

**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**  
**F e b r u a r y   3 ,   2 0 1 4   M I N U T E S**

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Members Present: Amy Lord, Vice Chair; Chris Granda; Ashley Lucht; Taylor Yeates  
Absent: June Heston  
Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; John rankin; Bruce LaBounty; Amy Demetrowitz; Cindy Reid; Earl Wester; Diane Wester; Cheryl Owens; Maryellen Belker; Tom Byler; Mark Fause, Planning Commission chair and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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Amy Lord called the meeting to order at 7:10 PM.

**1. Welcome and Public Comment**

Cheryl Owens asked what the procedure was for reporting trash and debris left by flooding, and who can clean this up? She said that on the Kemp property there were a number of buckets and other debris from the recent flooding on Cochran Road.

The Manager said he wasn't aware of any procedure for reporting debris, but perhaps a volunteer cleanup could be arranged.

Ms. Lucht asked if the Highway Department could be asked to clean this up. The Manager said he wasn't in favor of having the town departments clean up debris, as there was alot of it around on private property and we weren't already doing this for people.

There was some discussion and it was decided that the Trails Committee would be asked to help, if the debris was on the rivershore trail in that area.

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

**Champlain Housing Trust and Richmond Village Housing Limited Partnership Request for Deferral of Loan**

Amy Demetrowicz of the Champlain Housing Trust was present to explain the deferral request and present new financial information to show that repayment of the loan on the current schedule would cause a financial hardship for the partnership which would then be passed on to renters, making the rents less affordable. Ms. Demetrowicz explained that the original loan was from the Vermont Community Development Program, and awarded to Richmond to loan to the partnership and Champlain Housing Trust. This was a request to continue the deferral for an additional 15 years and lower the ongoing interest rate to 0%. She said that the financial information she has presented shows that the project is not financially strong and didn't have room for additional payments. There has been a high vacancy rate in the past with lots of turnover, mostly due to heat and other utilities. Since they have switched to natural gas, that has lessened somewhat, but higher rents would again lead to high turnover.

1 Ms. Lord asked if this was a grant of federal funds to the town which was then passed to RVHLP as a  
2 loan, and Ms. Demetrowicz said yes. It was originally a loan because of the tax credit laws for one of  
3 the partners who supplied initial funds.

4  
5 Mr. Granda asked if this was on track to create long-term affordable housing or would this at some  
6 point be market rate. Ms. Demetrowicz said that this was not crisis affordable housing and they  
7 wanted to keep the units affordable long-term.

8  
9 Ms. Lucht asked if the original loan had to stay as a loan or could it be forgiven, as in a grant.

10  
11 Mr. Yeates said that one reason to keep it a loan would be if, in 15 years we were not satisfied with the  
12 owner's performance in doing the public good, we can call the loan and kick them out. He said he  
13 would be fine with an additional deferral of 15 years and lowering the interest rate to 0%. He wanted  
14 this to continue to be affordable housing in perpetuity.

15  
16 Mr. Granda said he wanted to make sure affordability exists, despite the financial challenges.

17  
18 Ms. Lord opened the discussion to the public.

19  
20 Mary Houle asked if extending the loan deferral meant that the town had no more input into how those  
21 funds would be repaid.

22  
23 George Gifford asked if this was a reduced rate on taxes. The Manager said he wasn't aware of it and  
24 believed that the partnership paid their tax bill based on a full value. Mr. Gifford related that he knew  
25 of someone with a child that tried to rent there and didn't find it affordable.

26  
27 Seeing no further comment, the floor was closed.

28  
29 Mr. Yeates offered a motion to extend the loan deferral an additional 15 years, and adjust the interest  
30 rate from this point forward to 0%. Mr. Granda seconded the motion and the motion carried 4-0.

31  
32 Economic Development Committee and Survey Results

33  
34 Paul Hauf, Chair of the Economic Development Committee, was present to discuss the results of the  
35 recent survey the committee developed, to gauge support for various zoning options for the creamery  
36 parcel. It has been widely publicized that the current commercial-only zoning for the parcel did not  
37 seem to be working for the owner and many felt that it was, in one of many ways, too restrictive and  
38 prohibiting the redevelopment of the parcel. Among other factors, cleanup of environmental  
39 contamination and the purchase price were contributing to the difficulty in getting a working  
40 development there.

41  
42 Mr. Hauf said that the survey collected input on different zoning options and opinions on what people  
43 wanted to see. He had 152 responses and much discussion at the January 23rd meeting. The analysis  
44 of the responses showed that both village residents and those outside of the village had similar  
45 opinions. 97% of the respondents felt that redevelopment of the creamery was a priority for the town.  
46 Most liked either keeping the parcels zoned commercial, and it was about a 50/50 split on adding  
47 residential. 95% of the respondents lived in Richmond and 30% of those lived in the village. Paper  
48 and online survey results were included. People also mentioned that they wanted to create new water  
49 and sewer accounts.

50

1 Mr. Hauf said that the Selectboard should consider a wide range of uses in any new zoning  
2 regulations. He noted that there was a demand for some professional business space that might  
3 include an office/light industrial, similar to GreenSea.

4  
5 Mr. Granda thanked the Economic Development Committee and said this helps make the argument for  
6 handling the new zoning in short order.

7  
8 Mark Fausel, Planning Commission chair, said it was on the Wednesday agenda. Bruce LaBounty,  
9 Planning Commission vice-chair, asked if we wanted interim zoning on this parcel, or just a new  
10 permanent zoning on the entire downtown area?

11  
12 Ms. Lord said she wanted the new Selectboard to have a vision of what the uses should be.

13  
14 The Manager asked if the Selectboard wanted to request that the Planning Commission draft an  
15 interim zoning measure?

16  
17 Mr. Granda asked what the Planning Commission would like. He said he had some apprehension to  
18 have all of the zoning and applications come to the Selectboard, but if that's the fastest way, so be it.

19  
20 Mr. Fausel said that the sense of the Planning Commission was that we do want to have interim  
21 zoning, but we still need a framework of regulation.

22  
23 Mr. LaBounty said that interim zoning needed to be as broad as possible, and don't do this as a  
24 permanent rezone that needs to be taken to a vote.

25  
26 Ms. Lucht agreed that interim zoning was the way to go. Mr. Yeates said he wasn't convinced that this  
27 would make things happen quickly, but was not objecting to interim zoning.

28  
29 Ms. Lord said we needed to see the senior center timeline to understand how quickly the development  
30 plan was to take.

31  
32 Bruce Labounty said we needed to also deem an emergency, and perhaps sell the water and sewer  
33 rates as the reason for the emergency need to develop. Also, a plan needed to be put into place to  
34 make this zoning permanent.

35  
36 Mr. Hauf said that this was going to be discussed at the February 21st Economic Development  
37 Committee meeting.

38  
39 The Selectboard thanked Mr. Hauf for his presentation.

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

#### 42 43 Cell Tower Update

44  
45 The Manager provided an update on the cell tower issues. So far, there was not much more movement  
46 on VTel. No public hearing had been announced, and additional comments from the State were  
47 pending, primarily concerning environmental review and aesthetics.

48  
49 For AT&T, the second tower site had been revealed to be on Williams Hill. AT&T was asking for  
50 historic review comments from the town, in what's known as the "Section 106 process." The Manager

1 said that Ms. Lord and Ann Cousins had volunteered to provide some comments. He said he was not  
2 aware of any specific impacts to historic sites. No Richmond hearing from AT&T had yet been  
3 announced.

4  
5 Additionally, AT&T had performed a second balloon test for the Cochran Road tower, at a new  
6 location. This was in response to neighbor concerns.

7  
8 Earl Wester said he was from Greystone, and said that the neighbors had hired an expert. The only  
9 way to contest a tower, he said, was to see if there were any severe adverse effects or impacts. Their  
10 professional prepared a report that recommended that AT&T move the tower, lower the height, and  
11 better camouflage the tower.

12  
13 The most recent balloon test showed that the tower was further away, but higher up. It may be better  
14 camouflaged as a pole than a tree. Their new request would be to reduce the overall height but they  
15 have not yet heard back. The town could still have a case to lower the tower height, based on that the  
16 tower was using more than what was immediately needed. He felt this was much better than the  
17 original proposal.

18  
19 Cheryl Owens, also from Greystone, asked if this was enough. She said that the neighborhood was  
20 still severely impacted by this. It was a mess and no one was really happy with it. The impact is  
21 egregious and she has been in touch with the State of Vermont Division of Taxation because clearly  
22 they may have to wait ten years or so, but values will decrease because of the tower. She said that she  
23 needed to understand that the town will help to mitigate the impact on this neighborhood.

24  
25 Mr. Wester said that in general, the view is a big improvement, but the three items they wanted  
26 addressed were being considered by AT&T now. He again said the tower should be lowered to a  
27 reasonable height.

28  
29 Ms. Owens said her concern is that the town gets the neighborhood help on the tax impact. Another  
30 concern is that once the tower is there, can AT&T increase the height without any review? She again  
31 said she wanted to know that the elected officials will help. She wanted to know that someone will  
32 help with negotiations.

33  
34 Mr. Granda said he is hearing the frustration, and knows residents have been coping with this issue.  
35 What is the ask? What should the Selectboard do?

36  
37 Mr. Owens said she did not know but having the town behind the neighborhood made them stronger  
38 than just the neighborhood. We don't seem to be getting anywhere.

39  
40 The Manager explained what the town has done. The town has hired an attorney, and filed a brief on  
41 the VTel tower application. This was the only application in front of the Public Service Board at this  
42 time, and the town's request for a public hearing has so far remain undecided. AT&T has not filed any  
43 applications, however, the town wrote a letter to them requesting a local hearing and combining the  
44 applications. AT&T declined to combine the applications for their three towers, but agreed to a joint  
45 hearing in Richmond to discuss all towers at once. This meeting has not yet been scheduled. The  
46 Manager cautioned the Selectboard and audience that expenses can build rapidly and the town needed  
47 to have a firm direction in which to challenge a tower, or else they may spend lots of money and not  
48 prevail. There was no definite threshold in which the town could defeat a tower proposal and each one  
49 was handled differently by the Public Service Board.

50

1 Maureen Kangley said that in Middlebury they were fighting Vermont Gas' application to the Public  
2 Service Board also, and they weren't being heard.

3  
4 The Selectboard noted that an executive session on this subject would be held at the end of the public  
5 session.

#### 6 Cathedral Square and Richmond Terrace

7  
8  
9 Cindy Reid of Cathedral Square was present to support the request to assign the tax stabilization  
10 agreement from 1985 to a new limited partnership, so that much needed repairs could be made while  
11 keeping the facility affordable.

12  
13 The Manager explained that this had been originally presented as a Payment in Lieu of Taxes issue,  
14 when in fact it was a Tax Stabilization agreement, as reflected in several statutory references contained  
15 in the original agreement. The request was, therefore, to assign the current agreement from Richmond  
16 Housing, Inc. to Richmond Terrace Limited Partnership. State law had changed in 1997 and the  
17 process for enacting this type of Tax Stabilization agreement had changed from what was in place in  
18 1985. Therefore, a new agreement could not be created unless it followed the legal process as spelled  
19 out in the statutes. However, the law allowed agreements currently in place at the time of the legal  
20 revisions, to remain in effect for the duration of the agreement. The current agreement in front of us  
21 had a 40 year limit, which would expire on June 30, 2026. Therefore the current agreement had  
22 twelve years left in it. After consulting with the town attorney, the agreement was allowed to remain  
23 in effect. The agreement itself allowed for assignment from one entity to another, with approval from  
24 the opposite party. The Manager said he was confident that the Selectboard could, if it so chose,  
25 assign the current agreement to the new partnership, for the duration of the contract until June 30,  
26 2026. A new agreement or time extension was not possible without following a much more  
27 complicated procedure.

28  
29 Cindy Reid explained that Richmond Terrace was a 16 unit affordable senior citizen and disabled  
30 living facility, for ages 62 and up. The renovations consisted of a number of improvements, and  
31 significant energy efficiency improvements.

32  
33 Mr. Yeates asked if they had any expansion plans. Ms. Reid said it was examined, and the most units  
34 they could add would be four, and that was not enough to justify the construction cost. Mr. Yeates  
35 asked if new zoning would help and Ms. Reid said possibly, but there was no new rental assistance  
36 available.

37  
38 Ms. Lucht said she agreed with the request. Mr. Yeates asked if there was a timeline. Ms. Reid said  
39 that the new partnership was already in control of the project since January 24th and the closing on the  
40 new loan was in April.

41  
42 Mr. Yeates said he was in favor. The Manager had prepared a resolution authorizing the assignment  
43 of the agreement, and he read the resolution. Mr. Granda offered a motion to approve of the resolution  
44 to assign the Tax Stabilization Agreement with Richmond Housing, Inc. to Richmond Terrace Limited  
45 Partnership and was seconded by Mr. Yeates. The motion carried 4-0.

#### 46 FY2015 Highway and Structures Grants

47  
48  
49 The Manager explained that each year the town applies to the State, VTrans, for special grants to pave  
50 highways and repair culverts or bridges. The last time the town was awarded a grant was in 2012, for

1 Hinesburg Road paving and over the summer we replaced a large culvert on Hinesburg Road. Last  
2 year, we applied for paving for Jericho Road from the Jericho town line to the interstate overpass, and  
3 for the replacement of a culvert on Huntington Road commonly called the Farr corner. We did not get  
4 the grants last year, so we are reapplying for those projects.

5  
6 Ms. Lucht offered a motion to approve of the application for the FY2015 State Highway and  
7 Structures Grants and was seconded by Mr. Granda and the motion carried 4-0.

#### 8 9 Reports from Selectboard and Town Manager

10  
11 The Manager noted that the March 3rd meeting would be for informational sessions related to the  
12 Australian Ballot items. Ms. Lucht added that the beginning discussion would be the Water Storage  
13 Tank, with a joint meeting with the Water Commission, beginning at 6pm in the Camels Hump Middle  
14 School gymnasium.

15  
16 Mr. Granda noted that there was a layout change by the Principal to move the setup to the floor. There  
17 was some discussion on this.

18  
19 The Manager updated the Selectboard on the website. He said that there had been a public session,  
20 which Ms. Lucht had attended, and the new site was coming along quickly. There was still some  
21 unanswered questions about domains and hosting, but they would be answered soon.

22  
23 Mr. Yeates reported that the emergency management tabletop exercise went well. The schools have  
24 strong plans, and in March the town would be having an Emergency Operations Center drill.

#### 25 26 Legal Update

27  
28 The Manager said that in the Zitta litigation, the town prevailed on summary judgment. This was good  
29 news for the town, but the plaintiff could still appeal. The VYCC had requested a return of taxes paid  
30 and that would be a discussion for this evening's executive session. There was no further pending  
31 litigation.

#### 32 33 Town Planner

34  
35 The Manager noted that interviews had been conducted and finalists were being selected.

#### 36 37 Town Center

38  
39 The Manager reported that Vermont Energy Contracting had successfully replaced the heat pipe that  
40 was discussed at the last meeting. There was still some insulation work to be done, however, the heat  
41 was fully operational.

42  
43 The Manager noted that a Purchase Order was required for this contract, and presented a prepared  
44 purchase order.

45  
46 Ms. Lucht offered a motion to approve Purchase Order # 2372 to Vermont Energy Contracting in the  
47 amount of \$17,060 for the replacement of a heating pipe in Town Center, and was seconded by Mr.  
48 Yeates. The motion carried 4-0.

49  
50

1 Approval of Minutes: January 21, 2014

2  
3 Mr. Yeates offered a motion to approve the minutes of January 21, 2014 with minor edits and was  
4 seconded by Ms. Lucht and the motion carried 4-0.

5  
6 Approval of Purchase Order for Salt

7  
8 The Manager noted that the salt line was exhausted and Highway Foreman Peter Gosselin wanted to  
9 order salt, using unexpended sand funds. There was currently \$24,000 left in sand, and this purchase  
10 order would take \$10,000 of that.

11  
12 Ms. Lucht offered a motion to approve Purchase Order #3076 to Cargill Salt, for salt, in the amount of  
13 \$10,000 and was seconded by Mr. Yeates. The motion carried 4-0.

14  
15 Warrants

16  
17 The warrants were approved and signed.

18  
19 Executive Session

20  
21 The Manager noted that there were three topics scheduled for executive session. The first was a  
22 discussion of the Hazard Mitigation Buyout under Real Estate acquisition; the second was the request  
23 for refunding taxes paid in the VYCC tax appeal matter (with attorney Brian Monaghan) and the third  
24 item was potential litigation in the cell tower matters.

25  
26 Mr. Yeates offered a motion to enter executive session at 8:55 pm to discuss the real estate acquisition  
27 and litigation issues outlined by the Manager. Mr. Granda seconded the motion and the motion carried  
28 4-0. Brian Monaghan was invited for the VYCC matter and Bruce LaBounty was invited for the  
29 buyout matter.

30  
31 Mr. Yeates offered a motion to adjourn the executive session and reconvene the regular session at  
32 10:05 pm and was seconded by Ms. Lucht and the motion carried 4-0.

33  
34 **4. Adjourn**

35 Motion by Mr. Yeates to adjourn the meeting at 10:05 p.m. Seconded by Mr. Granda. So voted.