



Select Board

Town Of Hinesburg
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Meeting Minutes - July 21, 2016

- Draft -

Attending the Meeting: Mike Bissonette, Phil Pouech, Aaron Kimball, Tom Ayer, Andrea Morgante, Trevor Lashua, and attached list.

Meeting called to order at 7:00 p.m.

Public Comment

Bob H, member of the pipeline sub-committee and Conservation Commission asked that he and Alison L be included on the list as part of the Town's contingent for the Public Service Board meeting on August 4.

Agenda Changes

Phil moved the Board vote to consider a motion to add two items to the agenda; (1) to set a special meeting for next week to discuss the draft documents relating to Geprag Park and VT Gas with information from the sub-committee meeting next Monday and to discuss the PSB meeting on 8/4/16 that is a closed meeting. (2) and consider the request by Conservation Commission members to be included in that meeting. Second by Andrea and approved with 5 votes. This will be item 5.5 on the agenda.

Consider Resident's Request for Waiver of Water/Wastewater Fees and Charges

Bonnie Kinney was present to request a waiver of outstanding water and wastewater charges, specifically the penalties and interest levied throughout the years. As of 7/20/16, the interest owed totals \$1,121.45; penalties total \$154.00. Water and wastewater fees, according to the Town's billing system, were paid with regularity from the purchase of the property in 2005 until 2008. From 2008 through today, the payments have been irregular or non-existent – the last payment received by the Town was \$75.00 on 8/11/15.

Phil asked Bonnie if the Town has arranged payment plans and Bonnie said they have and she had made payments as agreed but needs help to go forward and make it work.

Tom asked if she has approached any agencies for help. Bonnie said she has not found them helpful and wants to take care of this herself.

Aaron moved the Board consider a motion to deny the request to waive outstanding water and wastewater interest and penalty charges and to direct staff to work with Ms. Kinney to establish a payment plan that can be adhered to. Second by Andrea. Motion approved with 5 yes votes.

Andrea noted there is no authority written in the ordinance to waive fees.

Discuss Masons Building/Patriots Lodge with Representatives of the Masons

John Parenteau spoke with the Board regarding the furnace in the Masons Building. He said it exploded and needs replacing. They will be converting to natural gas and need permission from the Town, owners of the building, to install the meter and hook gas up to the building.

Phil moved the Board consider a motion to approve removal of the oil furnace and oil and propane tanks to be removed. To sign the agreement with VT Gas to allow them to move forward with the installation of a natural gas system and for the Patriots Lodge #33 to take full responsibility for compliance.

Second by Andrea who noted the Town worked with the Masons in fixing the sewer line and it is the intention that the Masons be responsible for repairs and maintenance of the building. She noted the Town has no authority to be a part of decision making for the Masons.

Motion voted and approved with 5 yes votes. John also noted that the 19 windows and 3 doors in the building are original and 67 years old and in need of replacing. They will be coming back to the Town with a request for the Town to purchase the windows and doors and the Masons will do all the labor.

Agenda Additions

Set date for special meeting next week regarding the latest draft documents regarding Geprag park and VT Gas. Thursday at 7 if possible, Phil will let Trevor know if he can change his plans, and if not Friday at 6 p.m.

Andrea asked if the Board signed the wetland permit application.

Public Service Board meeting regarding the beginning of the Eminent Domain Proceedings is excluding the public from attending.

Andrea said she finds it very disturbing that the public is excluded from a Public Service Board meeting for a public park.

VT Gas and the Department of Public Service both expressed the opinion they would like the meeting be open to the public. Andrea would like the Town to go on record to agree with that.

Phil moved the Board consider a motion to go on record believing that the August 4th meeting and all future meetings regarding Eminent Domain and Geprags park be an open meeting. Andrea second and added the letter should come from the Town's legal counsel.

Mike B mentioned it was noted that the PSB had disruptions at previous meetings regarding VT Gas and needed to adjourn the meeting.

Tom said while he does not like to close meetings from the public he does not feel the Town should state how the PBS runs their meetings.

Aaron agreed the Town has no authority regarding how the meeting is run.

Motion voted and approved with Tim and Mike B abstaining.

The Board agreed to include Bob H and Alison L in the PBS August 4 meeting as part of the Town of Hinesburg contingent. Trevor will get the information to Bob on access to the meeting.

Discuss the Environmental Court's Rule 59 Decisions (Hannaford)

Rule 59 proceedings are, essentially, comprised of motions to reconsider. The Environmental Court has issued its decisions in the Rule 59 proceedings related to the proposed Hannaford in Hinesburg. The three main parties (the Town, Martin's Foods/Hannaford, and an appellant collaborative including Responsible Growth Hinesburg and others) all filed motions as part of the process.

Two main areas of concern for the Town with regards to the initial decision by the court are the requirement to install a traffic light at the intersection of the VT Route 116 and Mechanicsville Road and a post-construction traffic study required by the judge.

The judge resolved questions related to the post-construction traffic study by simply removing it as a requirement.

The next step for any of the parties still dissatisfied or concerned with the actions of the Environmental Court is an appeal to the Vermont Supreme Court. The Town has 30 days from the date of the issuance of the judge's decision to file an appeal. The appeal would not be based upon whether or not the traffic signal is a good idea or a bad one, but rather whether or not the judge has the authority to issue such a requirement.

Andrea said she would like input from the Town Attorney.

Aaron asked if the Town altered the use of the intersection how does that impact the decision.

Trevor will go over questions of the Board with the Town Agent and see if there is time for them meet next week during the special meeting called to discuss this issue.

Consider Selecting a Preferred Alternative from the Richmond Road Bike/Pedestrian Scoping Study

Phil moved the Board consider a motion to identify the preferred alternative as option 1 (North side) from the draft of the Richmond Road bike/pedestrian scoping study and recommend to Regional Planning to continue to review the VT Gas proposal on Richmond Road and recommend additional considerations and possible compatibility.

Second by Andrea and approved with 5 yes votes.

Consider Setting the FY17 Tax Rate

Tom moved the Board consider a motion to set the municipal and education property tax rates for FY17 for residential at \$2.2165 and non-residential at \$2.2384 for property taxpayers as shown in the FY17 Tax Rate Summary. Second by Andrea and approved with 5 yes votes.

Consider Approving the Audit Engagement Letter (Fothergill Segale and Valley)

Phil moved the Board consider a motion to approve the audit engagement letter with Fothergill Segale and Valley for the FY16 audit, and to authorize the Town Administrator to sign the letter. Second by Aaron and approved with 5 yes votes.

Consider Approving a Contract Amendment for Lamoureux and Dickinson (Village North Sidewalk)

Phil moved the Board consider a motion to authorize the Town Administrator to sign the contract amendment if needed with Lamoureux and Dickinson for engineering services for the Village North Sidewalk. Second by Tom.

Phil then withdrew his motion with the agreement of Tom to allow for review of changes. He noted Wind NRG proposed setting aside some wetlands.

Discuss the Select Board's "Retreat" Agenda

It was agreed that having a third party facilitator lead the retreat.

Town Administrator's Report

- a. **Vermont Gas/Geprags Park** – The Select Board will be asked to add an agenda item during additions/deletions/changes for the purpose of warning a special Select Board meeting for Thursday, 7/28, at 7 p.m. The special meeting's purpose would be to discuss the latest drafts of the easement deed and stipulated agreement and act upon them. The operating schedule had action occurring on 7/21, however, the additional wetlands analysis and delay in receiving revised drafts has made that impractical. One idea had been to wait until the 8/4 meeting, but that is the date the Public Service Board has chosen for the technical hearing – and the Town will need to make a decision prior to that hearing. The special meeting allows time to post the drafts for public review and allow the attorney for the intervenor group the seven days allotted to make a discovery request (and to receive responses prior to the technical hearing). Staff will seek to have the latest drafts posted Thursday afternoon (the latest drafts received).
- b. **Public Service Board's exclusion of the public from the 8/4 technical hearing** – The Public Service Board issued an order Friday (7/15) excluding the public from attending the 8/04 technical hearing slated to occur in Berlin (as opposed the PSB's normal hearing location in Montpelier). The order cites, among other reasons, disruptions to the proceedings and the concerns of law enforcement. The Board may consider amending the agenda to include, as a separate topic, whether or not to have the Town Attorney object to the decision. In the meantime, any Board members wishing to attend should submit their license plate and driver's license numbers to my office or the Town Attorney as soon as possible (to ensure inclusion on the "list").
- c. **Solar Screening Regulations** – In trying to ensure we are as prepared as possible for discussions, the solar screening regulations have been scheduled for the August 4th meeting. The goal is to review the Planning Commission's proposal and determine whether or not to hold a public hearing. A copy of the proposed regulations is included.
- d. **Draft Wastewater Treatment Facility and Water Quality Report** – With the TMDL for Lake Champlain now issued, Aldrich and Elliott will be finalizing its report for the Town. The latest draft of the report is included; please submit comments or concerns so that they may be included and/or addressed in the final report. A presentation and discussion will be scheduled for August or September.
- e. **Highway garage scoping study** – The goal is present the scoping study/subcommittee work at the August 4th meeting.

- f. **Gilman Road/Sheridan Lane** – Trevor reported that Joe Gannon advised him that progress on this by the landowner has been stalled.
- g. **Water supply and treatment facility “bridge” loan** – The bridge loan with Merchant’s Bank has been repaid in full. The loan was necessary to ensure sufficient project funding following a delay in access to the State’s revolving loan fund reimbursement process. The Town had borrowed \$300,000.
- h. **Excessive Force Allegation** – The Vermont State Police has concluded its investigation of an excessive force complaint filed against two Hinesburg Community Police Department officers. The report was given to the office of the Chittenden County State’s Attorney, which will determine whether or not to file charges of any kind. The Town will not receive a copy of the report until that decision is made by the State’s attorney, is my current understanding. One officer remains on paid administrative leave, the other is on full and active duty.
- i. **2016 Bike/Pedestrian grant application (“Village South”)** – The grant application for the “Village South” sidewalk connecting Meadow Mist to the existing village sidewalk network at Hinesburg Community School was submitted. Grant awards will be made in the fall.
- j. **Invasive Plant Species Plan** – The administrator’s office reached out to the Conservation Commission and Town Forest Committee, two groups that have discussed the need for a Town-wide invasive plant plan, to see about a coordinated effort to create a plan in advance of the FY18 budget process (and to implement that plan if approved). The two groups have expressed interest in such an effort.

Select Board Items

Tom reports that Phase I at the Bissonnette Field project is complete, there is an access road and parking area. There is currently enough funds to complete one field this fall and they are very close to funding both multipurpose fields.

Andrea noted that at the RPC meeting it was voted that the RPC would facilitate meetings on investigating shared dispatch resources of towns including Hinesburg. Andrea said there was a \$5,000 cost associated with this and wanted to have Trevor check on funding.

Andrea asked what the criteria would be for water and wastewater allocations. This will be discussed at the first meeting in September. Trevor said there have been ongoing conversations with Alex on how we might regulate this.

Andrea asked about the Hannaford stormwater permit – the judge did not rule on it as they did not include a permit in the application. She asked what the status is of this.

Andrea noted a Green Mountain Power pole in the village has a double pole with one pole not set in the ground. She found out phone lines from Waitsfield Champlain Valley Telecom need to be moved to the new pole.

Mike B asked about the September meeting schedule. The meetings will be on the 2nd and 3rd Mondays.

Minutes and Warrants

Aaron moved the Board consider a motion to approve the minutes of 7/07/16 as amended, the warrants, including payroll, as submitted by the Town Treasurer and closing Accounts Payable for FY 16. Second by Tom and approved with 5 yes votes.

Phil moved to adjourn at 9:30 p.m. second by Tom and approved.

Respectfully submitted,
Valerie Spadaccini, secretary

DRAFT