

09/12/16

Attending the meeting; Mike Bissonette, Phil Pouech, Tom Ayer, Andrea Morgante, Aaron Kimball, Trevor Lashua, Renae Marshall and attached list.

Meeting called to order at 6:41 p.m.

#### Public Comment

Gil Coates asked the Board in regards to the settlement with VT Gas if there will be public discussion as to the use of the funds the Town is receiving.

Trevor explained the process is not yet completed and there will be discussion at warned meetings to allow for public input on suggestions for use of the funds.

There were no changes to the agenda.

#### Consider Authorizing Funds for Construction of One Field of the Bissonette Fields Project

There is the chance to use existing funds to construct one of two multi-purpose fields this fall. The estimate for the field construction is \$90,828. After subtracting the \$120,000 spent this season on construction efforts (road, parking lot, field preparation), more than \$98,000 remains. The low bidder from earlier this year, Green Mountain Siteworks, provided the price and would continue with the work if authorized by the Selectboard.

The Board reviewed the estimate of costs and work to be done.

Andrea asked about the top soil. Tom said there is a value assigned to the top soil which will be stockpiled and anticipates there will be more than enough to cover the fields.

Andrea asked about the culvert. Tom explained the requirement for the culvert is based on roads that may not be built. They plan to go back to the DRB to discuss this.

Phil asked about drainage using the problems with the fields at CVU as an example.

Frank Twarog of the recreation commission said they are using drainage tubing and have allowed for more drainage than engineered so feel confident there will not be a problem.

Tom moved the Board consider a motion to authorize the expenditure of \$91,000 for the purpose of construction of one of the multi-purpose recreation fields for the Bissonette Fields project. Second by Andrea. Approved with 5 yes votes.

#### Discuss the Possible Purchase of Solar Trackers at the Wastewater Lagoon

Phil recused himself from the Board for this item.

The Board reviewed an analysis of All Earth Renewables financing proposal and the Vermont Municipal Bond Bank option (both for 10-year terms) which compares the financing proposal received from All Earth Renewables with an option to borrow from the Vermont Municipal Bond Bank. A third financing query was made to a commercial lender (Merchant's Bank), which declined to "bid" on the project.

As the analysis shows, borrowing from the Bond Bank is the most cost effective purchase financing option, due to the low interest rate (2.285%). The interest rate quoted by the Bond Bank in August includes an additional 0.5% in anticipation of the rate increasing during the course of the next year or so. The Bond Bank proposal, based on the difference in the interest rates, is nearly \$51,000 less than the All Earth proposal over the 10 years of the term.

The “wrinkle” with financing through the Bond Bank is that the Town would need to acquire a capital anticipation note or a bond anticipation note, as the Bond Bank is not planning to sell any bonds until July 2017 (generally there are two offerings, in January and July). The interest rate on a bond anticipation note would be less than 1.5% according to Merchant’s Bank.

Tom said he is not convinced the purchase is worth the associated risk.

Phil asked if having a bond for this will hinder other bonds the Town might be looking for. Trevor noted there is a ratio regarding amount of debt but is not sure when the Town would exceed that.

Andrea asked who would be responsible for pay back on the bond, she feels it should not be put on the water and wastewater users but structured that the payment and benefit is for support of the municipal buildings. She supports the purchasing option.

Questioned was what the warranty would cover if purchased. Trevor will arrange a trip to go into the field with a representative from AER to go over the parts and components of a tracker and what is covered and projected costs for replacement parts.

Andrea noted that the Town needs to make sure if the bond for purchase is defeated the Town still can continue to lease.

### **Public Hearing on Proposed Changes to the Zoning Regulations**

Mike B opened the public hearing.

Phil recused himself from the Board for this item.

Alex gave a brief explanation behind the proposed changes to the regulations.

From the Town’s website:

“The purpose is to revise and bolster landscaping and screening requirements for commercial and industrial uses, and to ensure these requirements also apply to certain ground-mounted solar installations. The geographic area affected is town-wide.”

Lynn Gardner stated he is concerned about the proposed changes and feels the current screening requirements for industrial are adequate. He further noted this was done to address screening of solar projects and if the State enacts regulations addressing solar as is being discussed the Town regs will be negated for solar but still apply to other areas.

Alex said the State is looking at regulating where solar fields can be established.

Andrea said her concern is to have the regulations in place so new businesses moving in will have standards to follow.

Aaron agrees and is not looking to require any changes to existing businesses in the industrial district but set regulations for new development.

Phil asked about the language in section 5.6.6 (4) referring to year round and asked if that implied evergreens and cedars.

Joe Iadanza said it does not, they are looking not to hide but to achieve fitting in more closely with the land.

Tom said in regards to the amount of screening he would like to see some kind of direction for the DRB.

Lynn said regarding the term “minor” site plan revisions he would like to the term “minor renovations” included.

Alex responded that a minor site plan can be approved by the ZA.

Mike B closed the public hearing.

Andrea moved the Board consider a vote to approve the Zoning Bylaw amendments as presented by the Planning Commission. Second by Aaron.

Lynn said he attended the PC meetings and the PC did work with residents to adjust the regs but he still feels it could be amended and improved.

Motion voted and approved with 4 yes votes, Phil abstaining.

### **Open Meeting Law Training with VLCT**

Carl Andeer, Staff Attorney I, Vermont League of Cities and Towns (VLCT) Municipal Assistance Center (MAC) Provided an overview of the open meeting law, focusing on topics such as the requirements of the law, changes made during the most recent legislative session, and what does or does not constitute a violation.

Board, Committee and Commission members present at the training asked about what constitutes a quorum and what communication is permissible between members when discussing topics being considered by the group.

### **Consider Authorizing the Town Agent to Sign a Waiver and Release of Right to Purchase (231 Hayden Hill Road, the Estate of Leona Hayden)**

The prospective buyers of the estate of Leona Hayden would like to clear the title for the property. The Town, when it conveyed the parcel in 1961 to Lyle and Leona Hayden, reserved what was essentially a right of first refusal to re-acquire the property located at 231 Hayden Hill Road West. The Town Attorney has reviewed the Waiver and Release of Right to Purchase (the proposed mechanism for relinquishing any purchase rights) and has recommended signing if the Town has no interest in acquiring the property. The Town is not likely to acquire the property at the price for which it sold (\$1,150, paid in equal installments over five years, with interest) either.

The Board reviewed the waiver and release document.

Tom moved the Board consider a motion to authorize the Town Attorney to sign the Waiver and Release of Right to Purchase for a parcel of land, located primarily at 231 Hayden Hill Road West, originally conveyed to Lyle and Leona Hayden in 1961. Second by Andrea and approved with 5 yes votes.

It was noted that all monies owed to the Town on this property were paid.

### **Town Administrator's Report**

- a. *Selectboard Retreat dates* – The date is set for 10/10 at 4:30 p.m.
- b. *Excessive Force Allegation* – The news is that there is no news as of this writing. The Town continues to await the conclusion of the investigation being led by the State Police, which in turn will lead to a decision by the State's Attorney. At the same time, mediation has been set up for the Federal civil case filed – December 2016. The Board noted the need to check if the paid administrative leave time has expired and need to take further action in that regard.
- c. *Lane/Gilman Road* – Zoning violations have been issued, and the Town Attorney is in the process of seeking to enforce the health order through the court system, as directed by the Board in August.
- d. *Old Police Station sale* – Closing has been scheduled for 10/7. The stormwater permit is under "public notice," with the expected issuance on or shortly after 09/12. Once the stormwater permit is issued, the Act 250 permit can be issued as well (likely within one week). The State permitting process will then be concluded.
- e. *Green Street Affordable Housing Grand Opening* – The Board's postcard invitations are here at Town Hall; a pdf of one received is included.
- f. *VLCT Municipal Action Paper #1 (Municipal Self-Governance)* – The first of the action papers produced by VLCT during election season is available and in the packet. The first paper is about self-governance. VLCT has long advocated that Vermont, in some form at least, become a "home-rule" state (where local government is granted greater autonomy and the influence and interference of State government is limited in certain areas). Vermont is what's known as a Dillon's Rule state, where municipalities are unfortunately the wards, in many senses, of the legislature. The rule is named after a judge from Iowa who issued the order in 1868. Iowa, ironically, is a home rule State.
- g. *FY16 Budget Report* – This has been moved to the 09/19 meeting, to allow for additional analysis and discussion.

**Selectboard items**

Phil asked about paving the apron of the entrance to Baldwin Rd from the Charlotte Rd intersection. This will be on the agenda for next week.

Tom said that WOKO radio station held their annual fund raiser and this year’s recipient was Hinesburg Fire Department and EMS. \$1500 was raised and Tom was happy to say that the radio staff said HFD and EMS members were the only recipients of the fundraiser who took part and participated in an event for their benefit.

Andrea brought up the possibility of Eco System Restoration grant. Lewis Creek Association and other potential stormwater projects such as at HCS were discussed. The grant would require a match by the Town. Andrea will bring back more information to the Board on this.

Andrea reminded everyone of the Fall Festival to be held on 9/24. In addition to outside vendors many Town committees will have informational tables set up in the Town Hall. Suggested was to display the information on the new Town Highway garage.

Aaron said with budget season approaching and the school season having begun there is need to address the danger at the intersection at Silver St. Andrea said she can bring the issue before the RPC. A crossing guard could be a short term solution. Aaron would like to bring all parties involved together for discussion.

**Minutes**

Phil moved the Board consider a motion to approve the minutes of 8/18 as amended, second by Mike B and approved with 4 yes votes and Tom abstaining.

**Warrants**

Tom moved the Board consider a motion to approve the warrants, including payroll, as submitted by the Town Treasurer. Second by Phil and approved with 5 yes votes.

<i>“Two-and-Two”</i>	
<u>09/19/16</u>	<u>10/03/16</u>
<ul style="list-style-type: none"> <li>▪ Alfalfa Lane/Medical Center right-of-way discussion.</li> <li>▪ Continue solar tracker purchase discussion</li> <li>▪ Discuss water/wastewater allocation framework, research</li> <li>▪ Discuss possible purchase of solar trackers at lagoons.</li> <li>▪ FY16 Budget recap/roundup</li> <li>▪ Discuss use of stipulated agreement (VGS/Gepnags) funds.</li> <li>▪ Review and adopt FY16 capital reserves (may occur 10/03).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Tree inventory presentation (Marie Ambusk and Paul Wieczoreck)</li> <li>▪ Discuss FY17 Budget Priorities</li> <li>▪ Wastewater Treatment Facility – final report presentation</li> <li>▪ Review of capital improvement program and budget.</li> <li>▪ Discuss water/wastewater allocation framework, research</li> </ul>
<p><i>To be determined:</i></p> <ul style="list-style-type: none"> <li>▪ Changes to the Animal Control Ordinance.</li> <li>▪ Town Plan update – begin review process.</li> <li>▪ Selectboard Retreat</li> <li>▪ Highway Garage scoping study (10/17)</li> </ul>	

Aaron moved to adjourn at 9:45 p.m., second by Phil and unanimously approved.

Respectfully submitted,  
Valerie Spadaccini, secretary