

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
M a r c h 1 9 , 2 0 1 2 M I N U T E S

Members Present: Neil Boyden; Chris Granda; June Heston; Amy Lord; Ashley Lucht
Absent: None
Others Present: Geoffrey Urbanik, Town Administrator; Linda Parent, Town Clerk; Mary Houle; Gary Bressor; Ben Kinnaman; Bruce LaBounty; Rod West; Betsy Cabrera; Gwynn Zakov; Ann Cousins; Kathryn Wysockey-Johnson; Erik Sandblom, KAS; Stephen Diglio; KAS; Larry Bohlen; Meg Gylfoyle; Barry Cousins; Jack Linn; Wright Preston; Denise Barnard; Caitlin Jeness and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Mr. Boyden called the meeting to order at 6:30 PM. Mr. Boyden introduced the two new Selectboard members, Amy Lord and Ashley Lucht.

1. Update on Richmond Area Relief Fund

Betsy Cabrera was present to provide an update on the activities of the Richmond Area Relief Fund which was established after Tropical Storm Irene to provide financial relief to flood victims. Ms. Cabrera was the treasurer and reported that the fund was now closed and it had donated all of the money it received. A total of \$63,628.63 was raised, most through individual donations. There had been twenty one original applicants, and one withdrew, leaving twenty to share the funds. Earlier, Ms. Cabrera had explained a formula used to determine how much money each applicant would be eligible for. Two funding rounds had been initiated, and no one received more than \$5,000 in either round. The Selectboard thanked her and all of the Relief Fund committee for their hard work in getting so much done. Mr. Granda added that there was going to be an outreach session for flood victims again on Monday the 26th, where hopefully additional resources would be made available to whomever has continuing needs.

2. Reorganization

Appointment of Chair and Vice Chair of the Selectboard

Mr. Boyden asked for nominations for chair. Ms. Heston nominated Mr. Granda, and was seconded by Ms. Lucht. There being no further nominations, the nomination carried 5-0.

Mr. Granda asked for nominations for vice-chair, and Mr. Boyden nominated Ms. Heston and was seconded by Ms. Lord. There being no further nominations the motion carried 5-0.

Mr. Granda asked if there were any comments from the public for items not on the agenda. Cara LaBounty welcomed Ms. Lord and Ms. Lucht to the board.

Liaison Assignments

The Selectboard reviewed the liaison assignments, and agreed to the following:

Administration – Chris Granda	Finance – Neil Boyden
Fire Dept – June Heston	Highway – Neil Boyden
Library – Chris Granda	Police – June Heston
Town Clerk – Neil Boyden	Water Resources – Ashley Lucht
Town Listers – Chris Granda	Delinquent Tax Collector – Chris Granda

1 State Legislature – Amy Lord
2 Planning Commission – Ashley Lucht
3 Conservation Commission – Chris Granda
4 Richmond Trails Committee – June Heston
5 Economic Development Committee – Amy Lord

RABA – Amy Lord
DRB – Neil Boyden
Recreation Committee – June Heston
Police Advisory Committee – June Heston

6
7 Other Reorganization Business
8

9 Ms. Heston offered a motion to appoint the Administrator as board secretary and was seconded by Mr.
10 Boyden. The motion carried 5-0.

11
12 The Administrator recommended that both the Burlington Free Press and the Times Ink! be official
13 newspapers. Mr. Boyden offered a motion naming the Burlington Free Press and the Times Ink! as
14 official newspapers and was seconded by Ms. Heston and the motion carried 5-0.

15
16 The Administrator noted that Martha Laing was willing to continue as Town Service Officer. Ms.
17 Lucht offered a motion to appoint Martha Laing as Town Service Officer and was seconded by Ms.
18 Lord and the motion carried 5-0.

19
20 Presentation - GreenSea Systems
21

22 Mr. Granda explained that recently the owner of GreenSea Systems, Ben Kinnaman, had placed
23 concrete barriers at the edge of his property at 10 East Main Street (old corner market) where it
24 adjoined the municipal parking lot. This was done to solve what Mr. Kinnaman saw as a safety issue
25 where people would cut through the parking lot to avoid the traffic light at Route 2 and Bridge Street.
26 After doing this, he was issued a notice of violation by the Zoning Administrative Officer, Gwynn
27 Zakov, for a site plan violation. Following additional correspondence, Ms. Zakov issued a second
28 notice of violation regarding the testing of GreenSea Systems' robotic vehicles on the sidewalk. Mr.
29 Granda said that recently he and Jon Kart had gone to speak with Mr. Kinnaman, who was here this
30 evening to explain his difficulty with the issue.

31
32 Ben Kinnaman was present and said he was the owner of GreenSea Systems, a business that builds
33 remotely operated vehicles for underwater research. He also owned 10 East Main Street, the building
34 that houses the business. Mr. Kinnaman explained his concerns on safety of the parking lot and
35 provided some anecdotal evidence that his employees were having concerns about people cutting
36 through the parking lot in an unsafe manner. Mr. Kinnaman said that this was putting his employees
37 at risk and he decided to take the action of closing the access. He said he had tried to engage the town
38 with the idea, but the town disagreed that he had the right to do this. Mr. Kinnaman said he was
39 seeking an acknowledgement that he had the right to close this area of his property.

40
41 There was some discussion on the role of the Selectboard now that a notice of violation had been
42 issued. The Administrator said that it was the Selectboard's option to make an appearance at the
43 hearing regarding their interest in the parking lot.

44
45 Ms. Heston asked how this came about. Zoning Administrative Officer Gwynn Zakov came forward
46 and explained the procedures she used in issuing the notice of violation. Ms. Zakov explained that she
47 was told that GreenSea had done this, and in fact GreenSea had attempted this before but reversed
48 their actions after she wrote to them. On the second violation, the site plan was approved for an office
49 but not manufacturing in the basement. There was additional discussion.
50

1 Mr. Kinnaman showed a picture of the robot to demonstrate the size (about the size of a small dog).
2 He felt that the testing of this vehicle outside did not constitute a use violation. He said that he had
3 made a large investment in the town but this was making it difficult to do business.
4

5 Ms. Heston proposed that the Selectboard find a way to help Mr. Kinnaman.
6

7 Bruce LaBounty said that the Selectboard should hear from the public first.
8

9 Ms. Zakov apologized for the procedure. There is a Development Review Board application pending.
10

11 Ms. Heston suggested the Selectboard participate in a discussion in how to better handle these issues.
12

13 Ms. Lord agreed and said that there were cut-throughs in all parts of that intersection that had the same
14 issue.
15

16 Mr. Kinnaman said that the prior owners had this complaint as well but he added there was a
17 perception that this was a public right of way, but it was actually private property.
18

19 Mr. Boyden said that it was premature for the Selectboard to get involved, with a pending application.
20

21 Mr. Kinnaman asked what more he could do, and he was frustrated with the Development Review
22 Board process.
23

24 Mary Houle welcomed Mr. Kinnaman and said that the town's zoning document was too restrictive.
25 Prior owners widened the ramp on the side of the building, and adjustments to the parking were made
26 for that. Ms. Houle added that the Selectboard typically approves the Development Review Board
27 decisions if they are appealed. Ms. Houle suggested the Selectboard enter an appearance at the
28 GreenSea Systems hearing to preserve their interest in an appeal.
29

30 Jack Linn asked what the zoning violation was and Ms. Zakov said that the parking plan was changed.
31

32 Mr. Granda asked hypothetically, if the DRB approved this would the violation be cured and Ms.
33 Zakov said yes.
34

35 Gary Bressor said that some time ago the owners opened up access to what was previously the fire
36 department property, maybe sometime in 1969. There was an agreement that cross access traffic
37 could work but to change that now would have to change to "single access" parking for all who used
38 the lot.
39

40 Jack Linn said when he built the bakery he asked to have a special meeting at 6:30 in the morning to
41 accommodate all schedules.
42

43 Larry Bohlen asked if it was a traffic violation to access Route 2 from Bridge Street through the
44 parking lot and Mr. Kinnaman said that the police chief had agreed it was but said they wouldn't
45 enforce it.
46

47 Bruce LaBounty said that backing out onto Route 2 is a safety issue, maybe even against the law.
48

49 Wright Preston said that he works in commercial lending and felt that the Richmond zoning
50 department is doing a fine job.

1
2 Seeing no further comments, Chair Granda thanked Mr. Kinnaman and moved to the next agenda
3 item.

4
5 Wine Sales at Richmond Farmers Market

6
7 The Administrator explained that this request had been made last year, but ultimately the Selectboard
8 could not agree on a course of action and no changes were made to the ordinance. Present for the new
9 request were Caitlin Jeness, the new manager of the Richmond Farmers Market, along with Meg
10 Guilfoyle who owned the winery that would supply the wine for sale, and Sue Gianetti.

11
12 Ms. Jeness explained that they would limit to one vendor, with sampling according to state law. Ms.
13 Jeness said that dozens of neighboring towns were allowing wine sales at their farmers markets with
14 no problems. There would be no consumption allowed other than sampling. There was additional
15 discussion about sample size and training.

16
17 Ms. Heston asked if the Farmers Market did have an agreement with the town and how this would
18 affect that agreement. Sue Gianetti, a vendor and board member, said that the market typically had
19 16-20 vendors. The market would sign the park reservation form, and individual vendors would sign
20 up with the market.

21
22 Ms. Lucht asked if there was a reason why not to do this.

23
24 Ms. Heston said that last year was the first request, but there was no real strong feelings against.

25
26 Ms. Lord asked about vendor training and licensing.

27
28 Ms. Guilfoyle said that each vendor had to be licensed by the State to hold tastings and off premises
29 sales. A maximum 2 ounce sample size was allowed but the farmers market would use 1 ounce
30 samples. There were different types of products.

31
32 Chair Granda asked if Chief Buck had been consulted about this and the Administrator said no.

33
34 Mr. Boyden recalled that the former chief Joe Miller had not been in favor of it, but he had spoken to
35 Marcia Lawrence last year, who works for the State alcoholic beverage control and she reported no
36 problems with the sampling programs.

37
38 Ms. Lucht recently was at a wine tasting at Jay Peak and enjoyed the experience. She asked if this
39 needed to be dragged out.

40
41 Ms. Heston said that last year the precedent issue was a significant concern.

42
43 Jack Linn asked if this was sales only. Ms. Gianetti said yes, with no opened containers allowed on
44 the property.

45
46 Gary Bressor said that this was the kind of business that people in Richmond like, and should support.

47
48 Bruce LaBounty said that this was not a good thing to have in the park especially with the playground.
49

1 Larry Bohen said that the Waterbury farmers market invited this same vinyard last year. He urged the
2 Selectboard to find a way to allow this.

3
4 Kathryn Wysockey-Johnson said that in a "buy local" and support business attitude, this would be a
5 nice compliment to what was already sold.

6
7 Bruce LaBounty said that the difference between Williston and Richmond is that there was not a
8 playground and kids at the Williston farm market.

9
10 Ms. Heston said that many others do have that.

11
12 Ms. Guilfoyle said that she was surprised last year and didn't think it would cause that many
13 difficulties.

14
15 Ms. Lord supported the idea.

16
17 The Administrator explained the reasoning from last year, in that it was supposed to be an agricultural
18 product that fit the market's mission. The Selectboard could never come to an agreement on whether
19 or not this could work.

20
21 Mr. Boyden asked for input from Harland Stockwell, Recreation Director, and Chief Buck.

22
23 Mary Houle suggested that VLCT be queried and also the attorney, Mark Sperry. The Administrator
24 explained that VLCT was contacted last year and offered no objections to the activity.

25
26 Chair Granda asked if waiting would kill the deal. Ms. Jeness said better late than never.

27
28 Larry Bohen said the Selectboard should remain sensitive to the precedent issue.

29
30 Ann Cousins asked if there was a way for the bakery to help in this.

31
32 Chair Granda summed up the request that the Selectboard prepare to introduce an ordinance and for
33 the Administrator to gather comments from the Chief of Police, Recreation Director and attorney.

34
35 Charter Amendments and Selectboard Letter

36
37 The Administrator reported that the two charter amendments appear to have been properly warned,
38 and approved by the voters. At Town Meeting, the Selectboard explained that they felt it was
39 improper for the endorsement letter to have gone out, and apologized. There had been some
40 comments from residents regarding the validity of the outcome of the four Australian Ballot articles
41 due to the perception of influence from the letter, or that the mailing of the letter violated state law.
42 The Administrator had contacted the town's attorney, Mark Sperry, for his opinion. Mr. Sperry did not
43 address the propriety of the letter, but said that since it was a stand-alone mailing, separate from the
44 documents listed under 17 VSA 2666 then it was not illegal. Therefore, it appears that from a legal
45 standpoint the articles were properly adopted and the letter should have no influence. The
46 Administrator said that if individual Selectboard members felt differently now was the time to discuss
47 the issue and propose changes. Otherwise, the introduction of the enabling legislation for the charter
48 amendments would proceed as planned. Residents still had until April 5th to file a challenge to the
49 articles.

50

1 Mary Houle asked if Mark Sperry's opinion letter could be made available to the public and the
2 Administrator said that it could.

3
4 The Selectboard voiced no objections to the legislation moving forward.

5
6 FEMA DFIRM Review - KAS Inc.

7
8 Erik Sandblom and Stephen Diglio were present to explain their plans for the appeal, and why the
9 Selectboard should move forward. It was noted that a special meeting for this purpose was scheduled
10 for March 22nd.

11
12 Erik Sandblom provided an overview of the results of their work on the HEC-RAS model of the river,
13 and Stephen Diglio explained how he evaluated bridge crossings, and the skew angle of the river
14 beneath bridges. Mr. Diglio also remodeled with different drag coefficients, which made significant
15 effect on the base flood elevation. Mr. Diglio had spoken with representatives from FEMA and Camp
16 Dresser McKee and they agreed that work shown would provide the basis of a valid appeal. A Letter
17 of Map Revision would have to be created for the parts of the Winooski River downstream from the
18 Richmond boundary.

19
20 Denise Barnard asked if there were any revisions to the base flood elevation at the Cochran Road
21 bridge in Jonesville. Mr. Diglio said at that point there were no changes to the base flood elevation of
22 the Winooski.

23
24 Mary Houle asked who would complete the Letter of Map Revision, and Mr. Diglio replied it would
25 be the engineer, KAS.

26
27 The Administrator explained that for some time the Selectboard had been proceeding without any
28 clear evidence that a meaningful change was possible, but with this work done by KAS it was clear
29 that a change was possible and he urged the Selectboard to move forward with an appeal.

30
31 Gary Bressor said that at some level of expense it was no longer worth it to pursue an appeal. He
32 asked where the money spent to date had come from.

33
34 Chair Granda said that one of the questions at hand is whether to pursue an appeal, and also if there is
35 the possibility of shared cost.

36
37 Bruce LaBounty said that the Selectboard should approve the appeal. There were lots of ways that
38 people shared in costs that provided no direct benefit to some.

39
40 Stephen Diglio said that it was important to have correct mapping.

41
42 Mary Houle said that this should be pursued to conclusion, not dropped in the middle.

43
44 Ms. Lord asked if there were any benchmarks taken from the recent flood. Mr. Diglio said there might
45 be one, but the analysis was based on the modeling.

46
47 Ms. Heston asked when would we know about how much this would cost, and where the money was
48 coming from? The Administrator hoped to have that answer for the meeting on the 22nd.

49
50 Bruce LaBounty said that the amount needed should be \$6,000.

1
2 The Selectboard agreed to consider on the 22nd.

3
4 Overtun of Citizen United decision

5
6 The Administrator explained that a petition was submitted to have the Selectboard pass a resolution to
7 send to our legislative delegation urging action to overturn the Citizens United Supreme Court
8 decision regarding money and free speech. The article was improperly warned as an Australian Ballot
9 item and therefore the results are invalid. The results were overwhelmingly in favor of taking this
10 action and since it was advisory the Selectboard could choose to pass a resolution should they choose.
11 The Administrator had prepared a resolution for this purpose.

12
13 Ms. Heston noted that a vote from the floor also confirmed this decision, and that it was also advisory.

14
15 Chair Granda said that while this was improperly warned, the Selectboard had the best intentions in its
16 vote.

17
18 Mr. Boyden offered a motion to approve the resolution regarding the overturning of the Citizens
19 United decision and was seconded by Ms. Heston. The Administrator read the resolution aloud, and
20 the motion carried 5-0.

21
22 **3. Other Business**

23
24 Renewal of Liquor Licenses

25
26 Linda Parent, Town Clerk, read the list of liquor licenses to be renewed. None had any negative issues
27 in the past year.

28
29 Ms. Lucht noted that she was a part-time employee of The Kitchen Table Bistro and recused herself
30 from voting on that license.

31
32 Ms. Heston offered a motion to approve the renewal of all liquor licenses as presented and was
33 seconded by Ms. Lord and the motion carried 5-0, with the exception of the Kitchen Table Bistro
34 which Ms. Lucht abstained.

35
36 Special Services Transportation Agency funding

37
38 The Administrator recapped that previously the town was 85% expended on its grant funding for this
39 public transportation service. At a meeting last week, SSTA suggested reallocating some unspent
40 monies from other agencies to help cover shortages in others. It appeared that the town might not have
41 to consider service cuts or alternative funding if this came through, although no new trips would be
42 authorized.

43
44 State Highway and Structures Grants

45
46 The Administrator explained that each year the town applied for Highways and Structures grants. This
47 year the highway was Hinesburg Road, and there was one structure to be replaced which was an older
48 box culvert on Hinesburg Road near the Huntington Road intersection.

49

1 Ms. Heston offered a motion to approve the submission of the annual Highway and Structures grant,
2 and was seconded by Mr. Boyden. The motion carried 5-0.

3
4 Floodplain Forest Grant Application

5
6 The Administrator explained that the Floodplain Forest Grant Application was for a similar project by
7 Jon Kart that he had started in 2010. This was along the same lines, for a little more money.

8
9 Ms. Heston offered a motion to approve the submission of the grant application and was seconded by
10 Mr. Boyden.

11
12 Wright Preston asked if the town was just custodian of funds, and the Administrator said yes. Mr.
13 Boyden asked if there was a match from the organization, and the administrator said yes an in-kind
14 match was used. The motion carried 5-0.

15
16 Denise Barnard noted that there had been an advertisement in the newspaper for the State looking for a
17 ten-acre parcel to house a state agency. She asked if the town was trying to attract this business. The
18 Administrator said he had not heard of this, but would look into it.

19
20 Mary Houle added that the posting was for water and sewer properties. Ms. Barnard said it might be
21 an incredible opportunity for the town.

22
23 Support Letter for Grant for Richmond Land Trust and Vermont Youth Conservation Corps

24
25 The Administrator explained that this was a letter supporting the Richmond Land Trust's grant
26 application for floodplain forest restoration, for a project similar to that of Jon Kart except in a
27 different location.

28
29 Ms. Heston offered a motion to approve the letter of support and was seconded by Ms. Lucht and the
30 motion carried 5-0.

31
32 Amendment of Subrecipient Grant Agreement for Irene Damages

33
34 The Administrator explained that this was an amendment requested by the State for the agreement for
35 the State to pay 15% of the damages for Irene recovery. For one this increased the time to completion
36 and it appeared to have no other affect on the town's recovery.

37
38 Ms. Lucht offered a motion to approve the amendment to the subrecipient grant agreement and was
39 seconded by Ms. Heston. The motion carried 5-0.

40
41 Lighting Replacements for Highway Garage

42
43 The Administrator explained that this was a proposal from Champlain Valley Electrical to replace the
44 lighting fixtures in the Highway Garage, which included a rebate from Efficiency Vermont.

45
46 Ms. Heston offered a motion to approve the contract and was seconded by Ms. Lucht.

47
48 Ms. Houle asked if the price had been competitively bid and the Administrator said that it had not.

49

1 There was some discussion and Chair Granda said that it might be better to consolidate several town
2 buildings into one RFP. Ms. Heston withdrew her motion.

3
4 The Administrator explained his concerns that he did not have the time to inventor all of the lights.
5 Chair Granda said that the RFP could leave that up to the contractors.

6
7 Mary Houle suggested that the energy committee needed to do this with the approval of the
8 Selectboard.

9
10 Ann Cousins said that this could be put out and awarded all or partial.

11
12 The issue was tabled until April 2nd.

13
14 Approval of Minutes: March 5, 2012

15
16 Mr. Boyden offered a motion to approve the minutes of March 5, 2012 and was seconded by Ms.
17 Heston. Ms. Heston noted that for the humvee it had been rebuilt in 2005 and recommended that
18 change. The motion to approve as amended carried 3-0-2 with Ms. Lord and Ms. Lucht abstaining.

19
20 **4. Administrator's Reports**

21
22 The Administrator reported that the two Hazard Mitigation Grants had been approved. One was the
23 buyout of CO2614 and the other was the relocation of water and sewer utility lines beneath the Bridge
24 Street Bridge.

25
26 There was discussion on the buyout. Bruce LaBounty said that the cost to repair to prior condition,
27 but now the cost to repair included floodproofing which increased the costs. These costs would
28 exceed the \$63,000 match of the town.

29
30 There was additional discussion on whether or not the town should pursue this. The Administrator
31 explained at this point the town was only moving paperwork forward with no binding agreement,
32 however, if the town wanted to withdraw now it could do so. Ms. Lucht offered a motion to move the
33 application forward and was seconded by Mr. Boyden.

34
35 Chair Granda asked if this was a reimbursement grant, and the Administrator stated he would find out
36 the answer.

37
38 Wright Preston said that if the town wanted to use Conservation Reserve Fund monies, the
39 Conservation Commission would want hearings to determine the public benefit. What public purpose
40 could the property provide, and were there liabilities associated with the property.

41
42 Bruce LaBounty said that as a town we have adopted regulations that prohibit building in the
43 floodplain. For a public benefit we have to decide to back up the regulations by taking this action. He
44 noted that the State is looking for ways to provide the 25% match.

45
46 Ms. Lucht said she was comfortable moving forward on this.

47
48 Ann Cousins said that the town's match was more than the estimated repairs. She said that this was an
49 historic home and there were exemptions in the federal regulations for rebuilding of historic homes.
50 She also thought that some of the floodplain should be included in the sale.

1
2 Gary Bressor said that even if the town gets a matching grant, the Conservation Commission should
3 be consulted.

4
5 Wright Preston said that the homeowner could sell the property now.

6
7 The motion to move forward carried 5-0.

8
9 Conditional Use Application

10 The Administrator explained that the town had submitted a Conditional Use application to the DRB
11 for future repairs or improvements to town properties in the floodplain. Most of the items were fine,
12 however, two items had difficulties. The first was the rubber ADA-compliant surface on the
13 playground. This was a \$75,000 upgrade that the town was trying to get covered under our flood
14 damage claim with FEMA as a codes and standards improvement. The current pea gravel was not
15 compliant, but a number of other surfaces were. The problem was that these surfaces would wash
16 away in a flood but the rubber was more durable. The town did not have approval from FEMA yet
17 and the hearing was continued.

18
19 The second issue was with the proposed rain garden and infiltration pond for the Town Center site.
20 The neighboring residents were concerned that these would become mosquito pools or otherwise not
21 work correctly. There was no plan to be presented as the timeline for the design was six months away.
22 Therefore these items would be rejected by the DRB. The designs would have to be drafted and
23 residents assured before this would come back again.

24
25 Linda Parent explained that the VLCT Health Leader program had returned \$1,307 to the town, to be
26 shared with participating employees in their Health Savings Accounts.

27
28 The Administrator noted Selectboard training by VLCT and Ms. Lucht wished to attend.

29
30 The Administrator presented Purchase Order #3004 in the amount of \$31,247 to Shearer Chevrolet for
31 the purchase of one police vehicle and the lease of one police vehicle. The Administrator explained
32 that this was for FY2013 vehicles, placing an order now. This was the only way to replace two
33 vehicles next year within the budget constraints.

34
35 There was some discussion on the fleet size and replacement schedule.

36
37 Ms. Heston offered a motion to approve Purchase Order #3004 as presented and was seconded by Mr.
38 Granda and the motion carried 5-0.

39
40 The Administrator requested an executive session to discuss pending litigation with the Chittenden
41 County Fish and Game Club and GreenSea Systems, regarding each DRB appeal. Mr. Boyden offered
42 a motion to enter executive session at 9:35 and was seconded by Ms. Lord and the motion carried 5-0.

43
44 Ms. Heston offered a motion to adjourn the executive session and reconvene the regular session at
45 10:35PM and was seconded by Ms. Lucht and the motion carried 5-0.

46
47 **5. Adjourn**

48 Motion by Ms. Heston to adjourn the meeting at 10:35 p.m. Seconded by Ms. Lucht. So voted.