

1 SELECTBOARD MEETING

2 June 16, 2021

3 **Attending the meeting; Phil Pouech, Merrily Lovell, Mike Loner, Maggie Gordon, Dennis**  
4 **Place, Todd Odit, Joy Dubin Grossman, Barb Forauer, Scooter MacMillan, Alex Weinhagen,**  
5 **Chad Hayden, Bob Thiefels, Steve Gladstone, Pat Mainer.**

6 **Meeting called to order at 7:00 p.m.**

7 **Public Hearing – Town Plan Chapter 8 Energy Plan Revisions**

8 **Phil moved to open the Public Hearing on the proposed changes to the Town Plan. Second by**  
9 **Merrily and approved with 5 yes votes.**

10 **Phil said this is the first of two public hearing required to change or amend the Town Plan.**  
11 **The change is the expansion of the energy section of the Town Plan.**

12 **Alex explained this is a complete re-write by the Energy Committee, reviewed by the Planning**  
13 **Commission and now sent to the Selectboard. The basic reason is to better understand**  
14 **energy usage in Hinesburg and to follow the model the CCRPC laid out for communities to**  
15 **have an “enhanced energy plan”. Municipalities who have this plan get benefits, the main**  
16 **one for Hinesburg is to get deference in front of the Public Utility Commission at the State**  
17 **level.**

18 **Alex said the Selectboard made some minor changes. One was to look at how the school bus**  
19 **system could be better used by the public.**

20 **Bob Thiefels asked if these changes will impact Haystack Crossing.**

21 **Phil explained this is a change to the Town Plan and does not change any zoning regulation.**

22 **Alex answered Bob noting that the language in the plan will not change the review process, it**  
23 **lays the ground work to make changes which could lead to new standards for energy usage.**  
24 **He noted Haystack has a solar array in their development plans and that array could be**  
25 **impacted as it will have to go through the Public Utilities review and what is in the Town Plan**  
26 **would be considered by the Public Utility Commission.**

27 **Phil mentioned correspondence from a resident concerned that the new regulations would**  
28 **drive up the cost of a single family home. Alex said this was a comment from Janice Osgood.**  
29 **Alex said the issue was brought up at the PC public hearing.**

30 **Barb Forauer commented that she is excited that this is progressing toward the 2030 goal and**  
31 **is something we have to do. She supports all the changes and noted that to make a new**  
32 **house ready for solar adds approximately \$200 to the building cost. She was glad to hear**  
33 **about the idea to use the school buses as transportation.**

34 **Phil advised the second Public Hearing will be held on July 7.**

Phil moved to close the Public Hearing, second by Mike and approved with 5 yes votes.

### Additions / Deletions and Public Comment

There were no changes to the agenda.

There was no public comment.

### Selectboard Forum

Merrily brought up the fact that Al Barber is retiring at the end of the month. She noted that Al has been selfless in his devotion and dedication to the Town. She feels it would be great if the Selectboard, as representatives of the Town, celebrate him. Merrily and Phil will write a resolution honoring Al and plan to hold a celebration at Town Hall in September.

Phil read a s Statement on Frank Koss-FPF posts:

- My personal perspective only
- Full respect for Frank as our chief of police. Always professional, worked closely and respectfully with the SB. This respect grew over the years as I observed how the chief handled a number of difficult situations. I continue to respectfully refer to Frank as the Chief.
- 2018 town report - Chief Frank Koss has announced his pending retirement. His steady leadership established our successful community-focused police strategy. We know he and his team are more than officers, they really are our friends and in Chief Koss's situation, a caring neighbor. He takes on weekend shifts to give his team a break, responds to late-night alarms, serves as a volunteer on our fire department, and supports our EMT's. He is a "rare breed" in today's world. Fortunately, Chief Koss plans to stay in our community; he will continue to serve our town for a long time to come.
- The first indication of any disagreement with the chief was shortly after he announced his retirement. The TA and board had discussions about the hiring process. The chief indicated he would like to be on the hiring committee. The board did not say yes to this request but we did not immediately say no.
- During this time, the chief made it clear to me he would suggest the best candidate for his replacement who he is strongly recommending. Other SB members told me he said the same to them.
- After further discussions with the TA and others, it became very clear that Frank's direct involvement with the hiring process would be totally inappropriate. This decision was backed up by everyone we consulted (legal, VLTC, other local government officials)
- This decision was communicated to the chief. He was obviously upset about this decision and he let me and the TA know this in a number of ways.
- I went in person to discuss this with him. After seeing how upset he was, I personally apologized to him, saying I was sorry if the SB had misled him into thinking he would have a strong role in the hiring process.

- 72 • The 9 member committee, made up of a wide range of perspectives began their process. Note: I  
73 did not participate in or try to influence this committee's work. I believe it was one of the best  
74 hiring committee processes I've witnessed as a SB member.
- 75 • Once the committee selected a number of candidates from the initial pool of candidates, the TA  
76 did solicit Frank's opinion on the pool and he ranked them for the committee. The committee  
77 considered that opinion along with all the other selection criteria they gathered and after more  
78 work, the committee selected two final candidates. The committee was unanimous in their  
79 recommendations.
- 80 • These two candidates did not include the initial candidate that Frank indicated in his opinion  
81 which was the same person he wanted from the very beginning.
- 82 • Frank again relayed how upset he was with the process and said his candidate was not solicited  
83 because he had told the committee who he preferred, implying the committee specifically went  
84 against him. I do not believe this to be true.
- 85 • The SB interviewed both candidates. The board thought both would make excellent chiefs.  
86 After much deliberation, the board unanimously chose Chief Cambridge.
- 87 • The chief had already shared with me and others that in his opinion, Anthony Cambridge was  
88 the worst choice we could make and once Anthony was selected, Frank's demeanor to the  
89 board and TA degraded. He let it be known that he would not cooperate with the transition and  
90 I feel he threatened to take action to bring the process down.
- 91 • Frank followed through with his threat to not cooperate at all in the transition and later in the  
92 year made two freedom of information acts requests to see every email and communication  
93 from the board, TA and police chief on everything concerning him personally. I believed he was  
94 considering seeking further retribution against the town. We provided all communication  
95 information. From what I saw, there were no instances of any actions by the board or TA that  
96 were inflammatory to the chief nor were there any accusations of wrongdoing.
- 97 • The board and TA decided to not take any action or make public any of the issues concerning  
98 this matter. We thought it best to "move on".
- 99 • A few months later we found out that the Chief was reappointed as an officer in the FD without  
100 consulting the TA. It concerned both the TA and myself that now the chief was again an  
101 employee of the town. We did not feel, after the way the chief left his position and his  
102 demonstrated anger over the situation, that he should be reemployed. The Selectboard did  
103 discuss this in executive session (personnel issue) and expressed our support of the TA  
104 communicating our position to the FD officers. We let the FD know we did not support this  
105 hiring, suggesting they reconsider. We did not take any action to stop it or pursue the matter  
106 any further.
- 107 • I was surprised to find out some time later, the chief chose to resign.

108  
109 Additional note:

- 110 • The chief mentioned in a FPF post about a letter the SB received which accused Frank of non-  
111 professional actions and behaviors. The board discussed this letter but took no actions. It is not  
112 the only letter the board received concerning this issue. It is not uncommon for the board to

receive accusatory letters concerning townspeople or employees. These are considered a person's opinion but not necessarily facts or actionable by the board.

- Again, I reiterate that I have the full respect for the chief based on his proven professionalism and sense of duty to the town. This one incident does not overshadow his past. The chief is entitled to his opinion which he clearly shared but the town followed a hiring process which resulted in a different outcome. I expect all town employees and citizens to respect the outcome of collective and inclusive decisions and support (or at least not hinder).
- I do not make this statement expecting opinions to change but to only present the issue based on my perspective gathered from my involvement in the issue.

**These are his personal comments not representative of the Board.**

**Merrily thanked Phil for his thoughts.**

**Approve minutes of 6/2/21**

**Merrily moved to approve the minutes of 6/2/21 with any changes agreed on. Second by Mike and approved with 5 yes votes.**

**Discuss Proposed Zoning Amendments RE: Contractor Yards, Vehicle Repair**

**Alex explained the changes are for home occupation businesses. The goal is to help make them more possible to be permitted.**

**Warn Public Hearing on Zoning Amendments**

**Maggie moved to warn a Public Hearing on the proposed zoning changes for contractor yards and vehicle repair on August 4, 2021 at 7:00 p.m. Second by Mike and approved with 5 yes votes.**

**Discuss Enforcement of Whitetail Landscaping & Excavating Notice of Violation**

**Alex gave background information regarding the violation. The business has been operating for 8 or 9 years but unfortunately never applied for a permit for a home occupation. This came to the attention of the Town when a sign was installed that was not permitted. The home occupation would not meet the requirements under current regulations. Alex previously asked the Board to hold off on enforcement knowing the proposed changes were being worked on and that there were no complaints about the business.**

**The Town has now received some complaints, mainly about HLG excavating operation not Whitetail. The complaints are in regards to noise from screening gravel.**

**Phil suggested the Board continue to wait to see if the new regulations are approved and ask the owner to apply for a permit under the new regulations and at the same time apply for a permit for the sign. The screening of gravel will not be an allowed use even if they are permitted for the contractor yard business.**

148 Maggie agrees with waiting to see if the new regulations are approved. She noted the sign  
149 seems to be a clear violation. Alex replied there is no proposal to change the sign regulations  
150 and the sign does not meet current regulations. They have chosen not to pursue the sign  
151 issue till they have an answer about the business. If the sign is not changed and permitted,  
152 he recommends the Board proceed with enforcement.

153 Merrily asked if Chad is aware there is no possibility of compromise with his screening  
154 operation. Alex said he will reach out to Chad to be sure he knows what the new regulations  
155 require.

156 Chad Hayden said when the complaints were filed, they were not screening top soil it was the  
157 neighboring business. Chad said he is willing to move the screening process to some  
158 agricultural property he owns. He wants to be sure the neighboring business will be held to  
159 the same rules of not being allowed to screen topsoil. Phil said if someone is not following  
160 the rules enforcement would apply to them also. Alex said he did have several conversations  
161 with Chad about this issue. Alex explained action was taken against HLG which was appealed  
162 to the DRB and based on legal counsel the violation was overturned as they have a pre-  
163 existing non-conforming status.

164 Mike asked why the delay on the sign violation since that will not be rectified with zoning  
165 changes. Phil said the sign should get changed. He noted Chad should take the necessary  
166 actions to comply. Chad asked what part of the sign does not meet regulations. Phil advised  
167 Chad to speak directly with the Zoning Administrator or Alex to find out what the specifics of  
168 the violation are.

169 Barb Forauer said as a private citizen she is speaking in support of Chad and personally does  
170 not find the sign offensive. While it may not meet regulations, as long as he has the permit,  
171 she feels it should remain in place and added It is tastefully done. She also mentioned she  
172 knows Chad is not responsible for the noise generated from the screening process.

173 Phil proposed Chad should do what needs to be done to make the sign compliant. He hears  
174 Barb's comments but it is not up to the Board to pick and choose when to apply Zoning  
175 Regulations. And to hold off on any enforcement actions for the contractor yard till we see if  
176 the Zoning Regulations get changed. Phil asked Alex for a summary of our legal position as  
177 far as the other pre-existing businesses.

178  
179 Discussion of "Near Me" Project with Economic Development Commission

180 Steve Gladstone reviewed the Near Me marketing program report of June 2021. Ten  
181 businesses in Town are taking advantage of this marketing program.

182 Steve asked about including links to businesses on the Town website. Phil said they can  
183 check with VLCT on what is legally allowable for the Town to promote businesses on the

184 website. Steve said the Commission will put together a plan and reach out to Todd to see if it  
185 is allowable and then come back to the Board with the proposal.

186 **HTF Management Plan Amendment – Rare, Threatened, & Endangered Species**

187 Phil explained the Hinesburg Town Forest, as a Certified Vermont Tree Farm, is required to  
188 have in their management plan an inventory of rare, threatened and endangered species.

189 Pat Mainer said the Forest Committee held a public hearing on the amendment at one of  
190 their meetings.

191 Merrily moved to approve the amendment to the Hinesburg Town Forest Management Plan  
192 to include an inventory and assessment of rare, threatened and endangered species. Second  
193 by Dennis and approved with 5 yes votes.

194 **Approve Audit Engagement Letter**

195 Phil noted there has been discussion in the past of doing an RFP for audit services.

196 Merrily moved to approve the FY 21 audit engagement with Fothergill, Segale and Valley.  
197 Second by Mike.

198 Phil asked Todd if he has worked with this firm before. Todd said he has for the 11 years he  
199 was in Jericho. Todd added that when he was in Jericho, they went through the RFP process.  
200 He saved that document and can adjust it for Hinesburg if the Board wants to proceed.

201 Motion voted and approved with 5 yes votes.

202 Phil asked Todd to provide what the RFP might look like. He suggested to get input from  
203 Missy on this and then the Board can decide how they want to proceed.

204 **Discussion of Future Meeting Format**

205 The Board agreed to continue with the hybrid model of in person along with the meeting on  
206 zoom. There will only be one meeting in July.

207 **Consider Approving Warrants of 5/20, 5/27, 6/3 & 6/10**

208 Phil moved to approve the warrants signed by Merrily and himself, including payroll, as  
209 submitted by the Town Treasurer. Second by Mike and approved with 5 yes votes.

210 **Approve Police Cruiser Loan Documents**

211 Phil said this is a \$90,000 loan with the National Bank of Middlebury to be paid back over  
212 three years.

213 Todd said this is just a formality of signing the loan documents.

214 **Phil moved to approve signing the necessary bank loan paperwork. Second by Merrily and**  
215 **approved with 5 yes votes.**

216 **Merrily moved to adjourn at 8:50 p.m., second by Mike and approved with 5 yes votes.**

217 **Respectfully submitted,**

218 **Valerie Spadaccini, clerk of the Board**

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