

1 **SELECTBOARD MEETING**

2 **April 20, 2022**

3
4 Attending the Meeting in person: Merrily Lovell (Chair), Maggie Gordon, Dennis Place, Joy Dubin
5 Grossman, Xander Patterson, Rob Peeters, Chad Hayden
6

7 Attending the Meeting remotely: Phil Pouech, Mike Loner, Todd Odit, Alex Weinhagen, Jennifer Decker,
8 Monique Jackson, Beth Danon, Tom Giroux, Richard Watts, Natacha Liuzzi.
9

10 Meeting called to order at 7:00 p.m. via Zoom.
11

12 Agenda Additions / Deletions

13 None at this time.
14

15 Public Comment (for items not on the agenda)

16 None at this time.
17

18 Approve Minutes of 4/6/2022

19 Phil made a motion, seconded by Maggie, to approve the minutes of April 6, 2022 with any agreed-upon
20 edits. The motion passed with 5 yes votes.
21

22 Affordable Housing Committee Interview – Xander Patterson

23 Xander said that his roots in Hinesburg go back to 1964 but that he's only lived here full-time for the
24 past 3 years. He said that he has been attending the Affordable Housing Committee for the last 3 years.
25 He said that the issue is pressing and the Committee has been congenial, and he would like to support
26 their work.
27

28 Phil said that the Applicant's experience can help the Town secure this type of housing. He said that he
29 also liked the idea of looking at affordable public transport as well. He said he is encouraged by the
30 Applicant and will support him.
31

32 Maggie thanked the Applicant for being willing to step up and serve on the Committee.
33

34 Dennis said that he agrees about the higher densities in the Village, but said that he doesn't want the
35 Committee to forget about those residents outside of the Village, who also need affordable housing.
36 Xander agreed, saying that it would be important to pay attention to the zoning regulations, since
37 zoning regulations can be a barrier to providing affordable housing in less densely-populated areas.
38

39 Maggie made a motion, seconded by Mike, to appoint Xander Patterson to the Affordable Housing
40 Committee, with a term expiring on April 1, 2024. The motion passed with 5 yes votes.

41
42 Public Hearing – Contractor Yard Zoning Bylaw Amendments
43

44 Maggie made a motion, seconded by Phil, to open the public hearing on Contractor Yard Zoning Bylaw
45 Amendments. The motion passed with 5 yes votes.
46

47 Merrily noted that this set of amendments had come to the Selectboard some time ago and that it was
48 sent back to the Planning Commission for further revisions when several contractors raised concerns
49 and had questions with the amendments as proposed. She noted that the amendments have been
50 revised and are now back at the Selectboard for a public hearing and consideration for adoption.
51

52 Alex provided a brief summary, saying that there was an action item in the Town Plan that required the
53 Town to review and revise its regulations around contractor yards and vehicle repair services. He noted
54 that contractor yards refers to a home property that is used for the storage of heavy equipment and
55 construction materials for use in off-site construction (such as landscaping, construction, excavating, and
56 snow-plowing businesses). He said that the changes would simplify the contractor yard portion and
57 remove some of the difficult-to-meet setbacks in current zoning from surrounding homes and reducing
58 those to be more reasonable and accomplishable, while also ensuring that screening is adequate. He
59 said that the revisions retain a robust review process by the Development Review Board (DRB). He said
60 that the regulations also separate out vehicle repair services from contractor yards, recognizing that
61 vehicle repair services are their own distinct type of home occupation, and that the new regulations
62 around contractor yards would not apply to home occupation vehicle repair services.
63

64 Alex noted that the more recent revisions between the last Selectboard public hearing on these
65 regulations and tonight's public hearing have to do with a provision to allow minimal topsoil processing
66 in the contractor yard regulations, as well as a minor change made to the vehicle repair services
67 regulations to allow for minimal outdoor work on vehicles.
68

69 Chad asked about equipment count and whether vehicles used for personal and business use are part of
70 the count. Alex replied that yes, they would be counted. Chad asked about lot sizes and how the 3 acres
71 was derived. Alex replied that it comes from the existing zoning, which has a similar lot size
72 requirement. He noted that the Planning Commission discussed this and felt that a lot of at least 3 acres
73 was advisable in order to meet the required setbacks and landscaping provisions. He said that because
74 these types of home occupations have the potential to impact their neighborhoods, they would not be
75 suitable to neighborhoods with smaller lots.
76

77 Merrily made a motion, seconded by Maggie, to close the public hearing. The motion passed with 5 yes
78 votes.
79

80 Consider Adoption of Contractor Yard Zoning Bylaw Amendments

81 Maggie noted that the requirements say that contractors need to contact the Zoning Administrator prior
82 to any topsoil screening and asked whether that would be burdensome. Alex replied that the
83 requirement came out of a suggestion by a contractor, and serves to help contractors work with the
84 Town on meeting these regulations. He noted that these requirements would only apply to new
85 businesses or businesses who are looking to expand their operations, and said that he anticipated that
86 there would not be many of them.

87
88 Maggie made a motion, seconded by Dennis, that the Selectboard adopt the zoning regulation revision
89 regarding home occupation contractor yards and vehicle repair services. The motion passed with 5 yes
90 votes.

91
92 Review of Updated Police Impact Fee and Study

93 Alex noted that this effort to update impact fee ordinances was started several years ago, in recognition
94 that times have changed and the formulas that had been used when the first impact fees were adopted
95 in 2009 needed to be adjusted, specifically with regard to the police impact fee. He said that this fee was
96 adopted before the Town bonded for and built the new police station. He said that since the actual costs
97 for building the new police station are known, the police impact fee for new development is much easier
98 and transparent and defensible. He said that this study would base the fee on the actual cost of the
99 police station. He said that they will be collecting these fees for the duration of the bond. He said that
100 the consultant provided an analysis of the impact fee and how it was calculated. He said that the Zoning
101 Administrator would make the calculation and collect the fee.

102
103 He spoke about fire impact. He said that the same consultant updated the fire impact fee, but that the
104 work needed to be paused because impact fees are based on the capital budget, and that the Town
105 needs more information and a plan for further capital budget development prior to moving forward
106 with fire impact fees.

107
108 Dennis asked whether any impact fees that are collected for the Police Department would go toward
109 that bond to pay down the loan. Alex replied in the affirmative. Dennis noted that the Town had
110 recently had \$330,000 in its fire department account but now are down to \$170,000. He asked who
111 authorizes the spending from that account. Todd replied that ideally, expenses would be programmed
112 into the capital budget so that any time there is a proposed expense that would use impact fees, that
113 revenue would also be budgeted. Dennis said that moving forward, it would be good to implement that
114 kind of transparent process that Todd referenced. Dennis expressed concern that people in the past
115 have paid impact fees for certain purchases that were not made. He asked whether residents have the
116 right to ask for that money back. Todd replied that they have that right, but that if there aren't any
117 funds left unexpended from the year they paid, then the Town can't reimburse that money. Phil noted
118 that the Selectboard needs to approve the expenditure of these funds.

119
120 Alex said that the consultant provided a proposed revised police impact fee ordinance for the
121 Selectboard's consideration, and noted that the ordinance revision process differs from zoning bylaw
122 revision processes.

123
124 Phil said that he is in favor of moving this forward. He said that it would be good to also analyze water
125 and wastewater impact fees and compare those to fees from other municipalities. He said that he would
126 like to continue moving this forward but also look at the big picture in terms of impact fees.

127
128 Merrily said she is in favor of moving this forward. She asked why there has been no acknowledgment of
129 the major housing projects that are currently under consideration. She said that it looks like there will be
130 quite a dramatic rise in the population of Hinesburg, but that was not acknowledged in the study. Alex
131 replied that the consultant was very interested in that, and noted that the consultant was Jonathan
132 Slason who is a member of the DRB (and is aware of the major housing projects). Alex noted that the

analysis was driven by the amount of money spent on the new police station and the bond for that, and also how many officers Hinesburg has.

Jennifer Decker asked if the impact study is available on the website. Merrily replied that it is included in the materials for tonight's meeting. Jennifer asked if residents have had the opportunity to review and give input to it. Todd replied that if the Board decides to amend the ordinance, there will be a public hearing, at which time the public can give input. Jennifer said that she would encourage the Selectboard to give the Town residents the opportunity to give input.

Selectboard members unanimously indicated favor for the study and for staff moving forward with a revised police impact fee ordinance.

Consider Approval of Statement in Remembrance of Fern Feather

Merrily said that Fern Feather was a resident of Hinesburg who was tragically killed last week and that the Selectboard would like to issue a statement in remembrance of her. She read the statement, which is as follows:

Fern Feather was a resident of Hinesburg and beloved by all who knew her. She was devoted to animals and plants alike and had a great love for the natural world. She was a loving friend who always had time for listening and supporting the people around her. Fern will be missed by many, and we all mourn the loss of this loving, beautiful spirit.

The Selectboard discussed putting the statement on the Hinesburg website as well as posting it on Front Porch Forum.

Jennifer Decker thanked the Selectboard for their work on this, and asked whether they would including in their statement some language around transphobia and how to help make Hinesburg safer for people and protecting them from hate crimes. She also suggested putting a plaque in the Town forest in her memory, since Fern was a lover of plants. Merrily said that it was not clear that Fern's death was a hate crime, and so they did not want to classify it as such. Phil said that a plaque would need to be maintained, and encouraged Jennifer to meet with others and develop a plan to present to the Selectboard for consideration.

Phil made a motion, seconded by Mike, that the Selectboard approve the statement of remembrance. The motion passed with 5 yes votes.

Consider Approval of St. George Fire Department Contract

Merrily noted that Hinesburg has provided fire services to St. George for some time at a flat fee of \$40,000, but that this contract proposes to base costs on call percentages. She noted that St. George had 16% of the call volume and so their charges would now be 16% of the operating budget (approximately \$65,000). She noted that St. George will pay the ambulance service on a per capita basis, similarly to how Hinesburg does this. She noted that Nick and Todd will go to the April 21, 2022 St. George Selectboard meeting to obtain approval.

Phil asked about the 16% cost, and whether it includes the \$100,000 capital that is part of this year's expense. Todd replied that it does not, and the consensus was that it didn't seem right to charge St.

George for that, recognizing that they are a small town with fewer resources. He said that this contract is a good starting point for future contracts.

Phil made a motion, seconded by Maggie, that the Selectboard approve the proposed interlocal contract with St. George for the provision of fire protection, rescue, and emergency medical services by the Town of Hinesburg, for \$65,000. The motion passed with 5 yes votes.

Consider Approval of Revised Police Budget Vote

Todd said that yesterday the Town was informed that three officers are taking positions with other Towns, and as a result, Hinesburg is down to 3 officers. He said that the departing officers left for significantly higher compensation opportunities. He said that the prior budget was built on having 6 officers, no administrative assistant, and little shift-filling money; he said that it will be much more expensive to fill the positions that were lost than what was paid to the prior individuals in those positions. He said that one officer left for a \$10,000 signing bonus and \$11 more per hour. He said that Hinesburg will not be able to attract anyone at the rates that the Town had been paying. He said that the budget will likely only now be able to support 5 officers, in order to both fill the positions and pay the positions enough to retain them. He said that there will likely be a reduction in coverage to 9 AM to 9 PM, Monday-Friday (from 7 AM to 7 PM for all 7 days a week); he said that State police will cover the remainder of the hours, and will only respond to serious crimes and violent crimes, and that that they cannot guarantee set response times.

Maggie said that at some point, Williston will have filled their vacant positions. She asked if other departments, such as Shelburne, have raised what they are offering to be comparable to Williston. Todd replied that one of the officers went to Williston and one went to Shelburne, and Shelburne has a lot of positions to fill.

Phil said that it seems as though the Town has been caught off guard with this. He asked what if the Town moves forward with the budget but doesn't know how many officers it can support. Todd replied that the Selectboard could authorize 5 full-time employees at this point, since they will likely need to put more funding into part-time shifts and an administrative assistant position. He said that the Town will likely need to look into hiring and retention bonuses.

Merrily asked if they should move forward with the budget that was voted on at the last meeting, which was a certain dollar amount. She asked how they will move forward at this point. Todd replied that the COPS grant is now off the table, so they will need to remove that funding (since they only have 5 FTEs). He said that he would not recommend changing the salary line item, but noted that there would be savings in the health insurance line item (a decrease of \$30,404). He said that with this change, the revised budget would be \$747,156, which is a decrease of \$68,327 from the original warned FY23 budget, and a decrease of \$57,497 from the current FY22 budget. He said that when revenue is taken into account, the net expense for this revised budget is \$18,327 from the originally-proposed FY23 budget and \$17,497 from the FY22 budget.

Todd displayed the proposed budget (FY23 Revised), which currently includes assumptions that the Town would have 5 full-time officers and no COPS grant. He showed comparisons to the FY21 Actual, FY22 Budgeted, and FY23 Original budgets.

Phil said that he supports the revised budget moving forward, but suggested that they postpone a decision until the next meeting so that they and the public can digest this new information.

Mike said that he agrees with Phil and would like to have more time to review the revised proposed budget. He said that intermunicipal policing seems more and more appealing (and more and more likely), since it appears that there aren't enough officers to staff all of the positions in the towns in the area.

Merrily expressed concern about timing and suggesting meeting next week to discuss this new budget. Todd said that they must give 30-40 days to warn a vote. He said that the Town can get by on reserve funds if they do not have an approved budget by July, but they cannot send out tax bills without an approved budget. He said that they would like to have an approved budget by August 1. Merrily suggested scheduling a Selectboard meeting on April 27th to approve this new proposed budget. She said that at that point they would also decide on a date for a public hearing on that new budget and a date for a vote on the new budget.

Beth Danon said that the Town of Shelburne is interested in regionalization. Todd replied that a discussion around regionalization would be best discussed in executive session, and that if Shelburne was willing to contemplate this kind of agreement, it would need to be a longer-term solution.

Jennifer Decker said that Hinesburg has the opportunity to create unarmed positions similarly to the approach that Burlington is taking. She said that this is an opportunity to shift positions in that direction, since Hinesburg is a smaller community and does not need to use violent responses to non-violent incidents.

Consider Approval of Selectboard Code of Ethics

Merrily thanked Maggie and Dennis for their edits and suggestions to the Code of Ethics.

Todd said that he is very open to discussion with the Selectboard about how the Town is operating. He said that he is very willing to engage with Selectboard members and discuss what is occurring and why. He said that in the next few years, he will begin working on what he has observed over the last year. He said that he would like to share his observations over the past year at some sort of Selectboard conference in the spring. Merrily thanked Todd for his comments and said that this document helps clarify roles for the Selectboard and Town Manager.

Phil made a motion, seconded by Maggie, that the Selectboard accept the Code of Ethics dated April 13, 2022 as shown. Maggie seconded. The motion passed with 5 yes votes.

Approve Quote for Water Filter Replacements

Merrily noted that the Water and Sewer Departments need to purchase water filter replacements and that they have obtained 3 quotes. She noted that the lowest quote was priced at \$24,475.15, and that it will be a capital expense.

Phil made a motion, seconded by Maggie, that the Selectboard approve the purchase of the water filters for \$24,475.15 from IFI Inc. The motion passed with 5 yes votes.

271 Selectboard Forum

272 Maggie spoke about the Virtual Community Q&A and said that she enjoyed it and that it went well. She
273 said that it would be great to have one of these sessions per month to give residents an opportunity to
274 interact with Selectboard members. Merrily agreed.

275

276 Phil noted that Green Up Day is coming and that more information on it will be forthcoming on Front
277 Porch Forum. He said that residents can leave secured Green Up Day bags on the roadside for pickup,
278 and noted that the Town is looking for one more volunteer to help with pickup. He said that they will
279 also accept returnable bottles and cans in separate bags, and that additional information on that topic
280 will also be forthcoming.

281

282 Dennis thanked Todd for sending out information on the Richmond Ambulance Service. He commended
283 that group for its efforts and expressed thanks for their partnership with Hinesburg.

284

285 Town Manager Update

286 Todd said that due to supply chain issues, the next phase of the sewer treatment plant upgrade will not
287 begin in the fall, but that further updates are forthcoming. He said that he had a phone call with Wayne
288 Elliott about allocation fees and that they are beginning work on looking at Hinesburg's allocation fees
289 and will potentially come back with some recommendations at a future Selectboard meeting.

290

291 Todd said that there are a number of development topics coming to the Selectboard over the next
292 number of meetings, including the Hinesburg Center 2 application.

293

294 Approve Warrants and Payroll

295

296 Maggie made a motion, seconded by Phil, to approve warrants and payroll as signed by Merrily and
297 Maggie. The motion passed with 5 yes votes.

298

299 Adjourn

300

301 Maggie moved to adjourn at 8:44 p.m., seconded by Phil and approved with 5 yes votes.

302

303 Respectfully submitted,

304 Amy Coonradt, Recording Secretary