

**RICHMOND SELECTBOARD
REGULAR MEETING
October 21, 2013 MINUTES**

Members Present: June Heston, Chair; Amy Lord, Vice Chair; Chris Granda; Ashley Lucht
 Absent: Taylor Yeates
 Others Present: Geoffrey Urbanik, Town Manager; Bob and Chris Fischer; Gary Bressor; Linda Parent, Town Clerk; Mary Houle, Lister; Cara LaBounty, Lister; Jack Linn; Cathleen Gent, Town Planner; Jackie Washburn; Donna Saks; Frederick Barrett; Angela Cote; Erik Filkorn; Susan Whitman; Brad Elliott; Ann Cousins; Beth Elkind; Jon Kart; Alan Buck, Chief of Police; Wright Preston, Health Officer; Neal Leitner, Zoning Officer and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

June Heston called the meeting to order at 7:10 PM.

1. Welcome and Public Comment

June Heston asked if there were any comments from the public.

Cara LaBounty asked if the Selectboard would set up a donation account for the water system to allow anyone who wants to donate funds to help subsidize water rates.

Ann Cousins of the Richmond Economic Development Committee read a statement urging the Selectboard to immediately address the water and sewer rates for businesses. Ms. Cousins said she didn't want to belittle residents but the REDC was focused on the business community. The REDC had presented a multi-pronged plan that was not meant to be all inclusive, but would alleviate the crisis affecting the businesses. Ms. Cousins statement was:

We urge the Selectboard to put the water/sewer rates problem at the top of its agenda.

Plan: Phase in the water/sewer rate increase for all users

Action: Refinance the 20-year Bond with a 30-year Bond [work with Beth Pierce]

Plan: Reallocate Costs

Action: Recalculate different rates for different users—residences, businesses, and civic users.

Increase rates for civic users: Town Offices, Fire District, and Schools.

Action: At Town Meeting, bring to voters a recapitalization plan that shifts some water system improvement costs to the Town.

Action: Quantify the contribution of Richmond village businesses to the tax base and advocate for Town-wide capitalization for some of the repairs.

Plan: Access Jericho Road Bond Division

1 Action: Do further analysis of the Jericho Road construction project and bond division to access
2 whether the division of costs between Town and Water District was correctly assigned.

3
4 Plan: Redevelop the Creamery Parcel to bring in more users

5 Action: Expedite rezoning of the “creamery parcel” to allow for mixed use and density bonuses

6 Action: Town, RDC, or NPO should pursue with Craig Caswell a transferable option to purchase the
7 property and apply for DEC Brownfields Program grants for Corrective Action Planning, due Nov. 4,
8 2013.

9 Action: Once the Town/RDC/NPO has the Corrective Action Plan and transferrable option, there are
10 two possible actions: 1) issue an RFP for a private developer to purchase, implement the Corrective
11 Action Plan, and redevelop the site; or 2) the Town/RDC/NPO exercises its option and purchases the
12 property in order to apply for grants to clean the site; once clean, the Town/RDC/NPO issues an RFP
13 to a private developer to purchase and redevelop the site. (The Town/RDC/NPO can apply for grants;
14 a for-profit developer only has access to low interest loans.)

15
16 Plan: Increase Septage Fee Returns

17 Action: Create a Septage Hauler program that is competitive and brings more haulers to Richmond.
18 Publish a list of preferred haulers who agree to use Richmond for their Septage pump out.

19
20
21 Ms. Heston announced that the Selectboard would enter an executive session to discuss pending
22 litigation. Mr. Granda offered a motion to enter executive session to discuss litigation at 7:20 pm and
23 was seconded by Ms. Lord and the motion carried 4-0.

24
25 The Manager, Health Officer Wright Preston, Zoning Officer Neal Leitner and Attorney Mark Sperry
26 were involved in the executive session as well.

27
28 At 7:45 pm Ms. Lord offered a motion to adjourn the executive session and reconvene the regular
29 session and was seconded by Mr. Granda and the motion carried 4-0.

30
31 **2. Items for Discussion with Those Present**

32
33 **Zoning Violations and Legal Actions**

34
35 Mr. Granda offered a motion to enjoin Steven Bordeaux from further activity related to the health
36 order at 43 Bordeaux Lane and was seconded by Ms. Lucht and the motion carried 4-0.

37
38 Ms. Lucht offered a motion to authorize legal action against Deborah Mobbs for new fill in the
39 floodplain; debris at the home and an unpermitted apartment inside the home, and was seconded by
40 Mr. Granda and the motion carried 4-0.

41

1 Mr. Leitner explained updates on the James O'Brien zoning violation which had been discussed at
2 previous meetings. Mr. Leitner explained that the issue was a disputed property boundary. The
3 boundary description had been agreed to by Mr. O'Brien and the Curleys, however, the location of the
4 line was disputed. This had led to the issue of the location of Mr. O'Brien's storage buildings and how
5 close to that line were they. Mr. O'Brien had hired Button Land Surveyors (Chris Haggerty) and the
6 line had been surveyed and marked. Mr. Haggerty had said that the former Robenstein survey was
7 accurate in its descriptions, however, the sketch showed that the Curley house was in the wrong
8 location. The house was actually on the line itself, so that the Curleys had believed the line was
9 several feet further away. Mr. O'Brien had, nonetheless, finally removed the storage units that were
10 found to be in violation.

11
12 The Manager asked if the permit was issued, and Mr. Leitner said that two permits were required, and
13 one permit was still outstanding. The Manager said that he didn't believe this would solve much but
14 that the issue has been going on for over six months and the permit needed to be applied for and
15 issued, and if not, then legal action must be taken. This issue could not continue to come back before
16 the Selectboard.

17
18 Mr. Leitner further explained that the fence that was believed to be on the property line was moved,
19 but was now on Mr. O'Brien's property. This was an ongoing zoning issue that would be handled
20 separately from the existing violation.

21
22 The Manager asked for legal action since the violation was still open, and per the last meeting Mr.
23 O'Brien had until today to remedy the violation. There was some discussion. The Selectboard agreed
24 to give Mr. O'Brien until the close of business on October 22nd. Ms. Lucht offered a motion to
25 authorize legal action against Mr. O'Brien for the outstanding zoning violation if not remedied by the
26 close of business on October 22nd and was seconded by Mr. Granda.

27 28 Governance Committee Presentation

29
30 Jon Kart presented the recommendation report supported by the majority of the Governance
31 Committee members. Mr. Kart was the chair of that committee, and the members were Rick Barrett,
32 Angela Cote, Brad Elliott and Wright Preston. The Selectboard liaison was Taylor Yeates, the Town
33 Manager was an ex officio member as were the Listers Mary Houle and Cara Labounty.

34
35 Mr. Kart explained that the committee had voted 4-1 to recommend a change from elected listers to
36 appointed assessors. Ms. Cote had dissented, and would present her "minority report" following this
37 report.

38
39 Mr. Kart stated the charge put before the Committee, "The Selectboard shall appoint a charter review
40 committee and shall charge this committee with reviewing the charter and making recommendations to
41 the Selectboard on amending the charter to make the positions of Lister appointed rather than elected
42 in time to be on the next town meeting ballot." Mr. Yeates had developed the scope of work for the
43 committee and the committee researched the issues, heard from guest speakers and Richmond's listers
44 about how the office functioned.

45
46 Mr. Kart said that he felt this would be a good move in the long term. He explained the difference
47 between the elected listers and the appointed assessors, and explained that a charter amendment could
48 be offered or the town could follow the new procedure under Act 21 which allows a town to switch
49 from elected listers to appointed assessors without a charter amendment.

1 Mr. Kart also mentioned that the town needed more accountability with the listing function, and there
2 was little supervision of the listers. He mentioned the recent VYCC legal decision, where the VYCC
3 appealed their taxes and were ultimately found to be exempt. He said that had the listers been
4 accountable underneath the Selectboard or Town Manager there might have been a pause before their
5 values were changed. He added that he thought our listers were doing a good job, but we still had one
6 empty seat.

7
8 Mr. Kart noted the predicted budget for the listers office under the new system. He said that we would
9 need about \$8,000 more than under the current budget. He said that our listers were underpaid, but
10 their request from last year's budget discussion was \$24,000 for salaries so there was some evidence
11 that additional funds were needed for the listers budget. He said that with his analysis, the difference
12 of budgets between a full board of listers and the NEMRC quote was not that much.

13
14 Angela Cote then presented the minority opinion. She stated that it was a pleasure to serve on the
15 committee and was proud of the work that was done. She explained that she disagreed with much of
16 the majority's opinion, and said there were additional concerns not addressed in that report, such as the
17 fact that even with a lack of experience or qualifications, elected listers have done well and there is no
18 crisis with the Grand List now. She said that the VYCC appeal was proof that sometimes the town
19 needed ruling from a higher authority, and under the new system the Selectboard would not be any
20 more qualified to hear appeals than the current board of listers.

21
22 She said that the Selectboard is being asked to make a judgment using information presented to them.
23 To centralize the listing function into an appointed or contracted service is not possible. She suggested
24 that the true cost cannot be estimated, and since NEMRC is becoming a monopoly in Vermont
25 appraising for towns, their contract costs will continue to increase. She said that we should question
26 whether or not the Town Manager can supervise this function, with all of the other responsibilities.
27 She pointed out that in the town's charter, under the Town Manager in section A2 it states that the
28 Town Manager will not have authority over the assessment of taxes or property valuation.

29
30 She said that with an elected board of listers it keeps these functions separate.

31
32 The Listers also provided a presentation. Cara LaBounty and Mary Houle to address the listing
33 functions, budget costs and other items. Ms. LaBounty noted the recent VYCC tax appeal decision, in
34 which VYCC won their appeal claiming a total exemption. She said that the Board of Civil Authority,
35 in which the Selectboard members were a part, did not feel qualified to grant a total exemption that the
36 listers had refused to grant. She said that the only way to settle that issue was through the court system
37 and it was not the fault of the listers that the ruling came as it did. The original VYCC decision from
38 2006 had just come from a negotiated and stipulated agreement between the Selectboard and VYCC.

39
40 Mr. Granda asked if the appeal was because the listers did not take that agreement into account.

41
42 Ms. LaBounty said she actually applied that same settlement to the second property (East Monitor
43 Barn), bought after the settlement on the first property (West Monitor Barn). Mary Houle said that for
44 listing purposes, the property cards had to be treated as one, and combined.

45
46 Ms. LaBounty added that people should know the true cost of the proposal before them. She said that
47 with the change in Delinquent Tax Collector from elected to appointed, it was an accounts receivable
48 person with little independent authority to begin with. She noted that the CLA had increased since she
49 and Ms. Houle had been elected. She further commented that with all elected officials, including the

1 Board of Civil Authority, they had to be accountable to the voters. If you assumed that the Listers
2 were not, then you must apply that thought to all elected officials.

3
4 Regarding the availability of appointed assessors, she noted that the report found that several towns
5 like Cavendish or Hartland used them but why would they commute to Richmond?

6
7 Ms. Houle spoke about neighboring towns' lister offices. She said that most were paid higher and
8 higher budgets, but none were lower. Ms. LaBounty said that Richmond's listers were the lowest paid
9 and had the lowest overall budget. If we brought in a full time assessor then you might have benefits,
10 or higher contract costs. She said that the lowest paid Richmond administrative employee made
11 \$17.65 per hour while the Listers only earned \$12.00 per hour.

12
13 There was some additional discussion about the current budget and the budget included in the
14 recommendation report.

15
16 Ms. Heston thanked everyone and spoke to the group, saying she was surprised that the committee had
17 recommended a third party contractor. Mr. Kart said that he presented an example from one possible
18 contractor, NEMRC. Williston had part time employees, but contracted with a professional appraiser
19 also. Mr. Barrett added that this was just one quote from NEMRC but there were many different ways
20 to go.

21
22 Ms. Heston felt that this decision would ultimately come down to dollars. Ms. Cote said that the
23 charter could be amended to include a variety of scenarios that include elected and appointed officials.

24
25 Gary Bressor said that the listers need more oversight. He felt he had been relentlessly harassed by
26 Cara LaBounty and Mary Houle, with zoning last year and with his building permit back in June of
27 this year. He said they were wrong on the facts and the law and now he heard that Mary had said he
28 had stolen property from Betty Preston. He tried to explain his bid. He felt very slandered and he said
29 that he had gone to the Town Manager to say that these two people should not be in office.

30
31 Wright Preston said he had spoken with the Town Manager in Jericho about their change with moving
32 from elected to appointed Listers, and they had been pleased with the results. Ms. Cote noted that was
33 a charter change. In Williston, they have not changed their charter, but agree on how the office will be
34 run.

35
36 Cara LaBounty responded to Gary Bressor. She said that she was glad Gary had an opportunity to
37 speak, just as she has. She said she appreciated his opinion but it had nothing to do with the Listers.
38 She said that contractors were used to value his property, the Listers had no influence in his value and
39 the Listers were not harassing anyone.

40
41 Mary Houle denied that she said that he stole property.

42
43 Mr. Kart said that the Governance Committee will provide a timeline for both a charter amendment or
44 use of the Act 21 procedure. The budget will also be reviewed, and agreed that our Listers were
45 underpaid.

46
47 Ms. LaBounty said that this discussion was now personal, and she chose to not participate in it further.
48

1 Erik Filkorn said that he was on the last Governance Committee where they examined the Town
2 Manager issue. The Lister question was also raised, but at the time the committee had felt it would be
3 worthwhile to have appointed listers but could not agree on how to make the recommendation.
4

5 Mr. Granda said that the real issue pertains to accountability and cost. He wanted to inform the public
6 about the recent VYCC appeal decision, and he also noted the costs for VYCC were over \$26,000 and
7 the town's legal costs were almost \$11,000. Additionally the town stood to lose the current Payment
8 In Lieu of Taxes (aka PILOT) of more than \$9,000 per year. Mr. Granda said that these were the
9 hidden costs of Lister decisions. There was discussion. Ms. LaBounty again said that she applied the
10 partial exemption to the property that had been previously paying a full tax bill. Mr. Granda said that
11 the Listers took action to broadly affect policy with significant impacts to the town, without consulting
12 the Selectboard.
13

14 Ms. LaBounty said it was expensive to defend the Grand List. If the state had an approved tax
15 exemption application from VYCC they we wouldn't be having this discussion. The Listers office was
16 not responsible for these legal costs.
17

18 Ms. Heston asked the full committee to continue to research the costs issue. The Selectboard thanked
19 everyone for their hard work.
20

21 **3. Other Business**

22 Budget Discussions

23
24
25 The Manager introduced Chief of Police Alan Buck, present to explain his budget. Chief Buck
26 provided an explanation for the changes in his budget. The largest changes were to the fuel line, and
27 the police cruiser line. Chief Buck explained that the current model vehicle they have been purchasing
28 will no longer be available. The other vehicle options are more expensive than the \$26,000 that had
29 been allowed. He said that he would be looking at Ford all wheel drive vehicles.
30

31 There was some discussion on the budget, which was minimally changed otherwise. Chief Buck said
32 that the Police Reserve had little money in it. The Manager explained that in years past this had
33 supplemented vehicle purchases and vehicle equipment purchases. Ms. Lucht said that the Police
34 Reserve fund needed to be increased.
35

36 The Selectboard thanked Chief Buck.
37

38 Mr. Granda noted an audience member wanted to speak. Susan Whitman said she wanted to talk
39 about the cell tower proposed on Johnnie Brook Road. She said that with Richmond's topography,
40 siting a tower was difficult. She said she liked the services provided by cell towers, but was not sure
41 that this tower would fill needs. She was aware that other towers were also coming in to town, but
42 who knew if they were addressing coverage gaps? She hoped to stop the rapid push-through of this
43 tower.
44

45 There was discussion. The Manager agreed, that there were other towers being proposed and there
46 appeared to be overlap and redundancy. He was concerned that if considered one at a time, towers
47 would get approved that would compete with each other and the town would wind up with vacant
48 towers serving no purpose but breaking up the landscape. He suggested the Selectboard write a letter
49 to the Public Service Board to warn of this situation.
50

1 Mr. Granda also agreed that the town did not need ugly, redundant towers. He asked how would we
2 know if these towers would in fact meet coverage needs?

3
4 Wright Preston added that they created disturbances for wildlife also.

5
6 The Selectboard agreed to write an initial letter responding to the rapid proliferation of cell towers in
7 general. They also requested that the applicant for the Johnnie Brook Road tower, SBA Towers IV,
8 Inc., come to a future Selectboard meeting.

9
10 Mr. Granda noted that the hour was getting late and asked that all non-essential items be moved to the
11 following meeting.

12 13 Award of Contract for Snipe Ireland Road Repair

14
15 The Manager explained that the Summer flooding disaster had caused a landslide on the upper portion
16 of Snipe Ireland Road. This was being covered by our FEMA claim at 80%. The low bid was Dirt
17 Tech, and staff recommended a contract award.

18
19 Ms. Lucht offered a motion to approve a contract with Dirt Tech, under Purchase Order #3064, in the
20 amount of \$16,572 for repair of Snipe Ireland Road. Mr. Granda seconded the motion and the motion
21 carried 4-0.

22 23 Award of Contract for Volunteers Green Roofing

24
25 The Manager explained that the bids were in for roof repairs to the Volunteers Green bandshell and
26 concession stand/bathroom building. The Manager noted that Daniel Begins was the low bidder,
27 however, the second bidder, REAP Construction, had offered to replace the roofing on the baseball
28 dugouts also. The Manager said that Highway Foreman Peter Gosselin explained to him that the
29 dugouts belonged to the Richmond Little League, not the town.

30
31 The second issue was that the bid was taken in two ways for the bandshell, either cedar shingles or
32 asphalt shingles. The asphalt shingles were significantly cheaper.

33
34 Ms. Lucht offered a motion to award a contract for roofing at Volunteers Green to Daniel Begins,
35 under Purchase Order #3067 in an amount of \$5,820 for asphalt shingles for the bandshell and \$4,900
36 for asphalt shingles for the concession stand. Mr. Granda seconded the motion and the motion carried
37 4-0.

38 39 Change Order to J. Hutchins Contract for Hinesburg Road Culvert

40
41 The Manager explained that this was a housekeeping item on this contract. The change order was for
42 additional quantities for paving as the road cut was slightly larger than anticipated. This change was
43 authorized in the field by the town's engineer, Meg Armstrong, however, the additional amount was
44 never authorized by the Selectboard. This was for an additional \$2,175.

45
46 Ms. Lucht offered a motion to approve Change Order 1 for J. Hutchins on the Hinesburg Road Culvert
47 project in the amount of \$2,175 and was seconded by Mr. Granda and the motion carried 4-0.

48 49 Change Order to 1-800-Got-Junk for Bordeaux Lane Cleanup

50

1 The Manager explained that the Bordeaux Lane cleanup had more than anticipated tonnage. The
2 contract price was \$13,500 but the contractor was asking an additional \$3,500 for unanticipated costs
3 due to higher quantities of debris. The Manager said he agreed, since it was a broad request to clean
4 up an area that could not be adequately scoped. Access to the trailer was not available and much was
5 hidden under tarps, etc.

6
7 Ms. Lucht offered a motion to approve Change Order 1 to 1-800-Got-Junk for an additional \$3,500
8 and was seconded by Mr. Granda and the motion carried 4-0.

9
10 Consent Agenda

11
12 The Manager requested that the Minutes of October 7, 2013 and the Purchase Order #3065 for Cargill
13 Salt be moved to the Consent Agenda.

14
15 Ms. Lucht offered a motion to approve the Consent Agenda and was seconded by Mr. Granda and the
16 motion carried 4-0.

17
18 Healthcare Policy

19
20 The Manager explained that the employer needed to decide on a funding policy before the end of
21 October.

22
23 Ms. Lucht said that Mr. Yeates had already made his opinion known. She agreed, and said that the
24 Standard Gold Plan was acceptable, with the Town Manager's recommendation that the town not pay
25 the deductible.

26
27 Ms. Heston said that the kind of health plan we offer is not offered anywhere else, and this policy
28 continues to be a very generous policy.

29
30 Ms. Lucht offered a motion to adopt a Healthcare Policy where the town funds 100% of the premium
31 of a Blue Cross/Blue Shield Standard Gold Plan, no funding of the deductibles or other out of pocket
32 maximums, and remaining benefits offered remain the same. Ms. Lord seconded the motion and the
33 motion carried 4-0.

34
35 Ms. Lord asked that the Economic Development report be moved to November 4th, and other reports
36 were deferred also.

37
38 **4. Adjourn**

39 Motion by Ms. Lord to adjourn the meeting at 10:05 p.m. Seconded by Mr. Granda. So voted.