

Selectboard Minutes  
10/4/2021

Members Present by Zoom: Bard Hill, David Sander, Jay Furr

Members In-Person: Christine Werneke, June Heston

Absent:

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Others Present In- Person: Josh Arneson, Town Manager; Linda Parent, Town Clerk, Mary Houle, Jim Feinson, and the meeting was recorded by MMCTV

Others Present by Zoom: Kathy Daub-Stearns, Admin.; Kendall Chamberlain, Water & Sewer Superintendent; Ravi Venkataraman, Planner; Keith Osborne, Zoning; Dennis Gile, Fire Chief; Michael Marks, Bradley Holt, Chris Granda, Laurie Dana, Jessica Arendt, David Grayck, Fran Thomas, Joason Barard, Jason Pellitier, Martha Nye, Jenn Conley, Jason Webster, Tammy, David, Judy Rosovsky, Deanna Ryerson, Marie Thomas, Sally McCay, Peter Garceau, Sarah Volensky, Jana Brown, Charlie Choiniere, Kathleen Templin, Jessica's iPad, Jason Murray, Lauck Parke, Rachael Gray

**Called to Order:** 7:06 PM

**Welcome by** Christine

**Public Comment:**

1. Marie Thomas was happy to hear the relationship with CSWD was terminated and to have a reuse zone back in Richmond.
2. Chris Granda updated the Board on the stolen "Black Lives Matter" sign that was thrown into the river, saying it was damaged cosmetically only and would be easily fixed. He asked to discuss next steps related to the sign with the Selectboard at the next meeting
3. Kendall wanted to recognize that the Water Sewer Dept was fully paid up by it's customers and that Richmond has an exceptional customer base.
4. Mary Houle said she had received the notice for the Cochran Road closure due to a bicycle event and there was no phone number to reach anyone as had been requested. She felt any time there is a closure request a phone number should be provided on the notice that goes out to residents in case of any issues.

Mary Houle said that she would like to have permission for her sign "Abortion stops a beating heart" to be put up at Town Center.

**Additions to the Agenda:** none

**II. Items for Presentation or Discussion with those present**

**a) Update on Bridge St. waterline replacement project**

Josh reported:

- that there have been some scheduling delays, but the project started today
- that it will be five (5) to six (6) weeks before completion with construction taking place Monday through Friday and one way traffic except for morning traffic between 7 and 8 AM.

**b) Executive Session, legal matter**

Christine noted there have been access permit process questions raised. She said an attorney had been consulted with and this must happen in executive session.

David moved to find that premature general public knowledge of confidential attorney-client communications regarding Access Permit 21-17 would clearly place the Town at a substantial disadvantage because it could lead to the release of the confidential legal advice or information regarding private deliberations that could violate constitutional due process principles; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

David moved to enter into executive session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard related to Access Permit 21-17 under the provisions of 1 VSA 313(a)(1) of the Vermont State Statutes and to invite the Town Manager, Josh Arneson, into the executive session; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

Executive session began at 7:17 PM

Jay moved to return to the meeting; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

Meeting resumed at 7:28 PM

**c) Consideration of approval of Access Permit #21-17 for Parcel ID HV2427**

Christine reported:

- that this was reviewed previously and there were questions raised, they have been discussed with the attorney and what the review shall include.
- that what the Selectboard is to consider when accessing a permit application for access to a lot, is whether there is a need for a culvert and whether sight lines are ok. The statute was reviewed, and it is not appropriate for the Town to restrict access to a landowner's property. The landowner has submitted a letter that acknowledged if there was going to be additional structures they would have to come back before the Selectboard for approval.

Discussion included:

- that Bradley Holt thanked Christine for the update. He said he had sent a letter to the Selectboard related to this matter. He said that the letter from the Avonda's did not alleviate the concerns that the property would not be subdivided further. He asked the Selectboard to invite the Avonda's to discuss what their plans for the property were, without full disclosure the Selectboard could not make a good decision and wanted the Board to limit approval to only a single lot, if approved. Christine said the request was for one (1) residence and accessory dwelling and that was the only thing being reviewed and requested. The access permit if approved, would be for what was applied for. Christine said, a new application would need to be applied for if that changed and the DRB would need to approve any future development of the property. Michael Marks thought that what Christine said was a partial solution. What was proposed was a two (2) lane driveway. A meaningful DRB review would require impact studies and if the restriction was "only good for one (1) residence" there will still be a

two (2) lane roadway through the field aiding and abetting development without proper approval. Landowners have a right to reasonable access, and it already exists, he felt before infrastructure for a large development was allowed the development should have approval. He asked that the permit be put on hold until plans for the development were on the table so it could be decided before allowing the building of the infrastructure. Mary Houle said the consideration for the access permit was presented favorably and to extinguish the right without compensation she thought was a public taking. Mary thought there could be reasons why the proposed road was wider. She said the landowner had met the requirement for the access and if they want a development in the future it would have to go before the DRB and would not slip by unnoticed.

- that Christine said Marie Thomas put in the chat that there are many who support Michael Marks, Christine said while there are significant concerns, it was not within the scope of the Selectboard to do anything more than what has been requested. They have requested, and with the advice of the Town attorney, she did not feel that the concerns of future development were on the table tonight since they were within the DRB's purview. This is the process for a landowner to gain access to their property.

June moved to approve Access Permit # 21-17 for Parcel ID HV2427 for access to one primary and one accessory structure only. Applicant must reapply before this access may be used to serve additional structures. Landowner must close any pre-existing access; Jay seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**d) Consideration of approval of Access Permit #21-16 for Parcel ID KR0952**

Christine reported:

- that the subdivision was on Kenyon Rd.
- that Keith had completed the DRB review
- that Pete had approved the access line of sight

June moved to approve Access Permit # 21-16 for Parcel ID KR0952; David seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**e) Consideration of approval of Access Permit #21-19 for Parcel ID KR0952**

Christine reported:

- that this was the same subdivision with the same approvals

David moved to approve Access Permit # 21-19 for Parcel ID KR0952; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**f) Consideration of approval of road name for new road at KR0952**

Christine reported:

- that this also related to the same subdivision
- that Turnstone Lane would be the access to lots 12-16

June moved to approve Turnstone Lane as the name of the private road which will access lots 12 – 16 in the subdivision at KR0952; David seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**g) Consideration of requests to close Pleasant St. and Esplanade St. to vehicles on Halloween**

Christine reported:

- that this has been a request that has been approved in the past
- that the request is to have the roads closed from 4:30PM to 8:30PM to allow trick or treaters to be on the road without traffic

Discussion:

- that Marshall Paulsen said closing of the streets does not include access for emergency vehicles if needed
- that Christine asked how the street is closed, Marshall Paulsen said that on Pleasant St. there is a large sign that says Road Closed, please walk and that has been effective. Last year there were cones down the middle of the road, so people were walking in one way and out the other due to COVID
- that Mary Houle asked if the Water Sewer Department would need to notify septage haulers, Josh said that when he checked with Kendall there are not any haulers during that time on Sunday afternoons

David moved to close Pleasant St. and Esplanade St. to routine vehicular traffic on Sunday, October 31, 2021 from 4:30 – 8:30pm and would be accessible to emergency vehicles; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

Marshall Paulsen invited everyone to come saying “if you have kids, great, but if you don’t, don’t let it hold you back.”

**h) Consideration of approval of a Memorandum of Understanding with the Richmond Free Library**

Christine reported:

- that she was pleased to have this taking place as the questions surrounding responsibilities of the building and staff would now be formally answered
- that this was back for review

Discussion included:

- that Laurie Dana said it has been discussed for five (5) or six (6) years and the MOU memorializes what the practices have been, Bard said the Library is autonomous and not just a department of the Town.
- that Mary Houle said the third bullet of the MOU, regarding employees, was of concern to her, that there could be legal ramifications if the Selectboard or Town Manager was not involved and was left just to the Trustees. Christine said it was discussed how to keep Josh involved and the fourth and fifth bullets covered those concerns by making sure there was good communication. Mary Houle thought there could be a sixth bullet that says Josh could not be excluded. Laurie Dana asked if the last bullet under finances should also be placed under employees and noted it be identified as an intentional duplication.

David moved to approve the Memorandum of Understanding between the Richmond Free Library and the Selectboard with the suggested amendment; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

The MOU will be amended, and it will go back to the Trustees for their signature. The MOU was not complete.

**i) Consideration of approving an agreement with the Howard Center for the Community Outreach Program**

Christine reported:

- that this was back from last week
- that Deana Ryerson from the Howard Center was in attendance

Deana Ryerson reported:

- that she was the Director of Crisis for the Howard Center that covered First Call 24/4 and their outreach services
- that the community outreach team can be accessed by community members and the police from 8:30AM to 8PM with services intended to be proactive, resources for mental health or addiction issues, housing supports and more. They develop relationships so if/ when someone was in crisis there is a history to draw on.
- that First call is crisis services for mental health issues with an emergent response. There are staffing concerns so services may be delayed. She let people know that if a crisis is a life-threatening emergency the best thing to do was call 911, if not life-threatening or if someone is trying to avoid the ER, then First Call would be the best option.
- that the Howard Center has a tiered approach based on acuity.

Discussion included:

- that Jay Furr said he had witnessed the community outreach working in Burlington, if there is an addiction issue it was nice to know there is someone to call that is not the police. Christine said last year education was done with our Police Department and there has been an increased use of the Howard Center services.
- that Deanna said there were marketing posters, magnets etc. that would be provided to hand out
- that Bard thanked Deanna for coming and for the work the Howard Center does. He asked how the Town would measure the success of the program and understand what is available and to expect. Deanna said there was a committee that looks at the data, where what outcomes to measure are identified. Recognizing we are into the first quarter of the contract already she hoped the contract could be approved and then adjusted if needed. Christine said we are now operating without a contract and seven (7) towns would need to be agreed upon any changes. She thought in the spirit of goodwill we want to understand the performance of the Howard Center and seek updates on a six (6) month or annual basis. June thought we should move forward and if there was something we could do to let them know what we are looking to have for information. Bard wanted to know the program was working and have some facts to base that information on.

June moved to approve the agreement with Howard Center for the Community Outreach Program and to appoint Town Manager Josh Arneson as the Authorized Representative; Jay seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**j) Consideration of approval of the use of \$2,000 from the Conservation Reserve Fund for the Richmond Community Garden**

Christine reported:

- that Conservation Committee has approved this

Jim Feinson reported:

- that the location is on the corner of Bridge St and Huntington Rd

Discussion:

- that Judy Rosovsky was excited about the work and enthusiasm the committee has
- that June commented there was a community garden when she was growing up and thanked everyone involved saying not everyone has access to a place to grow food and this would help. Mary Houle asked if it was open to the public or for tours so potentially when people are at the farmers market they could go over and say "wow, this is where our \$2000 is going". Jim Feinson responded that it is open all the time and the garden was open to everyone.

Jay moved to approve the use of \$2,000 from the Conservation Reserve Fund for the Richmond Community Garden; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

#### **k) Consideration of approval or Rise VT Amplify grant for a wetlands delineation at Overrockers**

Christine reported:

- that there was a memo from Ravi

Ravi reported:

- that this would be a \$1500 grant from RiseVT
- that the parking at Overrockers is close to wetlands the grant would cover some of the \$2500 cost of the delineation that has been required

Discussion included:

- that Bard asked what a class 2 wetland is defined as? Ravi replied there are three (3) classes of wetlands that are defined by significant species of wildlife, the retention of stormwater, is large enough (at least ½ acre), and plant species that are valuable.
- that the delineation would be the mapping out of the exact location of the wetland and wetland buffer to know the extent of the wetland and how important it is based on what is there. Christine said this is because we now have access to the river and asked if once it was done and we have checked that box were we ok? Ravi replied he is still trying to figure that out, that the DEC wants to know what exactly we did and how that impacts the wetland and to have it permitted to the DEC.
- that Christine asked if the RiseVT amplified grant was appropriate, she felt it was the responsibility of the Town to get this work done. Ravi said it does need to be done, it would be eligible for the program based on conversation with Justin. Bard asked how the wetland would be defined. Jay said the Agency of Natural Resources has some overlays available online. Ravi said there was one person who delineates wetlands in this part of VT, so they rely on the maps and having a professional identify the wetland, talk to DEC staff, and the wetlands are identified with the state. Bard asked if we possibly should not have done something we did, if we were a private landowner, would we be displeased with them. Ravi said yes. Mary Houle said that property is not pristine by any means. It was a gravel processing and holding plant in the past. The parking lot is consistent with what was there before, and the grant would preserve the

area for recreational access. Christine said we have to correct the process. She felt she did not want to use a Rise VT grant for this so she would be voting no.

June moved to approve pursuing the RiseVT Amplify Grant to support the wetlands delineation of Overrockers Park (1301 Cochran Road); Jay seconded. Roll Call Vote: Bard, David, June, Jay, voted affirmatively, Christine voted no. Motion passed.

NOTE: item m -Coin drop was heard before item l.

**l) Public Hearing to consider amendments to Richmond Zoning Regulations regarding nonconforming lots, certificates of occupancy, State permit references, performance standards, and Development Review Board term appointment dates**

Jay moved to open the public hearing for the consideration to amend Richmond Zoning Regulations Sections 3.8.5, 4.6, 4.13, 5.2.1, 5.3.5, 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7, 5.6.8, 5.8 and 8.2); June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

Ravi reported:

- that the amendments are being updated to reflect changes made at the state level, streamlining processes for the zoning administrator, and bringing things into alignment
- that the appointment of DRB members are out of sync with all other committees so this would bring them into alignment with the other Town Committees and Boards

Jay moved to close the public hearing; David seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

The meeting resumed at 8:57PM.

June moved to adopt Zoning Bylaw Amendments as enclosed to Richmond Zoning Regulations Sections 3.8.5, 4.6, 4.13, 5.2.1, 5.3.5, 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7, 5.6.8, 5.8 and 8.2); David seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**m) Consideration of approval of request by Richmond Fire Department to hold a coin drop on Saturday, October 9, 2021**

Christine asked Dennis Gile, Fire Chief; if this was to benefit the Fire Dept., Dennis responded, it is he has the state permit and the money goes to buy things like trophies, plaques, dues, shirts & coats for the guys, to buy food when there's a large fire, and to buy equipment sometimes.

Jay moved to approve a coin drop for the fire department to happen on Saturday, October 9, 2021, from 9am – 2pm at the intersection of Bridge St. and Route 2; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**n) Consideration of approval of hiring a consultant to conduct a compensation study of Town staffing positions**

Christine reported:

- that this was started before her time on the Board

- that this was going to be done in-house and in trying to prioritize Josh's time it was decided to have someone from the outside do it
- that there was an RFP done and Josh has a recommendation for the Board

Josh reported:

- that there were four (4) bids received
- that he did the reference checks
- that he recommended going with GovHR
- that we have a grid system that will be looked at as well as longevity, benefits, health insurance, time off, and job descriptions will be looked at

Discussion included:

- that two (2) of the respondents were weeded out and the other two (2) were interviewed. June said she would have eliminated them too.
- that there was a VT based company and this one is in the mid-west, Josh said it was the responses to how respondents were going to look at the things that was quantifiable where the VT company was less direct. Josh said they would be using local data, not the VLCT survey, they will send a survey out to other municipalities that goes back to them. Jay said in their proposal there are no cost overruns. Christine said both classification and compensation were important.

June moved to award the contract for the compensation study to GovHR in an amount not to exceed \$21,300; Jay seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

Christine noted: Work will not be done by budget time and we will do our best to consider and make decisions in an off budget process.

**o) Consideration of beginning the process to participate in the National Opioid Settlement**

Christine reported:

- that she had received a letter, David received one from Josh,

Josh reported:

- that this was a class action suit that the Town would have to "opt in" to receive any part of the settlement and the more towns in each state that "opt in", the larger the award available would be.

Discussion included:

- that David said there is an enormous cost to taxpayers due to the opioid epidemic plus the emotionally cost, he felt strongly that reimbursement should be sought

David moved to approve registering Richmond for the National Opioid Settlement; Bard seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**p) Consideration of appointing a voting member to the Regional Emergency Management Committee**

Christine reported:



- that Police Chief Kyle Kapitanski was ready to accept the position

David moved to appoint Police Chief Kyle Kapitanski as a voting member to the Regional Emergency Management Committee); June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

**q) Discussion of next steps for American Rescue Plan Act Funding (ARPA) Committee**

Josh reported:

- that the ARPA Committee's purpose was to make recommendations to the Selectboard
- that before recruiting membership from the public creation of guidelines should be completed
- that the projects submitted would be scored so informed decisions could be made
- that having a seat filled by at least one (1) business owner with four (4) resident /business owner seats was suggested
- that interested parties should write a letter and tell why they are interested in serving on this committee as well as what groups and committees they have been involved with either currently or in the past.
- that the committee meetings would be open meetings so even if not on the committee residents could participate in the discussion by coming to the meetings
- that letter of interest could be submitted by 10/20 to Josh so at the November 1<sup>st</sup> meeting the Selectboard could make appointments
- that the committee would meet once a month or as needed. Jay Furr said just because one (1) seat was designated for a business owner did not mean any of the other four (4) seats could not be business owners
- that June thought this was a long commitment and encouraged residents be involved in the process and be actively invited to participate. Bard thanked her for jumping into a long-term project.
- that June did not know if Connie had the capacity to do this in addition to her workload. That ARPA funds are available to pay someone to manage it. That every dime has to be accounted for. Christine said it was similar to the owner's rep situation. Our staff in lean, we have a number of assets and a small number of taxpayers to pay for it. She encouraged looking at having someone to manage the grant, suggesting Richmond could share someone with another town, have a grant manager. June said it was going to be a big job, maybe a contractor and they would have to work closely with Connie and set up the records and put the information into NEMRC. Christine said as a temporary program, we could use grant money. June said it was overwhelming the amount of accounting that is going to be needed. June said having someone managing this would keep resident involvement off Josh's plate.
- that Jay says there is a chance after the money is spent someone will come forward and say they want their project funded. Christine said having outreach will be important. Bard thought stakeholder involvement needed to be planned for. June said ARPA funds could be used to market and engage residents.

Christine said she was excited to have see what people come up with.

**III. Approval of Minutes, Warrants and Purchase Orders**

**Minutes:**

June moved to approve the Minutes of 9/20/2021; Bard seconded. Roll Call Vote: Bard, Christine, June, Jay, and David voted affirmatively. Motion passed.

David moved to approve the Minutes of 9/21/2021; Bard seconded. Roll Call Vote: Bard, Christine, June, Jay, and David voted affirmatively. Motion passed.

#### **Purchase Orders:**

David moved to approve PO 4158 to US Bank for a loans related to Jericho Road loan and 2005 Fire Truck loan not to exceed \$63,586.32 for the firetruck loan and the highway portion of the Jericho Rd project; June seconded. Roll Call Vote: Bard, Jay, June, David, and Christine voted affirmatively. Motion passed.

#### **Invoices and warrants:**

Jay asked about the amount of taser supplies being ordered. Josh said there was a new contract for tasers and with new tasers supplies were needed. Christine noted that training came with the contract.

Christine asked about the Home Depot invoice, Josh said that in the spring Pete had purchased some items, we double paid, and now need to work off the credit.

June asked what the deliverable was on the Hartsfield invoice, Josh said the grant was completed last week and there was an update coming.

Linda Donovan said the discussion on how to spend money was going to be a long process. Having a basketball court in the park, she said there is a lot more going on with the teens and they need more eyes on them. She thought it was going to be a hard thing that needs to be looked at. She said she talks to a lot of people, and we need to not forget that even if not in the village residents all need to be considered.

Jay moved to approve the warrants as presented; June seconded. Roll Call Vote: Bard, David, June, Jay, and Christine voted affirmatively. Motion passed.

#### **IV. Discuss Items for Next Agenda**

Racial Equity 12 month display of BLM sign

Mary Houle's sign

Christy Keeting United Way Grant

Auditors

Bard wanted an agenda item to discuss what policy issues might be taken beyond signs, action vs statement. Jay said the group has gotten smaller and there is ongoing need for education and policing. Bard said that the sign brings up the thought that we were going to be taking more action.

Linda Donovan said she heard Mary Houle wanted to put up a sign, where does it become that the Town can make the decision for the whole town. She did not think the artwork and sign at Town Center was the place for it to be. Christine said it would be on the agenda and cautioned not to have an unwarned discussion.

## **V. Adjourn**

June moved to Adjourn; Bard seconded. Roll Call Vote: Jay, June, Bard, David, and Christine voted affirmatively. Motion passed. Meeting ended at: 10:12 PM