



## Select Board

Town of Hinesburg  
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### Meeting Minutes – November 4, 2020

- Draft -

**Attending the Meeting:** Phil Pouech, Merrily Lovell, Jeff French, Mike Loner, Maggie Gordon, Joy Dubin Grossman, Al Barber, Dawn Francis, Will Patten, Eric Spivak, Erik Bailey, Mary Jo Brace, Maddie C., Caleb Casco, Kristen Needham

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

#### Additions / Deletions and Public Comment

None

#### Town Administrator Report

Joy has been busy working with Dawn Francis on Town Administrator responsibilities.

- All Burg Bucks were distributed on Sunday.
- Election day went smoothly.
- The budget process is underway and Joy reminded Board members to reach out to the department heads of their assigned departments.

#### Select Board Forum / Correspondence Received

Phil said the Board received a letter from Christina Deeley about being as inclusive as possible when making appointments to Boards. Merrily said she responded to Christina and it got Merrily thinking about what she could do for young mothers. She plans to go to the pre-school once a month to be available to listen to young mothers if they have any questions. Mike also commented on the letter. He said it was more than just about inclusivity but ways to allow young families be part of the process, especially working mothers. Christina said requiring experience excludes young people, and encouraged the Board to think about how to make Town government more assessable. Mike also mention there were a number of co-signers to the letter.

#### Review Election Results – Wastewater and Ambulance

Phil noted both items passed by a 2 to 1 margin.

**Wastewater** – Erik B. said we now go back to Wayne for final engineering. He expects in the Spring we will be installing the wick drains. Erik B noted that we need to continue to look for additional funding. Joy said she will advise Northern Borders that the bond passed and find out what the next steps for funding through them might be.

**Ambulance** – the Board along with AI needs to work on putting those budget numbers into the budget for the March vote.

### **Presentation of Town Administrator vs. Town Manager**

Dawn Francis has volunteered to help the Board and Town work through the decision. In the meeting packet for tonight's meeting there is a presentation covering many aspects of the two positions.

Reasons to consider a different position included high turn over rate of Town Administrators. Having a Town Manager will allow the Select Board to spend more time on policy and vision implementation.

Dawn shared information about the difference between the two positions. She addressed the perceived loss of control with a Town Manager form of government and the fact that the Select Board will have the ultimate authority to appoint and remove a manager for cause, direct priorities and set the salary.

The down side is it may cost more. There are eight positions open in Vermont at this time so it is a highly competitive field. The Select Board would not be involved in the day-to-day issues in Town and might not be aware of minor personnel issues. There has to be "just cause" to remove a Manager.

Steps to move to Town Manager form of government; at the March Town Meeting voters could vote and decide on the question. There would be a Public Hearing prior to the vote.

Will Patten shared his testimony on why the Town would be better served by a Town Manager form of government. (copy is in the Select Board packet for this meeting)

Merrily said Bristol had a Town Manager and went back to a Town Administrator. Dawn said she has no knowledge of this and will see if she can find out and let the Board know. Merrily said a concern she has is that you might hire someone who looks good and it turns out they are not collaborative and difficult to work with. Dawn said they would be working under contract and the Town does not need to renew the contract if they do not want to. It is important every year to have a performance review to be sure the expectations are aligned.

Maggie noted the high turn over and need for continuity. This would allow the Select Board to be proactive rather than reactive. Maggie asked Dawn if we should be looking for degrees or experience. Dawn said experience, though there are degrees involved as well.

Phil addressed the current budgeting process and asked how it would be different with a Town Manager. Dawn said, given the lack of resources in Town government and with no financial director the Town would need to look for a Manager that is experienced in budgeting and would want to

highlight that in the requirements for a Manager. The Select Board would vote on what to present to the Town for Town Meeting.

Phil encouraged the Board to move forward with this.

Mike agreed and feels having a Town Manager clearly delineates the role of the Select Board.

Maggie asked about turn over for Town Managers. Dawn said the average tenure is 5 to 10 years in the profession. In Vermont the average is longer.

Jeff said this will be a bit of a change that the Select Board will not be working with people day-to-day. He appreciates Dawn's comment about having a contract.

Dawn recommended taking advantage of the Vermont League of Cities and Towns (VLCT) training program on the roles and responsibilities of the Select Board and the Manager.

Phil noted this is not a decision for the Select Board to make but to present it at Town Meeting for a vote.

This will be on the agenda for the December 2, 2020 meeting for a possible decision.

### **Discussion of Hiring Process for Town Administrator**

Dawn said she feels it is worthwhile to go ahead with an ad for Town Administrator / Town Manager noting the position of Town Manager is subject to a Town Meeting vote. The Board needs to figure out what areas of expertise they are looking for. Have candidates submit a resume by early to mid-January. A committee can review applications using the selection criteria they have created.

Merrily said she is bit uncomfortable looking for a Town Manager prior to a vote and asked what happens if it is voted down. Dawn said it is awkward and that is why right up front in the ad you state it has the potential to become a Town Manager subject to a town wide vote. Merrily also brought up that people may feel the Select Board has made the decision before allowing for a vote. Dawn said the language used in the ad is important so it does not imply that. It may become a Town Manager position subject to community approval.

Mike said it should be clear to residents the decision is theirs as it is subject to a vote.

Phil suggested he, Dawn and Joy will work on a list of qualifications and draft ad to present to the Board.

### **Discussion of Australian Ballot for Municipal Meetings 2021**

The State Legislature is allowing voting for Municipal Meetings in 2021 to be done by Australian Ballot without having voted to make that change in 2020.

Merrily expressed her concern with in-person voting. Phil said if items are warned in January there is opportunity for mail in ballots.

Maggie noted that during Town Meeting discussion people would not have the opportunity to amend language or the budget amounts if not being voted on at the actual meeting. Phil said while changes have been made, he has never seen anything significantly change.

Dawn shared some statistics; currently there are 3,857 voters on the checklist / average attendance at Town Meeting is between 150 and 175 people which is 4.5% of active voters that are voting on the municipal budget. There is usually 800 to 1200 which is 31% that vote by Australian Ballot the next day. The pros of having Australian Ballot is increased voter participation.

Mike agreed with Dawn and finds it inappropriate that very few people make it to Town Meeting and therefore a small number of residents are making any changes and voting on the budget.

Merrily said she would love to see it be a State holiday in the future to allow everyone to attend.

Joy said the Town is still required to do some type of informational meeting to share what the articles are, we are not taking away the opportunity for discussion.

Jeff added he loves Town Meeting day with the sense of community and talking through the issues. When it comes to voting he feels transparency is important as well as inclusion and fairness. Having a small subset of people change something or vote on something where others do not get the chance is not fair.

Dawn will check to see the time frame allowed to have the information meeting. Joy will get clarification from Missy on the timing of the ballots.

### **FY21 Budget Status Report through October 2020**

Mike asked about sludge removal. There was nothing budgeted even though we pay for sludge removal. Joy will check on this.

### **Review Draft FY22 Capital Budget and FY22-FY26 Capital Improvement Plan and Narrative**

Joy reviewed the Capital Improvement Plan and narrative with the Board.

### **Discussion of Vicious Dog**

Joy stated from her discussions with Kristen and Sgt. Casco that Kristen's neighbors' large white dog, though there is no actual proof, was responsible for the damage to the sheep and alpaca. That dog has reportedly been euthanized. It has been requested that proof of that be provided to Kristen. Sgt. Casco

said he can take care of that. There appears to be a German Shepard which continues to be at large but has not been caught harming the sheep.

Kristen said both dogs were in the pasture and she believes both were involved in the attack. She is looking for a solution to keep this from happening again.

Jeff asked if it was ordered to have the dog euthanized or was it the family's decision. Kristen thinks it was the decision of the Frost's as the dog has been vicious toward people too.

Phil asked if there has been any offer by the dog's owner of acknowledgement or to reimburse for the sheep. Kristen said after she posted on social media the filming of the dog going after Sgt. Casco the Frost's did say they were sorry and claimed responsibility. Kristen has hired a lawyer to address the monetary issue.

Jeff said under the Town ordinance it looks like there are steps that can be taken to stop the dog from roaming.

Phil said the Board can act as the Animal Control Board. He thinks the Board should look at that process.

Maggie said she sees the problem is that there is no direct proof that the German Shepard has caused damage. She suggested Kristen work with the police to impound the dog whenever it is loose. Kristen said the problem is catching the dog.

Caleb said Kristen is providing a statement along with evidence from the game camera. An officer is issuing tickets for the violations that they have documentation of and this action will continue to happen. Maggie asked about impounding the dog when Kristen has seen it on her property. Caleb said they can, if someone is available go out to try to catch it. That falls back to the Animal Control Officer and the process of a loose dog.

Phil asked Caleb if he feels the Board should pursue this, does he feel he is limited on what he can do. Caleb said he is not sure what the Board can do at this point with no evidence of the attack. Phil asked Caleb how many complaints there have been and tickets issued. Caleb said he does not know how many tickets but he found 18 cases of dog related issues against the Frosts' dogs.

Phil said the Board could look to get legal advice and at least bring in the owners and ask for a plan to stop this.

Mike asked Caleb about the tickets and what the fines are and if they have been paid. Caleb said the fines are in the Animal Control Ordinance and he does not know if they have been paid. Mike said if the tickets continue it should at some point make an impact to the owners.

Kristen noted the Town of Shelburne was involved in an issue with one of the Frosts' dogs years ago. Caleb will check what records Shelburne might have.

Maggie asked who the Animal Control Officer is. Kristen said Ed Waite is but he is hard to reach.

Phil asked Caleb to gather whatever information he can. He asked Kristen if she knows of others who have had recent incidents with the dogs and are willing to write something to the Board the Board will add that to the evidence. Phil said Joy will check with legal council and look at the Town ordinance and have the Frosts' come to a potential hearing and have to face what is going on in the hopes of coming up with a plan.

Kristen asked about mentioning of proof of insurance and asked if the Town can make them provide their homeowner insurance information and she can perhaps pursue that avenue. Caleb said he thinks that refers to a dog that has been impounded for having bitten a person or animal.

Val Spadaccini asked about reimbursement from dog license fees collected by the Town. She received money towards turkeys killed by dogs years ago. Phil asked Joy to check with Missy about that.

### **Review Minutes from 10/21/2020 and 10/28/2020**

Phil moved to approve the minutes from 10/21/20 as amended. Second by Merrily and approved with 4 yes votes.

Phil moved to approve the minutes from 10/28/20 as amended. Second by Merrily and approved with 5 yes votes.

### **Consider Approving Warrants**

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

Mike moved to adjourn at 10:02 p.m., second by Merrily and approved with 5 yes votes.

Respectfully submitted,  
Valerie Spadaccini, Clerk of the Board