



Annotated Agenda

07/21/16

4. Consider Resident's Request for Waiver of Water/Wastewater Fees and Charges

Guests: (1) Bonnie Kinney

Enclosures: (1) Email correspondence with Bonnie Kinney

Bonnie Kinney will be requesting a waiver of outstanding water and wastewater charges, specifically the penalties and interest levied throughout the years. As of 7/20/16, the interest owed totals \$1,121.45; penalties total \$154.00. Water and wastewater fees, according to the Town's billing system, were paid with regularity from the purchase of the property in 2005 until 2008. From 2008 through today, the payments have been irregular or non-existent – the last payment received by the Town was \$75.00 on 8/11/15. The Town has established payment plans with Ms. Kinney to pay off outstanding charges through the years.

The water and wastewater ordinances do not contemplate a request to waive the penalties and interest levied upon non-payment; neither does State statute. Staff recommends another attempt at a payment plan, as opposed to waving any outstanding penalties and interest and a precedent.

Consider a motion to deny the request to waive outstanding water and wastewater interest and penalty charges and to direct staff to work with Ms. Kinney to establish a payment plan that can be adhered to.

5. Discuss Masons Building/Patriots Lodge with Representatives of the Masons

Guests: (1) Duane Manning, Patriots Lodge #33

Enclosures: (1) None as of this writing.

Mr. Manning has asked for time with the Selectboard to discuss, "updating the building." The Town is the owner of the building, and the Masons lease the building (and in turn rent to "sub-tenants" such as the Nursery School).

Action is neither required nor anticipated.

6. Discuss the Environmental Court's Rule 59 Decisions (Hannaford)

Guests: (1) None anticipated

Enclosures: (1) The three decisions.

Rule 59 proceedings are, essentially, comprised of motions to reconsider. The Environmental Court has issued its decisions in the Rule 59 proceedings related to the proposed Hannaford in Hinesburg. The three main parties (the Town, Martin's Foods/Hannaford, and an appellant collaborative including Responsible Growth Hinesburg and others) all filed motions as part of the process.

Two main areas of concern for the Town with regards to the initial decision by the court are the requirement to install a traffic light at the intersection of the VT Route 116 and Mechanicsville Road and a post-construction traffic study required by the judge.

The traffic light does not carry a cost component for the Town; Hannaford would be required to purchase and pay (following additional authorization by the Vermont Agency of Transportation, the “owners” of Route 116). The Town’s objection is the addition of another traffic signal along a route where morning and evening congestion issues are already prevalent. In fairness to the judge, the intersection in question has received poor or failing grades for performance and would also need to be evaluated with consideration of the upgrades planned for to two other problematic signalized intersections (Route 116/CVU Road/Shelburne Falls Road and Route 116/Charlotte Road/Lantman’s Market).

The judge resolved questions related to the post-construction traffic study by simply removing it as a requirement.

The next step for any of the parties still dissatisfied or concerned with the actions of the Environmental Court is an appeal to the Vermont Supreme Court. The Town has 30 days from the date of the issuance of the judge’s decision to file an appeal. The appeal would not be based upon whether or not the traffic signal is a good idea or a bad one, but rather whether or not the judge has the authority to issue such a requirement.

Action is neither required nor anticipated; if the Town wants to appeal it will need to make that determination within the 30-day window.

7. Consider Selecting a Preferred Alternative from the Richmond Road Bike/Pedestrian Scoping Study

Guests: (1) None

Enclosures: (1) The draft scoping study (from June meeting)
(2) Appendix A from the draft study
(3) Appendix B from the draft study

Staff from the Chittenden County Regional Planning Commission asked for feedback on the draft scoping study, and possible identification of a preferred alternative.

The Trails Committee has been invited to attend the discussion and supply any feedback or commentary at or prior to the meeting.

Consider a motion to identify a preferred alternative from the draft of the Richmond Road bike/pedestrian scoping study.

8. Consider Setting the FY17 Tax Rate

Guests: (1) None.

Enclosures: (1) Memo re the FY17 tax rate, grand list growth, and fund balance
(2) FY17 Tax Rate Summary

The memo includes information related to setting municipal and education property tax rates for FY17.

Consider a motion to set the municipal and education property tax rates for FY17 for residential and non-residential property taxpayers as shown in the FY17 Tax Rate Summary.

9. Consider Approving the Audit Engagement Letter (Fothergill Segale and Valley)

Guests: (1) None.

Enclosures: (1) A copy of the audit engagement letter for the FY16 audit

Approval of the audit engagement letter will formally begin the process related to the FY16 audit. Fothergill Segale and Valley will once again conduct the audit on behalf of the Town.

Consider a motion to approve the audit engagement letter with Fothergill Segale and Valley for the FY16 audit, and to authorize the Town Administrator to sign the letter.

10. Consider Approving a Contract Amendment for Lamoureux and Dickinson (Village North Sidewalk)

Guests: (1) None.

Enclosures: (1) A copy of the contract amendment

Lamoureux and Dickinson is engaged as the Village North sidewalk project's civil engineer. The contract amendment reflects that additional work has occurred and will continue to as part of the wetlands impact and mitigation considerations. The engineering costs are to be paid for by the two property owners (Wind NRG Associates and Jolley Mart). The goal is to have the consent of both of those parties prior to action; if there isn't consent by tomorrow evening action should be tabled until the 8/4 meeting.

Consider a motion to approve the contract amendment with Lamoureux and Dickinson for engineering services for the Village North sidewalk.

11. Discuss the Selectboard's "Retreat" Agenda

Guests: (1) None.

Enclosures: (1) A copy of the audit engagement letter for the FY16 audit

The idea is to spend some time discussing topics, goals, and desired outcomes for the Selectboard's "retreat." A determination should also be made regarding the location.

Action is neither anticipated nor required.

12. Town Administrator's Report

- a. *Vermont Gas/Geprags Park* – The Selectboard will be asked to add an agenda item during additions/deletions/changes for the purpose of warning a special Selectboard meeting for Thursday, 7/28, at 7 p.m. The special meeting's purpose would be to discuss the latest drafts of the easement deed and stipulated agreement and act upon them. The operating schedule had action occurring on 7/21, however, the additional wetlands analysis and delay in receiving revised drafts has made that impractical. One idea had been to wait until the 8/4 meeting, but that is the date the Public Service Board has chosen for the technical

hearing – and the Town will need to make a decision prior to that hearing. The special meeting allows time to post the drafts for public review and allow the attorney for the intervenor group the seven days allotted to make a discovery request (and to receive responses prior to the technical hearing). Staff will seek to have the latest drafts posted Thursday afternoon (the latest drafts received).

- b. *Public Service Board's exclusion of the public from the 8/4 technical hearing* – The Public Service Board issued an order Friday (7/15) excluding the public from attending the 8/4 technical hearing slated to occur in Berlin (as opposed the PSB's normal hearing location in Montpelier). The order cites, among other reasons, disruptions to the proceedings and the concerns of law enforcement. The Board may consider amending the agenda to include, as a separate topic, whether or not to have the Town Attorney object to the decision. In the meantime, any Board members wishing to attend should submit their license plate and driver's license numbers to my office or the Town Attorney as soon as possible (to ensure inclusion on the "list").
- c. *Solar Screening Regulations* – In trying to ensure we are as prepared as possible for discussions, the solar screening regulations have been scheduled for the August 4th meeting. The goal is to review the Planning Commission's proposal and determine whether or not to hold a public hearing. A copy of the proposed regulations is included.
- d. *Draft Wastewater Treatment Facility and Water Quality Report* – With the TMDL for Lake Champlain now issued, Aldrich and Elliott will be finalizing its report for the Town. The latest draft of the report is included; please submit comments or concerns so that they may be included and/or addressed in the final report. A presentation and discussion will be scheduled for August or September.
- e. *Highway garage scoping study* – The goal is present the scoping study/subcommittee work at the August 4th meeting.
- f. *Gilman Road/Sheridan Lane* – An update has been received from Joe Gannon; that will be provided to the Board.
- g. *Water supply and treatment facility "bridge" loan* – The bridge loan with Merchant's Bank has been repaid in full. The loan was necessary to ensure sufficient project funding following a delay in access to the State's revolving loan fund reimbursement process. The Town had borrowed \$300,000.
- h. *Excessive Force Allegation* – The Vermont State Police has concluded its investigation of an excessive force complaint filed against two Hinesburg Community Police Department officers. The report was given to the office of the Chittenden County State's Attorney, which will determine whether or not to file charges of any kind. The Town will not receive a copy of the report until that decision is made by the State's attorney, is my current understanding. One officer remains on paid administrative leave, the other is on full and active duty.
- i. *2016 Bike/Pedestrian grant application ("Village South")* – The grant application for the "Village South" sidewalk connecting Meadow Mist to the existing village sidewalk network at Hinesburg Community School was submitted. Grant awards will be made in the fall.
- j. *Invasive Plant Species Plan* – The administrator's office reached out to the Conservation Commission and Town Forest Committee, two groups that have discussed the need for a Town-wide invasive plant plan, to see about a coordinated effort to create a plan in advance of the FY18 budget process (and to implement that plan if approved). The two groups have expressed interest in such an effort.