

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
A p r i l 2 , 2 0 1 2 M I N U T E S

Members Present: June Heston, Vice Chair; Neil Boyden; Amy Lord; Ashley Lucht
Absent: Chris Granda
Others Present: Geoffrey Urbanik, Town Administrator; Tracy Rosen; Mary Keller-Butler; Shem Roose; Alan Buck, Chief of Police; Rob Peterson; Marcy Harding; Bruce Bailey; Sheila Bailey; Harold Irish; John Rankin; Cathleen Gent, Town Planner; Phil & Eileen Baker; Rod West; Larry Bohlen; Marcus ; Gary Martin; M. Sara Meehan; Jake Levinson; Mary Houle; Gary Bressor; Ted Rankin; Jim Fay; Don Yaggy; Karen Yaggy; Tom Levesque; Brad Elliott; Dan Martin; Caitlin Jenness; and Jim Hering was present from MMCTV to tape the meeting.

Vice Chair Heston called the meeting to order at 7:00 p.m.

1. Public Comment

Vice Chair Heston asked if there was any comment from the public.

Marcy Harding spoke about Stage Road and the poor condition of the road during mud season. She felt that the road crew did all they could but it was a tough mud season and she could not drive down the road for nine days. She hoped to not have to go through this again.

The Administrator explained that both Stage Road and Wes White Hill were in poor condition this past mud season. The highway crew had done as much as they could to keep the roads open, but these two roads were impassable for some time. Stage Road was scheduled to begin a two-part rebuild in 2013 which is estimated to cost \$200,000.

Jake Levinson asked if something could be done in the meantime.

Jim Fay offered pictures of the road. He said that no emergency vehicles could get up the road.

Ms. Heston agreed that this mud season was the worst it has ever been.

Eilene Baker said it wasn't the whole road, but some spots that needed to be addressed prior to 2014. She asked if only certain spots could be addressed.

The Administrator explained that the road construction that has been done over the past several years was shown to improve the roads, and that they were complete reconstructions and it would be difficult to stop in the middle.

Marcy Harding asked why the plan for this road was pushed back a year. The Administrator explained that in the past two years the highway department was short staffed and last year dealt with flooding repairs that slowed down work on the original gravel plan.

Mr. Boyden said that maybe some immediate work could be done. Also, this year we didn't have the freezing nights that firm up the road and allow for a gradual thaw.

Don Yaggy of Dugway Road said he didn't have these issues on all roads. Part of Dugway Road had been rebuilt last year, and he said that the rest of the road could wait a year.

1
2 Nancy Hansen said that she agreed with the other concerns. She said she was concerned about the
3 lack of availability of emergency vehicles.

4
5 Neil Boyden said he would have a conversation with Pete Gosselin about the plans.

6
7 Mary Houle asked if the police were able to patrol these roads and if they were aware of this situation.

8
9 Chief Buck responded that they could not get through and did not patrol these areas while the mud was
10 bad.

11
12 There was some additional discussion and the residents thanked the Selectboard for listening.

13
14 Comments from Richmond Area Business Association on Zoning Enforcement

15
16 Larry Bohlen, representing the Richmond Area Business Association, distributed a letter from Tom
17 Hark, and read a portion. The message was that the business community wanted the town to become
18 more business friendly in the wake of the recent GreenSea Systems zoning violations.

19
20 Ms. Lucht said this was a great letter and the Selectboard should address these concerns. Ms. Lord
21 agreed, and said that we should get in front of this issue.

22
23 Mr. Boyden said that with the new regulations still being drafted, the time was right to discuss this.
24 Ms. Heston said that she and Mr. Granda believed the discussion would be a good one to have.

25
26 Mr. Bohlen said that there needed to be a gathering of groups to discuss this, with RABA, the
27 Selectboard and maybe others.

28
29 Mary Houle said that the Selectboard had to lead this issue.

30
31 Mr. Bohlen suggested Amy Lord as the Selectboard liaison since she was the Economic Development
32 Committee liaison.

33
34 Mary Houle said that the zoning document was the core since enforcement came from the regulations.
35 She asked if a vehicle was allowed to back onto Route 2.

36
37 Cathleen Gent suggested representation from the Planning Commission and Development Review
38 Boards also, plus staff.

39
40 Bruce Bailey asked if the town was fining GreenSea Systems \$100 per day.

41
42 Ms. Gent said that fees or fines could be taken up at a later time under the application process.

43
44 Tracy Rosen said that the town was aggressively enforcing the zoning but also "slamming" violations
45 as evidenced by the robot testing notice of violation to GreenSea.

46
47 Mr. Rosen believed the traffic pattern was dangerous to begin with and that pattern was an attractive
48 nuisance. He wanted a letter sent out to GreenSea Systems saying a fine would not be levied.

49

1 The Selectboard agreed that Ms. Lord would head up a committee to discuss this issue and report
2 back.

3
4 Aerial Ortho Photography for GIS
5

6 Cathleen Gent presented a new option for the high resolution aerial photos that were discussed during
7 the budget hearings. Originally the cost was \$14,000 but the Selectboard rejected the plan due to that
8 cost. Circumstances have changed, and the costs are now \$2,000 which could be spread over two
9 fiscal years.

10
11 Ms. Heston asked if there was any funding in the budget now, and the Administrator said no.

12
13 Ms. Lucht asked if there was another source to fund this and Ms. Gent was not sure.

14
15 Mary Houle asked if this would help with the FEMA appeal and Ms. Gent said that this would help to
16 make the maps more clear.

17
18 Rod West said that Justin Willis (local surveyor) would like this.

19
20 Ms. Heston asked if the photos had already been taken and Ms. Gent said no. The Administrator said
21 he would prefer to spread the costs over two fiscal years.

22
23 Mr. Boyden offered a motion to approve the acquisition of the photos, in an amount not to exceed
24 \$2,000 as presented and was seconded by Ms. Lord and the motion carried 4-0.

25
26 Wine Sales in the Park - Amending the Park Ordinance to Allow the Sale of Alcoholic Beverages
27

28 The Administrator read the amendment to the ordinance: **SECTION FIVE: BEHAVIOR: NO**
29 **PERSON SHALL:**

- 30 1. Use or sell alcoholic beverages with the exception of one alcoholic beverage vendor, as part of
31 the Richmond Farmers Market which shall be allowed to sell locally-produced alcoholic
32 beverages as an agricultural product in accordance with Vermont laws. Consumption of this
33 product is limited to samples only, according to law, and no other consumption shall be
34 allowed on park property at any time. Containers sold must be unopened and remain unopened
35 while on park premises. The vendor must currently possess all necessary permits and licenses
36 required for legal sales.
37

38 Caitlin Jenness, the manager of the Richmond Farmer's Market, was present to answer questions.
39

40 Mr. Boyden asked if the Recreation Director and the Police Chief were ok with this change. The
41 Administrator said that Harland Stockwell liked the idea, and the Chief was here to answer.

42
43 Chief Buck said that he had not seen the amendment yet but in principal the idea was fine.
44

45 Mr. Boyden asked how the town regulated the Richmond Farmers Market. The Administrator
46 explained that they requested use of the bandstand area of Volunteers Green each year. The Richmond
47 Farmers Market chose which vendors would be allowed to attend.
48

49 Mary Houle added that they need to have an insurance certificate for each vendor annually, and should
50 be given to the town.
51

1 Larry Bohen asked what locally produced meant.
2
3 Bruce Bailey asked if this would balloon into a wine tasting.
4
5 Ms. Lucht said that sample size was dictated by state law, and Ms. Heston said the law was a two
6 ounce sample.
7
8 Rod West suggested changing "locally grown" to "Chittenden County grown". There was discussion
9 on the "locally grown" phrasing issue.
10
11 Gary Bressor said that the Town Plan said local was within a 50 mile radius.
12
13 Tom Levesque asked if the Farmers Market requested this change and Ms. Heston said yes.
14
15 Mr. Levesque said he did not agree with this change, and the Farmers Market was supposed to be a
16 family event.
17
18 Larry Bohen asked about the ordinance adoption process and the Administrator explained the notice
19 and public hearing requirements. The second reading and public hearing would be on May 7th at 7:30
20 pm.
21
22 Ms. Lucht asked how the board wanted to change "locally." Ms. Heston said she was fine with the
23 Town Plan definition of local.
24
25 Ms. Jenness said that the Richmond Farmers Market did not want to have a 50-mile radius limit on
26 their products.
27
28 Ms. Lucht suggested "Vermont" instead of local, and this change was made.
29
30 Tracy Rosen asked if the vendor is necessarily the one who produces the good. Ms. Jenness explained
31 that the products were all local, however, many vendors obtained ingredients from sources outside of
32 Vermont, including some grapes for the wines. The mission of the Farmers Market was to support the
33 producers.
34
35 Mary Houle said that the Farmers Market vendors may not pay taxes on their goods, while vendors
36 who sell in stores would. The Farmers Market also did not employ people the way stores did, such as
37 the new food market. She said that people should support businesses.
38
39 Ms. Lucht offered a motion to introduce Ordinance 2012-01 Amending the Park Ordinance, setting the
40 second reading and public hearing for May 7, 2012 at 7:30 pm. Ms. Lord seconded the motion.
41
42 Larry Bohen asked if produced means grown and or manufactured and Ms. Heston said yes. The
43 motion carried 4-0.
44
45 An Ordinance Amending the Traffic Ordinance - No Parking on Dugway Road and Establishing a
46 Stop Sign
47
48 The Administrator explained that the first amendment was to prohibit all parking on Dugway Road,
49 and Chief Buck was present to explain this request. The second amendment was to establish an
50 existing stop sign at the intersection of Railroad Street and Bridge Street. Since the town took over the

1 right of way in 2009, this stop sign had not been added into the ordinance. He clarified that this was
2 not a new stop sign on Bridge Street. The ordinance was read:

3
4 Section 5A will now read as follows:

5
6 **Section 5. Parking Regulations**

7 ~~9. Between 12:00 o'clock midnight and 6:00 a.m. on either side of TH #07 (Dugway Road) from~~
8 ~~a point five hundred (500) feet south of TH #03 (Cochran Road) to a point two thousand~~
9 ~~(2,000) feet south of TH #03.~~

10 9. Any part of the traveled portion, either side of TH#07 (Dugway Road) entire length; all parking
11 prohibited between 12:00 midnight and 6:00 am.

12
13
14 Section 4B will add the following:

15
16 **Section 4. Location of Stop Signs**

17
18 TH #60 (Railroad Street) eastbound at the INTERSECTION of TH #01 (Bridge Street)

19
20
21 Chief Buck explained his parking request for Dugway Road. He said that the wording of the
22 ordinance was confusing, and the signs posted now were misleading. People tended to park on private
23 property, generating complaints. He said that he did not want the pull-off areas of the road affected
24 but wanted to solve the problems of blocking the right of way. This was primarily from the Gorge
25 area northward to Cochran Road.

26
27 Tom Levesque said he feels the biggest problem is the lower gorge area, where parking causes narrow
28 lanes. One time last year the Fire Company responded to a call and the trucks could not get through.

29
30 Ms. Lucht said she used to travel this road often and felt there were accidents waiting to happen and
31 was supportive of this change.

32
33 Ms. Lord asked if different signs would make the situation better.

34
35 Chief Buck said signs alone weren't the problem.

36
37 Meg Howard stated there are signs already and did not know how much of a headache it would be to
38 ticket more, but supports people being able to park on the edge of the road.

39
40 John Rankin said this was the premier outdoor recreation spot in town. He said that if the only place
41 to park was Gary Bressor's lot then no one would get to see the gorge.

42
43 Tracy Rosen said the only way to do this was to clearly identify places to park.

44
45 Ms. Houle said that regarding the lower gorge, the Richmond Land Trust should provide its own
46 parking.

47
48 Gary Bressor said he was a former Richmond Land Trust boardmember and the committee decided
49 that there wasn't a good spot for parking. The land was acquired to preserve the public rights to the
50 land.

51

1 Chief Buck said that there was only space for about 12-13 vehicles in the one lot there. If that was all
2 the people that visited this would be enough, but it was more like 90 vehicles.
3

4 Fritz Martin was a member of the Richmond Land Trust board and said that parking was a major topic
5 with their properties.
6

7 Karen Yaggy said that a few years ago the issue of defining parking spaces was discussed and it was
8 too complicated. She asked if this could be clarified on what the travelled portion of the road meant.
9 The Administrator explained that this was the maintained travel lane that was clearly visible as used
10 by traffic.
11

12 Chief Buck said that law prevented traffic from parking in the travelled portion of the road anyway but
13 the town has given some leeway. There was discussion.
14

15 Don Yaggy said that the travelled portion needed to be defined.
16

17 Ms. Lucht said that safety was the issue, and could more parking be put in.
18

19 Ms. Heston said she was unclear on how to change the amendment. There was discussion on the
20 wording.
21

22 Mr. Boyden offered a motion to introduce Ordinance 02-2012 Amending the Traffic Ordinance, and
23 setting the second reading and public hearing for May 7th at 7:30 pm. Ms. Lord seconded the motion
24 and the motion carried 4-0.
25

26 **2. Other Business**

27 Adoption of Fund Balance Policy

28 The Administrator explained that this was reviewed at the last meeting. The auditors suggested
29 adopting a Fund Balance policy, to explain how Fund Balance was to be used or categorized.
30

31 Mr. Boyden offered a motion to adopt the Fund Balance Policy and was seconded by Ms. Lucht. The
32 motion carried 4-0.
33

34 Ms. Houle asked when the audit would be done. The Administrator said that it was complete and the
35 audit was in his office, and the auditors were scheduled to come in for the next meeting to discuss it.
36

37 Race Events Policy/Procedure

38 The Administrator explained that Fran Thomas had suggested to him that a policy be adopted
39 regulating race events. Ms. Thomas had provided a draft policy, which was more of a procedure,
40 based on Green Mountain Athletic Association's pre-race checklist.
41

42 Ms. Lucht said that she wanted to remove reference to a specific vendor for port a jons.
43

44 Mr. Boyden asked if additional police officers were required, should the organization be forced to pay
45 for that.
46

47 Ms. Heston said that this was a good start but revisions were needed.
48
49
50

1
2 Bruce Bailey suggested that Richmond vendors be suggested instead of a specific name. There was
3 discussion on this.

4
5 The Administrator was directed to revise the policy and bring back on April 16th.

6
7 Unleashed Race Request

8
9 The Administrator noted that a foot race sponsored by Unleashed wished to again hold a race on June
10 25th. The Selectboard agreed to allow this race to proceed as proposed.

11
12 Public Health Order - Regarding Vicious Dog

13
14 The Administrator explained that at the March 22nd meeting the Selectboard received an emergency
15 health order from Wright Preston, the Health Officer regarding a vicious dog, Clutch, from 149
16 Esplanade. The Health Officer and Administrator requested that this emergency order be made
17 permanent by way of resolution this evening. The Administrator noted that the dog had been removed
18 from the home by the owner, and that the owner had not requested a hearing on the matter.

19
20 There was some discussion. The dog had already been removed and the situation was resolved,
21 however, this was necessary to prevent the return of the animal. Ms. Lucht offered a motion to
22 approve the permanent order and was seconded by Ms. Lord. The motion carried 4-0.

23
24 Appointments to Board of Water Commissioners

25
26 The Administrator explained that at the special meeting on March 22nd, Amy Lord, Harold Irish and
27 Bruce Bailey had been appointed as Water Commissioners for the upcoming year. The Selectboard
28 still had two vacancies to fill, and Ms. Lucht needed to check with her employer to clear her eligibility.
29 Ms. Lucht reported that she was ok to serve, and this left one slot. After discussion it was decided that
30 Chris Granda would be the final member, as he was the chair.

31
32 Mr. Boyden offered a motion to appoint Amy Lord, Ashley Lucht and Chris Granda to the Board of
33 Water Commissioners and was seconded by Ms. Lord. The motion carried 4-0.

34
35 Appointments to Town Boards and Commissions

36
37 The Administrator explained that the town was soliciting for interest in boards and commissions.
38 Tonight's scheduled appointments were reappointment of boardmembers already serving. No
39 interviews were proposed and he did not see any controversy in reappointing interested members. The
40 Administrator listed the appointees: Mark Fausel to a four-year term on the Planning Commission;
41 Stephen Ackerman to a three year term on the Development Review Board; Alison Anand and Jane
42 Sheridan to four-year terms on the Conservation Commission; Martha Marciel to a three-year term on
43 the Richmond Trails Committee; Andrew Squires, Denise Barnard; Gary Margolis to one-year terms
44 on the Police Advisory Board.

45
46 Mr. Boyden offered a motion to reappoint the boardmembers as presented by the Administrator and
47 was seconded by Ms. Lord. The motion carried 4-0.

48
49
50

Highway Access Permit for JB0520

The Administrator explained that this was a request to improve an existing driveway on Jonny Brook Road to accommodate a change in use, pending before the Development Review Board. There was discussion and the Administrator explained that this was not a decision on whether the proposed use was appropriate but whether the access was in conformance with town standards. Highway Foreman Pete Gosselin had reported that sight distance was over 500 feet in each direction and there were no objections.

Ms. Lord offered a motion to approve Highway Access permit 12-026 for JB0520 and was seconded by Ms. Lucht and the motion carried 4-0.

Approval of Minutes of March 19, 2012

Ms. Lord and Ms. Lucht pointed out several edits and corrections. Mr. Boyden offered a motion to approve the minutes of March 19, 2012 as amended and was seconded by Ms. Lucht. The motion carried 4-0.

3. Administrator's Reports

The Administrator reported on the appeal of the FEMA DFIRM mapping. KAS was finalizing their work and would submit the appeal before the April 12th deadline.

Marcy Harding said she wasn't sure that the motion from the March 22nd meeting included authorizing the appeal. She asked if the town would view the work before the appeal was submitted. She hoped the town had good scientifically based evidence to base an appeal.

Ms. Lucht said that these were statistical representations of averages, and that is the best we can hope for. She understood Ms. Harding's concerns and respects her opinion but they have to do the best they can.

Mary Houle urged to not hold the horses on this.

Ms. Lucht said that the proposed changes might take some out of the flood zone but that didn't mean they wouldn't flood.

The Administrator said he felt that the approval of KAS' proposal was implicit that the appeal was authorized, since their scope of work included filing the appeal. The Selectboard agreed that the appeal was to move forward and no further actions were necessary.

Jericho Road

The Administrator reported that this week the Jericho Road project was starting up again this week. There was discussion on the progress, and outstanding issues with the road surface and sidewalk grading. The Administrator said that the engineers were aware of these issues and they would be properly documented and corrected.

Purchase of Excavator

1 The Administrator explained that Highway Foreman Pete Gosselin had proposed a trade of their
2 existing excavator for a 2003 model from Milton Cat. This would fit the \$110,000 budget authorized
3 for 2013. There was much discussion from the board. The board agreed that while it was difficult to
4 find such a machine as the town was seeking, it was necessary to seek bids for this purchase due to the
5 dollar amount. No action was taken.

6
7 The Administrator reported that no action had been taken on the Highway Garage lighting project.
8 Ms. Heston asked about the charter amendment update. The committee hearings were next week and
9 Selectboard members were asked to represent the town or testify at the committee level.

10
11 Mr. Boyden said that the grass at the Round Church green was thin and asked that fertilizer be
12 considered.

13
14 **4. Adjourn**

15 Motion by Mr. Boyden to adjourn the meeting at 9:35 p.m. Seconded by Ms. Lucht. So voted.