

## HINESBURG SELECTBOARD DRAFT

August 19, 2020

Attending the meeting; Phil Pouech, Merrily Lovell, Jeff French, Mike Loner, Jeff Tobrocke, Renae Marshall, Joy Dubin Grossman, Caleb Casco, Christina Deeley, Alexander Gross, Erik Bailey, Anthony Cambridge.

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

There were no changes to the agenda or public comment.

### Town Administrator Report

- Working with solar contractors on paper work and conducting site visits
- Renae announced that Vermont Smoke & Cure has merged with Johnsonville. Management and operation of VSC will not change. She and Merrily met with representatives from both companies last week.
- PACIF safety grant has been approved. Renae will work on getting the appropriate safety items for departments.
- Working to set up the first meeting of the community advisory working group focused on racial and ethnic equality.
- Continued work on the EDA funding application for the wastewater bond.
- Held the initial kick off meeting with the impact fee consult and project team.
- Worked on preparing the language for the bond vote and Australian ballot with VLCT and bond council.
- There will be a meeting next Thursday evening for the website upgrade. Jeff F noted he has not heard back regarding his offer to help. Renae will include him in the meeting. Jeff T asked to be included also.

### Selectboard Forum/ Correspondence Received

Phil said the Board received a letter about a Board member campaigning. Phil noted if speaking for themselves and not the Town, it is appropriate.

Also received a letter stating the milfoil at the lake has not been as bad this year. Phil said it would be good for the Board to get an update on the status of the milfoil mitigation project.

Phil referred to discussions on the Fire Department organization and the fact that there will now be a full-time employee who will be a Town employee. Phil and Renae are looking at the by-laws and policies to make sure it lines up with Town policy.

### Consider Forming Hiring Committee for New Police Officer Position

Phil noted that typically, the hire of a new employee is done by Renae and the department head. As this is a brand-new position and with there being a lot discussion about police, the Board felt it was appropriate to form a small committee.

Renae said one of the reasons for the committee is the position is a result of the COPS grant.

Mike added that the comments received after approval of the grant were in regards to the hiring process. It would be valuable to have community input. Jeff T agreed with Mike noting the person will interface with the community on a regular basis.

Renae asked for clarification if this is a onetime situation because of the COPS grant, or is the Board saying this will be a different process for hiring of police officers. Mike said he would not make that decision till the community advisory workgroup has met and made recommendations. Renae added that all Town employees interact with the community and feels if changes need to be made it should be in the job descriptions.

The Board agreed this is a one-time practice.

Caleb wanted to make everyone aware of how the grant funding works and the need to ask for extensions. He also noted there is only one applicant at this time, and that person is currently a part-time officer. There is an advertised position for a full-time position that was not taken down that no one is answering. He asked, if a committee has input in the hiring decision what amount of liability will they take for a bad decision. When a supervisor in a Police Department makes a decision to hire someone, they are taking on liability by doing a background investigation, researching the individual, deciding if they will be a good fit in Town and the department.

Phil asked why there is an advertised position and no open position. He stated if there is only one applicant the committee would check that applicant out and if qualified would be hired, if there are two, they would check out both. In regards to taking responsibility for bad decisions. Bad decisions can be made by anyone. The Town just went through the process of hiring a Police Chief which is a lot of responsibility. They had a committee that brought in a lot of value to that decision.

Jeff T asked where the Town is advertising, are we advertising beyond the State of Vermont?

Caleb said we are using the Vermont Criminal Justice Training Council website; all municipal and State law enforcement job openings are posted there.

Renaë said we also use VLCT and any other usual outlets such as newspapers.

Anthony said the VCJTC website took down the part-time opening but somehow left up the full-time. He does not disagree with creating a committee but does not want the Board to think there will be multiple candidates looking to come to Hinesburg.

Caleb said the extension would be to extend the end date of the grant. Phil suggested the extension date requested be October 31. Phil suggests Renaë and Anthony lead the committee and to give Renaë the authority to select committee members. Anthony said we should be sure we can get an extension to Oct 31. Merrily will put a notice on FPF for those interested in serving on the committee to contact Renaë.

Phil moved the Board authorize the formation of a hiring committee under the guidance of Renaë and Anthony for the purpose of hiring new police hire, and that they come back to the Board with their recommendation. Mike second with a friendly amendment that the committee is not to exceed 5 people and at least one to be a community member.

Motion voted and approved with 4 yes votes and Jeff T voting no.

#### Consider Adopting Resolution Certificate and Other Bond Vote Documents for the Wastewater Upgrade

The Board reviewed the draft document.

Jeff T expressed concern with early voting starting Sept 21 and if we do not have the public hearing before that the voters will not be properly informed. Renaë said the Board can have additional meetings but the warned public hearing must be within the 10 day period.

Merrily said the Board needs to know who will be paying for the upgrade before the public meetings.

The Board will add an August meeting on Wednesday 8/26 for discussion of the wastewater bond.

Merrily read the Resolution Certificate.

Phil moved to adopt the Resolution, Declaration of Intent, warning and official ballot as required for the wastewater upgrade November 2020 bond vote. Second by Merrily. Merrily had a question on the wording of the declaration where it states "a special meeting thereof held to be held". Phil amended his motion to clarify the wording in the declaration and give Renaë the authority to clarify. Merrily agreed to the amendment. Motion voted and approved with 5 yes votes.

### Consider Approving Ballot Language for the Ambulance Vote on November 3

Phil moved to approve the following language for Australian ballot voting on November 3, 2020: Shall the Town of Hinesburg end ambulance contract services and establish and manage an ambulance transport service?

Board members felt including the wording the Town is “ending contract services” was confusing.

Phil amended his motion to remove “ending contract services”. Mike second the motion which was approved with 5 yes votes.

Jeff T said we need information from AI on what the costs of Hinesburg having an ambulance will be.

Renaë said a consultant has been hired to work on that and she will check when they plan to have the first public hearing.

Phil suggested at the September 2<sup>nd</sup> meeting AI presents the 5 year plan with costs to the Board.

Mike asked if we will have numbers for continuing to contract services. Renaë will check back with Charlotte and Richmond.

### Additional Motion Required Regarding Mailing of Ballots

Phil moved that the Hinesburg Selectboard hereby makes a motion to authorize the Town Clerk to mail the ballot containing the public questions to be voted on by Australian ballot on November 3, 2020 to all active voters within the Town of Hinesburg. Second by Merrily and approved with 5 yes votes.

### Review Minutes from 8/5/2020

Phil moved to approve the minutes from 8/5/20 as amended. Second by Merrily and approved with 4 yes votes and Jeff F abstaining.

### Consider Approving Warrants

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

### Consider a Motion to Enter Executive Session Under Provisions of 1 V.S.A. § 313(a)(1)&(a)(3)

Phil moved to enter executive session for personnel discussion including Renaë. Second by Mike and approved with 5 yes votes.

Phil moved to enter executive session under provisions of 1 V.S.A. § 313(a)(1)&(a)(3). Second by Mike and approved with 5 yes votes.

Mike moved to come out of executive session, second by Merrily and approved with 5 yes votes.

Mike moved to adjourn at 9:42 p.m., second by Merrily and approved with 5 yes votes.

Respectfully submitted,

Valerie Spadaccini, clerk of the Board

RESOLUTION CERTIFICATE

I, Melissa B. Ross, certify that I am the duly elected and qualified Clerk of the Town of Hinesburg, a municipal corporation located in the County of Chittenden, State of Vermont; that I have custody of the books, records and seal of said Town; and that the following is a true and exact copy of a Resolution duly adopted at a meeting of the Selectboard of the said Town, duly called, noticed and held on August 19, 2020, at which a quorum of members of the Board was present and voting; and that the same remains in full force and effect, and has not been amended, rescinded, abridged, modified or contested in any way:

RESOLVED, that the public interest and necessity demand certain sewer system improvements, namely, the reconstruction and upgrade of the Town's wastewater treatment facility and main pump station at an estimated cost of \$11,700,000; and

BE IT FURTHER RESOLVED, that the cost of completing the Town's share of the costs of making such improvements, after application of available state and federal grants-in-aid, and the application of available reserves, will be too great to be paid out of the annual revenue of the Town; and

BE IT FURTHER RESOLVED, that proposals for the issuance of general obligation bonds or notes of the Town in the aggregate amount not to exceed \$11,700,000 to pay for its share of the cost of the same, subject to reduction through the receipt of any state or federal grants-in-aid and other financial assistance, should be submitted to the legal voters of the Town at a special meeting thereof to be duly called and held for that purpose on November 3, 2020; and

BE IT FURTHER RESOLVED, that all acts relating to the proposition of incurring bonded indebtedness and the issuance of general obligation bonds or notes of the Town of Hinesburg for the purpose of constructing and operating said improvements within the corporate limits of the Town be in accordance with the provisions of Chapters 53, 97, 101 and 120 of Title 24, Vermont Statutes Annotated; and

BE IT FURTHER RESOLVED, that the attached Warning and form of Ballot be adopted for use in connection with consideration of the above-stated proposition of making said public improvements and incurring bonded indebtedness therefor.

Dated: August 19, 2020

ATTEST:

SEAL

\_\_\_\_\_  
Melissa B. Ross  
Town Clerk

WARNING

The legal voters of the Town of Hinesburg, Vermont, are hereby notified and warned to meet at the Hinesburg Town Hall, 10632 VT Route 116, in the Town of Hinesburg on Tuesday, November 3, 2020 between the hours of seven o'clock (7:00) in the forenoon (a.m.), at which time the polls will open, and seven o'clock (7:00) in the afternoon (p.m.), at which time the polls will close, to vote by Australian ballot upon the following Article of business:

ARTICLE I

Shall general obligation bonds or notes of the Town of Hinesburg in an amount not to exceed Eleven Million Seven Hundred Thousand Dollars (\$11,700,000), subject to reduction from available state and federal grants-in-aid and other financial assistance, be issued for the purpose of financing the construction of refurbishments and upgrades to the Town’s wastewater treatment facility and main pump station, the aggregate estimated cost of all such improvements being Eleven Million Seven Hundred Thousand Dollars (\$11,700,000)?

The legal voters of the Town of Hinesburg are further notified that voter qualification, registration and absentee voting relative to said special meeting shall be as provided in Chapters 43, 51 and 55 of Title 17, Vermont Statutes Annotated.

The legal voters of the Town of Hinesburg are further notified that an informational hearing will be held on Wednesday, October 28, 2020 at the Hinesburg Town Hall, 10632 VT Route 116, in the Town of Hinesburg at seven o’clock (7:00) in the evening (p.m.), for the purpose of explaining the proposed improvements and the financing thereof.

Adopted and approved at a meeting of the Selectboard of the Town of Hinesburg duly called, noticed and held on August 19, 2020. Received for record and recorded in the records of the Town of Hinesburg on August 20, 2020.

ATTEST:

\_\_\_\_\_  
Melissa B. Ross  
Town Clerk

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\_\_\_\_\_  
\_\_\_\_\_  
Selectboard

OFFICIAL BALLOT

TOWN OF HINESBURG

SPECIAL MEETING November 3, 2020

ARTICLE I

Shall general obligation bonds or notes of the Town of Hinesburg in an amount not to exceed Eleven Million Seven Hundred Thousand Dollars (\$11,700,000), subject to reduction from available state and federal grants-in-aid and other financial assistance, be issued for the purpose of financing the construction of refurbishments and upgrades to the Town's wastewater treatment facility and main pump station, the aggregate estimated cost of all such improvements being Eleven Million Seven Hundred Thousand Dollars (\$11,700,000)?

If in favor of the bond issue,  
make a cross (x) in this square:

If opposed to the bond issue,  
make a cross (x) in this square:

CERTIFICATE OF POSTING

PUBLICATION AND VOTE

The undersigned, being the Clerk of the Town of Hinesburg, does certify that:

- (1) The attached Resolution (Exhibit I) and Declaration of Official Intent (Exhibit II) were duly adopted at a duly warned meeting of the Selectboard of the Town of Hinesburg held on August 19, 2020.
- (2) The attached Warning (Exhibit III) was duly approved and adopted at a duly warned meeting of the Selectboard of the Town of Hinesburg held on August 19, 2020.
- (3) The attached form of Ballot (Exhibit IV) was duly approved and adopted at a duly warned meeting of the Selectboard of the Town of Hinesburg held on August 19, 2020 for use at the special meeting of the Town of Hinesburg held on November 3, 2020.
- (4) The attached Warning (Exhibit III) was published in the Citizen, a newspaper published in South Burlington, Vermont, and generally circulating in the County of Chittenden and in the Town of Hinesburg and said Warning appeared in said newspaper on October 15, October 22, and October 29, 2020.
- (5) The attached Resolution (Exhibit I), Declaration of Official Intent (Exhibit II) and Warning (Exhibit III) were received for record and recorded on August 20, 2020, in the records of the Town of Hinesburg.
- (6) The attached Warning (Exhibit III), Ballot (Exhibit IV) and Notice to Voters (Exhibit V) were posted on the Town website ([www.hinesburg.org](http://www.hinesburg.org)) and in the following public places in the Town of Hinesburg from October 1, 2020 through November 3, 2020, the date of the special Town meeting.
  - (a) Town Clerk's Office (with current voter checklist)
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_

(e) \_\_\_\_\_

- (7) The vote by Australian ballot (Exhibit IV) on the propositions stated therein was:

ARTICLE I

IN FAVOR \_\_\_\_\_

OPPOSED \_\_\_\_\_

BLANK \_\_\_\_\_

SPOILED \_\_\_\_\_

TOTAL VOTES \_\_\_\_\_

- (8) No petition has been filed seeking reconsideration or rescission of the action taken at said special meeting nor is there any litigation pending or threatened in any state or federal court contesting or challenging either the proceedings set forth in Paragraphs (1) through (7) of this Certificate, the works of improvement so authorized or, the issuance of bonds or notes of the Town to finance the same.

DATED: August \_\_\_, 2020

Melissa B. Ross

\_\_\_\_\_  
Town Clerk

DECLARATION OF OFFICIAL INTENT  
OF THE TOWN OF HINESBURG  
TO REIMBURSE CERTAIN EXPENDITURES  
FROM PROCEEDS OF INDEBTEDNESS

WHEREAS, the Town of Hinesburg, Vermont (the “Issuer”) intends to make wastewater treatment facility and main pump station improvements to be considered by the Issuer at a special meeting thereof to be held on November 3, 2020; and

WHEREAS, the Issuer expects to pay certain capital expenditures (the “Reimbursement Expenditures”) in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of acquisition, construction, contract administration, planning and design costs, debt obligations in an amount not expected to exceed \$11,700,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Project with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made not earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Project), and to allocate an amount not to exceed \$11,700,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

Section 4. The Issuer’s debt obligations for the aforementioned purpose will not be “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

The undersigned, Town Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the legislative body of said Issuer duly made at a meeting thereof held on the date, specified below, and that said declaration has not been amended, modified or revoked.

\_\_\_\_\_  
Town Clerk

August \_\_, 2020