

**R I C H M O N D S E L E C T B O A R D
R E G U L A R M E E T I N G
M a y 1 9 , 2 0 1 4 M I N U T E S**

Members Present: Chris Granda; Bard Hill; Ashley Lucht; David Sander
 Absent: Taylor Yeates
 Others Present: Geoffrey Urbanik, Town Manager; Gary Bressor; Jim Feinson; Bob Reap; Mary Houle; Wright Preston; Jack Bressor; Jean Bressor; Ken Jensen; Ernie Buford; James O'Brien; Mary Houle; Bruce and Sheila Bailey; Jackie Washburn; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Chris Granda called the meeting to order at 7:00 PM.

1. Welcome and Public Comment

Mr. Granda asked if there was any comment from the public for items not on the agenda.

Mr. Granda congratulated the win by the MMU lacrosse team.

James O'Brien asked when the zoning complaint would be hear and Mr. Granda said it is listed on the agenda after presentations.

2. Items for Discussion with Those Present

Conservation Reserve Fund Request for Willis Farm

The Manager explained the issue. The Richmond Land Trust requested \$64,000 from the Conservation Reserve Fund for purchase of about 22 acres of the former Willis farm on West Main. The property was walked by three Selectboard members, and the town had two requests. The first was that a reservation for a future emergency exit from the schools be made by the Richmond Land Trust and the second was that a reservation for a water and sewer easement also be made for future service to the property being bought by the Reaps. He recommended this application with these two provisions or subject to an agreement before the closing on the property.

Mr. Granda said that these provisions represented opportunities but not obligations on the town's behalf.

Mary Houle said if both are included there should be no cost to the Reaps, the schools or the town. Ms. Houle asked how the Richmond Land Trust would keep up the property. She complained about trespassing on her land from people using other Land Trust properties.

Jim Feinson of the Richmond Land Trust said that first, the Richmond Land Trust supported both constraints mentioned and that they would reserve easements for water and sewer and an emergency access. He could not speak to adjoining landowners, however, if these were to exit from the school property. Most of their properties were well signed and they encourage appropriate behavior. He discussed the Safford preserve and how they have had some issues with Orchard Lane and parking on private property. He said they would upgrade signs to say no trespassing on adjacent lands.

1 Wright Preston said that these easements would go up against the interstate.

2
3 Bruce Bailey asked who places these easements?

4
5 Mr. Granda said that some sledding may require the removal of trees and how would that occur?

6
7 Mr. Feinson said that there were future plans for sledding but the immediate benefit was for open land
8 and to the schools for recreation and educational opportunities. They would raise funds to support the
9 project improvements, and they would have a seasonal fence to keep people from running out onto the
10 road if they had sledding.

11
12 Ms. Lucht said that this was preserving 22 acres of scenic hillside on the way into town, and even if
13 there were no sledding, it was right to preserve it.

14
15 Mr. Granda agreed and said this was a valuable conservation project.

16
17 Ms. Lucht offered a motion to approve the Richmond Land Trust request for \$64,000 from the
18 Conservation Reserve Fund for purchase of 22 acres of the Willis Farm, subject to an agreement to
19 reserve easements for water and sewer and an emergency exit from the schools and was seconded by
20 Mr. Hill. The motion carried 4-0.

21
22 Outstanding Zoning Issues Update

23
24 The Manager explained three significant zoning issues that were to the point of enforcement. These
25 were issues between the O'Briens and Curleys on Huntington Road; the Harrington property at the top
26 of Wolf Lane; and the Mobbs apartment on Kenyon Road.

27
28 The Manager began with the O'Brien and Curley matter. He explained that this was largely a property
29 boundary dispute that has engaged the town's zoning. First, the complaint was that sheds on the
30 O'Brien property were across the line onto the Curley property. O'Brien obtained a survey that
31 showed they weren't but Curley had erected a fence that O'Brien says is on his property. The zoning
32 office is quagmired and a Notice of Violation has been appealed by Curley. The Manager felt that this
33 issue was larger than zoning, but the town was forced to defend its ordinances even in the face of
34 conflicting information. He felt that a lawsuit was probably the only way that this would get resolved,
35 unfortunately.

36
37 There was some discussion. Mary Houle suggested the fence viewers get involved. The Manager felt
38 this issue was beyond what the fence viewers could accomplish. The Selectboard agreed to give this a
39 try and directed the Manager to contact the Fence Viewers.

40
41 The Manager then reported on the Harrington property issue. An outstanding Notice of Violation was
42 apparently being ignored by Harrington, for an unpermitted shed on the large Wolf Lane parcel which
43 was otherwise vacant. The real complaints from the neighbors were about certain quality of life issues
44 that the town did not regulate. There were instances of large parties where the police were called,
45 including one last Summer where an allegation was made that someone had shone a laser at a
46 commercial aircraft and several police agencies responded. However, the town was now forced to
47 take action on the shed which seemed petty in comparison to other issues but it was all the town had to
48 go on. There were some logging operations there and residents felt that these were adding to
49 stormwater runoff concerns.

50

1 There was some additional discussion. The Manager asked if the Selectboard agreed that the town
2 should go to Environmental Court to enforce the outstanding NOV on the shed, and the Selectboard
3 agreed. It was also agreed that the State forester should be contacted about the logging and drainage.
4

5 Mr. Hill offered a motion to enforce the NOV for the Harrington property as outlined, taking the case
6 to Environmental Court, and was seconded by Mr. Sander and the motion carried 4-0.
7

8 The third item was the Mobbs apartment. The Manager explained that the outstanding NOV for this
9 property was for an unpermitted apartment that was a source of several landlord-tenant complaints.
10 This could be remedied by permitting the apartment which Ms. Mobbs seemed reluctant to do. The
11 zoning officer, Neal Leitner, had made a site visit and offered to help Ms. Mobbs complete the permit
12 but Ms. Mobbs changed her mind and said she would remove the cabinets that make the apartment an
13 apartment, and not rent anymore. That being said, the town's attorney Mark Sperry had written a
14 letter memorializing that and giving her two weeks to complete the simple removal of cabinets, or to
15 complete the permit. This was ongoing, and the town's efforts to collect fines were still in effect.
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17

18 **3. Other Business**

19 Cell Tower Discussion

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22 The Manager provided a brief update on the status of cell towers in town. The Manager explained that
23 no significant events had occurred with the SBA Towers/VTel project and that the public hearing was
24 scheduled for the week of June 16th. This was similar to a court hearing, with cross examination and
25 witnesses on both sides.
26

27 The Manager then explained that the Jericho Road tower application from AT&T was filed and the
28 town had until the 21st to respond. While there had been little opposition or comment against the
29 tower, the issues were the same as with the SBA tower: aesthetics and local zoning regulations. The
30 Manager also noted that he solicited comments in favor or against, on Front Porch Forum, and only
31 several responses in favor came back.
32

33 Mr. Hill said that the issue before the town was to enforce principles of zoning, not who approves or
34 objects. Ms. Lucht said that she was tired of spending this kind of money and got the feeling these
35 were losing battles.
36

37 There was some discussion as to whether to file a comment and request a hearing. The Manager noted
38 that the board could file and then withdraw later if it felt it was in the town's best interest to do so.
39 Mr. Granda said that we would need to acknowledge that we have made no progress before we
40 withdrew.
41

42 The consensus of the board was to file an objection and request a hearing with interested party status.
43 The Manager requested \$600 for this work.
44

45 Maureen Kangley said the Public Service Board would just bully us like they did Addison County.
46

47 The Manager then noted that the work on the SBA tower was over the previously approved budget and
48 requested an additional \$2,500.
49

1 Ms. Lucht offered a motion to continue to fund the legal work for the SBA application with an
2 additional \$2,500 and also fund the legal work on AT&T's Jericho Road tower at \$600 and was
3 seconded by Mr. Sander. The motion carried 4-0.

4 5 Town Center Parking Lot Repairs

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7 The Manager explained that the parking lot at Town Center was in significant disrepair and needed to
8 be replaced. He said that with the signing of the new lease with the Post Office the town had funds to
9 be able to do this work. The Town's engineer Mike Weisel estimated the work to be \$180,000. Since
10 there was no base beneath the asphalt, the ground would heave and crack. To remedy this the work
11 would have to remove a foot to fifteen inches and replace with road gravel and then new asphalt. This
12 added about \$80,000 to the project. The town did not have \$180,000 in the rental fund to cover this
13 and would go into deficit for approximately 7 months. However, the Manager felt this work was
14 needed and should be done this year.

15
16 There was discussion. The Selectboard felt that a new plan for the creamery parcel may include an
17 exit through the Town Center lot. They did not want to disrupt the work on the parking lot for a plan
18 that may call for changes, however, they recognized the need for the work. The Selectboard agreed
19 that the project should be designed and prepared for bid, but to wait until late July for approval to see
20 whether or not any development plans for the creamery might include access.

21 22 Richmond Village Housing Partnership/Champlain Housing Trust Loan Deferral

23
24 The Manager explained that he and David Sander had met with the Champlain Housing Trust twice
25 since Town Meeting and the issues were slightly clearer but the same. CHT insisted they do not have
26 the funds to begin repayment of the loan without making the project unaffordable, and the town
27 recognizes the need for quality affordable housing but wants the original agreement of repayment for a
28 local revolving loan fund to be honored.

29
30 Mr. Hill and Mr. Sander discussed some of the financials for Richmond Village Housing, including
31 the management fees and depreciation expense. Ms. Lucht said she was happy to see them funding
32 repair reserves and not all projects have the cash to cover depreciation.

33
34 The Selectboard members were all supportive of affordable housing, however, the revolving loan fund
35 remained a priority.

36
37 Mary Houle asked if Fran Thomas had been contacted about this. The Manager said she was not
38 involved recently, but she had met with Mr. Hill and Mr. Sander and was present at a meeting earlier
39 where these issues were discussed.

40
41 Mr. Granda noted that June Heston had offered to remain active in this issue. It was agreed that a
42 solution should continue to be developed and ask Fran Thomas and June Heston to remain involved.
43 Ms. Lucht said that the deadline on this was seven months from now, so a solution should be arrived at
44 soon.

45 46 Reports from Selectboard and Town Manager

47
48 The Manager noted there was no economic development report this meeting. Mr. Hill updated the
49 situation with the pedestrian crossing at four corners. He explained that the State had improved the

1 signal timing, providing a four-way delay for pedestrians that was substantially longer than previous.
2 This had been well received.

3
4 Ms. Lucht noted that the State Drinking Water revolving loan RF3-302 needed to be authorized. The
5 Manager noted that this was approved by the Water Commission, however, they recommended that
6 the Selectboard approve the loan since it was indebtedness of the town as a whole. This was for
7 engineering work on the Water Storage Tank and Chlorine Contact Time, in the amount of \$84,157.
8 These projects fell under the borrowing approval from this year's Town Meeting article that was
9 approved by the voters.

10
11 Ms. Lucht offered a motion to authorize the state loan RF3-302 in the amount of \$84,157 and was
12 seconded by Mr. Hill and the motion carried 4-0.

13 Approval of Minutes

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16 Ms. Lucht offered a motion to approve the minutes of May 5, 2014 and was seconded by Mr. Hill and
17 the motion carried 3-0-1 with Mr. Granda abstaining.

18 Purchase Orders

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21 The Manager explained that the compressed Highway gravel plan required additional trucking for
22 gravel, which the Highway Foreman proposed to be taken from the equipment rental and gravel
23 budget lines.

24
25 Mr. Hill offered a motion to approve Purchase Order #2383 to Newton Construction in the amount of
26 \$11,000 for hired trucking from the gravel budget and Purchase Order #2385 to Newton Construction
27 in the amount of \$13,000 for hired trucking from the equipment rental budget and was seconded by
28 Ms. Lucht and the motion carried 4-0.

29
30 The Manager then explained there was an End of Year policy for financial duties regarding the
31 appropriate charges for prior year expenses in the first two months of the new fiscal year. This
32 practice had been in place for some time, however, should be formalized. Ms. Lucht offered a motion
33 to approve the End of Year policy and was seconded by Mr. Hill and the motion carried 4-0.

34
35 Ms. Lucht had to leave the meeting at 9:00.

36 Warrants

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38
39 Mr. Hill noted the Langrock Sperry and Wool invoice was slightly off. The Manager said that would
40 be corrected before the check was written. The warrants were then approved.

41 **4. Adjourn**

42
43 Motion by Mr. Sander to adjourn the meeting at 9:10 p.m. Seconded by Mr. Hill. So voted.