

**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**  
**D e c e m b e r   1 6 ,   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; Linda Parent, Town Clerk; Jonathan Low; Bob Low; Liz Low; Wright Preston; Sean Foley; Ann Cousins; Bruce LaBounty; Michael Giangreco; 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 7:10 PM.

**1. Welcome and Public Comment**

Ms. Heston asked if there was any comment from the public but there was none.

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

Gillets Pond Dam

The Manager explained the issue, which was that during the summer flooding, on July 3<sup>rd</sup>, a significant amount of water overtopped the dam. Some residents in the area on Durand Road were concerned that the dam may collapse and cause additional flood damage. The Manager determined that the Girl Scouts owned the dam and that it was a private issue. Someone called the State Agency of Natural Resources and an inspection was made of the dam and provided to the Girl Scouts. The report called for a replacement or removal of the dam, and in November, the Girl Scouts determined they would apply for a permit to remove the dam in 2014.

Bob Low explained a little about he and his family's affinity for the pond and their observations of wildlife and the importance of the pond to the natural community. He also supplied some of his personal history with the dam, and the results of some of his research. He said they were here tonight to listen to what the questions were about the pond and dam, and try to find out what we might do to keep the pond. Do we leave the situation as it is, with the removal of the dam, or do we do something else?

Mr. Low added that the use of the natural resource extends beyond just Richmond and Huntington. The concerns with the dam were safety; natural and recreational resources; immediate costs; ongoing costs; and a possible request to the conservation reserve fund, both in Richmond and in Huntington.

Wright Preston said he was on the Conservation Commission in Richmond, and said he can report back the Commission's findings. He asked who should be a part of the creation and evaluation of an action plan?

Ms. Lucht said she sits next to Steve Bushman at work, who heads the dam safety division at ANR, and who completed the inspection report on this dam. She said that he was aware of the interest, and if a permit were applied for then a hearing would definitely be held in Richmond.

1 Ms. Lucht added that if the dam was removed, a replacement dam would be much more difficult to get  
2 permitted than if a replacement dam was permitted with the existing dam in place. Ms. Lucht said  
3 that if a breach happened then there was not significant risk to life or property, which is why the dam  
4 is classified as a low hazard dam. If something works for the Girl Scouts then they can transfer it to  
5 another group and that group could own or maintain the dam.

6  
7 Bob Low said that there were two ownership issues, since the land surrounding the dam was owned  
8 separately from the dam. Jonathan Low owned the surrounding land.

9  
10 Mary Houle asked to what extent would the Selectboard have involvement? She said that the  
11 Selectboard could easily overreach into private land issues, and this concerned her.

12  
13 Jonathan Low noted that if the Conservation Reserve Fund was used then the Selectboard would have  
14 to provide approval.

15  
16 Bruce Bailey asked what the Lows proposed.

17  
18 Jon low said we need to gather information. Is there enough interest to save the dam? How?

19  
20 Bruce Bailey asked if Jon Low was willing to support it. Jon Low said yes, with tax dollars and if a  
21 separate fund was set up he would donate to it.

22  
23 Wright Preston said that the landowner on the far side of the pond was Vermont Fish and Wildlife,  
24 which connects to other state land. The State may be interested in this pond also.

25  
26 Ms. Lord asked if anyone had a discussion with the Girl Scouts? Jon Low said yes, and they are  
27 amenable to talking but they don't have the funds to do anything other than remove the dam.

28  
29 Ms. Heston asked if anyone had thought of a fundraiser for this project. Mr. Granda asked if we  
30 knew what removal of the dam would cost? There was additional discussion.

31  
32 The Manager asked for permission to write to the Girl Scouts and the State to ask for them to delay a  
33 filing until local groups had a chance to organize and meet with them to discuss options. The  
34 Selectboard agreed that a letter should be sent to this effect.

35  
36 Jon Low said that a failure of this dam was not a catastrophic issue since the water would not release  
37 all at once. There was no failure of the dam on July 3<sup>rd</sup>, and the stone observed and noted by the  
38 inspectors, in the pool below the dam, were there prior to the flooding. The state had never inspected  
39 the dam before and therefore had no reference to determine the rate of deterioration.

40  
41 Ann Cousins offered her services to advise on fundraising efforts, and Jon Low thanked her and said  
42 he'd like to explore that.

43  
44 There was some additional discussion concerning costs and land. Ms. Heston noted that the discussion  
45 was not about the Selectboard spending \$300,000, but rather how the town might be involved. Ms.  
46 Lord said that she wanted to keep this open for additional groups to get involved. Ms. Heston agreed,  
47 and added that at this time the town was not committing to anything.

48  
49 Mary Houle asked that the letter being written should be more neutral in tone.

50

1 Jon Low asked how should we continue to communicate when this is agendized? Ms. Heston said that  
2 all communication should go through the Town Manager. Jon Low said he felt he should also be able  
3 to discuss things directly with the Selectboard. Ms. Heston agreed but said that agenda items will be  
4 communicated officially through the Town Manager.

#### 5 6 Cell Tower Update

7  
8 The Manager provided a brief overview of the cell tower discussion. The only active application was  
9 SBA Towers IV, or VTel, and the AT&T applications were being delayed due to a consolidated filing  
10 in early 2014. The Manager had consulted with Gerald Tarrant, an attorney who specialized in Public  
11 Service Board hearings and was familiar with these issues. Mr. Tarrant was present tonight to advise  
12 the Selectboard on some actions it may take, and also to get authorization to agree to his letter of  
13 engagement. The Manager also explained that the Public Service Board has assigned a hearing  
14 officer, however, no hearing has been established, the "significant issue" required to have such a  
15 hearing has not yet been determined by the hearing officer, and if a hearing were granted, the town  
16 may or may not be allowed to participate.

17  
18 Mr. Tarrant introduced himself and provided his credentials. He then explained the 248a process for  
19 obtaining a Certificate of Public Good from the Public Service Board. If a project met "limited size  
20 and scope" criteria, then the process would proceed quicker. If not, then the project must meet  
21 additional criteria and the review process is slower. It has been determined that the VTel proposal is  
22 not in fact limited size and scope, and more criteria under 248a apply and we have 180 days to review,  
23 instead of 60 days. We asked for more time to submit comments, until December 20<sup>th</sup>, and were  
24 granted this by the hearing officer. The plan was to submit additional comments by Friday, following  
25 direction from the Selectboard.

26  
27 Sean Foley, a Planning Commission member, said he worked for the Public Service Department,  
28 however, not for telecommunications. He said that some environmental concerns were being reviewed  
29 by the Public Service Department, including wetlands and deer yards.

30  
31 Mr. Tarrant suggested the town also look at propogation maps and see if there was a way to determine  
32 the best site for towers, instead of just accepting what was proposed.

33  
34 Ms. Lucht asked if aesthetics were a consideration of the State. Mr. Tarrant said yes, and the Public  
35 Service Department was considering hiring an aesthetics expert for this reason.

36  
37 Mr. Foley said that the goal was to see if any of these issues were significant enough to warrant a  
38 hearing. Mr. Tarrant clarified that if none of these issues were significant, then the application could  
39 be approved without a hearing.

40  
41 Mr. Foley said that the Public Service Department had the same concerns as the town, however, there  
42 was sort of a pro-tower position, but there were still concerns that had to be addressed.

43  
44 Ms. Lucht clarified that the Public Service Board and the Department of Public Service were different  
45 entities.

46  
47 Ms. Heston asked if deeryards or wetlands were significant issues. Mr. Tarrant said they could be, and  
48 usually substantial deference was given to municipal plans and bylaws on these subjects.

49

1 Mary Houle asked how much was the town going to spend on this, what was the hourly rate? Ms.  
2 Heston said Mr. Tarrant's municipal rate was \$150 per hour. Ms. Houle asked when would the town  
3 determine it has spent enough? The Manager said that number wasn't defined but needed to be  
4 discussed.

5  
6 Mr. Yeates offered a motion to enter executive session to discuss pending or potential litigation in the  
7 VTel cell tower application process, at 8:00 PM and was seconded by Mr. Granda and the motion  
8 carried 5-0. Planning Commission members Bruce LaBounty, Ann Cousins and Sean Foley were  
9 invited, as were the Manager and Mr. Tarrant.

10  
11 Ms. Lord offered a motion to adjourn the executive session at 8:25 PM, and reconvene the regular  
12 session and was seconded by Mr. Granda and the motion carried 5-0.

13  
14 Ms. Lucht offered a motion to ratify the engagement letter for Gerald Tarrant, at \$150 per hour, for the  
15 VTel application and was seconded by Ms. Lord and the motion carried 5-0. It was noted that there  
16 was not a projected maximum amount for this project.

### 17 18 **3. Other Business**

#### 19 20 FY2015 Budget Discussions

21  
22 The Manager presented the fourth draft of the FY2015 budget. Spending was increased, and the  
23 projected tax increase was 5.14%, or 3.23 cents.

24  
25 Ms. Lucht said that the Selectboard needed to increase the water budget in the Administration line to  
26 cover the "gallons-only" account that covered water use by the Fire Department and other incidental  
27 usage that was not metered. Ms. Lucht explained that the new water storage tank's cost was \$1.3  
28 million and \$800,000 of that cost was attributed to the fire protection design for increased storage  
29 capacity. She said that the town needed to add in \$20,000 for 40% of the projected debt cost.

30  
31 If the town voted down the fire protection system, by way of denying the current construction loan  
32 approval from the state, then the tank may be smaller but the hydrants would have to be bagged or  
33 removed. There was some discussion on this. Mr. Yeates said he felt like the Water Commission is  
34 deciding public safety, which is not their responsibility. Ms. Lucht said she was just expressing some  
35 frustration of the water users that the costs of firefighting are borne mostly by them, because without  
36 their water system the firefighting would be much different.

37  
38 Mr. Granda asked why this needed to be in this year's budget? He said that the debt would not begin  
39 for at least five years. Ms. Lucht said that we may be able to put this off this year, but the people said  
40 they wanted to us to lower the water rates, and we could use this as a revenue source.

41  
42 Ms. Lord said that we should start supporting that infrastructure now. Mr. Granda said that the  
43 problem with the ask was that it was in favor of a concept but not a real asset. Mr. Granda objected to  
44 placing a spending item in the budget before the tank was approved. Ms. Lord asked about the five-  
45 year "gap payment" concept that was discussed earlier?

46  
47 Bruce LaBounty said he lived in Jonesville and gets no benefit from living farther than 1,000 feet from  
48 a fire hydrant. He paid taxes to have a truck to carry water to fight a fire, and pays for his own water  
49 for consumption.

50

1 Ms. Lucht said she has heard from both sides of this issue and wants to put it out to the voters to  
2 decide.

3  
4 There was additional discussion on this, and the budget. The Selectboard requested CPI figures. Mr.  
5 Yeates wanted to cut \$20,000 from retreatment, and level-fund the line with last year's numbers. It  
6 was suggested that Highway Foreman Pete Gosselin make a choice, either the new truck or \$20,000  
7 from retreatment. Ms. Lord asked about the \$5,000 increase in the bridge and culvert reserve, and the  
8 Manager explained that this had been in the capital plan. The town had over \$200,000 in this reserve,  
9 however, with bridges, the repairs can become expensive and that money can disappear quickly. The  
10 maintenance on the Bridge Street Bridge would cover paint and rail repair and some deck repair but  
11 the town would not save its way to a new bridge at \$5,000 per year.

12  
13 Ms. Heston said the Selectboard needed a solid recommendation for a 2% budget or else the  
14 Selectboard would have to make their own decisions.

#### 15 16 Healthcare for January 2014

17  
18 The Manager explained a complex situation with the new healthcare for employees. Due to the  
19 extreme problems with the Vermont Healthconnect website, the enrollment was delayed. The town  
20 employees were enrolled, however, the site was not working well enough to generate a bill for the  
21 town to pay in advance of the January start date. Therefore, the current plan would be extended by  
22 Blue Cross/Blue Shield, for one month. The significant problem this posed was the fact that January  
23 started a new plan year, with a new deductible. January was the time when the town was usually  
24 prepared to deposit its 70% of the deductible into employee Health Savings Accounts. Due to this  
25 issue, the town could only deposit 1/12<sup>th</sup> of the maximum amount allowed under federal law, however,  
26 the employees would still be exposed to the full deductible. If an employee had a significant  
27 healthcare expense, they would end up paying thousands of dollars.

28  
29 There was some discussion on how to handle this. Ms. Heston said that the only equitable option was  
30 to pay 1/12<sup>th</sup> of the normal amount into the HSA. No other options seemed to make financial sense to  
31 the Selectboard.

32  
33 Ms. Lucht offered a motion to approve of 1/12<sup>th</sup> of the normal HSA contribution to employees, at \$131  
34 for single employees and \$262 for two-person and families, in January 2014. Ms. Lord seconded the  
35 motion and the motion carried 5-0.

#### 36 37 Reports from Selectboard and Town Manager

##### 38 39 Economic Development

40  
41 Ms. Lord noted that Paul Hauf was now the new chair of the committee. They were working on a  
42 survey for public comment on interim zoning to create a vision for the creamery site.

43  
44 The Manager noted the department reports and the financial report. Ms. Heston suggested several  
45 changes to the presentation of the financial reports, such as a month-to-date comparison, year over  
46 year, as well as keeping the current year-to-date and quarterly reports.

47  
48 There was discussion on the amount of funds spent so far on the pre-audit expenses. The Manager  
49 explained that there was still some significant issues for the contracted CPA to work out, and she

1 would be happy to meet with the Selectboard to explain her progress. The Manager noted that the trial  
2 balance was complete and the audit team was scheduled to begin their field work.

3  
4 Mary Houle asked if it was the financial employee's job to prepare the financial statements. The  
5 Manager said no, and in fact the town had never prepared financial statements. The former auditor  
6 had never raised this as an issue, but the current auditor had continued to raise this as a deficiency.  
7 The Manager agreed, and said that the auditors had always, for as far back as the town had hired  
8 auditors, prepared the town's financial statements, and then audited their own work. This was a huge  
9 issue, and since last year, the town had determined to hire its own CPA to prepare financial statements  
10 that the auditor would then review and comment on. This was not a trivial expense, however, it would  
11 mean that in the future less time and money would be spent on the audit contract for this task.

12  
13 Bruce LaBounty said that this was déjà vu from year to year. This is really late for the audit to begin.  
14 He said our finances are no different than anywhere else, we're not reinventing the wheel, or else we  
15 have the wrong person in the job. Somebody needs to get a grip on it.

#### 16 Bank Fees

17  
18  
19 The Manager noted that TD Bank was increasing their fees, as well as adding some fees that we had  
20 not been paying. He noted that the bank was going to pay processing fees on all checks issued and  
21 cleared. There was some discussion, and the Selectboard asked to find out what other towns were  
22 doing for their municipal banking services.

#### 23 Change Order for Dirt Tech contract

24  
25  
26 The Manager noted that the Dirt Tech contract for repair of a slope failure on Snipe Ireland Road,  
27 from the summer flooding disaster, had cost slightly more than what was approved. The additional  
28 costs were for quantities of material not anticipated when the project was bid.

29  
30 Ms. Lucht offered a motion to amend the contract with Dirt Tech from \$16,572 to \$17,901.80 on  
31 Purchase Order #3064 and was seconded by Mr. Granda. The motion carried 5-0.

#### 32 Approval of Minutes of December 2, 2013

33  
34  
35 There were some edits noted. Mr. Yeates offered a motion to approve the minutes of December 2,  
36 2013 as amended and was seconded by Ms. Lord. The motion carried 5-0.

#### 37 Consent Agenda

38  
39  
40 Ms. Heston listed the consent agenda items:

- 41 a. Highway Access Application #13-147 311 Cemetery Road
- 42 b. ROW Permit Application #13-146 311 Cemetery Road
- 43 c. Highway Access Application #13-144 259 Wortheim Road
- 44 d. ROW Permit Application #13-135 63 Browns Court – VT Gas
- 45 e. ROW Permit Application #13-136 42 & 48 Bridge St – VT Gas

46  
47  
48 The warrants were reviewed and approved.

#### 49 Executive Session

50

1  
2 Ms. Lord offered a motion to approve the consent agenda items and was seconded by Ms. Lucht and  
3 the motion carried 5-0.

4  
5 Ms. Heston explained that the Selectboard would enter an executive session to discuss personnel  
6 issues regarding the Town Planner and the Town Clerk. The Selectboard may take action following  
7 the session.

8  
9 At 9:55 PM Mr. Yeates offered a motion to enter executive session to discuss personnel issues and  
10 was seconded by Ms. Lord and the motion carried 5-0.

11  
12 At 10:50 PM Mr. Granda offered a motion to adjourn the executive session and reconvene the regular  
13 session, and was seconded by Ms. Lucht and the motion carried 5-0.

14  
15 Mr. Yeates offered a motion to increase the salary for the Town Clerk by 5% effective July 1, 2014  
16 and was seconded by Mr. Granda and the motion carried 5-0.

17  
18 **4. Adjourn**

19 Motion by Ms. Lucht to adjourn the meeting at 10:52 p.m. Seconded by Mr. Granda. So voted.