



# Annotated Agenda

June 18, 2015

**\*\*Prior to the meeting, we will be honoring Zoning Administrator Peter Erb. Peter is retiring at the end of the month after many years of faithful, dedicated service to the citizens of Hinesburg. The celebration will take place in the Main Hall of Town Hall, from 5 p.m. to 7 p.m.\*\***

## **2. Executive Session – 1 V.S.A. § 313 (a) (2) [Real Estate]**

**Guests:** (1) None expected.

**Enclosures:** (1) Proposed real estate contract.

Executive discussion is required to discuss real estate negotiations (potential sale of the old police station). A pair of motions is necessary for the Selectboard to enter executive session. The first motion required is a “finding” that executive session is both necessary and allowed in statute. The second motion places the Selectboard (and any invited guests) in executive session. As always, action taken as a result of executive session discussions shall be taken in public.

*Consider a motion to find that premature general public disclosure would place the municipality at a substantial disadvantage with the proposed sale or purchase of real estate in which the municipality is a party.*

*Consider a motion to enter executive session, to include the Town Administrator, under the provisions of 1 V.S.A. § 313 (a) (2).*

## **5. Interviews for the Planning Commission – 2 seats**

**Guests:** (1) John Kiedasch  
(2) James Donegan  
(3) Barbara Fourauer  
(4) Jeff French  
(5) Rob Farley

**Enclosures:** (1) Application materials from the five prospective members.

The applicants for the two open seats on the Planning Commission are listed in the order in which their respective applications were received. The two open seats are not for full four-year terms – they are to fill the remainder of unexpired terms. One expires January 1, 2016; the other on January 1, 2017.

A sixth applicant, George Bedard, withdrew his application. There are two proposed motions below with the names left blank.

Consider a motion to appoint \_\_\_\_\_ to the Planning Commission for the remainder of a term expiring on January 1, 2016.

Consider a motion to appoint \_\_\_\_\_ to the Planning Commission for the remainder of a term expiring on January 1, 2017.

## **6. Consider Action on Vicious Dog and/or Public Disturbance or Nuisance**

**Guests:** (1) Town Health Officer Joe Gannon  
(2) Police Chief Frank Koss

**Enclosures:** (1) Town Health Officer Joe Gannon's report  
(2) The Town's adopted animal control ordinance  
(3) VLCT's "Big Book of Woof" (2015)

Joe Gannon's report describes the incidents and subsequent follow ups. While there is no question about whether or not the dog (a pitbull mix) bit two people, severely injuring at least one, both incidents seem to have occurred on the premises of the owner of the dog. Location of the incidents matters when trying to utilize the applicable section of State statute, as a vicious dog hearing (and applicable enforcement options made available) can only be convened to consider incidents occurring *off* the premises of the dog's owner. Both incidents occurred on the premises of the owner.

The animal control ordinance does contain sections (Articles 4 and 6) related to dogs that create disturbances or nuisances that may be utilized to take enforcement action. Town Health Officer Joe Gannon is exploring whether or not there are avenues available to the Town based on that position's statutory and/or regulatory authority. Town Attorney Bud Allen has been queried on possible options as well.

The overriding concern, ultimately, is safety – particularly whether or not the dog is a risk to bite anyone else. There is general agreement that this dog will bite again, or at the very least exhibit aggressive behavior, if the opportunity arises. The situation is somewhat fluid as of this writing, but cannot remain unaddressed.

A copy of VLCT's, "Big Book of Woof," from 2015 contains more detail on all aspects of municipal authority and responsibility as they relate to dogs.

## **7. Consider Adopting the FY16 Water/Wastewater Budget and Setting Rates**

**Guests:** (1) Rocky Martin, Director of Buildings and Facilities.

**Enclosures:** (1) Initial/draft FY16 water/wastewater budget (from 06/03/15)

A complete version (incorporating the elements of the June 3<sup>rd</sup> discussion) will be available for Thursday night. Setting rates may need to be rescheduled to the July 2<sup>nd</sup> meeting. The draft from the prior meeting is included for review in the meantime, and substantially represents the budget as proposed.

Consider a motion to adopt the FY16 Water/Wastewater Budget.

**8. Consider Approving the Contract with ISI (water treatment and supply project)**

**Guests:** (1) Rocky Martin, Director of Buildings and Facilities.

**Enclosures:** (1) A copy of the proposed agreement with ISI

Rocky can provide the details of the numerous conversations, emails, and other correspondence that have gotten the project to this point. The Board had previously authorized the purchase of a nanofiltration system from St. George-based ISI. In the intervening months the proposed contract’s scope has grown to include additional components and equipment. This change does not effect to overall funding/borrowing plan – the Town can still apply the \$400,000+ in MTBE settlement funds to the project to lower the amount borrowed (and repaid by ratepayers) to \$1.1 million.

*Consider a motion to approve the contract with ISI as presented, and authorize the Town Administrator to execute the agreement.*

**9. Consider Warning a Special Meeting for Vote on Repeal of Stormwater Regulations**

**Guests:** (1) None expected.

**Enclosures:** (1) Copy of the proposed language (from the petition)  
(2) VLCT informational item on “special meetings” (timing, requirements, etc.)

A valid petition (containing signatures of no less than 5% of the registered voters in Hinesburg) to repeal the stormwater regulations adopted by the Selectboard was received before the appeal period expired. Statute requires the Selectboard to set a date for a “special meeting” – i.e. the day and time to vote on whether or not to repeal by Australian ballot – within 15 days of the receipt of such a petition. The vote has to occur within a specific 10-day window, not less than 30 days nor more than 40 days following the petition’s submittal. This means that a special meeting needs to be called for the period between July 19<sup>th</sup> and July 29<sup>th</sup>. Given that voting usually occurs on Tuesdays (November elections, Town Meeting, etc.), the recommendation is to hold the special meeting on Tuesday, July 28<sup>th</sup>. Polls will be open from 7 a.m. to 7 p.m. The Town will print its own ballots and hand-count the results.

The language in the motion is modeled upon the language used when the Town voted whether or not to repeal rural zoning regulations in 2013.

At the same time, work can continue on potential adjustments to be made to the adopted regulations. Those potential changes would likely address many of the stated reasons for the appeal, and alternately could serve as the foundation for a “new” set of proposed regulations should voters repeal the adopted set.

*Consider a motion to warn a special meeting for Tuesday, July 28, 2015, with polls to be open from 7:00 a.m. to 7:00 p.m. for the purpose of considering the following question:*

*Shall the changes to the Zoning and Subdivision Regulations, as approved on May 18, 2015, by the Hinesburg Selectboard be repealed?*

**10. Consider Approving the Carry-Forward of Funds from FY15 to FY16**

**Guests:** (1) None expected.

**Enclosures:** (1) None.

With the close of FY15 looming, there are two sets of funds proposed for carry-forward at this time. The first is the \$9,000 currently envisioned for the highway garage replacement planning/scoping project in Highway Professional Services. The second is \$7,800 from Buildings and Facilities Repair and Maintenance. Carrying these funds forward allows projects at Town Hall – such as long-awaited interior painting – to occur.

*Consider a motion to carry forward, from FY15 to FY16, \$9,000 from Highway Professional Services for the purpose of conducting a highway garage replacement planning study and \$7,800 from Buildings and Facilities Repairs and Maintenance for the purpose of completing applicable projects at Town Hall.*

## **11. Town Administrator's Report**

- a. *Water loss/leak update* – As of this writing, there is optimism that the leak can be found in the Thistle Hill neighborhood. In the meantime, thanks to the new/Wainer wells, the Town was able to refill the storage tank for the first time in nearly five weeks.
- b. *Scope of Work for Water/Wastewater Allocation Award* – This has been moved to the July 2<sup>nd</sup> meeting, and can be effectively “paired” with the conversation on the Planning Commission’s letter recommending the adoption of interim bylaws. Also to consider/discuss – is the Planning Commission the appropriate panel to perform the work, or is a specialized/task-specific committee?
- c. *Planning Commission letter recommending interim bylaws* – The letter is included in packets, and scheduled for discussion on July 2<sup>nd</sup>.
- d. *FY15 Budget Status report* – The plan is to include this in the packets for Thursday night.
- e. *Town Plan Discussion* – At the July 2<sup>nd</sup> meeting we should be able to set a review schedule. One idea is to first review and discuss the adopt plan, and then break review of the proposed plan down by its chapters.
- f. *Lake Iroquois Recreation District Board resignation* – Michelle Fischer has tendered her resignation from the Lake Iroquois Recreation District Board, effective when a replacement is found.
- g. *Boards, Committees, Commissions* – Counting Michelle’s resignation, the Town has 22 vacancies on its various boards, committees, and commissions. If you know of anyone who may be interested in serving the community, please encourage them to volunteer.
- h. *Northern Sun Music Festival* – Just a quick reminder that the festival begins Friday.
- i. *St. George Fire Protection Contract* – The proposed contract has been sent to the folks in St George for review as well. They are planning to discuss and possibly act as early as this Thursday.
- j. *Meeting length and consent agendas* – Lately it seems that meeting length is extending. One possibility to bend that curve is the creation of a consent agenda, where multiple administrative items could effectively be handled with one motion. Members would still be able to remove any item from the consent agenda upon request. Examples of items could be the minutes and warrants. This would include a process where the minutes would be distributed earlier than the general packet so that proposed changes of a typographical/copy editing nature could be made prior to review and action at a meeting.
- k. *Highway staffing* – Staff is checking references on a pair of applicants. Filling both open spots would place the department back at full-strength (four full-time positions).
- l. *Police staffing* – Chief Koss has recommended that Sgt. Casco be appointed to the full-time slot effective July 1<sup>st</sup>. This would return the HCPD to full-strength (as far as full-time positions go).
- m. *Planning and Zoning staffing* – Advertisements and job postings are out in a variety of digital locations.