



## Select Board

Town of Hinesburg  
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### Meeting Minutes - January 30, 2017

- Draft -

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

Meeting called to order at 6:30 p.m.

#### **Public Hearing – Vicious Dog/Public Nuisance Complaint (20 V.S.A. § 3546)\***

In accordance with the provisions of the Hinesburg Animal Control Ordinance Article 5, Section 5.1 the Board is holding a public hearing.

Mike B opened the public hearing and read the rules and procedures for the hearing.

Police Chief, Frank Koss, was sworn in. He noted that he did not personally investigate so cannot give any direct testimony. He said he did speak with officer Cambridge who took the report.

Ed Waite, Hinesburg Animal Control Officer, was sworn in and said he also spoke with officer Cambridge.

Phil asked Frank if the report was complete and Frank responded it was.

Allen Bickmore was sworn in and asked to give his report of the incident. Allen explained how he was taking his dogs out for a walk and the Marshals dog attacked one of his dogs. At the instruction of Gary Marshall he hit the attacking dog to cause it to release its hold on his dog. His dog went into a seizure when the other dog let go.

Samantha Bickmore was sworn in and recounted the incident and her involvement in trying to separate the dogs.

She called 911 to report the incident. She gave the Board two written accounts from others of regarding the Marshalls dogs.

Phil asked if there was any indication on that day or any discussion or warning this might happen.

Allen said they do not speak to the Marshalls.

Phil asked if there was any prior experience with this dog prior to 1/19.

Allen said the dog would hit at the fence when out in the yard when they went by.

Aaron asked where on their property the incidence happened. Samantha showed the Board pictures she brought with her.

Gary Marshall was sworn in and asked to give his report of the incident. He said he was going into the yard from his truck with the dog on leash and when opening the gate the dog pulled away from him and ran toward the dog that barked.

Alisha Marshall was sworn in. She brought up inconsistencies in the narrative of the police report from what the Bickmores said. She said her dog was on leash, the dog is not a Pit Bull it is a Staffordshire terrier mix. She says the dog is not vicious and they offered to pay the vet bills.

Aaron asked if both dogs are registered with the Town and up to date on rabies.

Andrea asked Gary to explain why he could not get the dog to release. Gary said he was pulling on the dog with both hands so he asked Allen to hit the dog.

Tom asked if both parties agree the dog did not jump the fence and had been on leash.

Samantha said that they said they did not see a leash in all the commotion, they also did not see the dog jump the fence it just came running at them.

Allen said he was also trying to deal with his puppy and keep it safe.

Debra Nosset was sworn in. She said she lives in the trailer park and assists Alisha as she is disabled. She has never had a problem with the dog when she walks into their trailer and says this was just an accident.

Becky G was sworn in. She said she has had three different incidents with the Marshalls dog being loose and threatening her. Mike B asked if it was the same dog as in this incident and she said she was not sure.

Aaron asked what the Trailer Park rules are regarding dogs. Gary Marshall said they are to be contained or on leash.

Ed Waite said he has had reports of Pit Bulls running in Triple L but does not know if they are the Marshalls dogs.

Andrea asked if there were any other complaints filed and Ed said there were none.

Phil said the three activities undisputed are; the dog got loose, the dog got in a fight and physical activity was needed to break the dog away.

Samantha said her dog did bark just as all dogs bark.

Debra said they should have a good grip on the leash in case the dog pulls.

Andrea asked if the officer asked for the dog to be impounded. Frank said no as there was no concern of rabies.

Andrea moved the Board consider a motion to close the public hearing. Second by Tom and approved with 5 yes votes.

### **Additions/Deletions/Changes to the Agenda**

Trevor noted that there were some typos in the budget information and will review that with the Board in item 6.

There was no public comment.

### **Discussion with Bill Marks**

Bill was present at the request of the Board for a discussion regarding possible conflicts of interest.

Tom expressed his ongoing concern of conflict of interest with Bill's role on the Conservation Commission and at the same time as one of the intervenors with regards to Geprags Park.

Bill said he does not believe there is a conflict of interest. The conflict of interest policy refers to personal interest generally being financial. He said he has nothing personal to gain with this issue, his interest is to protect Geprags Park. As an intervenor he is looking to protect the park not stop the pipeline.

Aaron said this is a conversation about perception and asked Bill to acknowledge the perception is there.

Bill said he has considered removing himself from one of the groups.

Merrily Lovell, chair of the CC, said they have had conversations about this at meetings and agreed there was no conflict.

### **Consider Adopting FY18 Budget and FY18-FY22 Capital Improvement Plan and Budget**

Trevor pointed out the typos and explained that the proposed increase for FY18 is \$47,766, or 1.4%, from the FY17 budget as approved by voters and would increase residential property taxes by a projected 1.45 cents per \$100 of assessed value.

Though the capital plan is a five-year document, adoption is intended to be annual (as the funding is essentially an annual commitment).

Phil moved the Board consider Adopting the FY18 Budget and FY18-FY22 Capital Improvement Plan and Budget as presented. Second by Aaron and approved with 5 yes votes.

### **Consider Adopting a Resolution of Necessity for the Highway Garage Project (required as part of the bond vote process)**

Statute requires adoption of a resolution of necessity prior to warning a bond vote (essentially stating that the cost of the project requires the Town to borrow money to fund it).

Trevor reviewed the resolution with the Board.

Phil moved the Board consider adopting the resolution of necessity with the correction of the date to March 7, 2017. Second by Andrea and approved.

## Consider Adopting the Town Meeting 2017 Warning

The Town Meeting warning includes the highway garage bond vote as an article to be voted upon by Australian ballot. The article requesting funding for milfoil mitigation efforts cannot be conducted by Australian ballot this year (the voters would first have to authorize the use of Australian ballot), nor can funding be approved for the full five years (it must be an annual appropriation as currently proposed). VLCT provided guidance on the question.

The Board changed the wording on Article 13 to be clear about the funding commitment. Also agreed to move this up to Article 10 for discussion purposes.

Aaron moved the Board consider a motion to adopt and sign the warning as amended, and to include a copy of the warning as approved within the minutes of this meeting, with the articles to be acted upon from the floor to be considered on March 6th, 2017 and the articles to be acted upon by Australian Ballot to be considered on March 7<sup>th</sup>, 2017. Second by Andrea and approved with 5 yes votes.

## Consider Authorizing the Town Attorney to Sign the 2<sup>nd</sup> Amendment to the Declaration for Haystack Community Crossing.

Mike B recused himself from this item.

The Board discussed the fact that this amendment was slightly different from the previous one they approved.

Andrea asked if there will still be two lots and how will the lot be taxed.

It was agreed not to take any action at this meeting and get clarification of the changes that were made.

## Town Administrator's Report

- a. **Vermont Gas Update** – Drilling was scheduled to commence this week. The warbler plan is... No cutting or clearing was done in laying the guide wires for the drill. There is a week of “action” scheduled by advocacy groups (Protect Geprags Park, Central Vermont Climate Action, and others) for the week of February 4<sup>th</sup>. Emergency services and law enforcement personnel are aware; if protests are to occur it is encouraged that they occur within the park's boundaries (public property as opposed to illegally entering private property) and with the requirement that park rules are followed.
- b. **Baldwin Road** – The reflective posts have been removed.
- c. **Governor Scott's FY18 Budget Address** – Proposals made by Governor Scott this past week prompted a number of questions. There is a pair of documents that attempt to summarize the

proposal in some manner, each from a non-partisan source. The first is an analysis conducted by the legislative Joint Fiscal Office; the second is from the Vermont League of Cities and Towns.

- d. **A&E Wastewater Capacity Study** – The final version is in packets; the plan is to begin discussing the document and a potential allocation framework (i.e. determining how to allocate scarce capacity) in February.

<i>“Two-and-Two”</i>	
<u>02/06/17</u>	<u>02/20/17</u>
<ul style="list-style-type: none"> <li>▪ Adoption of annual highway certificate of mileage.</li> <li>▪ Board/committee/commission appointments (rescheduled from 01/23)</li> <li>▪ Highway Garage replacement project public hearing (hearings on 02/06, 02/20, and one in the 10-day window required for bond votes, date TBD).</li> <li>▪ Review A&amp;E WW Capacity Study and begin discussion on water and wastewater allocation policies, framework, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Highway Garage replacement project public hearing (hearings on 02/06, 02/20, and one in the 10-day window required for bond votes, date TBD).</li> <li>▪ Continue review of WW capacity study and allocation discussion.</li> <li>▪ Begin review of Town Plan update (?)</li> </ul>

**Select Board Items**

Phil said in regards to the Vestry building he has contacted the United Church and the person interested in the purchase of the building.

Andrea asked for a review of the Select Board Chair report for the Town Report. The Board reviewed and made several suggestions to Mike B.

Phil also noted he attended the open house at Kimball Dairy and was impressed with their operation. He mentioned the Town’s Economic Committee and the revolving loan fund to the owner who said they were looking to do some expansion.

Tom said WCAX retracted the story about Hinesburg Police Department bias after Chief Koss provided them accurate information.

**Minutes and Warrants**

Aaron moved the Board consider a motion to approve the minutes of 1/16/17 and 1/23/17 and the warrants, including payroll warrants, as submitted by the Town Treasurer. Second by Andrea and approved with Andrea abstaining on the minutes of 1/23/17.

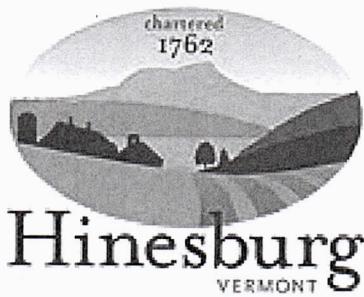
**Executive Session – Pursuant to 1 V.S.A. § 313 (a) (1) (c) [mediation; Palmer v. Hinesburg]**

Executive Session is required to discuss possible or pending mediation in a suit involving the Town. The two motions below are required to enter executive session.

Phil moved the Board consider a motion to find that premature general public disclosure would place the municipality at a substantial disadvantage with pending or probable mediation related to pending litigation. Second by Tom and approved with 5 yes votes.

Phil moved the Board consider a motion to enter executive session, to include the Town Administrator, and Renae Marshall under the provisions of 1 V.S.A. § 313 (a) (1) (c) for the purpose of discussion of the complaint of Palmer regarding Town road maintenance. Second by Tom and approved with 5 yes votes.

DRAFT



# Selectboard Meeting Sign-in Sheet January 30<sup>th</sup>, 2017

- |                             |           |
|-----------------------------|-----------|
| 1. <u>Allen Bickmore</u>    | 14. _____ |
| 2. <u>Samantha Bickmore</u> | 15. _____ |
| 3. <u>Crystal Bezio</u>     | 16. _____ |
| 4. <u>Andrew Erdely</u>     | 17. _____ |
| 5. <u>FRANK Koss</u>        | 18. _____ |
| 6. <u>Ed Waste</u>          | 19. _____ |
| 7. <u>Debra Nosset</u>      | 20. _____ |
| 8. <u>Veronica Estey</u>    | 21. _____ |
| 9. <u>Mike Anthony</u>      | 22. _____ |
| 10. <u>Beel Maske</u>       | 23. _____ |
| 11. <u>Merrily Lovell</u>   | 24. _____ |
| 12. _____                   | 25. _____ |
| 13. _____                   | 26. _____ |