

**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 u g u s t   1 9 ,   2 0 1 3   M I N U T E S**

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Members Present: June Heston, Chair; Amy Lord, Vice Chair; Chris Granda; Ashley Lucht; Taylor Yeates

Absent: None

Others Present: Geoffrey Urbanik, Town Manager; Mary Houle, Lister; Linda Parent, Town Clerk; Bernie Young; April Young; Cara LaBounty, Lister; Donna Saks; Meg Armstrong; Harold Irish; Sheila Bailey; Bruce Bailey; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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June Heston called the meeting to order at 7:25 PM.

**1. Welcome and Public Comment**

Ms. Heston asked if there were any comments from the public.

Linda Parent reminded everyone about the parade and fireworks being held on August 24th. Also being held were the Fun Run, live music by the Gravelin Brothers and more.

Ms. Heston thanked the Round Church Bicentennial Committee and the Richmond Historical Society for all of their hard work and a wonderful Bicentennial celebration.

**2. Items for Discussion with Those Present**

Penalty for Late Filing of Homestead Rebate

Cara LaBounty and Mary Houle presented an issue that had raised some concern among taxpayers. The Manager explained that late filers of the Vermont Homestead Declaration were being assessed a 3% penalty. The state law which mandated the penalty was created to reimburse towns for costs related to adjusting tax bills. Some residents wanted this eliminated. The questions were, can we and should we refund this penalty.

Ms. LaBounty explained more about the penalty, and the work involved in issuing revised tax bills. The penalty was not paid to the state, but was for the town to keep. If people had filed in a timely manner, then there would be no penalty. She had been to the Selectboard many times reminding people to file. She said that if the Selectboard were to waive the penalty, then it would be waived for all, otherwise individuals needed to demonstrate a hardship, as explained in the statute.

Mr. Granda asked if the Selectboard really had the ability to waive this penalty.

Linda Parent said that some towns have waived it, but this year it was widely announced that a penalty would be charged. She said right now the town has collected \$3,418.70 of penalties, and would have to re-issue tax bills and refund this money if the penalty was waived. Amounts ranged from \$40.88 to \$399.20.

Mr. Yeates asked if the 3% was on the non-homestead rate, and Ms. Parent said no, it was on the homestead rate.

1  
2 Ms. LaBounty added that Linda Parent had posted on Front Porch Forum the need to file a homestead  
3 declaration. Ms. Parent said that the Selectboard needed to vote to waive, or not.

4  
5 Mr. Yeates asked why the legislature did this, and Ms. LaBounty said that it would encourage people  
6 to file early, for state education funding purposes. It would be easier for the state to understand how  
7 much revenue they might receive, with timely filings.

8  
9 Mr. Yeates said he was inclined to waive the penalty, and Ms. Lucht was not. Ms. Heston, Mr.  
10 Granda and Ms. Lord were not sure and asked for more information. This item was tabled to the  
11 September 3rd agenda.

12  
13 Tracey Zitta said that the penalty was based on the value of the home, and not everyone was penalized  
14 the same penalty. This was the first year of the every-year filing, and thus the penalty.

15  
16 There was some discussion, and then the Selectboard moved to the next item.

### 17 18 Depot Street Parking Lot Bids - Meg Armstrong

19  
20 The Manager explained that the bids for Depot Street were opened last week, and had come in higher  
21 than expected. The Manager explained that there was an approximate \$35,000 difference between the  
22 budget and the low bid. Funding for the contract was to come from four sources: the Depot Street  
23 note, the Water Reserve for the Depot Street water line, the Ecosystem Restoration Grant for the rain  
24 garden, and additional monies for the small sidewalk along the Richmond Market. The largest area to  
25 cut costs would be to remove curbing, however, some other small modifications could be made to  
26 bring the bid into the projected budget.

27  
28 Mr. Granda asked why this was so expensive, and the Manager replied it was difficult to tell, but  
29 curbing may be one thing that was costly. Ms. Lucht was concerned that if we put this off, we may  
30 lose the stormwater grant.

31  
32 There was some discussion about rebidding. Meg Armstrong said that the two lowest bids were close,  
33 and the town wasn't likely to get a better bid next Spring. She suggested eliminating the curbing along  
34 the railroad and using precast concrete stops, saving \$23,000. There was some discussion about minor  
35 changes to the scope of work. The Selectboard agreed to discuss this with the low bidder, which was  
36 Engineers Construction, Inc., and see if they would agree to a modified scope of work.

37  
38 Ms. Armstrong noted that J. Hutchins final billing was submitted today. The Selectboard said that  
39 would only be approved at the next meeting.

### 40 41 **3. Other Business**

#### 42 43 Capital Plan Review

44  
45 The Manager introduced the issue of the FY2015 Capital Plan. The Manager reviewed the items from  
46 the FY2014 Capital Plan so that the Selectboard would understand what had been planned in years  
47 prior. Changes could be made, and department requests would be coming soon.

48

1 Ms. Lucht noted that the Water system does not do full-cost pricing and does not fund depreciation, in  
2 other words, putting money away to cover future replacement costs. The town uses short term  
3 borrowing in many instances and wanted to see the town save a little more.  
4

5 Mr. Granda noted that there were ethical and practical considerations, and also a cost to creating  
6 savings. There was some discussion on this. Cara Labounty asked if the interest earned on savings  
7 might be more than what was paid in interest and the Manager said that was not a simple issue since  
8 the interest rates on the town's funds were extremely small and the General Fund was now in a  
9 situation where it needed to avoid penalties, and couldn't earn interest.  
10

11 Mr. Granda agreed, and said that now, municipalities had access to low cost capital and it was an  
12 incentive to borrow.  
13

14 The review continued. Mr. Yeates asked about the status of the self contained breathing apparatus  
15 used by the Fire Department. The Manager said that it was on a replacement schedule but he would  
16 check the status with the Fire Chief.  
17

18 There was discussion on the remaining items, and the discussion turned to the Town Center. The  
19 window replacement was a significant expense. The Manager said that no movement had been made  
20 since the committee had no money to spend, and it was never agreed that new replacement windows  
21 would be better than refurbishing the existing ones. The Selectboard urged that this committee be  
22 reactivated to discuss the needs of Town Center.  
23

#### 24 Revisiting Lot Merger Discussion 25

26 The Manager explained that at the May 20th meeting the issue of the Bressor subdivision and building  
27 permit on Cochran Road was discussed. At that time, he suggested that the way that Mr. Bressor  
28 vacated, or nullified, his subdivision was improper. Mr. Bressor had filed a letter of intent with the  
29 Zoning Administrative Officer and filed in the land records that he wished to give up the three lot  
30 subdivision that he bought in 2010, recombining them into one lot. This lot was then subdivided into  
31 two lots, with an approval by the Development Review Board. The Manager did not understand how  
32 the original subdivision could be vacated without an action of approval by the town. He consulted the  
33 town's attorney, Mark Sperry, for two months on this subject. Mr. Sperry had released his opinion,  
34 which was attached for the Selectboard's review.  
35

36 Mr. Sperry's opinion stated that there was no statutory process in which to recombine a subdivision in  
37 this case, either in state law or local regulation. Mr. Bressor was the sole owner of a subdivision that  
38 was never sold or built upon. In this case, a reversal of the subdivision could be made since the net  
39 effect was the original lot and no other parties were involved. Mr. Sperry provided some case law to  
40 bolster his opinion, and regardless, according to Mr. Sperry, the second approval by the DRB cured  
41 any impropriety that may have existed with the first subdivision.  
42

43 Ms. LaBounty said that Mr. Sperry has already changed his opinion on this once, and didn't  
44 understand how this could be true. Her concern was that people were not being treated equally under  
45 the regulations. If someone wanted to use this process to rescind a subdivision, how would the town  
46 know, if there was no process to document it?  
47

48 There was some discussion. The Manager noted that this was privileged information and if the  
49 Selectboard wished to share this they would have to agree. Mr. Sperry anticipated that this opinion

1 would be made available to the public. Mr. Yeates offered a motion to release Mr. Sperry's opinion  
2 and was seconded by Mr. Granda and the motion carried 5-0.

3  
4 Approval of Minutes: August 5, 2013

5  
6 Ms. Lucht suggested that approval of minutes be at the bottom of the agenda to accommodate the  
7 public who may not care about review and approval of minutes. The Selectboard agreed.

8  
9 Mr. Yeates offered a motion to approve the minutes of August 5, 2013 with minor amendments and  
10 was seconded by Mr. Granda. The motion carried 5-0.

11  
12 Reports from Selectboard and Town Manager

13  
14 Ms. Lord reported that the Economic Development Committee would meet on Friday to discuss a  
15 number of issues, and more would be reported at the next meeting.

16  
17 The Manager reported that the ammonia was removed from the tank at the creamery, ending a long  
18 process that should relieve many people.

19  
20 The Manager reviewed the list of damaged roads from the declared flooding disasters from June 25th  
21 to July 11th. Ms. Heston reminded the Manager that the Southview Drive bridge was not listed.

22  
23 The Manager then reported that zoning violations were becoming a concern, and pointed to a recent  
24 Development Review Board application that was heard last week. There were many concerns with the  
25 application, and the applicant had moved forward with work to renovate the structure without permits  
26 or approvals. The DRB was then left to essentially rubber stamp the application because significant  
27 work had been completed prior to the application. The Manager said that zoning enforcement should  
28 have stopped this before it got to this point, however, nothing was done for eighteen months. There  
29 were other situations like this hanging out there, such as the Deb Mobbs issue, where she avoided  
30 paying a penalty for a repeat zoning violation from 2011. She still has not sought to permit her  
31 accessory apartment, which did not meet code for rentals. The Manager said that zoning enforcement  
32 needed to be a priority and there was a backlog of investigations that needed to be done. This may  
33 mean that zoning hours would increase.

34  
35 Bruce LaBounty felt that the DRB didn't do a good job on the review of the application. He felt that  
36 this was allowed to happen, right across the street. He felt this was a "slam dunk" permit for the  
37 Vermont Land Trust, and if the rules were overlooked we shouldn't have the rules.

38  
39 Ms. Lucht agreed and said that if the town doesn't go after violators then the town has no teeth.

40  
41 Ms. Heston said that the other issue was fining people with no money to pay.

42  
43 Cara LaBounty said that she was involved in this discussion from last week. She said that the  
44 applicant was issued a Notice of Violation in May and then applied in August (note: it was applied for  
45 in July). She felt that the application was substantially incomplete and the DRB allowed it to proceed.  
46 She said there were issues with the survey and fill brought in, and the fact that the "no net fill"  
47 provision was never proven. She felt that huge problems would exist if we ignored our own  
48 regulations. She disagreed that the zoning officer needed to have more than 20 hours per week.

49  
50 Ms. Heston asked if the DRB Chair could speak to the Selectboard on how decisions were made.

1  
2 Bruce LaBounty noted that the chair of the DRB recused himself from the Cochran's Ski Area  
3 application, but continued to chair the meeting. He added that he was going to attend a deliberative  
4 session, but wouldn't participate. Mr. LaBounty found this improper.

5  
6 Mr. Granda agreed that the DRB Chair should come in, and questions should be prepared in advance  
7 to facilitate the discussion.

8  
9 Consent Agenda

10  
11 The Manager explained the Consent Agenda, which was two Work in the Right of Way applications  
12 for Vermont Gas, for Pleasant Street and the Library. There were no objections from staff. There was  
13 a third application, which staff did object to, but the Manager wanted more time to review this with  
14 Vermont Gas to understand what the alternative was.

15  
16 Ms. Lord offered a motion to approve the Consent Agenda and was seconded by Mr. Granda and the  
17 vote carried 5-0.

18  
19 Ms. Lucht noted that the finance assistant was doing a good job on the warrants. The warrants were  
20 approved.

21  
22 The Selectboard agreed to move the next meeting to September 3rd at 7:30, to accommodate Labor  
23 Day and the earlier Water Commission meeting.

24  
25 There was no executive session.

26  
27 **4. Adjourn**

28 Motion by Ms. Lucht to adjourn the meeting at 9:45 p.m. Seconded by Ms. Lord. So voted.