

Town of Hinesburg, Vermont
Selectboard Meeting
Draft of May 6th, 2013

Members Present: Jon Trefry, Phil Pouech, Mike Bissonette, Andrea Morgante, Tom Ayer and Town Administrator Joe Colangelo.

Also Present: Freeda Powers (Recording Secretary), Alex Weinhagen (Town Planner), Rocky Martin (Facilities Manager) as well as members of the public to include: Margory Sharp, Ute Osley, Connie Kendall, John Keidaisch, Joe Iadanza, John Veilleux, Kim Coates, John Roos, Mary Beth Bowman, Pam Matthews, Marie Gardner.

Jon T. chaired the meeting, which was called to order at 7:02pm.

Jon T., along with the Board, welcomed the CVU girls' basketball team, winners of the state Championship with a 16/0 record. Jon T. congratulated the team, saying we are proud of all of their achievements, both on the court and academically. He said that pride translates directly to the community and for that, we thank them. Winning takes hard work and team work, both of which will benefit them in all other aspects of their lives. The team are the 1st championship winners from CVU in 26 years! Job well done!

Jon T. asked for public comments on non-agenda items.

Kim Coates spoke, saying she lives on Texas Hill Rd and the dust has gotten so bad that they can no longer open windows or walk their dog. She voiced traffic safety concerns as vehicles cannot see one another through the dust. She wanted to know if there is a policy on dust control for dirt roads and what can be done to address her concern. Jon T. said there is a budget (\$50,000 this year) for chloride control for dust, which is usually applied prior to rainfall. However, he said, when it is as dry as it has been, this method is ineffective for dust control. Kim C. suggested soaking the roads first and then applying the chloride. Jon T. said it would not be feasible to haul that much water to do that. He went on to say that there is no written policy on this issue. Joe C. added that the road crew does the best they can, and that conditions are such that it got dry early and remains windy and dry; we will have to wait for rain.

Proposed Rural Area Zoning Ordinance

The board resumed discussions on the proposed RR1 Zoning Regulations. Alex W. was present to answer concerns and questions on the proposed ordinances, specifically pertaining to Objectives 2 & 3.

Among concerns with the proposed ordinances is the tiered system of density calculations based on road classification. Tom A. asked about the fairness of linking road conditions to proposed density allowances. Alex W. said the PC did look at other models, such as Norwich's, but they found it overly complicated. They did want to address the town budget, in regard to property taxes. They felt that they could address that by allowing more density on roads that can handle the traffic impact of development.

Andrea M. suggested another approach might have been to consider proximity to the village. Alex W. said the Commission did talk about that but decided not to go that route. Andrea M. said not all dirt roads are the same, some classification of those roads might be applied. Alex W. said the Planning Commission did discuss that, but found it very frustrating as there are no good metrics to classify the different roads. He added that Objective 3 refers to development density; it is meant to make the beginning of the subdivision process clearer. The impact on the road would be the same. Current zoning offers no development density numbers, applicants have to take the DRB decision using subjective data. The intention of this formula is to make this clear and predictable.

Andrea M. said she feels that allowing the same development density at the furthest edges of the district would likely have an impact on roads that may not be capable of it (i.e. services such as Fire/Rescue). Alex W. said Mutual-Aid Agreements also have to be considered if we take that approach.

Tom A. asked how density would be tracked and what the implications are if two parcels come into common ownership. Alex W. said each subdivision final decision must track the development potential for the entire parcel. Andrea M. asked what the mechanics for tracking this data are. Alex W. said the Town Office, the Planning & Zoning Department, through subdivision approvals. As the formula simplifies, we can have a spreadsheet or data directly connected to parcels via GIS.

Joe Iadanza asked about lots served by multiple roads with different classifications (corner lots). Phil P. said that would likely be determined by the *access* road. Alex W. said that is correct. He added that staff can work with landowners to determine potential prior to development. Joe I. asked if *use* would affect development potential. Alex W. said no, there is only Conditional Use review if the desire is for commercial use and even then the review would be on the *use* not the *lot*.

Andrea M. asked if all lots have subdivision potential. Alex W. said no, this is a concern brought up by Tom A. also, that lots <12A may lose their subdivision potential. The PC looked at maximum build-out scenarios if this exemption were to be lowered. What they found was an unreasonable increase of potential lots. The commission felt that 12A was the most equitable way to apply density calculations without overwhelming the density numbers.

Jon T. inquired about the PUD bonus of 25%. Alex W. noted that the PUD bonus is the least likely planning option to be used due to Master Plan and large Open Space requirements.

Ken ** suggested dealing with maximum potential by applying a time limit (3, 6, or 10 yrs.); he doubts you'll see them max out. He said he likes the radius from the village approach much better. He added that he feels Silver Street should be considered as Rte. 116 is due to traffic studies showing it is a highly traveled street. On a personal note, he added, he is a 25-yr resident with 10.1A. He wants to remain in Hinesburg, but with a lot of this size, that won't be an option for very long. He does not want to be put in the position of jumping into subdivision and having to pay taxes on two parcels for this privilege. He also doesn't want to reduce his neighbor's development potential by purchasing 3A from them. He urged the Board to rethink the calculations proposed.

Marie Gardner spoke, saying she is in agreement with Ken's remarks. She said there are many 10A lots in Hinesburg and feels that the proposed density calculations would disenfranchise a lot of land owners. She feels this proposal is being done at a bad time in the view of the poor economy as well; there are not loans available right now to build on these smaller lots and smaller lots are not selling. She feels 10A would be better than the proposed 12A. She also agrees with Andrea M.'s suggestion of density by proximity to the village.

John Keidasch also spoke, saying he is a 33yr resident with property and a long term plan for retirement. He strongly suggests the board leave the regs as they are and continue to "let the land speak for itself." He is totally not in favor of the new proposal. Even if landowners chose not to go forward with the subdivision, to him the *option has value* to individuals. He added that the PUD process, while allowing density bonuses, is more difficult and costly.

The Board was in agreement that this topic requires further discussion. Andrea M. made a **Motion to schedule a special Select Board meeting to focus exclusively on the proposed Rural Area Zoning Ordinance on May 13, at 7pm to be held at Town Hall.** Phil P. **Seconded the motion.** All in favor, the board voted **5-0**.

Act 250 Discussion

The Board took up discussions around the upcoming Act 250 application/pre-hearing and considered authorizing funds for independent consulting on Patrick Brook.

In regards to the request for funds, Alex W. said the DRB will have a new review to look at the new proposal to replace the culvert at Patrick Brook. He suggested the town have a hydrology study done for the area or hire a civil engineer who would provide testimony at the Act 250 hearings (suggested Mylon/MacBroom). He would like to have them review what has been proposed and apply 100yr storm data to it.

Tom A. asked if the project is overseen by VTRANS. Alex W. said yes, it is, but he feels the Towns' concerns should be addressed. Phil P. said he is in favor of the funding for this and sees it as being in the best interest of the Town.

Andrea M. said she was not anticipating additional widening of Rte.116 and said that the Town should consider what it wants that area to look like. She would feel more confident with an engineer.

Phil P. asked about the DRB Condition requiring a post construction traffic study, asking how we assure the study is done independently. Alex W. said the memo did not stipulate; the focus was that it get done. Andrea M. said while it might meet the criteria for the state to issue the permit, we have no sense of what it means to *us*—the character of our town. She does not feel that the town should default to the state. She is in support of hiring a traffic engineer on the town's behalf. Alex W. noted that a traffic engineer would be looking at the same model as proposed. He said there may be a different discussion about the road profile, perhaps referencing the new Rte. 116 Corridor Study, but that is a different discussion from the traffic study.

Phil P. said traffic is a complex topic. He feels the board needs to do its due diligence on this issue. Other development sites he has looked at appear to have better planning in place for traffic impacts. He asked what the DRB's role is if changes are made to the approved plans. Alex W. said these are two levels of review; State vs. Local. He said Act 250 does not bind the application to the DRB approval. These are separate processes.

Andrea M. said she feels the town should avail itself of professional expertise on this issue. John Roos provided a memo; he agrees this is a very complex process. He said VTRANS will not issue their 11-11 permit until after Act 250 happens. Act 250 is going into this with not a lot of information, relying only on what the applicant is submitting. The elements of turning radii on Commerce Street impact issues at the bridge. The DRB said in their Phase Conditions impacts on the bridge weren't expected to be reviewed until two years post-construction. It is evident that these concerns are relevant even before the store is constructed. Alex W. agreed, but added that the Town did expect changes at the Patrick Brook area. The applicant will have to come back to the DRB for new approvals once these changes are put in place. That Phase Condition may change or be eliminated.

John K. is in favor of the Select Board hiring both a Traffic Engineer as well as a Civil Engineer to address both traffic and storm water treatment concerns. He said it is our responsibility to take care of our roads. Yes, Rte.116 is a state road, but it runs straight through the heart of our town and village.

Ken * said he supports that, and adds that VTRANS are a strapped beurocracy who do necessarily share the same concerns we have. He supports modifying the memo to note the town's intention to hire additional engineers.

Jon T. suggested taking action on the motion in order to get comments to Act 250 in a timely manner. Andrea M. suggested mentioning traffic concerns in the memo. Alex W. said it wouldn't hurt to do add a cover letter to the memo. Andrea M. voiced her concerns with 3b of the memo, saying it is not our job to get these different parties together to come up with a solution. She thinks it is confusing and not relevant to the permit. John T. said we are suggesting the solution be comprehensive and if the parties want to participate in the solution, they are welcome to do so.

Mike B. made a motion to approve comments to the Act 250 district commission regarding the Hannaford application as presented on pages 2-4 of the May 1, 2013 memorandum from Alex Weinhagen to the Selectboard and to have Hinesburg Town Planner Alex Weinhagen submit said comments on behalf of the Select Board. Tom A. seconded the motion. All in favor, the board voted 5-0.

Mike B. made a motion to authorize \$2,000 for independent contracting services on Patrick Brook and to have Hinesburg Town Planner Alex Weinhagen solicit quotes and enter into an agreement on behalf of the Town. Phil P. seconded the motion. All in favor, the board voted 5-0. Andrea M suggested an amendment that an additional \$5,000 be added to hire an independent engineer to evaluate the proposed highway modifications in the Act 250 application and make recommendations to the Selectboard. Mike B. was not in favor of the amendment, saying we don't have enough time to complete additional traffic studies. He suggests waiting for the DRB review to provide comprehensive traffic studies. Andrea M. clarified, not to provide new data, but to evaluate their proposal. Phil P. said he thinks the data could be useful to both the DRB and Act 250 processes.

Alex W. cautioned the board to be clear what parts of the Hannaford traffic analysis you want to address. Andrea M. withdrew the amendment and agreed to readdress it at the special Selectboard meeting next week.

Rte. 116/Silver Street Pedestrian Marker

As part of the sidewalk project on the east side of 116 from Charlotte road to Silver Street, preliminary plans for the crossing of Silver Street at the intersection of 116 include a “flashing beacon.” VTRANS has said this intersection does not meet the standards for erecting a flashing beacon. The question now is whether or not to apply for an exception. Rock Martin spoke to the board on this issue. He asked what is the will of the board? His proposal is to keep the project moving forward by *not* applying for an exception which may delay the entire project. John T. agreed. Mike B. voiced his concerns about the safety of the Silver Street/116 intersection. He would like to see the crossing relocated.

Pam Matthews spoke from the audience, saying she agrees that the Silver Street/116 intersection is an unsafe option for a pedestrian crossing. She suggested flashing warning signs (similar to those at the Winooski roundabout) to be installed further south on 116 to give drivers advanced warning that there may be people crossing. She said educating students and the public is also important, pointing out that no solution will be 100% effective.

John Roos agreed about the safety concerns at the Silver Street/116 intersection and strongly advised against that location for a pedestrian crossing. He feels the flashing beacon will give a false sense of security and would not be a safe solution.

John T. said he feels this discussion will require more time and that for now, he does not feel the Town should apply for an exception.

No official action taken at this time.

Water/Wastewater Budget FY2014

The board took their first look at the proposed FY2014 water/wastewater budget. Unlike the general fund budget, which is voted on at Town Meeting, the water/sewer budget is approved by the Selectboard only. The budget shows a somewhat substantial increase at this point. This review is simply to introduce the proposed budget; any necessary rate adjustments and the final budget will need to be approved before July 1, 2013.

Phil P. noted that the well closing and its’ associated cost is not mentioned. Joe C. reviewed top six issues of relevance: 1: Reorganization of Dept. 2: Temporary elimination of Superintendent position and creation of second Operator position. 3: Compensation shift of 15% of the Town Administrator and Special Projects Coordinator from General Fund to the Wastewater Fund. 4: Water feasibility study to consider future upgrade options. 5: Upgrade of the wastewater house next to the fire station and 6: Monies to lease a new truck.

John T. voiced concerns around the 15% compensation shift for two town employees. He said the figure seems too high at first glance. Joe C. concurred, saying an accurate reflection is

probably more like 5-10% for his position, 10-15% for the Special Projects Coordinator. Phil P. said he feels the numbers should be as accurate as possible, they should not be negotiable.

John T. noted the replacement of existing water lines at the Fire Station/Police Station. He asked if this line item should be coming out of the Public Safety Facility budget. Rocky M. said no, because it is connecting the existing police station building to the wastewater line. There is an existing, inefficient 2" line that will be replaced with an 8" line. Phil P. clarified; it's an improvement to the distribution system, not just a connection/disconnection.

Phil P. would like to take up further discussion around the old, existing police station. Rocky M. said they are trying to be prudent in replacing that old, ineffective 2" line now, in order to avoid future failure problems at that site.

John T. asked about the budget for phosphorus removal. Rocky M. said it remains at \$17,000.
No official action taken at this time.

Contracts: No Guests.

Draft Parker Trails Easement—All changes have been reviewed and accepted by all parties. Closing date set for May 15th. **Phil P. made a motion to accept the Trails Easement from the Parker Family as presented on May 6, 2013 to the Hinesburg Selectboard and have the Town Administrator sign all closing documents on behalf of the Town on May 15, 2013. Andrea M. Seconded the motion.** All in favor, the board voted **5-0**.

Architectural Services Contract—Joe C. said we would like to sign a long term contract with ****. The contract has been reviewed with the Town Attorney and is fairly straight forward. **Mike B. made a motion to authorize the Town Administrator to sign a contract between Vermont Integrated Architecture, PC, and the Town of Hinesburg, on behalf of the Town of Hinesburg, for Architectural Services for the Public Safety Facility Project. Phil P. Seconded the motion.** All in favor, the board voted **5-0**.

Hinesburg Village North Sidewalk, Municipal Project Manager—Joe C. has volunteered to be the Municipal Project Manager for the Hinesburg Village North Sidewalk Project. Rocky M. was going to be the Project Manager for this, but is currently overburdened with other projects at this time. Joe C. said no construction would be started this year; this will be a long term commitment. **Andrea M. made a motion to appoint Joe Colangelo, Town Administrator, as the Municipal Project Manager for the Hinesburg Village North Sidewalk. Phil P. Seconded the motion.** All in favor, the board voted **5-0**.

2013 Town Meeting Minutes—**Mike B. made a motion to approve the minutes from the 2013 Town Meeting. Phil P. Seconded the motion.** John T. noted two grammatical changes. All in favor, the board voted **5-0**.

2013 Town Meeting Letters—**Phil P. made a motion to approve, sign, and distribute the resolution regarding Tar Sands Oil as passed by a floor vote at the 2013 Town Meeting. Andrea M. Seconded the motion.** John T. asked if the resolution requires signatures. Joe C. said it is not a binding action, so you can choose to sign it or not. Andrea M. clarified, the resolution does not require the Selectboard to sign off on it, only to acknowledge that the motion passed at Town Meeting. Mike B. said he does not disagree with the *point*, but rather with the *process* as the resolution was not given out at Town Meeting. After some discussion, Tom A. and Mike B. felt the Selectboard should not sign it. Phil P., John T. and Andrea M. all supported signing. The board voted **3-2**.

Tar Sands Petition Resolution—To the Lt. Gov., Gov., Speaker of the House and the Secretary of Agriculture. **Andrea M. made a motion to approve, sign and distribute the letter on GMO foods. Phil P. Seconded the motion.** All approved, the board voted **5-0**.

Town Administrators Report—Joe C. reviewed the agreement for a joint-fundraising campaign for the Recreation Facility Project. Phil P. voiced some concerns with the agreement. Joe C. said those can be taken up in Executive Session or in next weeks' special meeting.

Joe C. presented updated info on the Public Safety Facility Project. Budget for the storm water infrastructure has expanded to close to \$30,000 mainly due to the need for more catch basins than anticipated. Plans are available for review on the town website.

Joe C. is on the Board of Directors of the Health Insurance Trust now and is looking forward to discussions with the Union on this topic.

Joe C. said the April Budget Report will be uploaded to the Selectboard packets on Monday. Joe C. provided draft ordinance language for Shooting in the Town Forest. This will be a discussion item at the next Selectboard meeting. Tom A. requested a reference to small game season be added.

Joe C. said they should have a final draft of the policy for staff regarding Credit Card use to review by Monday. Phil P. suggested each town vehicle have a log to add a control and for data tracking.

Joe C. said documents pertaining to the Farmall Drive & Fredric Way development still need to be reviewed with the town Attorney.

Joe C. provided the board with a copy of a CCTA Letter of Support.

Joe C. provided the board with VLCT Safety Grant Application info.

Joe C. provided the board with CCRPC (Regional Planning Committee) Work Plans.

Joe C. updated the board on the last correspondence with VT Gas which seem to indicate potential changes. He will keep the board updated. Phil P. voiced concerns with the language on the easements and also inquired on how many easements there are.

Joe C. said positive progress is being made towards July 4th plans; an update will be given on Monday.

Joe C. noted a safety study being done on North Road between the state and the RPC based on crash data. John Roos asked if the 116 Corridor Study will be looking at the North Road impact. Joe C. said Alex W. is managing that project and will have a separate meeting to discuss those concerns.

Selectboard Forum—Phil P. will be on vacation 6/6 thru 6/22. Joe C. asked all board members to email him upcoming vacation schedules.

Weekly Payroll and Accounts Payable Warrants—**Mike B. made a motion to approve the weekly payroll and accounts payable warrants. Phil P. Seconded the motion.** All in favor, the board voted **5-0**.

Minutes—**Mike B. made a motion to approve the minutes from the April 13th Selectboard meeting as edited. Phil P. Seconded the motion.** All in favor, the board voted **5-0**.

Phil P. made a motion to go into Executive Session to further discuss the Recreation Fields Contract Use Agreement. **Andrea M. Seconded the motion.** All in favor, the board voted **5-0**. The board went into executive session at 10:35p.m.

Respectfully Submitted,
Freed Powers (Recording Secretary)

DRAFT