



Select Board

Town of Hinesburg
10632 Route 116 Hinesburg VT 05461
802.482.2281 | hinesburg.org

Meeting Minutes – March 18, 2020

- Draft -

Attending the Meeting: Phil Pouech, Merrily Lovell, Jeff French, Jeff Tobrocke, Mike Loner, Renae Marshall, Joy Dubin Grossman, Al Barber, Andrea Morgante, Garrin Frost, Maggie Gordon, William Scott, Pat Mainer, Jon Trefry, Chuck Reiss, Jonathan Slason, Lynn Motschman, Mike Webb

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

Additions / Deletions to the Agenda

Item #4 on the agenda, discussion with resident regarding Texas Hill Road will be delayed to a future meeting.

Public Comment

Al Barber spoke about the situation with COVID-19 and Hinesburg. He noted things are constantly changing but Hinesburg is well prepared with no shortage of equipment. 211 is the number to call the State with questions. Town Administrator Renae Marshall is working with the Resource Center on a neighbor helping neighbor group.

Renae noted she has reached out to different organizations and is working on a document where individuals can sign up to offer help or get help if needed.

Organizational Meeting

Election of Chairperson of the Board - Merrily nominated and moved that the vote Board elect Phil Pouech to serve as Chair of the Select Board for a one-year period, until the annual organizational meeting in March 2021. Second by Jeff and approved with 5 yes votes.

Election of Vice-Chairperson of the Board - Phil nominated and moved that the Board elect Merrily Lovell to serve as Vice-Chair of the Select Board for a one-year term, until the annual organizational meeting in March 2021. Second by Jeff T and approved with 5 yes votes.

Phil addressed his expectations, as Chair, of the Board for the year. Meetings are open to all and every opinion will be listened to with respect to all Town residents. They will delay voting on any new issues brought up to allow time for public input / Board members should come to meetings prepared / be careful when expressing an opinion to note it is your personal opinion not that of the Select Board. Phil noted there will be many topics to tackle this year and for members to get involved in.

Merrily said she would like to continue to work on the question of ambulance coverage. Phil said they can discuss what topics members are interested in at the next meeting.

Consider Designation of Newspaper of Record

Andrea asked for the agenda and meeting packet to be posted on FPF with a designated time for action on items in a timely manner.

Mike Loner read an email from Maggie Gordon about meeting notices.

Jeff F asked if, in light of the two comments, there is a general opinion the Select Board is not being open and transparent.

Rena noted sometimes information comes in late and is included in the Board's packet but not noted on FPF. She noted the open meeting law requirements are being met. If you do not see the information about a meeting, Rena asked you reach out to her.

Merrily moved to designate The Citizen as the newspaper of record in which required warnings and/or notices are published. Second by Jeff F and approved with 5 yes votes.

Consider Bonding for Public Officials

Merrily moved 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 Mike and approved with 5 yes votes.

Update on LaPlatte Headwaters Town Forest Management Plan

Jon Trefry said there are no major changes to the plan. They have removed some areas of redundancy and included a new section on items they want to monitor as well as updated the summary of actions. The Board agreed to take action on adopting the Plan at a future meeting to allow time for public comments.

Mike thanked the committee for their work on the Plan.

Review Draft Town Solar RFP by the Energy Committee

Chuck Reiss said this proposal is in conjunction with efforts to get the Town to net zero. The plan is start with some of the municipal buildings.

Mike Webb, reviewed the project summary. Items noted were the goals to offset the electrical load on Town facilities, offer community solar, explore net-metering credit options, locate the facilities on Town land and facilities (this would generate lease revenue to the Town and would be accomplished through third party ownership). Third party ownership allows for a 30% federal tax credit. Also requires no expense on the part of the Town.

Phil noted the 30% tax credit has been reduced to 26% as of January. Phil also asked if the July 1 deadline is for the permit to be issued and not required to be built by that date. Mike said that is correct.

Merrily asked if the third part would be leasing the Town land. Mike said the Town would lease land or roof space to the solar company which would typically receive a discounted lease rate and in return the Town would be paying a lower rate for power.

Phil said he is in favor of moving ahead but feels the proposed timeline will be difficult to meet. The Board is just seeing over the past few days and there has been no opportunity for public comment. Phil noted this is the model to move forward for a town as towns can't get any tax credits. He also indicated though his company is not involved in roof top installations he may need to recuse himself if there is any possibility of his company being involved in the project.

Phil polled Board members for their view.

Merrily is in favor of moving this forward.

Jeff T is in favor and feels the proposal has more merits than liabilities and agrees with the need for public feedback.

Jeff F agrees to move forward.

Mike is in favor and agrees to allow for more time.

Review Impact Fee Ordinance Review Proposals

Phil said one if the firms bidding has withdrawn so the Town has only one proposal for review.

Rena suggested since this is new to some of the Board members we hold off for now.

Phil asked the Board to review the current proposal and plan as well as the current impact fee regulations.

Consider Approving Liquor Licenses

Merrily moved to convene as the Local Board of Liquor Control, second by Jeff F and approved with 5 yes votes.

Phil moved to approve 1st class liquor licenses for: Bucky's Pub LLC, dba Bucky's Pub / Ayer Golf Inc., dba Cedar Knoll Country Club / Back to Basics Vermont, dba Hinesburg Public House / Hinesburg Bakery and Café, dba Parkside Café / Two Z's Inc., dba Papa Nick's Pizza and Restaurant / TC Hospitality LLC, dba Good Times Café.

Motion second by Merrily and approved with 5 yes votes.

Phil moved to approve 2nd class liquor licenses for: Global Grapes and Spirits LLC, dba 116 Wine and Spirits, / Frost Beer Works LLC, dba Frost Beer Works / Global Montello Group Corp., dba Jiffy Mart #446 / Jolley Associates LLC, dba #143 Hinesburg Jolley / KPH Drugs Inc., dba Kinney Drugs Inc. #103/ K.B. Enterprises Inc., dba Lantman's Best Yet Market.

Second by Merrily and approved with 5 yes votes.

Phil moved to approve Outside Consumption Permits for: Back to Basics Vermont, dba Hinesburg Public House / Bucky's Pub LLC, dba Bucky's Pub / Ayer Golf Inc., dba Cedar Knoll Country Club / Frost Beer Works LLC, dba Frost Beer Works / Hinesburg Bakery and Café, dba Parkside Café / TC Hospitality LLC, dba Good Times Café.

Motion second by Merrily and approved with 5 yes votes.

Merrily moved to adjourn as the Local Board of Liquor Control, second by Jeff F and approved with 5 yes votes.

Review Revised Committee / Board / Commission Appointment Procedure Policy

Phil moved to approve the revised CBC Appointment Procedure Policy as presented. Second by Merrily and approved with 5 yes votes.

Town Administrator Report

Renaë reminded us our focus needs to be on people and the importance of reaching out to people. Mike shared that his neighborhood organizing a volunteer assistance crew. Renaë said the Town is working on having a similar resource for residents.

Phil wanted to recognize Renaë and the entire Town team for the work they have put into the necessary changes for the operating of the Town.

Renaë said most Town Hall employees are working remotely.

Select Board Forum

Jeff T said the Hinesburg Food Shelf is open and will make deliveries if needed. Also available is a one-time cash assistance to those in need.

Phil read a statement that he put together concerning the VTGas settlement with the Town from years ago and some misinformation that has been circulated. (statement attached)

Review Minutes from February 19, 2020

Merrily moved to approve the minutes from February 19, 2020 as amended. Second by Jeff F and approved with Phil, Merrily and Jeff F in favor. Jeff T and Mike abstaining.

Consider Approving Warrants

Phil moved to approve the warrants, including payroll, as submitted by the Town Treasurer. Second by Merrily and approved with 5 yes votes.

Merrily moved to adjourn at 9:30 p.m., second by Jeff F and approved with 5 yes votes.

Respectfully submitted,
Valerie Spadaccini, Clerk of the Board

Memo From Phil Pouech
Hinesburg Select Board, Chair
March 18, 2020

Due to the sometimes conflicting information on Front Porch Forum (FPF), I thought it appropriate to give my opinion on the Vermont Gas (VGS) settlement history. Especially since I was a Select Board (SB) member through the whole process and I was originally tasked to start negotiations with VGS

- I was a member of the SB and was tasked to help work on the original negotiations with VGS in their effort to gain access through Gepreg Park.
- I expressed my opinion regularly that I believed since VGS had Public Service Board approval for the transmission line, we would not be able to stop them.
- Starting in the Fall of 2012 through the summer of 2014, Hinesburg met a couple of times with VGS. I believe it was only myself and Joe Colangelo, Town Administrator (TA) at the time. We negotiated some terms. Hinesburg Conservation Commission (CC) was not included in these discussions. (My mistake at the time.)
- The terms included, \$75K payment (after initial ask of \$125k), additional funds for the Warbler protection and Gepreg activities, some additional conditions on timing and maintenance and the expansion of the gas line up to Richmond Road
- These terms were shared with the SB in executive session. The SB indicated the terms seemed okay. No response was ever formally acknowledged by VGS.
- There was never a vote and if there was one, it would have had to been taken in public session
- I shared the basic conditions of the agreement with the then CC chair only as a heads up as to where this might be going. I wanted to show there was some protection of the Park and Warbler habitat. No additional actions were taken, as this was just a draft agreement
- Much time passed where occasionally the topic of VGS and Gepreg came up at our SB meetings. Everyone including the TA stated no one has heard from VGS.
- In the winter of 2016 a SB member went to a Public Service Board (PSB) hearing and found out our town attorney had signed the "draft" agreement with apparent authorization by the then TA Trevor Lashua. Members on the board were surprised about this
- Some citizens claimed a violation of open meeting laws if this agreement was done without any open meetings. The SB by vote agreed this could be a violation and to void the agreement. We would then have to negotiate new terms in open meeting

- Local opposition to the gas line consolidated and mobilized. CC financed a wetland analysis that reported a different conclusion than the VGS wetland evaluation. By the time GePreg again became a priority for VGS, local opposition and the amounts paid for easements and rights of way in other towns completely changed the negotiating environment. Hinesburg had much greater negotiating power largely due to the efforts of the CC and local organizers.
- VGS came back and negotiated new terms, increasing the settlement to \$250K. Also rather than trenching through the park, they would directional bore under the park
- The agreement was approved by the SB in open meetings
- The \$250K funds were voted to be spent on the Bissonette fields (\$190k) with the remainder used put into a fund for environmental education

Note: SB votes were typically not unanimous