



Annotated Agenda

10/03/16

4. Executive Session – 1 V.S.A. § 313 (a) (1) (E) and (F) [pending/probable litigation and legal advice]

Guests: (1) Nancy Sheahan, Attorney, McNeil Leddy and Sheahan
(2) Frank Koss, Chief of Police

Enclosures: (1) None.

Nancy Sheahan, an attorney with McNeil Leddy and Sheahan in Burlington working with the Town, will attend to discuss the current status and projected next steps related to the excessive force allegation lodged against two police officers last spring. Nancy was assigned to the Town through its property, casualty, and liability insurer (VLCT PACIF).

Executive session is the appropriate venue for this discussion given that the Town will be receiving legal advice on pending/probably civil and/or criminal litigation. As usual, two motions will be required – the first is the finding that executive session is necessary and allowed by statute and the second is the motion to enter executive session.

After exiting executive session, there is one potential action to consider. At the September 19th meeting, the Board extended paid administrative leave for one of the two officers (the other is on active duty, and has been all along) involved. The leave extension expires October 4th. After discussing the matter, the Board may wish to extend the paid leave period again. As of this writing, there is still no timeline offered by the State’s Attorney as to when a decision will be made by the office. A motion is drafted below, with the duration of a paid administrative leave extension left blank.

Consider a motion to find that premature general public disclosure would place the municipality at a substantial disadvantage with pending or probable civil or criminal litigation and to receive confidential advice from the Town’s legal representative.

Consider a motion to enter executive session, to include the Town Administrator, Police Chief, and Nancy Sheahan under the provisions of 1 V.S.A. § 313 (a) (1) (E) and (F).

Consider a motion to extend paid administrative leave for one employee for a period not to exceed _____.

5. Consider Authorizing Funds to Pave a Short Section of Baldwin Road (continued from August)

Guests: (1) Mike Anthony, Highway Foreman

Enclosures: (1) None.

This a return to a discussion started in August when a request was made to pave a short section of Baldwin Road, beginning at the intersection with Charlotte Road and extending just beyond the top of the first rise. The proposed source of most of the funds remains the same – paving funds from the capital program that were unspent in FY17 (due to the paving project coming in well under budget). Vermont Gas has offered to contribute \$10,000 towards

the paving as a result of the ongoing discussion with the Town about repairs to Baldwin Road made necessary due to the impacts of the traffic from construction vehicles working on the Addison Natural Gas Pipeline.

As part of the discussion on paving this section, Highway Foreman Mike Anthony will discuss what is, essentially, a pilot project related to reconfiguring the intersection of Baldwin and Charlotte Roads to improve safety, reduce speed, and enhance visibility on the curve on Charlotte Road.

Consider a motion to approve the use of an amount not to exceed \$24,000 in remaining FY17 paving funds and the \$10,000 contribution from Vermont Gas to pave a small section of Baldwin Road as discussed.

6. Consider Warning Bond Vote for Purchase of Solar Trackers at the Wastewater Treatment Lagoons

Guests: (1) Payne Morgan, All Earth Renewables (invited)

Enclosures: (1) Materials for warning a bond vote, as prepared by bond counsel

*See packets of 08/04 and 09/12 for additional materials

The Town has been working with attorney Paul Giuliani as bond counsel; he prepared the documents included in packets and needed to facilitate the warning of a bond vote. There are two motions below: one to adopt the necessity resolution (text on page two of the pdf), stating that a bond is the necessary and prudent way to finance the purchase of the trackers, and one to warn the vote and the required special meeting.

The bond vote would occur on November 8th (Election Day), with the special meeting the evening before during a regularly scheduled Selectboard meeting (November 7th).

The Town Clerk may wish to address the Selectboard with concerns related to the timing of the vote. Statute creates a bit of a disconnect between bond votes and absentee ballots – the former cannot be warned more than 40 days prior to a vote while the latter must be available no less than 45 days prior. There are voters who have requested and returned absentee ballots who may not be aware of or even able to do vote on the bond (they may be traveling overseas, for example). The timing has always been tight, and a failed bond vote in November does not preclude another attempt in March if desired. At the same time, there is concern about packing too many debt or bond-related questions into too short of a window – the highway garage is on pace for consideration in March and water and wastewater infrastructure questions loom on the horizon beyond. There is likely never an ideal time for the question.

Consider a motion to adopt the resolution of necessity, as shown on page two of the pdf (one member should be prepared to read the resolution into the “record”).

Consider a motion to warn the following question for Tuesday, November 8th, with a special meeting to occur on Monday, November 7th: Shall general obligation bonds or notes of the Town of Hinesburg in amount not to exceed Three Hundred Twelve Thousand Dollars (\$312,000) subject to reduction from available state and federal construction grants-in-aid and other financial assistance, be issued for the purpose of purchasing 31 solar trackers for use in the operation of the Town's wastewater treatment facility, such improvements estimated to cost Three Hundred Twelve Thousand Dollars (\$312,000)? The special meeting on November 7th to begin a 7 p.m.; polls open from 7 a.m. to 7 p.m. on November 8th.

7. Discuss FY18 Budget Priorities

Guests: (1) Frank Koss, Police Chief

Enclosures: (1) None as of this writing

Each year the Selectboard discusses its initial set of budget priorities, forming the basic set of “marching orders” for staff to follow in creating proposed budgets for the next fiscal year. The Board should discuss, what, if any, budget priorities it has for FY18. If there are no specific priorities, department heads will be tasked with creating baseline budgets reflective of general inflationary trends. There has been a request to discuss police services as well, which should be incorporated into this discussion since any alterations, additions, etc. would be incorporated into the FY18 budget process. Chief Koss will attend to assist and participate.

Formal action is neither required nor anticipated.

8. Discuss FY18-FY22 Capital Improvement Program and Budget Priorities

Guests: (1) None anticipated

Enclosures: (1) FY17-FY21 CIP packet (detail, summary, debt service schedule, and narrative)
(2) FY16 Capital Reserves

There are a number of changes to the capital improvement program and budget process, all of which are aimed at providing more time for review and discussion. This is an initial review of the capital improvement program and budget as they were approved for the current FY (FY17) – which projected needs for a five year period – and a chance to discuss the program and plan now that the FY16 capital reserves have been set.

Formal action is neither required nor anticipated.

9. Presentation of Street Tree Inventory

Guests: (1) Marie Ambusk, tree volunteer
(2) Paul Wiczoreck, Tree Warden
(3) Elise Schadler, Technical Assistance Coordinator, VT Urban and Community Forestry Program

Enclosures: (1) A copy of the street tree inventory (included in the 9/19 packets as well)
(2) Draft of an additional planning document provided by the presenters

Marie, Paul, and Elise will present the results of the inventory and discuss the work done. The time of the presentation was their request.

Action is neither required nor anticipated.

10. Consider Request to Reject the “Alfalfa Lane” Irrevocable Offer of Dedication

Guests: (1) None anticipated.

Enclosures: (1) History memo from Alex Weinhagen, Planning and Zoning Director

(2) Materials presented to the Board on 9/19

The memo from Alex is the follow-up requested prior to making a decision. The request remains to reject the irrevocable offer of dedication made to the Town.

11. Consider Approving the FY16 Water and Wastewater Reserves

Guests: (1) None anticipated.

Enclosures: (1) Proposed FY16 Water and Wastewater Reserves

This is the final set of reserves to review and approve for FY16. The chart will be easier to explain in greater detail at the meeting.

Consider a motion to approve the FY16 Water and Wastewater Reserves as presented.

12. Town Administrator’s Report

- a. *Old Police Station* – Closing is scheduled for October 7th.
- b. *Village South/Norris sidewalk grant* – VTrans notified the Town this week that the grant application submitted for the “Village South” sidewalk project (Hinesburg Community School to Meadow Mist, Alan Norris’s project) was successful. The award letter is included.
- c. *Lane/Gilman Road* – There is no “news” to share on the formal processes (zoning violation and enforcement of the health order.
- d. *VLCT Municipal Policy* – Town Fair is on the horizon, please consider whether or not there are concerns and what, if anything, you’d like me to do as the Town’s representative.
- e. *FY16 Audit* – The audit begins Wednesday, October 5th.
- f. *Vermont Gas (VGS)/Geprags Park update* – The intervenors have filed an appeal with the Supreme Court, choosing to do so before the Public Service Board ruled on their motion to reconsider. Rising Tide is planning a protest at the park on October 20th, State and local police are aware. Finally, within the next week, the Town and VGS will complete work on an escrow agreement that will specify how the following three payments will be made while the appeal to the Supreme Court is pending:
 - i. *\$3,400 easement payment, as ordered by the Public Service Board in its September 13, 2016 decision.*
 - ii. *\$246,600 in additional easement compensation, per the agreement between the Town and VGS approved July 28, 2016.*
 - iii. *\$3,000 for the first annual conservation planning payment (annual installments for 10 years), per the agreement between the Town and VGS approved July 28, 2016.*

<i>“Two-and-Two”</i>	
<u>10/17/16</u>	<u>10/10/16</u>
<ul style="list-style-type: none">▪ Crosswalk Request-Pond Road to Church (Jeff Glover)▪ Observatory Road (the developer has asked to address the Selectboard regarding the road)▪ FY17 Budget Report.▪ Discuss water/wastewater allocation framework, research.▪ Review capital improvement program and budget.▪ Discuss the Vestry, and the Town’s role/potential ownership.	<ul style="list-style-type: none">▪ Selectboard Retreat (4:30 p.m.-8:30 p.m.; location TBD).

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To be determined:

- Changes to the Animal Control Ordinance.
- Town Plan update – begin review process.