

**TOWN OF SHELBURNE  
SELECTBOARD  
MINUTES OF MEETING  
June 27, 2017**

**MEMBERS PRESENT:** Gary von Stange (Chairman); John Kerr, Josh Dein, Jerry Storey. (Colleen Parker was absent.)

**ADMINISTRATION:** Joe Colangelo, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Ann Janda, Administration Director.

**OTHERS PRESENT:** Linda Lavallette, Ellen McShane, Sai Kumar Sarepalli, Lucy Gibson, Jason Charest, Wendy Saville, Lisa Williams, Heather McKim (Shelburne News).

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**1. CALL TO ORDER**

Chairman Gary von Stange called the meeting to order at 7 PM.

**2. APPROVE AGENDA**

**MOTION** by John Kerr, **SECOND** by Jerry Storey, to approve the agenda as presented. **VOTING: unanimous (4-0); motion carried.**

**3. APPROVE MINUTES**

*June 13, 2017*

**MOTION** by Jerry Storey, **SECOND** by Josh Dein, to approve the June 13, 2017 minutes as written. **VOTING: unanimous (4-0); motion carried.**

*June 20, 2017*

**MOTION** by John Kerr, **SECOND** by Jerry Storey, to approve the June 20, 2017 minutes as written. **VOTING: 3 ayes, one abstention (Josh Dein); motion carried.**

**4. CITIZEN PARTICIPATION & PUBLIC COMMENT**

There were no comments from the public at this time.

**5. SELECTBOARD COMMENTS**

- The assemblage sang “Happy Birthday” to Joe Colangelo.
- Josh Dein recognized the work of the Shelburne harbormaster in managing the moorings and the conscientiousness of the boating community toward fellow boaters.
- John Kerr mentioned posts about railroad whistles in the middle of the night and urged facilitating a monthly discussion with the railroad to be informed about what is upcoming so there are answers for the general public.

**6. TOWN MANAGER’S REPORT**

Joe Colangelo highlighted the following from the manager’s report posted online:

- Aaron Noble will be promoted to Deputy Police Chief effective July 1, 2017.

- Regarding train noise, the railroad said the 3 AM trains through the village will continue for the next three months. Staff contacted the state about quiet zone crossings. The state said the process is long and expensive. Information on the pros and cons of the quiet zone will be provided to the Selectboard.
- VTrans estimates funding for the Bay Road Bridge is out five years with construction out another five years. The bridge is the #1 priority in the county. Grant funding from the state is a 90/10 split. The accelerated bridge program provides 95% funding so if the town can show the local money is in hand it may be possible to push the project forward.
- Special meeting to set the tax rate is July 7, 2017.

#### **7. BAY ROAD UNDERPASS 2<sup>ND</sup> PILOT REPORT**

Sai Kumar Sarepalli with Regional Planning gave a summary of the findings to date on the second pilot project on the Bay Road underpass that includes stop signs and two-way traffic under the rail underpass. The majority of public opinion indicates improved travel and safety conditions with the second pilot, but there is still confusion as to which driver proceeds first from the stop. Shelburne Bike/Ped Committee interviewed road users and most felt road safety was improved for bikes and pedestrians with the dedicated lanes. The preference was to continue the second pilot. The following next steps are recommended:

- Hire a traffic control person to handle peak hour traffic during events.
- Paint the double line in the underpass.
- Continue to work with the railroad on options and funding sources.

#### *COMMENTS*

Ellen McShane, 743 Bay Road, spoke in support of the second pilot and the recommendation for the double line. Drivers give bikes and walkers the right-of-way.

Linda Lavalette, 451 Bay Road, spoke in support of painting the center line which will help tremendously because people are confused. The stop signs are helping. Cars speed on Bay Road and the stop signs slow them down, but more of a police presence is needed and tickets issued. Setting up the radar speed unit with flashing blue lights will help.

John Kerr said installing the universal up/down arrow sign may help as well.

Gary von Stange said he received communications that the two way traffic sign could be larger. The second pilot should continue. Staff can work out the details of the line stripping and signage.

**MOTION by John Kerr, SECOND by Jerry Storey, to amend the traffic ordinance to include a two-way traffic stop at the Bay Road railroad underpass. VOTING: unanimous (4-0); motion carried.**

#### **8. PRESENTATION: Southern Gateway Project**

Lucy Gibson, Dubois & King, and Jason Charest, Regional Planning, briefly reviewed the southern gateway project that looked at bringing Route 7 up to current transportation

needs. Lucy Gibson presented the alternatives that include a shared use path along Route 7 and on private property, and an on-road sidewalk on the east side of Route 7 from the intersection to the Countryside Motel. Ms. Gibson said going off road with a shared use path and having a raised crosswalk in the median is safer because it takes pedestrians/bicyclists away from vehicular traffic and does not disturb the wetlands. A regular flashing beacon (RFB) is recommended for the crosswalk. Solar lighting, benches, bike racks, and other amenities could be added to the area. Easements from landowners will be needed as well as maintenance agreements for plowing in winter. Act 250 and town permits will need to be amended. There is not enough traffic volume or pedestrians crossing the road to warrant a traffic signal. The state agreed the speed limit can be lowered provided traffic calming measures are in place such as the radar speed unit or a median. Construction cost for the project (all phases) is approximately \$2.2 million. Suggested next steps include requesting a speed limit change from the state, installing the radar speed unit, and considering applying for a bike/ped grant for the first phase of the project.

Jason Charest said the Selectboard needs to endorse an alternative so the project can move forward. Regional Planning will finalize the report. The town can pursue funding and negotiations with property owners for easements.

Lucy Gibson also reported on the town assuming ownership of the portion of Route 7 in the southern gateway. The town would be responsible for maintaining traffic signals, streetlights, maintenance and repair of culverts, pavement markings, plowing, patching and sealing the pavement, storm water infrastructure, and signs. The town could also set the speed limit, set crosswalk locations, do treatments/landscaping, add a traffic light, determine lane and shoulder width, control access, do parking, tree plantings, and traffic calming including curbs. The town would own the utilities. The state would be responsible for repaving the road and 90% of bridge projects on Route 7.

#### *COMMENTS*

Wendy Saville, Bike/Ped Committee, spoke in support of more safe routes for people to get to their job, but expressed concern about the scope of the project for the number of residents who would use the route. Employees of VT Teddy Bear and other businesses will mainly benefit so perhaps the businesses could have sidewalk and then van shuttle to bus routes. Having connectivity and safety for walkers and bikers is great and this is a wonderful place to encourage people to explore Shelburne, but as a priority there are other projects, such as Bay Road and Irish Hill Road, that will benefit more residents at a lower cost. Ms. Saville also spoke in support of signage and landscaping to welcome people to Shelburne and encourage them to slow down.

Gary von Stange said he has heard comments from residents that the businesses should resolve the problem of people crossing the road, not the residents.

**MOTION by John Kerr, SECOND by Jerry Storey, to accept the recommendation of the consultant for the Southern Gateway Project and authorize the consultant to finalize the report. VOTING: unanimous (4-0); motion carried.**

**9. SPECIAL TOWN MEETING: NOVEMBER 7, 2017**

Gary von Stange explained the Selectboard must approve the Declaration of Official Intent in order to hold a special town meeting on November 7, 2017 to vote on the \$6.5 million bond for the new library, renovations to the historic town hall and improvements to the municipal campus.

**MOTION by Jerry Storey, SECOND by Josh Dein, to authorize the Town Clerk to sign the Declaration of Official Intent for consideration of debt obligations in the amount of \$6,500,000 for a new library, renovation to the historic town hall, and improvements to the municipal campus. VOTING: unanimous (4-0); motion carried.**

**10. BOUNDARY ADJUSTMENT TO TOWN LAND LEASED TO SHELBURNE COMMUNITY SCHOOL**

Lisa Williams stated the Shelburne Community School playground is now fully ADA accessible. New trees have been planted and a pavilion built. A mistake in the boundary has been found that must be corrected in order to receive funding. The 26 acres of school grounds is deeded to the town for school and rec purposes only and that is not changing.

**MOTION by Jerry Storey, SECOND by Josh Dein, to approve the L(f)(3) boundary map adjustments on 12.9 acres of town owned land leased to Shelburne Community School in support of the school's grant application to the Land and Water Conservation Fund if the project is approved for funding in an amount agreeable to the Selectboard and the School Board. VOTING: unanimous (4-0); motion carried.**

**11. SET INTEREST RATE FOR LATE TAX PAYMENT**

**MOTION by John Kerr, SECOND by Jerry Storey, to set the interest rate for FY2018 at 0% for the first month of property tax delinquency and 1.5% per month there after pursuant to Section 9.2 of the town charter. VOTING: unanimous (4-0); motion carried.**

**12. MUNICIPAL ROADS GRANTS-IN-AID PILOT PROJECT**

Joe Colangelo reported the Water Quality Superintendent, Chris Robinson, recommends the Selectboard approve the town's ability to apply for roads grants. There is money in the budget for the match.

Josh Dein asked for an example of a hydrologically connected road. Joe Colangelo will provide the information.

**MOTION by John Kerr, SECOND by Jerry Storey, to sign the terms of the agreement so that if town staff after additional research and project selection agrees the grant is in the best interest of town then staff can sign the letter by the deadline of July 5, 2017. VOTING: unanimous (4-0); motion carried.**

**13. CAPITAL EQUIPMENT NOTE**

Finance Director, Peter Frankenburg, explained five of seven capital projects are complete. The plan is to pay one quarter of the cost upfront and finance the remainder. The remaining two capital projects will be in the upcoming fiscal year consistent with how the FY2017 budget was set.

Josh Dein noted the differences in projected and actual costs. Peter Frankenburg said there are differences from the preliminary estimates to the quotes to when the project is complete.

Jerry Storey asked about the new phone system. Peter Frankenburg said the old phone system was no longer supported so the town had no choice but to install a new system. The transition was seamless.

**MOTION by John Kerr, SECOND by Jerry Storey, to execute the capital equipment note with National Bank of Middlebury in the amount of \$115,000 to finance replacement of the town computer network server, the town office telephone service system, the town center rooftop heat exchanger, and the Fire Department thermal imaging camera and gear/hose dryer. VOTING: unanimous (4-0); motion carried.**

**14. EXECUTIVE SESSION and/or ADJOURNMENT**

**MOTION by Jerry Storey, SECOND by John Kerr, to find that premature public knowledge of the negotiations with the NEBPA and the mediation with Shelburne Shipyard would place the town, the Selectboard, and persons involved at a substantial disadvantage. VOTING: unanimous (4-0); motion carried.**

**MOTION by John Kerr, SECOND by Jerry Storey, based on the finding of premature disclosure providing a substantial disadvantage and pursuant to 1VSA313 to go into Executive Session to discuss the negotiations with the NEBPA and mediation with Shelburne Shipyard, and to invite the Town Manager to attend. VOTING: unanimous (4-0); motion carried.**

Executive Session was convened at 8:25 PM and adjourned at 8:30 PM.

**15. SETTLEMENT AGREEMENT WITH SHELBURNE SHIPYARD**

Gary von Stange announced there is a mediated settlement agreement between the Town of Shelburne and Shelburne Shipyard. Thanks are extended to the Town Attorney and Selectboard member, Jerry Storey, for their role in helping to achieve what is believed to be a good result. The settlement agreement includes a contingency that the Selectboard ratify the agreement contingent upon signature from the adjoining property owner, the shipyard, and Lake Champlain Transportation Company. The settlement agreement includes the condition that the building is to be moved so as to be no more nonconforming than previously and some screening of the building from the adjoining landowner's property will be provided.

**MOTION by Jerry Storey, SECOND by Josh Dein, to ratify the settlement agreement that includes a \$10,000 payment from Shelburne Shipyard to the Town of Shelburne contingent upon receiving the outstanding signature from Lake Champlain Transportation Company, and authorize the Town Manager to sign the settlement agreement on behalf of the town when the final signature is receive. VOTING: unanimous (4-0); motion carried.**

**16. ADJOURNMENT**

**MOTION by John Kerr, SECOND by Josh Dein, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.**

The meeting was adjourned at 8:32 PM.

*RecScty: MERiordan*