

**RICHMOND SELECTBOARD
REGULAR MEETING
May 20, 2013 MINUTES**

Members Present: Amy Lord, Vice Chair; Ashley Lucht; Taylor Yeates
 Absent: June Heston, Chair; Chris Granda
 Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Toby & Donna Lyons;
 James Garris; Cathleen Gent, Town Planner; Bruce & Sheila Bailey;
 Gary Bressor; Rod West; Ann Cousins; Jackie Washburn; Timothy
 Pudyar; Harold Irish; Cara LaBounty; Bruce LaBounty and Ruth Miller
 was present to videotape the meeting for MMCTV Channel 15.

Amy Lord called the meeting to order at 7:00 PM.

1. Welcome and Public Comment

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

Cathleen Gent announced that on May 29th there would be a community values mapping forum in Jericho for the Ecos grant. Residents of all towns were invited to attend to say what you like about where you live.

Jackie Washburn noted that the pedestrian signal at the four corners light was not long enough to allow for pedestrians to pass safely. In fact, cars were often turning there, making pedestrians yield. This sentiment was echoed by others, and the Selectboard wanted to know if VTrans could correct this.

2. Items for Discussion with Those Present

Planning Commission Interviews

The Selectboard interviewed the final candidate for the Planning Commission, Ann Cousins.

Ms. Lord asked why Ms. Cousins was interested. Ms. Cousins said that fifteen years ago she was on the Recreation Path committee and the economic development committee and when she saw opportunities in planning she volunteered.

Ms. Lucht asked if she was aware of the level of commitment, and Ms. Cousins said she was.

Ms. Lord asked if Ms. Cousins had land to develop and she said no. Ms. Lord asked if she was familiar with the Town Plan, and Ms. Cousins said she was, and was on the review committee for economic development in the village. Ms. Lord asked if she had an opinion on why the zoning failed, and Ms. Cousins said she felt it was due to the bulk of materials. Ms. Cousins added that the Planning Commission before had a diversity of views but the commission members respected each others' views. She felt that a better diversity of opinion would bring more listening and a respectful dialogue.

The Manager summarized how the Selectboard wished to move forward. Previously they agreed to not consider appointments until June 3rd. The full board should be present at that time.

Ordinances for First Reading: Ordinance 2013-01 Amending the Traffic Ordinance to provide for No Parking on Railroad Street; establishing a parking ticket appeal procedure

1
2 The Manager explained that based on recent complaints of parking on Railroad Street this ordinance
3 was being revised. When the town took over Railroad Street in 2010 there were no parking
4 regulations there. This would establish no parking on either side. Interestingly enough there was no
5 shoulder on Railroad Street since the paved portion represented the entire right-of-way. Also it was
6 recently discovered that the Judicial Bureau would not hear parking ticket appeals. Therefore the town
7 must provide an appeal procedure themselves. This was outlined in the ordinance, and an official
8 would have to be chosen to hear the appeals. The Chief of Police was named as the official, however,
9 what would happen if the Chief was the one to write the ticket?

10
11 Donna Lyons wanted more action on Railroad Street, and more tickets written. She felt that trucks
12 should be checked to see if they were making deliveries, or just standing.

13
14 Jackie Washburn said that people were parking on the edge of the lawn, in the driveway sometimes
15 and would not move when asked. The most difficult part were the people that were aggressive and
16 angry when they blocked the driveway. She wanted a more friendly way to address the issue.

17
18 Ms. Lucht suggested the store could do more such as posting signs.

19
20 Donna Lyons said she would issue her own tickets (leave notes on windshields).

21
22 Bruce Bailey said he was concerned with issuing warnings and did we need to add "travelled portion?"

23
24 There was more discussion. Mr. Yeates said that the revision should move forward with the addition
25 of Wes White Hill. He requested that an enforcement detail be organized. Ms. Lucht suggested that
26 offenders could just be towed.

27
28 Mary Houle added that in Burlington many private lots would tow and tow operators would be waiting
29 for the work and you don't get your property back until you pay.

30
31 Bruce Bailey said to remember we were a small town and the street would get lined with cars for the
32 Fourth of July. Ms. Lord thought that the issue was well defined.

33
34 Mr. Yeates said this would be tabled until June 3rd.

35
36 Rod West urged a revision to the towing ordinance to allow tow operators to hold a vehicle until
37 payment was made.

38 39 **3. Other Business**

40 41 Governance Committee

42
43 The Manager explained that it had been difficult to find people interested in serving on the
44 Governance Committee. Three people had volunteered: Jon Kart, Wright Preston and Rick Barrett.
45 Mr. Yeates said he would still like to try to get to five members and have a balanced committee. Mr.
46 Yeates suggested this be taken up again at the June 3rd meeting.

47
48 Mary Houle asked if the candidates would be interviewed and Mr. Yeates said he wanted to avoid just
49 appointing people.

50

1 Athletic Event Policy

2
3 The Manager explained the revisions made. The final sign up sheet and checklist were not complete
4 but the policy and procedure were in much better shape.

5
6 Ms. Lucht said that the policy was needed and she felt that the Selectboard should move on this, and
7 could approve without the application, which would be handled administratively. She suggested that
8 the application include a spot for email address and phone contact for the day of the event.

9
10 Ms. Lord said that it asks twice for names and only needed to ask once.

11
12 Ms. Lucht offered a motion to approve the Charitable Athletic Event Policy and Procedure and was
13 seconded by Mr. Yeates and the motion carried 3-0.

14
15 DWSRF Loan for Chlorine Contact Time

16
17 The Manager explained that there was a deficiency in the water system where the time it took water to
18 go from the water house to the system was not long enough to allow for proper disinfection by
19 chlorine. The chlorine needed to be in contact with the water for a longer period of time before it
20 entered the system and the solution was to enlarge the pipe and make it a longer route. This, coupled
21 with a relocated access and buried electricity was estimated to cost \$214,421. The town had applied to
22 the Drinking Water State Revolving Fund for a loan, and was approved. However, the town would
23 need a bond vote approval to qualify. There was a September 30th deadline to achieve this. Not only
24 was this project pending, but the Water Tank project was pending. Combining the two projects would
25 potentially allow moving forward on both sooner, even before the town was ready to go to
26 construction.

27
28 Ms. Lucht said that she worked for the loan program, but there was a break in the roles there and her
29 role here. She had notified her employer of her position in Richmond, and she would not participate in
30 Richmond's application process at the State.

31
32 There was some discussion on the projects, timing, and what to consider. Ms. Lucht didn't foresee that
33 a bond vote would happen this summer. The construction wouldn't start until a year afterwards, and
34 loan repayment would begin two years after that.

35
36 Bruce Bailey said he wanted to get on top of this issue. Ms. Lucht explained that the additional work
37 for the Chlorine Contact Time project was a road, buried electrical service, generator, well
38 rehabilitation, 4-log virus control, etc. which we do not have now.

39
40 Cara LaBounty said that the issue of shared costs between the general taxation and water projects
41 shouldn't be called town sharing, but a town-wide water tax. This will be controversial, but it was a
42 tax not sharing. The water system didn't pay for her well, and if you don't want to expand the system
43 then you pay for infrastructure with the users you have.

44
45 Ms. Lord agreed that there was no immanent bond vote.

46
47 James Garris asked what the talk was about sharing the burden.

48
49 Ms. Lucht said it was worth having a conversation about having the general taxation pay for a portion
50 of water infrastructure.

1
2 Review of Police Department 24-hour Coverage Options
3

4 The Manager explained that when the town recruited for Chief of Police two years ago the subject of
5 24 hour coverage came up as one thing that challenged officer retention. Currently the police
6 department operates on an on-call basis overnight. This meant that whomever was on-call had to stay
7 home with the phone and limited activities. This was listed as an item that officers were dissatisfied
8 with, and it was on the books as something to address. The Manager had asked Chief Buck to look
9 into this and report, which he had done.

10
11 The report basically stated that the overnight on-call was being shortened by longer shifts. This would
12 only work as long as the department was fully staffed at the Chief and four officers, plus part-timer
13 coverage. The chief also explained that to eliminate on-call entirely the department would have to
14 grow by three officers. The Manager added that he hoped that emergency response by another town,
15 such as Williston, might improve service and limit, or eliminate, on-call for Richmond.

16
17 James Garris asked if private security had been explored. The Manager replied that it had not.

18
19 Mary Houle said that when she was on the Selectboard, she had a charge to look at alternatives. The
20 Sherriff was available for some work, and seeing a police vehicle would be a deterrent to some
21 persons.

22
23 There was additional discussion. The Manager said that his was for thought and no decisions were
24 required.

25
26 Approval of Minutes of May 6, 2013
27

28 Ms. Lucht offered a motion to approve the minutes with minor edits and was seconded by Mr. Yeates
29 and the motion carried 3-0.

30
31 Reports from Selectboard and Town Manager
32

33 The Manager reported on the status of the Hazard Mitigation Grant Program buyout application for
34 CO2614, owned by the Houles. Over the past year, the town had to answer a number of questions
35 from FEMA regarding the details of the application. This the town had done, however, about two
36 months ago the town was asked to resubmit the application with these answers incorporated into the
37 application narrative. The town did this, and was then told that a meeting needed to be held to
38 examine alternatives to satisfy FEMA's section 106 historic review. This meeting was held on May
39 16th. During this meeting the town, FEMA, Preservation Vermont and the property owner reviewed
40 alternatives to the acquisition and demolition. It was expected that the State would write FEMA and
41 say that the alternatives were satisfied and the buyout remains the only viable option. There was
42 discussion on the application, grant program and next steps if the application was approved.

43
44 Cara LaBounty explained that the program was not a reimbursement program. A voluntary transaction
45 agreement would be negotiated. The State and the Two Rivers Planning Commission would handle
46 the financial arrangements, and 2% of the grant award could be used for overhead reimbursements for
47 staff time.
48

1 Gary Bressor asked if there would be public input. The Manager explained that there would be no
2 public input into the negotiations for a purchase and sale agreement, however, there was plenty of
3 opportunity for the public to weigh in at public meetings on their thoughts and concerns.
4

5 Mr. Bressor said that the town needs an unencumbered parcel for a community garden or other needs.
6 Ms. LaBounty said that the land would be encumbered by federal restrictions. Mr. Bressor clarified
7 that the well and the right-of-way needed to be removed. Ms. LaBounty said that alot of the
8 restrictions would be a matter of a regional office decision at FEMA, not a town decision.
9

10 James Garris said that the town didn't need to have a long-term vision for this, but it seemed like the
11 Preservation Trust was blocking the application. Will this be allowed to continue?
12

13 The Manager said he felt that the application is now complete, FEMA requested an alternatives review
14 and it was provided. The State's mitigation officer said that the State Historic Preservation Office and
15 he were satisfied.
16

17 There was additional discussion but there was no action to be taken at this time.
18

19 Economic Development Committee 20

21 Ms. Lord reported that the Economic Development Committee met with Mike Weisel, and on
22 Wednesday evening they would hold a meeting to discuss the parking lot with residents and businesses
23 on Depot Street. Also, the creamery still had a tank of ammonia which was a concern and the town
24 would consider how to get this removed.
25

26 The Manager explained that the town had no right to enter the property at this time, and the owner
27 should be made to remove the tank or certify it is empty.
28

29 Ms. Lucht said that the level of cleanup required made it impossible for a private investor to sit on the
30 property while the cleanup is going on, and the town needed to explore how to get something going.
31

32 Bruce LaBounty asked why wasn't Saputo responsible for the cleanup? There was discussion on why
33 they might not be and the terms of sale were unknown.
34

35 The Manager explained his thought that the town may be able to use eminent domain to condemn the
36 property, pay a market price, obtain brownfields grants to clean the property and then develop a
37 redevelopment plan. The town would then sell the land to a developer that met the town's vision. This
38 was a rare occurrence and he didn't know the laws on this in Vermont, but it was a tool that had been
39 used in other places.
40

41 Bruce LaBounty said it was dangerous for us to get involved. It would be more productive to put
42 those efforts into another site for commercial growth.
43

44 Mr. Yeates said that this was a prime spot that has sat as it is his entire life. He said that this was
45 coming to a point where the town needs to consider how do we get into it, but he wasn't talking about
46 a public taking.
47

48 Financial and Departmental Reports 49

1 The Manager pointed out the financial and departmental reports. The Manager also thanked Amy
2 Powers for her efforts at being the Greenup Day coordinator, this was another successful year for
3 cleanups in Richmond.

4
5 The Manager also went through a memo explaining the current status of legal issues. The three suits
6 the town was involved with were: the VYCC Tax Appeal where VYCC was asserting they were
7 totally tax exempt; The Zitta v Richmond where the Zittas (residents) claim their right to due process
8 was violated during an equipment repossession, and claimed that our police department was at fault;
9 and the Bordeaux matter where the town was preparing to issue a complaint in court to enforce the
10 health order from last year. Other legal issues were consultations regarding land use administration,
11 and some easement work for construction projects.

12 13 Building Permit complaint

14
15 The Manager explained that there was a complaint that the town should take action to appeal a
16 building permit issued to Gary Bressor for a home he was building on Cochran Road. The reason the
17 complaint was made was that the approval for the subdivision (from 2011) was unconventional in that
18 the home did not have a driveway and instead had a foot path up the hill. The aim of an appeal of the
19 building permit was unclear, since the subdivision approval was what granted the basis for the
20 building permit. The appeal period for the Development Review Board subdivision approval expired
21 in 2011 and appealing the permit now would seem to not have an effect. The Manager suggested that
22 the town not appeal this permit since it was likely to just go directly to court, and the goals of the town
23 in this were not well developed. For background, in 2005 the previous town administrator, Ron
24 Rodjenski, had proposed a subdivision for this land and was approved for a three-lot subdivision.
25 Apparently this was objected to by Gary Bressor. Soon after, the development company went
26 bankrupt and Mr. Bressor bought the subdivision. Mr. Bressor requested that the Zoning
27 Administrative Officer recognize his desire to vacate the subdivision, and she wrote a letter and
28 recorded it in the land records that the subdivision would be vacated. Mr. Bressor then applied for a
29 two-lot subdivision and was approved in 2011. The Manager believed that the zoning administrative
30 officer was in error to allow the vacating of the DRB-approved subdivision, and that she had no
31 authority to do so. However, this error was cured by the second subdivision approval and if concerns
32 were apparent then they should have been appealed in 2011. It was simply too late to do so now.

33
34 Mary Houle said that the current owner had come to the Selectboard to object to the town
35 administrator's plans at that time and fought for conditions to be placed on the subdivision. Now that
36 Mr. Bressor owned it, he did not have the same conditions. She said that the previous zoning
37 administrator did not have the authority to do what she did. Ms. Houle objected to this home not
38 having a driveway and the town should appeal to understand what is going on and couldn't let this
39 pass.

40
41 Ms. Lucht asked how appealing the permit would do any good?

42
43 Cara LaBounty said that if any other subdivisions had been vacated, Mr. Bressor should say why.

44
45 Ms. Lucht asked what was the end game? Why are we dealing with this now? Ms. Houle said we
46 didn't know about this until now (meaning the vacated subdivision procedure).

47
48 Ms. LaBounty said that the town had a legal obligation to do so.

49
50 Mr. Yeates said he was unfamiliar with the process to appeal a building permit.

1
2 Ms. LaBounty explained that the town employee made a legal decision with no legal consultation.
3 She said that someone wanted conditions on approval for one subdivision but not the other.
4 Everybody in town should be treated equally. The only legal process was to appeal to environmental
5 court. This allows the town to have a mediation session. Safety is a concern, especially with no
6 driveway for the police, fire or rescue. She said if the town doesn't appeal this permit then the town
7 wasn't treating people equally.
8

9 Mr. Bressor said he agreed with the history as laid out by the Manager. He said that Ms. LaBounty
10 has missed several key points. He and his wife bought the Trails End subdivision because they did not
11 agree with it and didn't want it to happen. He said it was originally to be five lots but it was reduced to
12 three. He was concerned about stormwater runoff. He asked his attorney how to give up the
13 subdivision and his attorney told him all he had to do was notify the town. He disagreed that his
14 actions were illegal. He said that his second approval was valid and would erase the first in any case
15 since you can't have two active subdivisions. He asked what would happen to the Browns, who
16 bought the first lot? He said the town would be opening up a can of worms with lawsuits against the
17 town.
18

19 There was much additional discussion centering on the DRB approval and its timeframe. The
20 Selectboard was urged to take action to remedy what some saw as an error in the DRB's judgment.
21 Mr. Bressor insisted he had done nothing wrong. The Selectboard deliberated, and Ms. Lucht offered
22 a motion to not take action on the Cochran Road building permit for Gary Bressor. Mr. Yeates
23 seconded the motion.
24

25 Bruce LaBounty asked if all three Selectboard members could ignore the opinion of the attorney and
26 they didn't know if the second subdivision was valid.
27

28 Mr. Yeates said that it appeared that the building permit was issued correctly, based on the approved
29 2-lot subdivision and he wasn't going to go back two years to appeal it now.
30

31 The motion carried 3-0.
32

33 Consent Agenda

34

35 The Manager explained that the ARRA repayment schedule needed to be amended again, since in
36 April the town made a payment prior to approving the amendment number three. Therefore, the town
37 overpaid and it is easier to amend the paperwork than to get a refund from the bond bank. So, this
38 would be amendment number four. The second item was an access permit for a home using an
39 existing access on Huntington Road. The access would be shared by two homes, and Pete Gosselin
40 noted some conditions including widening the first fifty feet and cleaning the culvert.
41

42 Ms. Lucht offered a motion to approve the consent agenda and was seconded by Mr. Yeates. The
43 motion carried 3-0.
44

45 Warrants and Purchase Orders

46

47 The Manager explained that there was one purchase order for a replacement loader, which was
48 included in the FY2014 budget. The approved amount was \$100,000 but the bids came in much lower
49 than that for a gently used machine.
50

1 Ms. Lucht offered Purchase Order #3053 in the amount of \$69,321 to Nortrax for a loader. Mr.
2 Yeates seconded the motion and the motion carried 3-0.

3
4 The warrants were approved.

5
6 Executive Session

7
8 Ms. Lucht offered a motion to enter into executive session at 9:50 p.m. to discuss the outstanding
9 USPS lease and was seconded by Mr. Yeates. The motion carried 3-0.

10
11 At 10:10 p.m. Ms. Lucht offered a motion to adjourn executive session and reconvene the regular
12 session and was seconded by Mr. Yeates. The motion carried 3-0.

13
14 **4. Adjourn**

15 Motion by Ms. Lucht to adjourn the meeting at 10:10 p.m. Seconded by Mr. Yeates. So voted.