



## Select Board

Town Of Hinesburg  
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### Meeting Minutes - April 18, 2016

*- Draft -*

**Attending the Meeting:** Mike Bissonette, Andrea Morgante, Tom Ayer, Phil Pouech (6:45 p.m.), Aaron Kimball, Trevor Lashua, Renae Marshall, and attached list.

Meeting called to order at 6:35 p.m.

Public Comment and Additions/Deletions were tabled while waiting for the arrival of Phil.

#### Consider Approving 1<sup>st</sup> Class Liquor Licenses

Andrea moved and Tom seconded a motion to convene as the local Board of Liquor Control. The motion passed 4-0.

Trevor listed the two license request: Good Times Café and Hinesburgh Public House. Liquor licenses expire on April 30<sup>th</sup> of each year. The Select Board will be acting as the local Board of Liquor Control Commissioners. Hinesburg Community Police did not identify any issues with either establishment.

Andrea moved and Tom seconded a motion to approve first class liquor licenses for the period beginning May 1, 2016 and expiring April 30, 2017 for:

- Back to Basics Vermont, Inc., doing business as (d/b/a) Hinesburgh Public House;
- Two Buffoons, Inc., d/b/a Good Times Café.

The motion passed 4-0.

Aaron moved and Andrea seconded a motion to close the local Board of Liquor Control. The motion passed 4-0.

#### Public Comment

None.

## **Additions/Deletions to the Agenda**

None.

## **Consider Approving the Purchase of Equipment and Materials for the Highway Department**

Trevor introduced the two pieces of equipment and one supply item for which purchase approval is being sought:

1. The disc harrow (\$8,400). The harrow is a maintenance and material reclamation tool currently programmed into the capital budget for FY17 (at \$10,000). Purchasing this fiscal year allows the funds budgeted for FY17 to be saved, used to pay down equipment debt, or applied to paving. The equipment can also be put in use this spring.
2. A replacement fuel tank (\$3,600). This item has been ordered already, due to the potential lag time associated with purchase and delivery, with the presumption of approval. The old fuel tank has had about 4" of water and rust in the bottom, with sediment ending up in fuel tanks, clogging filters, etc. Cleaning would be possible for an estimated \$2,500, but the tank is 20-years-old and cleaning does not carry any guarantee of extension of useful life. The Highway Department has had to fuel its vehicles and equipment (such as the grader) at Hart and Mead here in the village.
3. Purchase of stone (\$5,000). In the fall of 2015, when the capital budget was reprogrammed, gravel purchases were suspended for FY16. This would allow for the purchase of material not created on-site, and used to complete projects throughout Town this spring.

Mike Anthony talked more about the harrow, and how it is useful in reclamation and maintenance efforts. The proposed source of funds was discussed, as well as the overall impact on the FY16 budget. Approving these expenses does not alter the Highway Department's ability to meet its FY16 budget targets. The source of funds are: budget lines for winter salt, winter sand and vehicle fuel.

Andrea moved and Phil seconded a motion approving the purchases, using the amounts and funding sources listed in the annotated agenda. The motion passed 5-0.

## **Consider Proposed Alignment Change for the Village North Sidewalk**

Doug Henson, of Lamoureux and Dickinson, was present to discuss the requested consideration of alignment from the Department of Environmental Conservation.

Doug said the Board needs to speak with NRG regarding their commitment to the project.

Phil asked if we could seek more grant funds if the project cost increases. Doug said that can be done.

Phil moved the Board consider a motion to advocate strongly for the sidewalk alignment as proposed in the right-of-way plans and to hold a formal meeting with Jolly and NRG to get their support and move forward. Second by Tom.

Phil said he will contact NRG.

Motion voted and approved with 5 yes votes.

### **Consider Approving Wastewater Allocation for the Old Police Station/Lyman Homestead**

The old Police Station will require 180 gallons per day (gpd) of wastewater capacity. The moratorium on new wastewater allocation does contain a provision allowing the Select Board to award an amount not to exceed 2.5% of the total wastewater capacity for the two primary categories (residential and enterprise). Using the FY16 adopted capacity chart, 2.5% of the enterprise capacity is 543.4 gpd. Granting the allocation request leaves 363.4 gpd to allocate from the enterprise category, if requested, prior to the expiration of the allocation moratorium in July (as extended). The water allocation is a bit trickier, in that the State would technically need to lift its allocation ban first. At this point, the sale is, in itself, the Town's initial commitment to provide water.

Tom moved the Board consider a motion to grant 180 gallons per day of wastewater capacity to the Town of Hinesburg for the old police station/Lyman Homestead, to be transferred to the buyers upon closing. Second by Andrea and approved.

### **Discuss the Proposed Vermont Gas/Geprags Park Pipeline Easement and Agreement (and process)**

The Board shared the timeline resulting from a meeting with Louise Porter, of VT Dept. of Public Service.

Attending the meeting was Mike B, Aaron Kimball, Trevor Lashua, and Renae Marshall. The Town Agent was aware of the meeting but unable to attend.

Phil asked what will take place at the technical meeting. Trevor replied that the Public Service Board (PSB) will review the easement and agreement, if no agreement is reached it becomes a contested hearing.

Andrea said there is need for additional legal counsel that specifically is knowledgeable in municipal law and eminent domain.

Phil feels it is in the best interest of the Town to craft an agreement to answer as many of the appropriate questions and put it out for a vote.

Aaron moved the Board consider a motion to ask the VT Dept. of Public Service to do an independent appraisal.

Mike B seconds the motion. Motion voted with Mike B, Aaron and Tom in favor, Phil and Andrea opposed. Motion passed.

Tom asked Aaron what about the agreement he feels is questionable. Aaron replied he feels the easement is what needs to be worked on.

Bill Marks said the Conservation Commission feels about a year ago would have been when to bring in additional legal counsel. He feels we need to get the best deal monetarily for the Town.

Karl Novak asked if any written communication between the Select Board and VT Gas taken place and is there any written agreement. Trevor responded there has been email correspondence.

Rachel Smolker asked if the Board pursued funding available through the VT Dept. of Public Service to help with legal fees and has the Board reviewed agreements from other towns with VT Gas?

Trevor said there was no offer regarding legal fees costs at Friday's meeting.

Linda Gage said it would have been helpful if at the meeting on Friday a member of the Conservation Commission was present.

Bob Thiefels said he will get his list of questions to Mike B by next week. He asked if the agreement had been ratified was the \$75,000 payment assigned to anything specific and if money is received who will decide where the money would go. He also noted he feels that more than the easement needs to be looked in the original agreement.

Mike B said we are not at that point.

Tom added regarding to use of the funds the covenant on the property call for education and recreation use.

Mary Beth Bowman said she is concerned that Andrea was not invited to the meeting on Friday and is also concerned that Mike B has spoken directly with VT Gas.

John Kiedaisch said this is a complex issue process wise and legally wise; there is no reason not to bring in legal advice with the experience in such issues.

Renaë Marshall said the purpose of the meeting last Friday was to clarify a timeline.

Andrea would like there to be a committee to work on these questions and issues.

Phil agreed there should be a committee.

Andrea moved to form a committee consisting of Mike B, Aaron Kimball, a Conservation Commission member and Renaë or Trevor to work on this. Second by Phil.

Aaron asked what the charge for the committee would be. He suggested; research, answer the questions raised and have written answers so the answers can be identified, work on drafting an agreement – what issues need to be in the agreement and what in the easement.

Aaron added to the motion that the committee will have no negotiation power and no decision making capability (specifically those powers stay with the Select Board) the committee is just advisory.

The committee will dissolve upon completion of a draft agreement, they will report on May 16 as to where they are at with a draft agreement.

Have the Town follow up through the Town Agent to seek advice from an attorney who is familiar with such issues.

Authorize the committee to hire up to 5 hours of consolation from another attorney and get a second opinion on 4506 and a third on 1061.

Motion with additions by Aaron second by Phil.

Motion voted with Aaron, Andreas and Phil in favor – Mike B. and Tom opposed. Motion passed.

### **Discuss the Environmental Court's Decision Regarding Hannaford**

Hannaford decision documents (a folder is in the 4/18 Dropbox folder; the same documents are available at: <http://hinesburg.org/lot15/hannaford.html> ).

Trevor noted a few items of concern arise – installation of a traffic light at the intersection of Mechanicsville Road and Route 116.

**Discuss Proposed Changes to the Water, Wastewater Use, and Wastewater Capacity Ordinances**

The Board made its final review of the ordinances and made some corrections to wording.

Jeff Glassberg of Wind Energy questioned the wording regarding fees referring to granted after DRB sketch plan approval in one part and fee shall be due on submitting an application in another area. The Board explained the difference between application and holding fees.

Joe Iadanza asked the Board to reconsider their decision regarding interim zoning in light of wastewater allocation costs.

The Board will act on the ordinances at the May 2<sup>nd</sup> meeting.

**Town Administrator’s Report**

- a. **FY16 Budget Status Report** – Discussion on this has been moved, tentatively, to the 5/02 meeting. If possible, the documents will be provided for Monday night.
- b. **Water Treatment Facility Project** – The project is moving along. Siding materials are in the process of being ordered, and that work scheduled (siding is the last major component, outside of landscaping efforts). General completion of the main components (i.e. those needed to turn the water on) is slated for the first week of May. When the Town can use the new wells to supply water depends upon the State.
- c. **Workplace Safety effort, continued** – Project Worksafe staff toured Town facilities; a formal report is expected within a couple of weeks with items to remedy. Generally, remedies project to be on the smaller/easier end. The report will highlight the challenges (safety-related ones) inherent to the lack of space in the Highway Garage. A renewed focus on safety efforts, including improved documentation of practices, policies, training, and improvements, is part of the process of ensuring a safe workplace and lowering worker’s compensation insurance costs.

<i>“Two-and-Two”</i>	
<i>05/02/16</i>	<i>05/16/16</i>
<ul style="list-style-type: none"> <li>▪ Act 46 Presentation/Discussion</li> <li>▪ Geprags Park/VT Gas Discussion</li> <li>▪ Alan Norris/Meadow Mist Escrow Agreement</li> <li>▪ Annual adoption of the Local Emergency Operations Plan.</li> <li>▪ FY16 Budget Status Report and Discussion</li> <li>▪ Water and wastewater ordinances adoption.</li> <li>▪ Hannaford Decisions – Discussion</li> </ul>	<ul style="list-style-type: none"> <li>▪ Continued discussion on Geprags Park/VT Gas agreement, easement, etc.</li> <li>▪ Economic Development Committee – discuss RLF.</li> </ul>
<p><i>To be determined:</i></p> <ul style="list-style-type: none"> <li>▪ Changes to the Animal Control Ordinance.</li> <li>▪ Bissonette Field bid award (4/18, 5/02?)</li> </ul>	

## Select Board Items

Aaron asked about the Gilman Road Public Health issue. Trevor said he understands an exterminator has been chosen and a plan is in place.

Andrea asked about the sale of the old Police Station. Trevor said the closing date is scheduled for mid-May and the 30 notice will work off that date.

## Warrants

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

## Minutes

Phil moved the Board vote to approve the minutes of 4/04/16 as submitted, second by Andrea and approved with 5 yes votes.

Aaron moved to adjourn at 10:00 p.m., second by Phil and all in favor.



# Selectboard Meeting

## Sign-in Sheet

April 18<sup>th</sup>, 2016

1. Mike Anthony

2. Renee Marshall

3. LINDA GAGE

4. Doug Henson

5. Mary Bell Brown

6. Rachel Smolker

7. Lawrence Shelton

8. Theora Ward

9. M. Sm

10. Ned Ferguson

11. M. Gordon

12. Kari Cuneo

13. Terence Cuneo

14. Bob Thierfeld

15. Joe Kiedaich

16. John Kiedaich

17. Jeff Glassberg

18. Gill Coates

19. George Dampan

20. Joe Tadanza

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