



To: The Hinesburg Selectboard  
From: Trevor M. Lashua, Town Administrator  
Date: March 31, 2016  
Re: 30-day extension of the local wastewater allocation moratorium.

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Extending the local moratorium on wastewater allocations by 30 days allows for a better review of the proposed changes to the wastewater allocation, wastewater use, and water use/allocation ordinances. An extension also prevents a lag or gap between the expiration of the prior moratorium and the effective date of any ordinance changes adopted.

The authority to amend a duly adopted ordinance can be found in at least two sections of statute.<sup>1</sup> The proposed language is below, along with the “reasoning” behind the change.

Wastewater Capacity Allocation Ordinance, Section 4.C; (page 4)

**Proposed change:** Replace the existing language with the following – “The Town of Hinesburg prohibits new wastewater allocations for a period expiring July 6, 2016. This is an extension of the prior moratorium by 30 days. The Selectboard may still consider requests related to existing residential uses (such as the addition of a bathroom or in-law apartment) and enterprise/commercial users, provided that those allocation requests do not exceed 2.5% of the total residential or enterprise/commercial reserves.”

**Reason:** To extend the local moratorium on wastewater allocations by 30 days. The extension is designed to provide the Board additional time to review the proposed changes to the wastewater allocation, wastewater use, and water use/allocation ordinances without any lag or gap between the expiration of the moratorium and the effective date of the ordinance changes (if adopted). The extension also provides time to ensure completion of other tasks outlined during the initial adoption of the moratorium. The wastewater capacity and treatment study is slated for presentation (at least at a preliminary level) in April. The State of Vermont has yet to formally or officially set the phosphorous discharge limits associated with the total maximum daily load (TMDL) for Lake Champlain. The new water supply and treatment wells are slated to be online at some point during the next two months. The implementation of an allocation award system that phases development and allocates capacity on a standardized, possibly competitive, basis is likely to be the focus of second phase of ordinance review and amendment.

Ordinance Adoption/Amendment Process

The following section describes the process, assuming the Selectboard adopts the proposed 30-day extension of the moratorium:

- *April 4<sup>th</sup>* – The Selectboard adopts the extension.
- *April 5<sup>th</sup>* – The proposed changes are posted in five “conspicuous” places around Town. The five places will be the Post Office, Carpenter-Carse Library, the Town Clerk’s office, the Town Administrator’s office, and the bulletin board outside of Lantman’s Market. The proposed changes will also be posted to the Town website.

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<sup>1</sup> 24 V.S.A. § 1976 and 24 V.S.A. § 3617

- *April 7<sup>th</sup>* – The Town publishes the full text or summary of the proposed changes in a newspaper of record. This must occur no later than 14 days following action by the Selectboard; April 7<sup>th</sup> is the first publication date for *The Citizen* following the April 4<sup>th</sup> meeting.
- *May 18<sup>th</sup>* – A petition to force a vote on the proposed changes must be signed by at least 5% of registered voters and submitted no later than 44 days following the Selectboard’s action to adopt. If a petition is filed, a vote must be held by Australian ballot within a specified period of time.
- *June 3<sup>rd</sup>* – The 30-day extension is in effect, if no petition is filed.
- *July 6<sup>th</sup>* – The 30-day extension expires, if no other action is taken to adopt other changes to the wastewater allocation, wastewater use, and water use/allocation ordinances.