

**RICHMOND SELECTBOARD
REGULAR MEETING
November 18, 2013 MINUTES**

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; Judy Rosovsky; Mary Houle, Lister; Jon Kart; Earl Wester; Erin Wagg; Joan and Gary Holman; Brad Elliott; Wright Preston; Charles Owens; Cheryl Owens; Ernie Buford; Fran Thomas; Kate McCarthy; Mike Bednar; Amanda Repp; Nicki Hemmett; Mark Fausel, Planning Commission chair; Kevin Kennedy; Tom Levesque; Dennis Gile; Connie Doherty, Finance Assistant; Greta Sloan; and others, and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

June Heston called the meeting to order at 7:05 PM.

1. Welcome and Public Comment

Linda Parent, Town Clerk, said that on behalf of some employees, she presented a letter requesting a reconsideration of the benefits offering by the town. She said that they had not known some facts before hand, and that the difference in cost between the Gold and Platinum plans was still an overall savings for the town. The package approved by the Selectboard amounted to a cut in pay for the employees, and they asked that the Selectboard reconsider the Gold plan and offer the Platinum plan instead.

Mr. Granda requested that the Manager resubmit the analysis for the Selectboard to review, and table this discussion until it was clear what the costs would be.

Ms. Heston said that the Selectboard would discuss this later in the meeting.

2. Items for Discussion with Those Present

ECOS Grant Natural Resources Inventory

Jon Kart introduced Kate McCarthy who led the Science to Action project under the ECOS Grant. Ms. McCarthy said she was the Sustainable Communities Director at the Vermont Natural Resources Council, and the Natural Resources Inventory was part of a multi-town project funded by the ECOS Grant.

Ms. McCarthy explained that there were three significant parts to the project, the Walks and Talks program; the Multi-town Natural Resources Inventory and the Technical Work including maps, zoning regulations and technical assistance to revise the Town Plan.

The Vermont Natural Resources Council would provide a checklist to implement the inventory and technical work. The Planning Commission has agreed on three areas that required more information. They wanted more information on deer yards, non-regulatory tools and strengthening Town Plan

1 language. The Planning Commission will have their own presentation on this soon. There would also
2 be a meeting for the general public on the findings of the project on January 13, 2014.

3
4 Ms. Lord asked if the January meeting would be advertised to get more people to attend. Ms.
5 McCarthy said that the Science to Action committee would be helping to get the word out.

6
7 Wright Preston said that there had been great attendance at all of their meetings so far.

8
9 The Selectboard thanked Ms. McCarthy and looked forward to the presentations next year.

10
11 Governance Committee

12
13 Jon Kart presented a revised recommendation with a more detailed budget estimate. The committee
14 had looked at the comparison of an in-house employee assessor versus a contract assessor. The
15 differences were detailed in the revised budgets.

16
17 Ms. Lucht said that the Selectboard didn't know what the Lister budget request would be, and evidence
18 shows they are underpaid as the lowest wage administrative employee. The town's tax revenue is
19 based on a properly kept Grand List.

20
21 Ms. Heston asked which option, in-house or contract, was preferred by the Committee. Mr. Preston
22 said that the implementation options were all over the map as to which towns were using either in-
23 house employees or contract assessors. He personally liked the employee option. There was some
24 discussion in this topic.

25
26 Mr. Kart said that with the contract option, you could stipulate certain things to cover a variety of
27 scenarios. Ms. Heston asked if the NEMRC quad-year revaluation option only available through the
28 contract option? Mr. Kart said he would try to find out.

29
30 Ms. Lord said that the implementation of Act 21 needed to be clarified, and she also wanted to know
31 more about a possible charter change. Mr. Kart said that Act 21 gives the town the authority to make
32 this change without a charter amendment. This would have to be a ballot vote to move from elected to
33 appointed. Otherwise, a charter amendment would have to go before the legislature, as with the recent
34 Town Manager and delinquent tax collector charter amendment.

35
36 Fran Thomas said that this has been a long time concern of the town. The two prior charter
37 amendments didn't include this recommendation. She read a statement of her position.

38
39 Ms. Heston asked about the schedule. Mr. Kart said that this would have to be heard at a special
40 meeting, warned as such, to determine whether or not to vote by Australian ballot. Mr. Kart said he
41 would need to double check with the Secretary of State on this, but the recommendation included a
42 draft statement for the ballot question.

43
44 Ms. Houle asked if Cara requested time to present information on the agenda? Ms. Houle said at the
45 next meeting she would like to say something. Ms. Heston said that there would be time on the
46 schedule should they want to do so.

47
48 Fran Thomas said that a charter change wasn't really that difficult and would eliminate an extra
49 meeting. Mr. Kart noted that this would require two informational meetings.

50

1 Wright Preston said that if there were any more minority opinions, there would be additional public
2 hearings on the subject.

3
4 Mr. Yeates said he was ready to go with this recommendation to have it voted on at town meeting. He
5 did not relish the thought of eliminating yet one more elected position but was willing to let the
6 question go to the voters.

7
8 Mr. Yeates offered a motion to send to the voters at the 2014 Town Meeting the question, "Shall the
9 voters of the Town of Richmond authorize the elimination of the Office of Lister and replace it with a
10 professionally qualified assessor appointed by the Selectboard who shall have the same powers,
11 discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the
12 same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32?" by
13 Australian ballot. Ms. Lord seconded the motion. The motion carried 5-0.

14 15 **3. Other Business**

16 17 Discussion of Cochran Road Cell Tower

18
19 Ms. Heston introduced the issue by explaining that at the last meeting the Selectboard authorized a
20 letter to the Vermont Public Service Board regarding the Johnnie Brook Road tower. AT&T has
21 responded with an offer to hold a joint hearing, locally, on their three proposed towers, and submit all
22 applications at once early next year.

23
24 The Manager explained that the Selectboard letter had been sent, and VTel's attorney had responded,
25 essentially saying that there was no reason to hold a public hearing on this matter. The Planning
26 Commission was in favor of a joint hearing on the AT&T projects but the real question was how
27 should the Selectboard approach the Public Service Board. Based on the response from Springer Law
28 Office, the town was going to be outclassed without professional counsel in this matter.

29
30 Ms. Heston said that with a local meeting with AT&T the town had a chance to work with them face
31 to face before a hearing at the Public Service Board level.

32
33 Mr. Granda said he would be wary of that, since we might be in a position without any authority to act.
34 We had no authority in this process other than to call meetings and write letters.

35
36 Ms. Lucht said that we weren't offered a hearing but a public meeting, and she wasn't in favor of just a
37 public meeting.

38
39 Ms. Lord asked if VTel had talked with AT&T? We didn't know but we needed a bigger picture to see
40 if there was any redundancy in the projects.

41
42 Ms. Heston said that this was worth a conversation with AT&T, and if not, then we can do nothing.

43
44 Ms. Lucht asked how the improved Verburg site would impact the I-89 corridor.

45
46 Mr. Yeates said he, too, was wary of a meeting with AT&T. If the projects were grouped together
47 then if no one opposed two of the three towers the applicant is likely to say all of them are a "go." The
48 other sites needed to be revealed.

49

1 There was some discussion on acceptance of the meeting offer. Mr. Yeates, Ms. Lord, and Ms. Lucht
2 agreed that a meeting was in the town's best interest. Mr. Granda said he would defer to the will of the
3 board. The consensus was to write to the Public Service Board and get public standing in any possible
4 hearing, and accept AT&T's offer to hold a joint meeting locally on all three projects prior to
5 submission.

6
7 Mr. Yeates offered a motion to request the town take standing before a hearing of the Public Service
8 Board on the AT&T matter and accept the offer of a local meeting and was seconded by Mr. Granda.
9 The motion carried 5-0.

10
11 Public Comment on this issue

12
13 Ezra Hall said that the board should consider the offer but they didn't have to accept. The town needed
14 to look at a comprehensive plan and each tower needed to be its own application. He said that the
15 location of the Cochran Road tower was unacceptable and needed to be at a different location on the
16 Houle property. He offered pictures to the Selectboard of the balloon test, which was 300 yards or so
17 from his house.

18
19 Gary Holman said that two things needed to be understood, the first was that in response to Mr.
20 Granda's earlier comments, no one here had any illusions on the Selectboard's limited ability to act in
21 this matter and the second was that there was a misconception being spread that the Greystone Group
22 didn't want any cell towers at all. Their concern was the proximity to their homes, not "none at all."

23
24 Fran Thomas asked if AT&T had explored co-locating on the Robbins Mountain tower?

25
26 Wright Preston said that the top of the red balloon was supposed to be 140 feet high but it didn't look
27 to be that high.

28
29 Earl Wester said that he didn't believe that the Selectboard was precluded from objecting to any of the
30 towers of a combined application. He agreed with Gary Holman in that the basis of their complaint
31 was proximity, and that was a basis in which to challenge. However, you had to wait until the
32 application was filed in order to challenge.

33
34 Tom Levesque responded to Ms. Thomas' remarks and said that in some cases with too many antennas
35 the signal gets ruined.

36
37 Ernie Buford said that the Conservation Commission generally was dismayed at the number of
38 applications being filed. he encouraged the Selectboard to study the impacts of unbroken
39 communities. The Conservation Commission wasn't totally opposed to towers, but hoped material
40 resources could be preserved. The Science to Action project may be invaluable in this.

41
42 Gary Margolis thanked his neighbors for their efforts. He asked who thought this tower was a good
43 idea? He said it was a stupid idea and wondered how quickly properties would be reassessed if the
44 tower was built. Greystone paid the highest property taxes in town.

45
46 Jon Kart said that the Public Service Board was required, by statute, to consult the town plan. The
47 short-term acute problem was to get good language in the town plan, now.

48
49 Vickie Emmet said she was new to the neighborhood and was opposed to the placement of this tower.
50

1 Erin Wagg said she had taken some pictures and her neighbor Gary has AT&T service which requires
2 a line of sight. She implied that if the service works now, there is line of sight from another tower and
3 this tower was not needed.

4
5 Ms. Lord said that the message was consistent, that the group wasn't against towers but just the
6 placement of this tower. Mr. Granda added that the number of towers was a concern being heard also.
7 There hasn't been much said about health effects.

8
9 Amanda Rapp said she had a PhD in Cellular Biology and research from the World Health
10 Organization and the American Cancer Society had no objective, peer-reviewed data showing any ill
11 health effects of cell towers. She didn't want to discount any fear factor, or concerns about the towers.
12 The tower would impact the ability to sell a house, if it was built next to it.

13
14 Cheryl Owens said that there may be no conclusive evidence that it is harmful but there also was no
15 evidence that it wasn't. It was the same with cigarettes. She paid \$18,658 in taxes for less than 5 acres
16 of land and the value will go down if the tower is built.

17
18 Gary Margolis said that there was evidence that hand-held radars were linked to cancer, and this may
19 be similar.

20
21 Diane Wester said she and Cheryl Owens were at the level of the panels and they would be doing
22 whatever they do 24/7, and aimed right at her. We are being led away from health issues because
23 there's no proof. We don't have answers on how productive these towers will be.

24
25 Wright Preston said he had reached out to AT&T about the future tower on the Jericho border, but
26 they haven't said what their plans are.

27
28 Ms. Heston said it was important to have the meeting. Mr. Granda said it wasn't out of the goodness
29 of their hearts that they offered the meeting, they want to build towers. The town's strategy needs to
30 not be "gamed."

31
32 Ms. Lord asked if we should get counsel.

33
34 Mr. Yeates agreed with Mr. Granda, and that they wanted to make it easier to get through the Public
35 Service Board process.

36
37 Earl Wester said we should be looking into experts to comment on the aesthetic value. This
38 information would be appropriate and available. Ms. Heston and Mr. Granda agreed.

39
40 Gary Margolis said that we need cell towers, just not this way. The neighbors are not opposed to
41 technology, just not this way.

42
43 Cheryl Owens asked about using the electrical towers. Ms. Lucht said that during the Verburg
44 presentation they indicated that they would have to de-energize the towers each time maintenance
45 needed to be performed, which would cut power to thousands. This was not in the public's best
46 interest.

47
48 Erin Rapp said that this wasn't their problem.

49

1 Ezra Hall said that we could hire a third party technical expert to see if other locations would work.
2 The approach of just one meeting would not allow us to look at the big picture. Would the
3 Selectboard be willing to hire a third party technical expert to develop a plan?
4

5 Mr. Granda asked if Mr. Hall could get us estimates.
6

7 Ms. Heston said that the Selectboard wasn't done talking about this issue and would take this up again
8 on December 2nd.
9

10 Health Order: 1146 Dugway Road, Cross
11

12 Wright Preston explained that the Lawrence and Donna Cross owned a rental unit at 1146 Dugway
13 Road that had a failed septic and greywater system. The past two tenants at the property complained
14 to him about the failed system, which was yards away from the Huntington River. The health order
15 stipulated that the rental unit was to remain unoccupied until a new, permitted septic system was
16 installed.
17

18 Ms. Lucht offered a motion to make the emergency health order permanent, as issued by the Health
19 Officer, and was seconded by Mr. Granda. The motion carried 5-0.
20

21 Mr. Granda asked if Mr. Preston had a chance to check out if there were any open health violations on
22 the creamery property. Mr. Preston said he would look into this with the state's Fire Marshal.
23

24 FY2014 Budget and Capital Plan Updates
25

26 The Manager explained the changes to the budget thus far. Tom Levesque was present to discuss the
27 Fire Department Budget, which was largely unchanged except for to additional maintenance lines for
28 hose and pump testing.
29

30 Ms. Lucht said that the Selectboard may change the budget to increase the water and sewer budget line
31 in accordance with what the Water Commission needs to discuss.
32

33 Mr. Granda asked if the department was budgeting for a new roof. Mr. Levesque said that the roof
34 was eight to ten years old and didn't need to be replaced yet. Mr. Granda said that this was a good spot
35 for solar panels, however, it would be best to wait until a new roof was put on to install the panels.
36

37 Mr. Levesque discussed the replacement fire truck. The estimated replacement price was \$415,000 to
38 replace the 1995 truck. This would increase the per-year cost that was in the budget for the 2011 truck
39 by approximately \$6,000 on a five year note but this would be bid. He recommended a bid based on
40 performance and not price, since he had heard some trucks were being delivered with inferior
41 workmanship to meet cost restrictions.
42

43 There was some discussion. The Selectboard requested language at the December 2nd meeting for
44 this funding article. The Selectboard thanked Chief Levesque for his time.
45

46 The Manager then went through the Appropriations line items under the general budget. Mr. Yeates
47 commented on the Richmond Rescue line. He said that this had increased due to standards of care for
48 certain interventions. The squad was also buying new CPAP machines and other protocols were
49 increasing annual costs by over \$10,000. They were asking towns to contribute a little more.
50

1 Ms. Heston asked if the original request for funding was a short-term request, after which the annual
2 contribution request would go back down to where it was three years ago. There was some discussion
3 and Richmond Rescue would be consulted on this.

4
5 There was significant discussion on Red Cross funding, COTS funding, Visiting Nurses funding and
6 other lines. The discussion was on amounts, and whether it was appropriate for the town to donate on
7 behalf of citizens.

8
9 Ms. Heston felt that the VNA request was too high compared to the other funding. Mr. Yeates wanted
10 to eliminate the GBIC funding. Ms. Heston would like to give COTS some funding, but Ms. Lord said
11 COTS was a good organization but the Richmond Food Shelf was a better local organization. Mr.
12 Granda said that the Selectboard needed a more clear policy on how to deal with charitable funding
13 requests.

14
15 Cara LaBounty said that you are taxing people to provide a donation, which may prevent them from
16 donating on their own.

17
18 The Selectboard directed that the budget be modified so that Appropriations do not exceed a 2%
19 increase from last year, unless under a contract, or else remain funded at 2014 levels.

20
21 Mr. Yeates offered a motion to agree to fund the RPC at \$5,748; CUSI at \$7,536 and all others at 2014
22 levels. Ms. Lucht seconded the motion, and the motion failed 1-4 with Ms. Heston, Ms. Lord, Mr.
23 Granda and Ms. Lucht voting against.

24 25 Capital Budget

26
27 The Manager explained that the Capital Budget was not yet set and not all items on the schedule were
28 included in the budget draft. The Selectboard needed to finalize the Capital Plan and include
29 scheduled items in the budget. There was discussion on the most recent draft of the Capital Plan.

30
31 Ms. Lord offered a motion to approve the Capital Plan, and advertise a public hearing for January 6,
32 2014 at 7:30 pm and was seconded by Ms. Lucht and the motion carried 5-0.

33
34 The Manager advised he would update the budget according to the final Capital Plan.

35 36 Lister Budget

37
38 Ms. Heston said that the salaries should reflect the recommendation in the Governance Committee's
39 report. This would change salaries from \$16,000 to \$24,000, plus an increase in FICA.

40
41 Cara LaBounty recommended that the Selectboard look at Jericho, as they have an employee who
42 works 20 hours per week at a higher rate of pay than the Governance Committee recommended.

43
44 There was some discussion.

45
46 Mr. Yeates said he would support increasing contractor costs to \$17,000 and keep salaries at \$16,000.
47 Depending on how the vote went, the budget could be used to cover either option.

48
49 It was also agreed that the town would remove the VYCC Pilot payment for next year. The CCRPC
50 Unified Work Plan funding for the traffic study would wait until FY2016.

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Website Discussion

The Manager explained that there were two final options for a new website. The first was CivicsPlus, a proprietary site that had a higher startup cost but was clearly a high quality site used by hundreds of towns across the country. The second option was to develop a site using a Wordpress template at a lower startup cost, but would require more development time and an unknown development cost for all of the features that the town would like to see.

Ms. Lucht offered a motion to go with CivicsPlus and was seconded by Mr. Yeates.

The Manager went through a memo detailing pros and cons of each solution.

Ms. Lucht said that the town was able to update and modify content in-house under the CivicsPlus option. Ms. Heston said that this was still a proprietary site, and no one was doing this anymore. The renewal rate of \$2,500 per year was too expensive. With Wordpress there may be more planning but the costs were much more reasonable.

Mr. Yeates disagreed. he felt that cost was not a significant factor and we have an immediate need that CivicsPlus would be able to fulfill.

Ms. Lucht said that CivicsPlus raises our website to what we want to portray for Richmond. Some Wordpress sites can look thrown together. Ms. Heston said that the ones provided by Joanna Cummings were very nicely done.

Ms. Lord said she was leaning towards going local.

Mr. Granda said he was siding with Ms. Heston and wanted a more reasonably priced option. Mr. Yeates said we need to do this now.

Mr. Yeates called the question. The motion failed 2-3 with Ms. Heston, Ms. Lord and Mr. Granda voting against.

Mr. Granda offered a motion to go with a Wordpress developer and was seconded by Ms. Lord and the motion carried 3-2 with Ms. Lucht and Mr. Yeates voting against.

Health Insurance

The Selectboard discussed the earlier request to change from offering the BCBS Standard Gold plan to the Standard Platinum plan. Linda Parent, Town Clerk and Connie Doherty, Financial Assistant, were present to state their case. They stated that with the Gold plan the savings was \$51,000 but with the Platinum plan the savings was still \$31,000, but had a greater benefit to the employees.

Mr. Yeates wanted clarification on the rate of support. Ms. Doherty stated it was still 100% of the premium but 0% of the deductible. There was some discussion. Ms. Lucht said that the town needed to re-evaluate the opt-out funding.

Mr. Yeates offered a motion to change the town's offering of the health plan from the BCBS Standard Gold, with the employer paying 100% of the premium but 0% of the deductible, to the BCBS Standard

1 Platinum plan with the same conditions. Ms. Lord seconded the motion. The motion carried 4-0-1
2 with Mr. Yeates abstaining.
3

4 Ms. Heston said that we needed to have a conversation about the opt-out. There was significant
5 discussion. Mr. Yeates offered a motion to change the opt-out to \$2,500 for single employees and
6 \$5,000 for two-person or family and was seconded by Ms. Lucht. The motion carried 5-0.
7

8 Reports from Selectboard and Town Manager 9

10 Mr. Granda offered a motion to defer the following reports to the next meeting: Economic
11 Development; Depot Street; Health Policies; Works in Progress and Financial Reports. Mr. Yeates
12 seconded the motion and the motion carried 5-0.
13

14 The Manager brought up the Audit. He said he had looked into the situation and the delay was not due
15 to the current auditors but rather the town's hired CPA has been delayed in developing the financial
16 statements. So, the delays were the town's fault and not the auditor. The Manager asked if the
17 Selectboard still wished to RFP audit services for FY2014.
18

19 The Selectboard agreed that after five years it was time to RFP Audit services, but this did not
20 preclude the current auditor from submitting a proposal for review and possible approval.
21

22 Warrants 23

24 Mr. Yeates offered a motion to approve the warrants and was seconded by Ms. Lucht and the motion
25 carried 5-0.
26

27 **4. Adjourn**

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