

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
J u l y 6 , 2 0 1 5 M I N U T E S

Members Present: David Sander; Bard Hill; Taylor Yeates; Lincoln Bressor

Absent: Ellen Kane

Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Chris Granda; Ian Bender; Peter Pochop, Green Mountain Engineering; Alan Huizinga, Green Mountain Engineering; Kevin Kennedy; Erin Wagg; Ann Cousins; Erik Sandblom, KAS Engineering; Maddie Roth; Bob Meiser; Stefani Hartsfield; Rod West; Jared Katz; Derek Miodownik and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

David Sander called the meeting to order at 7:05 PM.

1. Welcome and Public Comment

Mr. Sander asked if there was any comment from the public for items not on the agenda.

Ann Cousins explained her recent appeal of the DRB decision of the Reap's adaptive use of the barn on their property. She said it wasn't about the Reaps or the Gateway but about historic preservation and the DRB's application of what was in our development regulations.

2. Items for Presentation with Those Present

Net Metered Solar Energy Proposal

Chris Granda explained that since his earlier suggestion of the town researching a net-metered solar energy project and the issuance of the Request for Information, he has come to the determination that the town should issue its own Request for Proposals for such a project. The town did not own suitable land for its own project, and the schools had already signed on to another project with a firm called Green Lantern – and there was not enough surplus power under that project for the town to sign on to. Therefore the only viable option was for Richmond to seek another project in the Green Mountain Power service territory before the end of the year. This was key, since in 2016 the renewable energy tax credit substantially decreased and there was some urgency from investors to line up projects and contracts by the end of the year.

Mr. Granda said this might save the town \$2,000 per year but all of the power would be from renewable sources, which was more important. He requested permission to develop and release and RFP.

Mr. Hill said that the return was explained here but what was the investment requirement? Mr. Granda explained how the net metered and energy tax credit worked. There was no cash outlay by the town, but would come from private investment who would then take advantage of the federal tax credits.

Mr. Yeates asked how we could be sure we'd get a competitive deal with issuing and RFP and not by direct negotiation. Mr. Granda said that the market is somewhat volatile but the 30% tax credit was a motivating factor and these companies were motivated to find projects. Mr. Yeates clarified with Mr.

1 Granda that the risk factor is that a particular project might not get built if there weren't enough off-
2 takers.

3
4 Mary Houle said that it needed to be emphasized that the tax credits were for private investment only.
5 Mr. Granda said that was true and there was no particular benefit to the town but it did create this
6 market that we could tap into.

7
8 Mr. Bressor asked if Mr. Granda felt there would be a flurry of activity on these projects between now
9 and the end of the year, and Mr. Granda said yes.

10
11 Rod West said people were choosing to put industrial solar in good agricultural areas and he wasn't in
12 agreement with that. Mr. Granda agreed, and said he had originally hoped this might lead to solar
13 panels on top of MMU high school but that was not an option. Mary Houle said that brownfields sites
14 would be good candidates. Mr. Granda said he believed that the plan for the creamery redevelopment
15 included some solar.

16
17 Mr. Yeates offered a motion to authorize the Town Manager and Chris Granda to develop and issue an
18 RFP for a net-metered solar energy project, by July 16th, and was seconded by Mr. Hill. The motion
19 carried 4-0.

20 21 **3. Other Business**

22 23 Greystone Drive Repairs; Flood Damages Update

24
25 The Manager explained that he had contacted two engineering firms, Green Mountain Engineering and
26 KAS Consulting, Inc. to provide proposals on developing a plan to repair Greystone Drive. Their
27 proposals were in the packet and representatives from both companies were present to answer any
28 questions. The Manager noted that construction and oversight engineering were not included in these
29 bids, they were for design and bid-phase only.

30
31 Mr. Bressor asked if we were expected to pay for the reinstallation of the private "lines" for electrical,
32 communications and sewer and the Manager said no, but we would provide for a space for them to be
33 buried. After some additional discussion, Mr. Yeates offered a motion to award the contract for the
34 design and bid for Greystone Drive to KAS Consulting, Inc. in the amount of \$17,310 and was
35 seconded by Mr. Bressor.

36
37 Mary Houle asked if this included construction and there would be more than one bid?

38
39 Kevin Kennedy asked how this would be repaired. The Manager said that the project had not been
40 designed yet but it would involve recreating the slope and right of way at the top, plus some
41 prevention method for keeping this failure from repeating.

42
43 The motion carried 4-0.

44 45 Discussion of additional highway damages

46
47 There was a discussion by the board on how to pay for this repair, and other repairs. Mr. Bressor said
48 that in the future, we should not accept public roads built by private developers if there was any
49 potential for damage or not meeting our standards.

50

1 The Manager said he suggested sacrificing part of this year's gravel plan to pay for the Greystone
2 repair, specifically, not completing Snipe Ireland Road and saving that for full gravel work next year.

3
4 Mr. Hill asked, without knowing what the repair would cost, how could we know what we could
5 sacrifice?

6
7 Ian bender asked what about other areas of damage and how would they be affected? Jared Katz said
8 that Snipe Ireland Road was not so bad and could wait for another year.

9
10 Mr. Bressor said that the increase in severe weather may mean that this happens more and more often
11 and more severely. He asked how would we handle damage that was greater than what we had
12 budgeted for maintenance of roads and we did not have FEMA claims?

13
14 Mr. Sander said he was uncomfortable budgeting this way without knowing more details.

15
16 Mr. Yeates said we should instead sacrifice part of the paving plan. He said that some of the roads in
17 Southview and Hidden Pines are not in that bad a shape and don't need an overlay this year. Mr.
18 Sander said his concern was that with the deterioration of the pavement the road bed may become
19 damaged.

20
21 There was some discussion on what would be sacrificed first. The board requested a priority list from
22 Highway Foreman Pete Gosselin for both gravel and retreatment for the next meeting and the board
23 agreed to delay any implementation of the retreatment plan until then.

24 25 Reserve Fund Balances

26
27 The Manager said the system was still being rolled and he wasn't able to report on Reserve Fund
28 Balances until the next meeting.

29 30 Jonesville Speed Limits

31
32 The Manager explained that two years ago Cara LaBounty asked the Selectboard to write to the State
33 to have them lower the speed limit on Route 2 in Jonesville. Right now the limit is 40 miles per hour.
34 The Town Manager was authorized to make this request, and the state received the request but
35 declined to change the speed limit. At our last meeting, Cara LaBounty again asked the Selectboard to
36 request a reduction in the limit for the same reasons that the 50 mph zone on West Main was being
37 eliminated – due to wider shoulders for bicyclists.

38
39 Mr. Yeates said he was against this, if there was no data to support any change. Mr. Sanders asked if
40 he would be in favor of asking the State to do this again, and Mr. Yeates said no.

41
42 Maureen Kangley said this was a waste of time, since she lives in a 25 mph zone and no one does 25
43 mph.

44
45 Mr. Yeates offered a motion to table indefinitely, but there was no second.

46
47 Mr. Sander said we've discussed the issue but there is no action to take.

48 49 FY2016 Tax Rates

50

1 The Manager explained that the municipal rate approved in March was expected to increase by 1.26
2 cents, however, due to a higher grand list value the increase was now only .77 cents. Additionally,
3 preliminary information from the state said that the homestead education rate would drop by over four
4 cents, leading to a net tax rate decrease of around 3.8 cents. The Manager added that the state had not
5 released their calculation of the education rate so he could not be certain if this was a pre- or post-
6 Common Level of Appraisal multiplier rate. However, the Selectboard only set the municipal rate,
7 which was definitely known.

8
9 Mr. Yeates offered a motion to set the municipal tax rate for FY2016 at \$0.6454 and was seconded by
10 Mr. Hill and the motion carried 4-0.

11 12 Sterling House Culvert Update

13
14 The Manager reported that he had researched this culvert and found no indication that it was ever
15 transferred to public ownership or was ever meant to be. He asserted that this was a private culvert
16 underneath a private driveway. This led to a discussion of how would we insure that installation of
17 these kinds of structures, or other improvements, were meeting the public works standards adopted by
18 the Selectboard? The Manager said that some sort of public entity inspection was required for this to
19 actually happen, and that the private installer should be made to pay for that inspection. There was
20 discussion on this topic.

21
22 Mr. Yeates asked why this wasn't just a Water Resources Department policy issue? Mr. Hill said that
23 this particular case wasn't something they would normally deal with. This was a culvert, beneath a
24 water line and only water lines were their concern for inspection.

25
26 Kendall Chamberlin clarified further and said that in many cases, we have been allowing people to
27 install these things either at a lower standard than our specification called for or not ensuring that it
28 was installed correctly. These issues come up years later where people want to turn these over to the
29 town, or claim they can't fix them and the town needs to, or they fail and the town is holding the bill.

30
31 There was some discussion, and Mr. Bressor said that the simple solution was that for private or for
32 public, there needed to be a town engineer's inspection. The Selectboard agreed that there should be a
33 policy going forward to require this, and wanted to see an idea developed by staff on how to
34 implement this.

35
36 Mary Houle said there needed to be an escrow charge for these. She related her experiences with
37 Greystone and the Selectboard took no action to make sure improvements were done correctly, and the
38 town needed to be on top of this.

39
40 Erin Wagg asked who had to approve the inspections, or how to make them meaningful. There was
41 some light discussion.

42 43 River Float Event Update

44
45 The Manager explained that he had spoken to Mike Trimboli over the telephone about this event. Mr.
46 Trimboli sounded like he sincerely wanted to address the town's concerns and was working towards
47 some solutions. The Manager mentioned that after the last meeting, Cara LaBounty had offered to
48 help him find farm fields for either parking or after-events and he had given that information to Mr.
49 Trimboli.

50

1 The Manager then reported that he had contacted the town's insurer, VLCT, and the town's attorney,
2 Mark Sperry, about what the town might want to consider in light of this event. The response from
3 both was that there was no obligation to do more than what the town normally does from day to day to
4 ensure public safety, and in fact, if the town was to try and address some of the board's concerns by
5 taking any specific actions to work with Mr. Trimboli on the event, they may open themselves up to
6 more liability.

7
8 Mr. Yeates said he wanted the event canceled and said it was unsafe and the town wasn't prepared for
9 water rescues. This was dangerous for emergency services volunteers also.

10
11 Mr. Bressor asked if the State's permit had been approved? There was some discussion on this. The
12 Manager reported that Mr. Trimboli had shared an early draft, and that had been forwarded to the State
13 police, but Mr. Trimboli had not yet made formal application himself. Mr. Yeates again said Mr.
14 Trimboli needs to be told that public safety was an issue.

15
16 Ian Bender said that if they were entering on Land Trust land the town could shut down the road.

17
18 Maureen Kangley agreed with Mr. Yeates that the event should be cancelled.

19
20 Jared Katz suggested that the Selectboard say it has not approved or sanctioned the event, and the land
21 trust could close their access.

22
23 The board agreed that Mr. Trimboli should submit the State's permit application, and that the board
24 should comment.

25 26 Card Reading Diesel Pump

27
28 Mr. Sander explained that the town was seeking to purchase and install an electronic tracking fuel
29 pump for diesel at the Highway Garage. This would make reporting easier and more accurate. The
30 Manager added that the town was looking to do this in the current year but these quotes had many
31 unanswered questions and we weren't looking for an award tonight. The price to purchase and install
32 would be over \$10,000 and additional work would be more.

33
34 Maddie Ruth asked what other towns were using. Mr. Yeates said most towns in the area used a
35 private vendor but Milton used its own pumps with a tracking system.

36
37 The Selectboard was generally in favor of developing this idea further.

38 39 Animal Control Ordinance

40
41 The Manager explained that he had taken another look at this ordinance, and made some changes,
42 outlined as follows.

43
44 First, we have nuisance issues – running at large, no license, etc. These issues should be handled by
45 staff with no general involvement by the Selectboard. The ordinance has been revised to make this
46 clear – that these are civil matters where the Police or the ACO can issue a ticket that would simply
47 call for a fine, and appeals would be heard as a complaint in court.

48
49 Second, the enforcement issue was complicated by the initial call from our Health Officer for these
50 amendments and additional power under an ordinance. We've removed these complications from the

1 ordinance and now the Health Officer plays a minimal role in enforcement and is relegated to other
2 duties relative to rabies cases. The primary enforcement remains the ACO and our Police. While this
3 neatens up the ordinance, it does not remove the authority which we tried to include in the previous
4 version – the Health Officer can still issue a Health Order under State legislative authority if he
5 believes that there is a risk to the public from a dog. What we’ve done is remove the confusing
6 elements from our ordinance to clarify enforcement roles.

7
8 Third, the definitions under State law in 20 VSA Chapter 191 don’t include a vicious dog definition,
9 while 20 VSA 2546 talks about investigations of vicious domestic pets. What we wanted to do was
10 define what a vicious dog was, and we went further to name an accused dog a “potentially vicious”
11 dog. My thought was, prior to the statutory hearing, why would we call a dog vicious? It was a due-
12 process thought which went awry and apparently became too vague or cumbersome to work. We’ve
13 eliminated the “potentially vicious” definition, but kept a vicious definition to provide some clarity to
14 later references in the ordinance.

15
16 Fourth, most of what is left under sections 8, 9 and 10 are modeled after the statutes. If a dog bites
17 someone and they require medical attention, state law requires the legislative body to investigate and
18 hold a hearing within 7 days of a written complaint. The most significant amendment we’ve made is
19 delegating the investigation to the police, but the statutory hearing remains with the Selectboard. In
20 these sections, we’ve clarified who is the primary contact for impoundments, etc., to be the ACO (but
21 the Police will still play a role in the event of an immediate threat). We’ve eliminated any mention of
22 the Health Officer’s role here (beyond rabies concerns) but again, in the interest of public health, the
23 Health Officer may act independently under a separate statute.

24
25 We’re also clarified that the hearings will only apply to complaints of dog bites requiring medical
26 attention and not complaints about potentially vicious dogs from nervous citizens – this relies on the
27 statute and no longer expands the use of the hearing.

28
29 The on/off premises debate continues. Our Town Health Officer insists that this apply to on-premises
30 bite complaints and his reasons have been explained before. This will come down to how the
31 Selectboard feels the town should act in these cases and how the ordinance will or won’t apply.

32
33 The Selectboard discussed the ordinance and was in general agreement that it had been amended well
34 enough for a first reading at the next meeting.

35 36 Use of Tilden Elm Tree

37
38 The Manager explained that he had prepared an RFP for the use of the Tilden elm, and had received
39 one response since the last meeting. This was a good response, from John Monks in Bristol, who
40 offered to provide the town with one 10’ x 4’ table free of charge, with using the rest of the wood for
41 other items for sale.

42
43 There was some discussion. The board suggested we contact Mr. Monks, and ask for a price on one
44 additional table. Mr. Sander suggested a brass plaque also, commemorating the tree and the crafter.

45 46 Reports from Selectboard and Town Manager

47
48 The Manager reported that he wasn’t able to attend the last economic development committee
49 meeting, and Ms. Kane was not present this evening.

1 The Manager noted the police report.

2
3 The Manager then explained that recently, use of Volunteers Green has increased and at certain times
4 there are capacity problems. Youth sports have become more popular, and there are complaints about
5 speeding on Esplanade Street. He said that there needed to be a way for additional parking and access
6 issues to be resolved.

7
8 Derek Miodownik, a resident of Esplanade, concurred and said people are cutting between the stones
9 at the end of the access road, making a loop onto Esplanade. This is new and not something anyone
10 was prepared for, and parents rushing with kids to get to the games on time seemed to be part of the
11 issue.

12
13 There was additional discussion. Mr. Hill said that the issues seemed to be traffic flow in the park and
14 establish and posting a speed limit for Esplanade. It was noted that the “Visually Impaired Child” sign
15 at the entrance to Esplanade was no longer required. Mr. Yeates said he would be willing to explore
16 the speed limit issue for village streets.

17
18 The Manager noted that the new zoning administrator, Niels Rinehardt, was officially hired and has
19 begun work.

20 21 Appeal of Reap Decision

22
23 The Manager explained that Ann Cousins had filed an appeal of the DRB’s approval of the Reap
24 application for adaptive use of their barn. This sought to remand the case back to the DRB for
25 additional information on the historic preservation criteria. He said this would be the subject of
26 executive session, but the Selectboard was in charge of the appeal on behalf of the town.

27 28 Active Richmond Land Trust DRB Application

29
30 The Manager explained that the Richmond Land Trust was seeking site plan approval for their land on
31 Route 2 at the Willis Hill. This is for an access and parking lot. This abuts Riverview Cemetery, and
32 the cemetery commissioners object to certain aspects of the application. The Manager was contacted
33 by the Land Trust and asked who had jurisdiction – the Cemetery Commissioners or the Selectboard.
34 After consulting with Mark Sperry, he believes that in this case, matters of the property (but not the
35 management of the cemetery) are purview of the Selectboard. Regardless of how the Cemetery
36 Commission reacts, should the town take any position on this application? The next hearing is July
37 8th.

38
39 Mr. Yeates said he did not want to accept party status on this application, and continue to let the
40 Cemetery Commissioners object. The cemetery was an important piece of history in town and he feels
41 that Richmond Land Trust is pushing an agenda they can’t defend.

42
43 There was quite a bit of discussion on whether and how the Selectboard should participate in this. The
44 Manager said that the original concern was that the Land Trust was going to cross town property, and
45 who had the right to allow or reject this? But the actual plan submitted shows that there is no crossing
46 of town property so the main concern for the town’s property was moot.

47
48 Mr. Yeates offered a motion to take no action. After a bit this motion was withdrawn. There was
49 considerable discussion on how to proceed, or allow the Cemetery Commission to proceed. The

1 Manager said that if the Cemetery Commissioners appealed any final DRB decision, the Selectboard
2 would manage the appeal on behalf of the town.
3

4 There was some other discussion and the Selectboard agreed that in matters of access the Selectboard
5 controlled the issue, however they declined to take any action on this application.
6

7 The Manager also said that the June 27th meeting on the status of the purchase of the creamery did not
8 happen, but he confirmed with the buyers that interest exists. He also received an email from the
9 owner, following the preparation of the agenda, that the purchase and sales agreement was still active
10 and there was another three months allowed. The main thrust of the examinations now were fine
11 tuning demolition costs for the main building. The Regional Planning Commission's initial estimates
12 were broad, with lots of unanswered questions – and now the buyer is seeking more exact estimates.
13

14 The Manager noted that over the weekend another person had drowned in the Huntington Gorge. The
15 Manager said that emergency responders from Richmond, Bolton, Williston, Stowe Mountain Rescue
16 and Colchester Technical Rescue as well as Essex and the State Troopers had responded. Since the
17 recovery of the body had to be called off overnight, two Richmond police officers (Brett Lindemuth
18 and Rick Greenough) were stationed to secure the scene. The Manager thanked everyone who
19 responded for their help.
20

21 Approval of Minutes 22

23 Mr. Yeates offered a motion to approve the minutes of June 15, 2015 and was seconded by Mr.
24 Bressor and the motion carried 4-0.
25

26 Approval of Work in the Right of Way Permits 27

28 The Manager explained the right of way permits. Mr. Yeates offered a motion to approve ROW
29 Permit #15-046 to J. Hutchins on Rodgers Lane and was seconded by Mr. Bressor and the motion
30 carried 4-0.
31

32 Mr. Yeates offered a motion to approve ROW Permits #15-047, -048, -049 for Vermont Gas and was
33 seconded by Mr. Bressor and the motion carried 4-0.
34

35 Access Permit 36

37 The Manager explained access permit 15-065 for Huntington Road. There was some confusion
38 between the Highway Foreman's notes and the applicant's notes on the width of the driveway access
39 at the road and whether it needed to be widened. This was referred back to staff for clarification.
40

41 Approval of Purchase Orders 42

43 Mr. Yeates offered a motion to approve Purchase Order 2471 to Hinesburg Sand and Gravel in the
44 amount of \$47,998.85 for winter sand. The motion was seconded by Mr. Bressor and the motion
45 carried 4-0.
46

47 Mr. Yeates offered a motion to approve Purchase Order 2472 to Hinesburg Sand and Gravel in the
48 amount of \$207,990.90 for road gravel. Mr. Bressor seconded the motion and the motion carried 4-0.
49

1 Mr. Yeates offered a motion to approve Purchase Order 2509 to Richmond Home Supply for road
2 culverts, matching the State Contracted price, in the amount of \$12,861.60 and was seconded by Mr.
3 Bressor. The motion carried 4-0.

4
5 Mr. Yeates offered a motion to approve Purchase Order 2510 to All States Asphalt for Calcium
6 Chloride in the amount of \$11,999.87 and was seconded by Mr. Bressor. The motion carried 4-0.

7
8 Mr. Yeates asked what the additional work was for on the John Scott purchase order. The Manager
9 said that there was additional room under the structures grant for work on the ditch related the project.
10 Mr. Yeates asked why this wasn't in the original bid and the Manager said this was an add-on that was
11 being done only because of the additional funds availability.

12
13 Mr. Yeates offered a motion to approve Purchase Order 2511 to John Scott for additional work related
14 to the Huntington Road culvert project in the amount of \$24,360. Mr. Bressor seconded the motion
15 and the motion carried 4-0.

16
17 There was discussion on whether or not to approve the purchase order for asphalt paving, in light of
18 the earlier discussion on how to pay for the Greystone Drive repair – using either gravel plan funds or
19 retreatment plan funds.

20
21 Mr. Yeates offered a motion to approve Purchase Order 2512 to Pike Industries for asphalt paving in
22 the amount of \$289,999.97 conditioned upon secondary approval of the final retreatment plan by the
23 Selectboard, following the next meeting's discussion of how to address the Greystone Drive repair.
24 Mr. Bressor seconded the motion and the motion carried 4-0.

25
26 The Manager presented the internal controls report to the Seletboard, as signed by the Treasurer –
27 Mark Aridgides. Mr. Sander signed the report.

28 29 Appointments

30
31 Mr. Yeates asked if the Economic Development Committee vacancies were advertised prior to
32 Morgan Wolaver's interest. The Manager said no, not since March. There was some discussion. Mr.
33 Yeates requested that the REDC vacancies be advertised for 30 weeks before appointing Mr. Wolaver.
34 Mr. Yeates offered a motion to defer any REDC appointments for thirty days or until after vacancies
35 can be advertised for two weeks. Mr. Hill seconded the motion and added that this implied no
36 criticism of Mr. Wolaver. The motion carried 4-0.

37
38 Mr. Yeates said that since the Parade and Fireworks Committee was a non-policy board, no new
39 advertising was needed and he offered a motion to appoint Donna Niquette and Norman Perkins to the
40 Parade and Fireworks Committee. Mr. Hill seconded the motion and the motion carried 4-0.

41 42 Warrants

43
44 The warrants were approved and signed.

45 46 Executive Session

47
48 Mr. Sander said there was an executive session required for the discussion of legal matters concerning
49 the Ann Cousins appeal of the Reap DRB decision and for personnel matters relating to the Town
50 Manager's performance review.

1
2 Ian Bender asked if the board could elaborate on the Ann Cousins appeal. There was some discussion
3 but mostly the Town Manager said that the board needed to determine how to respond to the appeal,
4 and they could not discuss the matter outside of executive session.

5
6 At 10:15 PM Mr. Hill offered a motion to enter executive session to discuss legal matters concerning
7 the Ann Cousins appeal of the Reap DRB decision and for personnel matters relating to the Town
8 Manager's performance review. Mr. Bressor seconded the motion and the motion carried 4-0.

9
10 At 10:49 PM Mr. Yeates offered a motion to adjourn the executive session and reconvene the regular
11 session and was seconded by Mr. Bressor. The motion carried 4-0.

12
13 **4. Adjourn**

14 Motion by Mr. Yeates to adjourn the meeting at 10:49 p.m. Seconded by Mr. Bressor. So voted.