

**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
J u l y 2 1 , 2 0 1 4 M I N U T E S**

Members Present: Taylor Yeates; Chris Granda; Bard Hill; Ashley Lucht; David Sander
 Absent: None
 Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Jon Kart; Dan Mobbs;
 Deborah Mobbs; Cara LaBounty; Maureen Kangley; Mark Fausel; and
 Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Taylor Yeates called the meeting to order at 7:00 PM.

1. Welcome and Public Comment

Mr. Yeates asked if there were any comments from the public.

Dan Mobbs said that his ex-wife, Deborah Mobbs of Kenyon Road, had no water in her well. He said that when the town redid the road (added gravel in 2011) that it collapsed the well.

Deborah Mobbs said she was obviously experiencing effects and the road was 18 inches higher. It pitches the water towards her property and dumping it on her lawn. She felt the road was moved closer to the well and now it is dry.

Mr. Mobbs said that he put in a well pump ten years ago and if he can't pull the pump out it is proof that the well collapsed. They would have to come after the town for that. He said that the well is only 90 feet deep and a spring that was on the other side of the road is now dry.

There was some discussion. Mr. Yeates spoke of the changes to the road and said that the town needed to know on Wednesday what happens with pulling the pump, and that someone from the town would come by this week. He added that there should be some dust control on Kenyon Road also.

Maureen Kangley suggested some of the Chittenden Solid Waste District cleanup money could be used to repair the well.

2. Items for Presentation: Hazard Mitigation Grants for Elevations

Cara LaBounty was present to discuss Hazard Mitigation Grant Program elevations. This was a grant program from the same money as the buyout, but would fund 75% of the costs of elevating a home instead of removing it. The other 25% would be matched by the homeowner, and there were possibly other sources. However, the town would still be the subapplicant and the one to submit the application, which was due on August 4th. To be eligible the homes had to be in the Special Flood Hazard Area and below the base flood elevation set by FEMA. She had almost twenty applicants lined up who were interested. She would consult with homeowners and help prepare the paperwork, and the town could then review, sign and submit. She was working with the Town Manager and Town Planner, Clare Rock, as well.

There was some discussion by the Selectboard. The Selectboard agreed that the plan outlined by Ms. LaBounty was to be followed and that the Town Manager could review and submit applications for these elevations by August 4th and report to the Selectboard.

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2 **3. Other Business**

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4 Cell Tower Update

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6 The Manager explained that the attorney for the cell tower project, Gerald Tarrant, was still filing the
7 final brief from the SBA/VTel hearing. The Manager said that he learned from the hearing that the
8 Public Service Board, and the phone company applicants, were interpreting the law incorrectly. He
9 said that it was clear they felt that the local zoning bylaws were pre-empted and were no longer
10 considered. Mr. Tarrant had properly explained that the law, while taking the decision out of local
11 control and in front of the PSB, required substantial deference to local plans and that included bylaws.
12 The Manager said he felt we stated our case correctly, however, he was not sure how much it would
13 ultimately matter. This decision would be significant, since the only argument the town had in any of
14 the tower applications was the compliance with our zoning bylaws. If the PSB ignored those, then
15 nothing outside of a major environmental issue would be grounds for the town to make any further
16 objections. He said there should be an executive session on this issue at the end of the meeting.

17
18 The Selectboard discussed this issue. Members expressed concern that local zoning was playing such
19 a small role in these decisions and that local control was being eliminated.

20
21 The Manager reported no other significant events in the two AT&T tower projects, however, the 45-
22 day prefiling period for the Cochran Road site was ending tomorrow and he expected the application
23 to be formally filed this week.

24
25 Definitions under Section 248a

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27 The Manager reported that under Act 199, the legislature required the Public Service Board to define
28 two important terms in the law under section 248a, which regulates the cell tower applications we have
29 been receiving. These terms were “substantial deference” and “good cause.” These terms were used
30 by the PSB now, however, they remained undefined and application or use of these terms could vary
31 as the board saw convenient – which is why the legislature seeks definitions. The Manager had
32 drafted definitions to start a discussion. These suggestions were due to the PSB by August 1st.

33
34 There was some discussion by the board. The Selectboard agreed that the definitions should be
35 suggested to the PSB by the deadline.

36
37 Revisions to Richmond Zoning Regulations Section 6.8 Flood Hazard Overlay District

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39 The Manager explained that this was a preliminary draft of the re-write of the zoning regulations. This
40 was more than just an edit of the existing regulations and therefore more extensive and a new
41 document. This was being provided to the Selectboard in advance to get feedback and clarification,
42 prior to any public hearings.

43
44 Planning Commission Chair Mark Fausel was in the audience and offered to answer any questions.

45
46 Ms. Lucht asked if this revision would meet the federal requirements for remaining in the National
47 Flood Insurance Program. Mr. Fausel said this would need to be approved by FEMA but he felt it
48 would be found in compliance.

49

1 John Kart said he feels the permit requirements need to be strongly regulated because if not, flood
2 insurance premiums may increase. He felt stiffer requirements would be easier to live with than
3 higher costs of insurance.

4
5 Mary Houle said she was tired of hearing about flood insurance and how it will help you. What did
6 the term “substantially reduce” mean in terms of flood insurance premiums, if stronger regulations
7 were enacted? She said no one could tell you.

8
9 There was some discussion. The Board thanked Mr. Fausel and looked forward to a final draft.

10 11 Discretionary Funding Policy for Budgeting

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13 The Manager presented a draft discretionary funding policy for the “Appropriations” section. This had
14 a Frequently Asked Questions and an application procedure. This was essentially for a “zero based”
15 approach to this section of the budget, where the process was competitive and not guaranteed and
16 funding levels were fluid.

17
18 Mr. Yeates said this evened the playing field and would explain how Richmond residents would
19 benefit from town investment.

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21 Ms. Lucht liked the questions and answers and was a good form to use.

22
23 After additional discussion, Mr. Yeates said this should be shared with the public prior to adoption and
24 reschedule this for August 18th.

25 26 Town Center Parking Lot

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28 The Manager explained that a couple of months ago he asked permission to bid the Town Center
29 Parking Lot. At that time, the Selectboard wanted to hold off and see if there would be any movement
30 at the creamery that might require modifications to the parking lot here. Since the project does not
31 show any signs of movement, the Manager requested permission to issue a bid.

32
33 Mr. Sander offered a motion to proceed with bidding the Town Center Parking Lot project and was
34 seconded by Mr. Hill and the motion carried 5-0.

35 36 FY2016 Capital Plan Introduction

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38 The Manager explained that the capital plan was spending for capital projects for the next five years.
39 He provided the current capital plan narrative and noted that the Selectboard should review and
40 propose changes to the plan that could be discussed.

41
42 Mr. Hill said he would prefer that Department Heads come in and present their proposals, which the
43 Selectboard could then deliberate upon. Mr. Yeates asked if we could do separate meetings for this,
44 and the board agreed.

45 46 Approval of Merchants Bank Note

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48 The Manager explained that this was the final resolution and approval for the bank note from
49 Merchants Bank, for \$1.5 million at 1.5% interest over twelve months for the Water Storage Tank and
50 Chlorine Contact Time project.

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2 Mr. Sander offered a motion to approve the note and resolution from Merchants Bank for \$1.5 million
3 at 1.5% interest over a one-year term for water improvements. Ms. Lucht seconded the motion and the
4 motion carried 5-0.

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6 Reports from Selectboard and Town Manager

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8 Economic Development

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10 Mr. Granda explained that there would be a meeting of state officials and members of the Richmond
11 Economic Development Committee at the creamery on Friday to discuss possible options.

12
13 Mary Houle suggested that the Conservation Reserve Fund should be used for economic development.
14 She felt far too much taxable land has been given away.

15
16 The Manager noted the Police Report and talked briefly about major projects. He asked if there was
17 interest in considering someone who was interested in the Recreation Committee and it was agreed to
18 schedule this for August 4th.

19
20 The Manager provided more information about complying with Act 148 mandating certain recycling
21 changes and noted that the hazard mitigation buyout of the Houle property was complete and the town
22 now owned the property and needed to move forward on demolition.

23
24 Approvals

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26 Minutes of July 7, 2014

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28 Mr. Hill offered a motion to approve the minutes of July 7th with minor edits and was seconded by Ms.
29 Lucht and the motion carried 5-0.

30
31 Denial of Access Permit 14-058

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33 The Manager explained that a request for highway access was for 2713 Hinesburg Road was to be
34 denied for lack of sight distance. This sugarhouse access was constructed prior to obtaining a permit
35 and did not meet the B71 standards. There was some discussion.

36
37 Ms. Lucht offered a motion to deny access permit 14-058 at 2713 Hinesburg Road and was seconded
38 by Mr. Granda and the motion carried 5-0.

39
40 Right of Way Permit 14-081 203 Tilden Avenue

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42 The Manager explained that this was for gas service to 203 Tilden Avenue. The road would not need
43 to be opened and staff recommended approval.

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45 Ms. Lucht left the meeting at 8:40 pm.

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47 Mr. Sander offered a motion to approve ROW Permit 14-081 for Vermont Gas and was seconded by
48 Mr. Hill and the motion carried 4-0.

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50 Purchase Order 2390 Pike Industries

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2 The Manager explained that bids were opened for paving this year and Pike Industries came in at
3 \$62.90 per ton, which was the lowest in over four years.
4

5 Mr. Sander offered a motion to approve Purchase Order 2390 to Pike Industries for asphalt paving at a
6 cost of \$62.90 per ton, for \$270,000 and was seconded by Mr. Granda and the motion carried 4-0.
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8 Warrants were approved. Mr. Yeates offered to review in August.
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10 Executive Session
11

12 Mr. Sander offered a motion to enter executive session to discuss personnel matters (Town Manager
13 evaluation) and legal matters (SBA/VTel) at 8:50 pm and was seconded by Mr. Hill and the motion
14 carried 4-0.
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16 Mr. Sander offered a motion to adjourn the executive session and reconvene the regular session at 9:20
17 pm and was seconded by Mr. Hill. The motion carried 4-0.
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19 **4. Adjourn**

20 Motion by Mr. Granda to adjourn the meeting at 9:20 p.m. Seconded by Mr. Hill. So voted.