



## Select Board

Town of Hinesburg  
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### Meeting Minutes - March 20, 2017

- Draft -

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

Meeting called to order at 7:15 p.m. by Phil.

#### Select Board Organizational Meeting

Andrea nominated Phil for Chair, second by Aaron. There were no other nominations.

Andrea moved the Board consider a motion to appoint Phil Pouech as Chair of the Select Board for a one-year term. Second by Aaron and unanimously approved.

Tom nominated Aaron as Vice Chair, second by Andrea. There were no other nominations.

Tom moved the Board consider a motion to appoint Aaron Kimball as Vice Chair of the Select Board for a one-year term. Second by Andrea and unanimously approved.

#### Agenda changes

None

#### Local Concerns Meeting and Project Presentation by VTrans - re: VT Route 116 Culvert Replacement

Dan Beard, of VTrans, Mark Sargent, project manager for VTrans, were present to discuss options for replacing a culvert (the Bissonette "cattle pass") along VT Route 116. This presentation doubles as the concerns meeting, or public hearing.

Dan explained the culvert has degraded to a "serious" condition and is beginning to lose structural integrity.

The recommendation is to replace the culvert and a temporary road closure during construction. They anticipate it can be done over the weekend with possible need for an additional day. Construction would be planned for the summer of 2019.

Andrea asked why this was not identified when the culverts were inspected and repaired prior to the paving in 2015.

Aaron asked Al Barber of any concerns for the Fire Department with the road being closed and Al said they could work around it.

Mark said notice will be given to the Town and they will advertise the project and have plenty of communication about the project.

Frank Koss asked that if possible this not be done during the school year. Dan said they can input dates to be avoided and have asked the Town for the school schedule and any other dates to avoid.

Andrea noted Hinesburg Sand and Gravel is an important business in Town that generates a lot of truck traffic and this would impact them and wants to be sure the State will work with them.

### **Emergency Medical Services Discussion**

Al Barber provided an overview of Emergency Services for Hinesburg. Included were comparison response times, level of training and number of responders.

Aaron in speaking to the level of service asked Dan B., State emergency medical services director, how we know how Hinesburg ranks. Dan said they certify EMS persons in VT and monitor any complaints or problems and have none for Hinesburg at this time.

Andrea asked about the levels of certification.

EMS is bare bones of life saving / EMT can use equipment on the ambulance / AEMS can do more intervention and administer more medications. Paramedic is the highest level of emergency training. Bill Marks asked if the Police transport if ambulance is not needed. Frank K said they do not.

Jamie C who noted he works as an EMT outside of Hinesburg said working with the Police as they do in at Hinesburg is a good use of resources. St Mike's does great work and just looking response times does not adequately show the entire picture.

Tom extended the gratitude of the Town to the Fire Department and all the members.

## **Discuss Uses of Funds from the Addison Natural Gas Pipeline Agreement and Process for Decision**

Asked about the timing, Trevor noted the release of funds is contingent on the Supreme Court action. The Town is holding the funds in a special account at this time.

Bill M said a hearing is scheduled for April 4<sup>th</sup> but no decision is expected at that time.

Andrea said this is an important decision on use of the funds and feels establishing criteria with opportunity for discussion at open meetings we can come up with a goal before we think about specific projects – what is the intention of use of these funds.

Aaron said his thinking is that there is a committee in existence, the Select Board. This is the third time for this item on the agenda. He advocates working through the process with the Select Board rather than adding another layer of public meetings.

Tom said the process has been discussed for quite some time and agrees another committee would not improve the process.

Andrea said we need to use the documents in place, the Town Plan and covenant on Geprags property, the nature of the gas line and what the fund represents.

Merrily said this is a considerable amount of money, there are a lot of valuable ideas and no rush as the money is not available for some time. She suggests moving forward slowly, carefully and thoughtfully.

Bill M spoke to Andrea's point stating the money is for potential damages and added another document to consider is the Public Service Board's.

Tom replied the stipulated agreement is meant to cover possible damages to the park and the compensation is to go to the Town.

Phil added the money was given due to impeding on the park and can be spent anyway the Town wishes.

Marie A. said we need to talk about should the money be available what is in the best interest of the Town.

Kevin C. member of the Recreation Commission agrees the Select Board is elected to make the decision and we do not need another committee. The Recreation Commission requests funds be used for the Bissonette Fields.

Keith Roberts said the fields are very important to the kids in this Town and wants the Select Board to recognize who is in attendance at tonight's meeting and what their wishes are. He noted there is no relationship between the source and use of the funds for compensation to the Town. He agrees we do not need another committee. He said this is a wonderful opportunity to fund these incredibly important fields.

Art Thompson said it is sad that we have to go to other towns to have our children play ball and asked the Select Board to please vote to use the funds for the fields.

Bill Baker, member of a facilities committee at HCS, said they have only one field to use and the field has been found not usable by the Army Corp of Engineers as it is in the floodplain so it is no longer available. He encourages the Select Board to consider equity as the kids have no place to play in Town and use the funds to complete the fields.

Frank K advocated use of the funds to complete the fields.

Frank T, chair of the Recreation Commission, said for the past 20 years fields and hiking trails have been on the agenda. The trails are wonderful but unfinished business is with the fields. There is a generation of children and adults who have missed out on opportunities due to no fields in Town. Frank noted the Town was supposed to have a field when lot 31 was to be improved by the developer of Creekside. The Army Corp of Engineers said it was not developable due to floodplain.

Phoebe D., 7<sup>th</sup> grader at HCS, spoke about the horrible conditions of fields she has played on as a student and recreation department programs participant. She said the entire HCS community participated in fundraising for the fields because they know how important they are and raised \$5,000. Jen McCuin, recreation director for 30 years, said they have no fields to offer to have practice on in Town and hopes the Select Board hears that this is a priority.

Lenore Budd of the Trails Committee said they have not sent recommendations to the Select Board as they have not had a meeting yet and wanted to thank the Board for continuing the conversation on this. Regarding criteria the Board should also consider whatever is chosen benefits as many residents as possible and has as long a lasting effect as possible and no other obvious sources of funding.

Jane S of the Trails Committee said no is saying there should not be money spent on playing fields, her objection to the motion of the February meeting was when a very large sum of money was asked to be

awarded to the recreation field. She suggests a good chunk of money go to the playing fields and monies also go to other projects.

Chris McCuin spoke about the hardship of travelling to other towns.

Lisa R. said she agrees with Bill Baker and Keith Roberts comments. She wants the Select Board to make note of the number of parents and residents at this meeting to support this.

Tom G. said many residents have gone out of their way to make the fields happen.

Kyle B said the underlying word for the field is community and to add for criteria public action. When a child who plays sports or someone without children shows all this support for one cause it is a community action.

Gil C. said from his point of view he feels it is not really important unless it will be here 100 years from now. We have this opportunity for a number of people, fields will require maintenance. He would like to see money set aside to benefit many as has the Peck estate. He feels it is shortsighted not to worry about the future.

Dan O. said he has read the Town Plan and was surprised how many times recreation fields are mentioned and is also surprised by the Conservation Commissions suggestion.

Mary Beth B. appreciates all the input and has a new feeling on what the fields mean to the community.

Mike O. said one group not represented here is low income, these people may not be able to travel out of Town for their children to play on available fields.

Matt S. feels this is a clear opportunity to unite around something that has had a lot of work done on it. This should not divide us and he urges the Board to vote unanimously.

Ruth Ayer said this is the best opportunity available in a long time to do some good for the Town and urges the Board to vote money for the fields.

Adam Gregg said he has learned that special connections are made through recreation activities and it brings the Town together. He supports funding the field.

Frank T. said in follow up on the word community expressed by many asked Phil to change the staging location for Green Up Day to the field. It will be a great opportunity for many to see the field. Phil said he has been thinking the same thing.

Jane asked the Select Board to publish some of the other ideas submitted for use of the funds.

Tom said he did not make his motion for the full amount (\$250,000). The opportunity is now to use some of the money (\$190,000), the remaining \$60,000 is more than enough to cover other projects suggested.

Jane said she is hearing tonight – spend all the money on recreation fields and just wants all ideas considered. She is not against use of some of the funds for the fields.

Andrea asked the Board to devote time at an open meeting to generate ideas.

Aaron thanked all for coming and said he is intrigued by the idea of investing a portion for the future of the Town but feels the priority is the field.

Merrily said this was a good conversation and she too likes investing and not spending in all one place, look at what will benefit the most residents.

The Board discussed a timeline for suggestions to be submitted and agreed all ideas will be considered at the next meeting.

### **Consider Recommending Town Health Officer Candidate**

Kent Fraser has volunteered to serve Hinesburg as the Town Health Officer. The Select Board does not formally appoint, but rather recommends appointment of a health officer to the Commissioner of the Vermont Department of Health for appointment. Once a zoning administrator has been hired, the Select Board should consider making that individual the deputy health officer, better enabling two key areas of enforcement to collaborate when and where necessary.

Kent, who is just finishing up EMT training, spoke to the Board about his past experiences in medical services and came with an impressive resume.

The Board in keeping with policy agreed to officially advertise the open position and will take action on choosing someone to recommend at the April 3<sup>rd</sup> meeting.

### **Town Meeting “Re-cap”**

There was discussion on presentation by Board members of budget items they claimed at the February, possible change to Australian ballot to allow those not able to attend the meeting a voice, changing display format of charts. Members were asked to submit their ideas to Trevor.

## **Discuss Town Plan Review Process and Timeline**

Members reviewed the presented schedule which was developed using the Board's prior discussion on the matter as a guide and were in agreement.

## **Consider Designation of Newspaper of Record**

The Town annually designates a newspaper of record. Traditionally, *The Citizen* has been the choice, and is the recommendation again this year. The Town will also utilize *The Record*, the town website, the weekly report, and Front Porch Forum for dissemination of information and official notices.

Andrea moved the Board consider a motion to designate The Citizen as the newspaper of record in which required warnings and/or notices are published. Second by Tom and approved with 5 yes votes.

## **Consider Bonding for Public Officials**

Statute requires that certain public officials be bonded; the coverage is the same (both the dollar amount and the provider) as last year.

Tom moved the Board consider a motion to recognize Crime and Fidelity coverage of \$500,000 per occurrence, as provided via the Vermont League of Cities and Towns' Property and Casualty Intermunicipal Fund, as the bonding instrument required by 24 V.S.A. § 832 (b). Second by Andrea and approved with 5 yes votes.

## **Consider Approving Liquor Licenses\***

Tom moved the Board consider a motion to be acting as the Board of Local Liquor Control Commissioners during items #14 and #15. Second by Andrea and approved with 5 yes votes.

Andrea moved the Board consider a motion to approve first class liquor licenses for the period beginning May 1, 2017 and expiring April 30, 2018 for:

- Aver Golf, Inc., d/b/a Cedar Knoll Country Club -- with an outside consumption permit; as corrected on application.
- Two Z's, Inc., d/b/a Pappa Nick's Pizza and Restaurant;
- Travia's Inc., d/b/a Travia's Restaurant;

Second by Aaron and approved with 4 yes votes and Tom abstaining.

Andrea moved the Board consider a motion to approve second class liquor licenses for the period beginning May 1, 2017 and expiring April 30, 2018 for:

- Coco Mart, Inc., d/b/a Jiffy Mart;
- K.B. Enterprises, Inc., d/b/a Lantman's Best Yet Market;

Second by Aaron and approved with 5 yes votes.

### **Consider Approving a Special Event Permit Application**

Cold Spring Spirits (Mad River Distillers) is seeking approval for a special event permit for a benefit on May 6, 2017 from 2 p.m. to 7 p.m. at Cedar Knoll Country Club.

Andrea moved the Board consider a motion to approve the special event permit for Cold Spring Spirits., doing business as Mad River Distillers, for Saturday May 6, 2017 for the hours of 2 p.m. to 7 p.m. Second by Aaron and approved with 4 yes votes and Tom abstaining.

### **Town Administrator's Report**

- Vermont Gas Update** – The drill hole has been fully reamed, and preparations related to pulling the lengths of pipe through are set to begin (they will first swab the hole). Still no word (as of this writing) on a decision related to the intervenor group's appeal to the Supreme Court.
- Motion for Summary Judgment/Hinesburg Center Phase II WW Allocation Denial Appeal** – The Town prevailed in the appeal filed by Brett Grabowski seeking to overturn the Town's denial of wastewater allocation for Hinesburg Center Phase II. The court's ruling is included.
- Supreme Court and Hannaford** – Alex Weinhagen and I attended the Supreme Court's hearing on the Hannaford appeal on March 8, 2017. The hearing was held at Vermont Law School in South Royalton. Dave Rugh, from Stitzel Page and Fletcher, represented the Town during the hearing. No timeline for a decision in the case is available; some estimates have suggested between three and six months.
- Utilities Department Back to Full Strength** – A qualified candidate emerged shortly after one of our qualified operators departed. Bart Sherman is scheduled to join the Town of Hinesburg on April 3, 2017; Bart comes to us from the Town of Milton. He will be an Operator I.
- Shared Zoning Administrator with Richmond** – Interviews slated for this week were rescheduled to the following week, thanks to winter storm Stella.
- Select Board Retreat** – This is just another quick reminder that we will be looking to schedule a retreat soon.



- g. **Highway Garage Next Steps** – The bond vote is currently within the 30-day appeal window. At the April 3, 2017 meeting the Select Board and staff should allocate time to discuss the timeline for the project moving forward.

<i>“Two-and-Two”</i>	
<i>04/03/17</i>	<i>04/17/17</i>
<ul style="list-style-type: none"> <li>▪ Town Plan Review</li> <li>▪ Discuss WW Capacity Study Report</li> <li>▪ Highway Garage Timeline and Plan</li> <li>▪ Appointments/Reappointments to Various Statutory Positions</li> <li>▪ Discuss proposed well/development agreement.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Town Plan Review, continued</li> <li>▪ Water/wastewater allocation discussion.</li> <li>▪ Select Board retreat planning and preparation.</li> <li>▪ Discuss adoption of formal purchasing policy.</li> <li>▪ Continue Highway Garage project planning discussion.</li> <li>▪ Animal Control Ordinance – on/off premises discussion, drafting.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b><i>Note: Use of VGS/Geprags compensation funds is likely to continue, though projecting dates depends on the process in place moving forward. The topic could appear on one or both of the meeting agendas listed above.</i></b></li> </ul>	

### Select Board Items

Aaron asked about the grassy triangle dividing the roads by CVU and Pond Road intersections noting the fencing needs repair. Trevor noted it is the Town’s responsibility.

Phil asked about the sidewalks in Thistle Hill development not being plowed. Trevor said it was due to the magnitude of the storm and will be done.

Phil asked about the status of the bond for the solar trackers, Trevor said they will be done with the National Bank of Middlebury.

### Warrants and Minutes

Andrea moved the Board consider a motion to approve the minutes of February 27, 2017. Second by Aaron and approved with 4 yes votes and Merrily abstaining.

Aaron moved the Board vote to approve the warrants, including payroll, as submitted by the Town Treasurer. Second by Andrea and approved with 5 yes votes.

### Executive Session – 1 V.S.A. § 313 (a) (1) (E) and (a) (3)

Executive session is required to discuss an employee matter (police officer) and an offer made related to on-going or anticipated litigation (Observatory Road). The two motions needed (that executive session is necessary and lawful and to enter) are below. If action is required (and action is anticipated), it must occur in public once the Select Board has exited executive session.

Tom 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 civil or criminal litigation and to discuss an employee. Second by Aaron and approved with 5 yes votes.

Tom moved the Board consider a motion to enter executive session, to include the Town Administrator, Police Chief Frank Koss, and Renae Marshall under the provisions of 1 V.S.A. § 313 (a) (1) (B) and (E), and (a) (3). Second by Aaron and approved with 5 yes votes.