon footprint using solar energy then using the saving to fund other initiatives.

Mary Kehoe suggested installing solar on town owned land to reduce the town's electric bill. Lee Krohn will discuss energy conservation initiatives with the Planning Commission.

Regarding economic development, Lee Krohn said he will talk to local business owners on how to leverage what is in town. Mike Ashooh said actionable solutions are needed. Jerry Storey said business owners need to inform the town as to what is needed to help them and what can be done. Mary Kehoe mentioned parking needs to be addressed. Following further discussion there was agreement Lee Krohn and Jerry Storey will bring a plan of action to the next Selectboard meeting. Jaime Heins expressed reservation with creating another committee and urged finding another approach.

12. EXECUTIVE SESSION

Contract Negotiations

MOTION by Jaime Heins, SECOND by Mary Kehoe, to find that premature public disclosure of contract negotiation of the purchase and sale agreement for the Fire/Rescue portion of the Rice Lumber/Healthy Living property would place the town at a substantial disadvantage. VOTING: unanimous (5-0); motion carried.

MOTION by Jaime Heins, SECOND by Mary Kehoe, based on the finding that premature public disclosure of negotiations will place the town at substantial disadvantage to go into Executive Session pursuant to 1VSA313(a)(1)(E) to discuss the purchase and sale agreement for the prospective Fire/Rescue portion of the Rice Lumber/Healthy Living property, and to invite the Town Manager to attend. VOTING: unanimous (5-0); motion carried.

Executive Session was convened at 8:30 PM.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

Executive Session was adjourned at 8:55 PM. Lee Krohn reported there is an agreement in form and content, but all the exhibits are not in as yet.

13. LIQUOR COMMISSION

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to convene as the Liquor Commission. VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve a Second Class Liquor License for Spillane’s Mobil Service Center. VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to adjourn the Liquor Commission and reconvene the regular Selectboard meeting. VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

14. ADJOURNMENT

MOTION by Mary Kehoe, SECOND by Jaime Heins, to adjourn the meeting. VOTING: unanimous (4-0)[Colleen Parker not present for vote]; motion carried.

The meeting was adjourned at 9 PM.

RScty: MERiordan

For the Selectboard

Date