

**Town of Richmond Selectboard Meeting  
Minutes of November 21, 2022**

**Members Present:** Bard Hill, David Sander, Jeff Forward, June Heston

**Absent:** Jay Furr

**Staff Present:** Josh Arneson, Town Manager; Duncan Wardwell, Assistant to the Town Manager; Benjamin Herrick, Interim Police Chief

**Others Present:** Meeting was recorded by MMCT, Allen Knowles, Bob Reap, Brad Elliot, Cara LaBounty, David Sunshine, Gabe Firman, Gary Beckwith, Heather Parker, Jon Kart, Jon Low, Judy Rosovsky, Lou Borie, Mary Houle, Paul Parker, Wright Preston

**Call to Order: 7:00pm**

**Welcome by:** Heston

**Public Comment:**

Heston: I have been approached by a couple of residents that they are discouraged and overwhelmed by the length of these meetings. We are too. I would like to try a 2-minute limit for comments.

Houle: I want to thank Josh for approving the purchase of clocks for the rooms upstairs and plaques to identify rooms. I will also be putting up some pictures.

LaBounty: Do we have a total dollar spent on the Williams Hill lawsuit?

Arneson: I am updating and can email to you and share at the next meeting.

**Additions or Deletions to Agenda:** None

**Appeal of a Development Review Board decision regarding Summit Distributing, LLC CU2022-06 (possible executive session)**

Heston: Are we moving into Executive Session?

Forward: I do not think it is necessary.

*Forward moved to approve the Stipulated V.R.C.P. 58 Judgment Order in Summit Distributing's appeal of the DRB decision approving its application for a Vehicle Fueling Station use with a convenience store and food service at 1436 West Main Street, subject to final review and approval by the Town Attorney. Hill seconded. Roll Call Vote follows discussion.*

Sunshine: The DRB liked everything and approved everything. We asked the applicant one question about keeping the restaurant in-house. He said yes at this moment. We asked if he would make a public statement that he would not allow a national food chain to go in there. He said no. The Board, to a person, felt that a national food chain did not

belong in there. We set out reasons of traffic, rubbish, and a disingenuous effect of the business community.

LaBounty: If there are 5 bars in Town where I can order a drink at a bar but I cannot get a Dunkin Donuts coffee at a Mobil Station, I say shame on us. It is not Richmond's decision to take away someone's right to choose. I want you to hear other people too. The next thing on our agenda is cannabis but we can't have a Dunkin Donuts coffee.

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

Forward: Formula businesses are defined as chain-stores with coffee, restaurants, hotels, or retail stores. The Planning Commission is considering this in the revisions of the Zoning Ordinance. I agree with the DRB that the formula business have the potential to disturb the character of our Town. The Mobil Station is in an industrial and commercial district. I can see it better for the Mobil Station. There is a case for restrictions on formula businesses in the Gateway and Village Commercial district.

Hill: A Mobil Station is a formula business.

Forward: There are not many gas stations left that are not formula businesses. There are many Towns struggling with this.

Heston: The attorneys have said this restriction is unlawful. It would not hold up in court. We just voted on taking that restriction from the DRB out of the permit to stop the litigation. We have settled the decision on that business.

### **Consideration of adding an article to consider approval of operations of cannabis retailers to Town Meeting**

Firman: I am reluctant to speak to this as I became a figurehead in the past. Someone asked me so I asked Josh to put it on the agenda. I do not have any skin in the game. It was previously voted down. There was a large Front Porch Forum discussion. There were several points against allowing for it. Our Country's failed drug war deals with a lot of misinformation. It is now legal in many Towns, and it is something we should discuss again. Our Town emphasizes the need for commercial vitality in our Village. I've watched people struggle to figure out what that is. It seemed odd that a Town that champions commercial vibrancy would say no to what could be a very large marketplace.

Heston: It was on the ballot in 2021 at Town Meeting. It failed with 611 in favor and 674 opposed. We can choose to add this to the Town Meeting ballot. Or, a petition with 5% of the voters can be submitted to place the question on the ballot without Selectboard approval. VLCT has provided several links for resources. We have a couple of options. One is if the town authorizes cannabis retailers in town pursuant to 7 V.S.A. § 863. The other is if the town authorizes retail portions of integrated licensee operations in town pursuant to 7 V.S.A. § 863.

Forward: There is a lot of information from the Cannabis Control Board which is confusing to me. Can retail sales happen at a grower's location?

Heston: Not without the license.

Arneson: You need local approval for retail on its own or an integrated license where a manufacturer or cultivator would also like to do retail.

Heston: The idea of having this on the ballot a year ago was to have recreational retail available.

Hill: We can have retail, integrated retail, or both.

Preston: The cannabis shop in Burlington is busy. My view of the demographics are some young people, some older people, and a great many my age and younger. It hasn't taken over College Street near Church Street. It looks successful and is well managed and blends in with all the other stores.

Sunshine: I urge you to put it back on the ballot and let the Town make the decision again. There was a lot of misinformation last time. I think we are in a Town where we sell cigarettes. We have a lot of drinking establishments and a brewery. It could be vibrant for the Town.

Heston: The State gets the revenue from taxes, but we get traffic.

Hill: The benefit to the Town is the secondary, it's about the property taxes and employment.

LaBounty: We should be cautious about increased traffic as there are mountain bikers using the Round Church and bringing their own food. Where would you allow it to be? Maybe the Planning Commission should consider it first before the vote. We voted in 2021 and it is already going back to the ballot.

Firman: The two commercial districts in our Town are the Village and the Gateway. I don't think we want to go back into people's homes and the black market.

LaBounty: Jonesville is still part of Richmond. There is the Round Church complex area.

Heston: I think it makes more sense to see if the voters want it. If the voters want it then the Planning Commission can investigate what it looks like. We are only a few months away from Town Meeting Day. I encourage that we put it on the ballot, so it is up to the voters. It was such a close vote.

Hill: Is it plausible to craft language pursuant to Zoning regulations so we clarify it isn't going wherever you want it. My bias is to leave it to the voters.

Arneson: I think it is a good question about if we can add in information about location in the article. I think it is worth asking VLCT and our attorneys. We do not need the final wording tonight.

Parker: I would like to know what misinformation was perceived. The voters voted on it a year ago. Because somebody didn't like the result, we are going to vote again. That seems disingenuous.

Firman: It has been illegal for a hundred years for a multitude of reasons. It is a very long conversation, and I am not going to fight that battle. I don't think it is disingenuous to vote. We can vote as much as we want.

Sunshine: I recall a lot of discussion about cannabis being a gateway drug. That has been refuted many times. I don't think there is anything wrong with voting again.

Forward: I think a lot has changed in a year. The Cannabis Control Board has been setup with rules and regulations. There is a lot of information online from VLCT and the Control Board. I heard there are now 25 stores in the State. I agree the Planning Commission should really look at this. This could be a unique retail opportunity. The voters should decide on this.

Sander: I was told by an auto mechanic that they do not look in glove boxes anymore because of the marijuana they often find. There is a large group of people in our Town who use. I am in favor of putting it on the ballot. It is happening in our Town. People are buying even if not in our Town.

Parker: It is controversial if marijuana is a gateway drug. The data is not 100% clear.

LaBounty: I work in downtown Burlington, and I have to worry about getting to my car and stepping over drug-addicted folks who are shooting up on the sidewalk and in the parking garages. They are making deals on the street in front of you. The cannabis store looks pretty but there is massive drug abuse going in Burlington and I have to worry about safety on a daily basis.

Heston: All we can do is to decide if we want to put it in front of the voters.

Arneson: If you allow retail then it is all retail. Or, you can allow retail only with an integrated license. An integrated license is where you are manufacturing or cultivating then you also have a retail license.

Hill: Retail is everything as a standalone or as part of an integrated license.

*Forward move to include a question on the 2023 Town Meeting ballot to authorize cannabis retailers in Richmond. Hill seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

### **Consideration of increasing the amount of the request in the Transportation Alternatives Program Grant**

Heston: We already voted on this but only for \$55,000 match. The expense is going to be higher.

*Hill moved to amend the allocation of \$55,000 to \$64,000 for the construction grant match for the VTrans TAP Grant. Sander seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved*

## **Consideration of releasing funds from Conservation Reserve Fund to the Richmond Land Trust for the Gillette Dam Project**

Heston: The Richmond Land Trust has been awarded a Federal Community Directed Spending grant to partially pay for the Gillette Dam Project. Wright Preston is here to speak about it.

Preston: Lou Borie, Brad Elliot, and Jon Low are also on the call as part of the Richmond Land Trust Board. The Richmond Land Trust acquired from NH/VT Girl Scouts the Gillette Dam and the surrounding 70 acres. An additional 30 acres on the Huntington end has been donated to us. We have gone through the design and permit process to remove the Dam ideally next summer and go to bid this winter to reconstruct a new dam that meets municipal, State, and Federal permits. The overall budget is \$753,000. The largest component use of the funds is estimated construction cost of \$645,000. I put in a contingency cost of 5% of \$33,000. There is also a \$40,000 Stewardship Fund. We have already fundraised \$278,000 and we have a previous commitment from Richmond of \$150,000 and from Huntington of \$75,000. We hope to show the potential bidders our checking account statement to show them the funds are ready to go. Our ask tonight is for the Town to release the funds. The advances of the construction will be overseen by the Richmond Land Trust and the engineer. There is not a lot of blasting but a lot of drilling which is a defined cost. It will be a wonderful recreational resource. The height of water will be up ~2 feet from its normal high-level height. The overflow will occur in the center of the dam. The dam is much wider than the current one due to flood control measures.

Forward: How would the stewardship fund work?

Preston: Our stewardship funds are housed with the Vermont Community Foundation. Should we need funds, we write them a letter to describe the task. It is our task to maintain the dam with the Agency of Natural Resources Dam Department which includes an inspection process. They have approved the dam reconstruction process. We may need to fundraise for maintenance.

LaBounty: These documents were not posted for the agenda. For transparency's sake, I think we should be warned with this information. Why give up the \$150,000 today?

Heston: This would not sway my decision either way.

LaBounty: The public was not provided this information.

Arneson: It was approved in 2017 and extended in 2021.

*Forward moved to release \$150,000 from the Conservation Reserve Fund to the Richmond Land Trust for the Gillette Dam Project. Sander seconded.  
Roll Call Vote follows discussion*

Preston: We have board of directors' insurance to cover any misuse of funds or embezzlement.

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved*

Arneson: We will add it to the warrants for December 5<sup>th</sup> meeting.

**Consideration of approving the use of funds from the Conservation Reserve Fund to help pay for a bench on the Beeken River Trail**

Heston: This request is included in the packet. There is also an email from Conservation Commission Chair Judy Rosovsky indicating that the Conservation Commission has recommended this project for approval to the Selectboard.

Rosovsky: This is a \$500 bench that Gary Beckwith proposed for users of the trail.

Beckwith: It would be nice to have a real bench beside where I usually put a hammock that gets a lot of activity. I asked for permission from the Richmond Land Trust to put a bench there. I got a thumbs up. Then, I started raising funds and got about half-way there. We picked out an Adirondack style loveseat. I wrote a proposal to the Conservation Fund for the remaining funds. I needed Selectboard approval, and I talked to Tyler Machia about obtaining a permit for the flood plain.

LaBounty: The Land Trust has to get the permit. We have our own Town benches that we have to maintain. It is not Town owned land. The Land Trust should put a bench there if they want a bench there.

Rosovsky: The land is open to all townspeople. The Fund can be used for all users of a Town resource.

Beckwith: When I presented to the Conservation Fund there is a specific criteria list. The document I submitted illustrates how the bench benefits the Town of Richmond and not just the Land Trust.

Arneson: The bench could be donated to the Land Trust.

Beckwith: I am happy to donate the bench and the ownership goes to the Land Trust. A bunch of people have contributed money.

Forward: I am not concerned about this.

*Forward moved to approve the use of \$300.00 from the Conservation Reserve Fund for the purchase of a bench to be placed on the Beeken River Trail. Sander seconded. Roll call vote follows discussion.*

Beckwith: The permit process requires that anything near the river needs to be anchored so \$50 was added. I have a design on how to anchor it. The cost of the bench is \$500. I have \$250. I think we are good to go with the \$300.

Hill: We should give the money to the Land Trust, and they purchase it and put it on the property.

Beckwith: I can give the money to the Richmond Land Trust, and they can place the order.

*Forward amended motion to approve the use of \$300.00 from the Conservation Reserve Fund for the Richmond Land Trust to purchase a bench to be placed on the Beeken River Trail. Sander seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved*

### **Consideration of approving scoping study to examine options for widening shoulders on Rt. 2 between the Village and the Park and Ride**

Heston: This is a continued conversation from when VTrans said they were not going to fix the pinch points with the rebuilding of Rt. 2.

Arneson: There are two scoping studies we can do. The cursory scoping study gives us a high-level look at magnitude of cost estimates. Or we could do a full scoping study which would take 9-12 months and give us details for estimates. That would be about \$12-\$14,000 local match. The process for VTrans to fund construction is through the VTrans Project Selection and Project Prioritization Process (VPSP2). If the work is not picked up in this process the other option would be for the Town to seek grants and to pay for construction with municipal funds. We would want to do the more comprehensive scoping study so we understand the full cost in more detail and be able to apply for a sidewalk grant.

Hill: This discussion has an interesting history. This is part of our plan to connect the Park & Ride to the Town. We need to keep reminding VTrans of the importance of doing this for safety and pedestrian and bike access to the one location of public transportation in our Town.

Sander: I am troubled about expending Town resources to fix the State highway to connect to the State Park & Ride when the State asked us 7 years ago what we wanted, and we told them.

Hill: We are spending Town money to improve a State highway. It is bad enough to do a match to do the scoping study. I think we do the \$1,400 and invite the Secretary of Transportation back to have a conversation about the future of the improvements to Rt. 2. The Chittenden County Regional Planning Commission (CCRPC) suggested years ago that the Town could take over Rt. 2 and do whatever we want with it. The whole thing made no sense as they compared it to Rt. 7 going through Burlington. We need to engage the Agency of Transportation and the Secretary to promote a partnership to help us get this done.

Heston: There maybe changes in leadership as well.

LaBounty: Please stop burning our money. We are not paying for this project. If it is never going to happen, then we are going to burn the \$1,400. The State of Vermont is responsible for Rt. 2. We do not need a scoping study to find out where the pinch-points are, they know where they are. We can use the existing plans. The first scoping study is a waste a money as you really need what is in the second one if you are going to really do it. It is not going to help raise your score. If the State doesn't want to take care of the pinch points, then they are not going to do it.

Forward: I am confused, is this part of the Gateway Scoping Study?

Knowles: The Gateway Scoping Study is different. The Gateway Scoping Study is to find a way to get a multi-use path to the Park & Ride and eventually to Riverview Commons. This scoping study is different which we call the “pinch-point study.” It relates to the only the shoulders of Rt. 2 and nothing else. I cannot speak for the Transportation Committee as they have not discussed these two options. Personally, I favor option 1 largely because I have listened to Chris Cole. My understanding is that if we made this next step then they would come back and deal with the Selectboard. This is our ante to stay in the game with them. I hope you approve option 1.

Heston: Do we have to deal with pinch-points if we are going to do a multi-use path? We would have a pedestrian and bike route if we got rid of the pinch-points.

Knowles: The pinch-points simply relate to the shoulders of Rt. 2 where a 40mph truck is still at your elbow. That is a far cry from a multi-use path that is separate from the highway. It is my opinion that we can get rid of the pinch-points on the shoulders. The multi-use path is going to be a big reach.

Forward: I am in favor of doing option 1 just to keep the issue on the table.

*Sander moved to approve a cursory scoping study of the pinch points on the shoulder of Rt. 2. Forward seconded*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved*

## **Approval of Minutes, Warrants and Purchase Orders**

### **Minutes**

*Sander moved to approve the Minutes of 11/7/22 as presented. Forward seconded. Roll call vote follows discussion.*

Heston: I would like to say there are a number of typographical errors and missing words, but I know what the conversation was. It does not affect the content but just to have a look at the minutes once they are done to make sure they are in order. I am willing to do that.

Arneson: If anybody sees anything we can change them before you approve them.

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

*Sander moved to approve the Minutes of 11/14/22 as presented. Forward seconded. Roll call vote follows discussion.*

Heston: I have a few questions with those. On page 5, Bard Hill at the bottom of the page, I feel like there is a confusion of where the rental money will go to and where the fees will go to. It might have been switched but I am not sure.



Arneson: I think Bard's quote here is how I recall the conversation: "Hill: Is there consensus that rental goes into reserve funds and fees go into Library revenue to offset expenses?"

Hill: That is my memory.

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

### **Purchase Orders**

*Forward moved to approve PO#4508 to Mount Mansfield Unified Union School District for Quarterly Education Taxes not to exceed \$1,585,815.76. Sander seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

*Sander moved to approve PO#4539 to Northstar Fireworks Displays 4<sup>th</sup> of July Fireworks not to exceed \$12,500.00. Hill seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

### **Warrants**

*Sander moved to approve the general warrants as presented from 11/7/2022. Forward seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

### **Discuss Items for Next Agenda**

- \*Quarter 1 Financials
- \*Williams Hill Expenses
- \*Police Cruiser Update
- \*Town Center Update
- \*ARPA Funding Deadlines & Construction Timelines

### **Adjournment**

*Sander moved to adjourn. Hill seconded.*

*Roll Call Vote: Forward, Heston, Hill, Sander in favor. Motion approved.*

### **Meeting adjourned at 8:55 pm**

#### **Chat file from Zoom:**

01:14:01 Judy.Rosovsky: Thanks everyone re GP dam!  
01:42:13 jon.kart: Thank you