

**RICHMOND SELECTBOARD
REGULAR MEETING
May 4, 2015 MINUTES**

Members Present: David Sander; Ellen Kane; Bard Hill; Lincoln Bressor; Taylor Yeates
 Absent: None
 Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Bob Low; Ian Bender; Wright & Julia Preston; Brad Worthen; David Sunshine, Kendall Chamberlin; Bob Reap; Cara LaBounty; Bruce Labounty; Victoria Priganc; 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.

Cara LaBounty explained that people are seeing new flood insurance premiums that are higher than before. The federal legislation calls for a three-year period of no increases following the implementation of the new FEMA DFIRM mapping. Following that, increases should only be 25% per year.

Ms. LaBounty then explained that she had met with FEMA officials regarding the elevation applications under the hazard mitigation grant program. They verified the project locations, but said no official word on funding for the projects would happen for at least the next year.

Mary Houle said that FEMA officials won't listen to homeowners and that town officials need to get involved.

2. Items for Discussion with Those Present

Richmond Rescue

Rich Dana and Luke Jackson of Richmond Rescue were present to explain their plans to implement a paramedic level of care for Richmond Rescue by January of 2016. Luke Jackson gave the presentation and explained that they have been working on this model for over a year. He noted that over 90% of ambulance service in Vermont had an Advanced EMT level of care, but very few offered the Paramedic level of care. This would probably mean paramedics in their squad would be paid, since the training and education were a significant investment for someone and they would be looking at a career, not a volunteer position. He requested a letter of support for the new program.

Ms. Kane asked how many calls per year did Richmond Rescue respond to? Mr. Jackson said in the mid 500s. He said that many squads were seeing an increase in transports because of the new healthcare laws.

1 Mr. Hill asked what revenue sources would pay for this? Mr. Jackson said we'd need to purchase
2 additional equipment and some paid personnel. Mr. Yeates said that Richmond Rescue currently gets
3 1/3 of their revenue from billing, 1/3 from the towns and 1/3 from donations.
4

5 After a bit more discussion, Mr. Hill offered a motion to approve a letter of support for Richmond
6 Rescue's paramedicine proposal. Ms. Kane seconded the motion and the motion carried 4-0-1 with
7 Mr. Yeates abstaining.
8

9 Vermont Electric Co-op Line Proposal for Wes White Hill

10
11 Isaac Gillen from Vermont Electric Co-op was present to explain his company's request to bury
12 electrical lines in the Wes White Hill right of way at the southern end. During the Winter storm from
13 last December, repairs of the electrical lines in this area were very difficult because they were not
14 along the road. Trucks could not get in, and it made repairs more dangerous. FEMA was offering
15 mitigation money to relocate these lines to a public right of way and they could do this at Wes White
16 Hill, along the pond. They originally wanted overhead wires but after discussions with town officials
17 and the Richmond Land Trust, it was agreed they would try to bury the wires.
18

19 Wright Preston, representing the Richmond Land Trust, spoke also and agreed that the concept of
20 burying the lines was preferable. The Manager reported that the town had recently put money into
21 Wes White Hill although burying the lines was preferable to overhead lines in this area because of
22 aesthetic reasons. He felt that the road in this area could be restored properly and was at the end of
23 town and wouldn't impact many people.
24

25 Mr. Gillen added that they expected to use a 2.5" conduit buried 3 feet deep, with equipment vaults
26 every 1,000 feet. This would go into Huntington also, for a project length of around 4,000 feet.
27

28 After some discussion, Mr. Yeates offered a motion to offer an easement to Vermont Electric Co-op
29 for their use for buried lines and was seconded by Ms. Kane.
30

31 Bob Low, a resident near this area, was in favor because of more reliable service and safety of buried
32 versus overhead lines and it would preserve the sense of place along the pond.
33

34 The motion carried 5-0.
35

36 Huntington Road Culvert Award

37
38 The Town's construction engineer, Meg Armstrong, was present to read the bid results for the
39 construction for the replacement culvert for Huntington Road at Farr's corner. This existing culvert is
40 aged, deteriorating and undersized. The proposal is to replace the existing 72"x 65' culvert with an
41 oval 83" x 53" x 80' culvert, with the estimated cost being \$162,000. The grant would cover 80% of
42 the cost, or \$129,600. We were successful in getting the grant award. Two weeks ago, bids were
43 received on this project and the results are tabulated in the attached sheet. John Scott Excavating was
44 the low bid at \$105,300. With the 80% grant covering \$84,240 that leaves the balance of \$21,060 to
45 be covered by our Bridge and Culvert Reserve Fund. Additionally, the Highway Department will be
46 purchasing the culvert on our own, to utilize the remaining grant funds and save contractor costs. Staff
47 recommended award to the low bidder, John Scott Excavating, and work is expected to commence in
48 July. Also, we recently learned we were unsuccessful in both the State Highway and Structures Grants
49 for the FY2016 round.
50

1 Mr. Yeates offered a motion to award the contract for construction to John Scott, approving Purchase
2 Order #2466 in the amount of \$105,000. Mr. Bressor seconded the motion and the motion carried 5-0.

3
4 Southview Tree Issue

5
6 The Manager explained that several weeks ago he received a complaint from a resident in Southview
7 that there was a large tree that was dead and threatening to fall into the roadway. Upon further
8 investigation, it was revealed that this tree played a role in the development approval for the water
9 storage tank. The Development Review Board had placed a condition on the approval to not remove
10 this tree when decommissioning the old concrete water storage tank at the intersection of Jericho Road
11 and Southview Drive. The Manager had hired an arborist (Jake Brown of Ginkgo Tree Experts) to
12 take a look and evaluate the tree. The arborist noted some condition issues but indicated that the tree
13 was stable. Following the April appointment of the Tree Warden, Matt Leonetti claimed that it was
14 hollow and had an insect infestation. Therefore, this was not a clear cut issue and the solution was
15 not clear.

16
17 Mr. Yeates felt we would be interfering with the Tree Warden's duties, and there were laws
18 surrounding this. The Selectboard had no role at this time. Ms. Kane agreed that the Tree Warden
19 should be allowed to make his decision.

20
21 Mr. Hill offered a motion to get the Tree Warden involved, and was seconded by Mr. Yeates.

22
23 David Sunshine asked who the Tree Warden was, and was told Matt Leonetti. He asked if this
24 decision was appealable and Mr. Yeates said yes, to the Selectboard.

25
26 Mary Houle offered her qualifications on trees and said that once a tree warden holds a public hearing,
27 and finds the tree an imminent hazard, he has the authority to take the tree down.

28
29 Bruce LaBounty asked why the DRB wanted the tree to stay? Mr. Sunshine said that he had been
30 looking at the tree for the past 43 years and it was obviously quite old and was one of the nicest trees
31 in town. He has watched it leaf out every year but he wasn't an expert on trees.

32
33 Victoria Priganc said she was worried and concerned about safety of the chance the tree would fall.

34
35 Brad Worthen said he was on the DRB and seconded Mr. Sunshine's motion to preserve this tree. He
36 said there was a significant early Winter snowstorm this year and Jericho Road and Southview were
37 impassable due to fallen trees, but this one had no damage.

38
39 Ms. Priganc asked how much would removal costs be, and how much to save the tree?

40
41 Kendall Chamberlin said the oak qualifies as an ancient oak according to caliper standards. He said
42 the width of the tree indicated it was at least 200 years old.

43
44 Bruce LaBounty said it would benefit us to see how much it would cost to help the tree.

45
46 There was some additional discussion by the Selectboard and the question was called. The motion to
47 involve the Tree Warden carried 5-0.

48
49 Milton Cat Discussion

50

1 Douglas Barnes explained his objections to the way that the equipment yard at Milton Cat was shown.
2 He showed several slides to the audience and said that he did not have any problem with Milton Cat's
3 business, but the way it looked on the highway was not in character with Richmond. He wanted more
4 screening and fencing to block the view of the equipment.
5

6 Bruce LaBounty asked if Milton Cat was invited to this meeting, and the Manager said they were
7 aware of Mr. Barnes' concerns since our zoning officer contacted them, but they had not been invited
8 to the meeting.
9

10 There were a number of comments back and forth on the issue. The basic issue for Mr. Barnes was
11 the visualization of the yard. Most audience members found no objection. The Selectboard urged Mr.
12 Barnes to get involved in the visioning process for the new town plan, but declined to discuss further.
13 Mr. Bressor said that the only outstanding issue with their site plan is the 1% of construction costs
14 spent on landscaping, which they were waiting on from Milton Cat.
15

16 **3. Other Business**

17 Adaptive Use Discussion

18
19
20 The Manager explained that this was held over from the last meeting. The issue was that on April 8th
21 the Reaps had a discussion with the Development Review Board on using the Adaptive Use provisions
22 in the zoning bylaws to be able to have a restaurant and retail use in their barn. This was contrary to
23 the zoning revisions adopted by the Selectboard in March, and some Selectboard members were
24 disappointed to learn about the adaptive use provisions. The Manager mentioned the Reaps have
25 placed an application for such development on the DRB agenda for May 13th.
26

27 Cara LaBounty urged that whatever the rulebook allows, it be applied evenly to all applicants, and not
28 only for certain things.
29

30 Mr. Bressor discussed the final hearing on the zoning and said we came to the "no one is happy"
31 compromise against additional development but use restrictions and felt it was unfortunate that there
32 was a way around that.
33

34 Cara LaBounty said that the Planning Commission didn't recommend the removal of restaurants and
35 retail but the public didn't have the opportunity to consider it.
36

37 Brad Worthen spoke of the April 8th meeting and said that the regulations were sort of a clouded area
38 on this, and they did need some clarification. There was some additional discussion. No proposals for
39 further action on Adaptive Use by the Selectboard were offered.
40

41 Lake Iroquois Recreation District

42
43 The Manager explained that years ago, Richmond, Williston, Hinesburg and St. George took part in a
44 Lake Iroquois Beach Association that didn't appear to have formal bylaws and rented the beach for
45 recreation. In 1991, the four towns voted to form a recreation district and bond to purchase the beach
46 property. There are formal bylaws, and we've been a member since 1991. Williston has primarily
47 done the maintenance of the access road but now the Lake Iroquois Recreation District wants to
48 evenly allocate the maintenance among the four towns. The burden was less than \$2,000 of in-kind
49 work for time, equipment and gravel. The Highway Foreman, Peter Gosselin, had no objections to
50 this.

1
2 Mr. Hill said he recognized that the cost was small but he was concerned that we're not 25% of the
3 participating users. Is it appropriate for us to bear 25% of the maintenance burden? Mr. Sander
4 agreed that the cost wasn't significant but the concept was a concern.

5
6 Mr. Yeats objected to this, saying that if only 1% of the town uses the facility then we're subsidizing
7 their recreation. \$2,000 would buy a lot of firefighter equipment.

8
9 Mr. Hill said the final answer probably lies somewhere in between. He was in favor of a proportionate
10 contribution.

11
12 The Selectboard requested user data, on the number of visits to the lake.

13
14 Mr. Yeates offered a motion to table the maintenance plan indefinitely. There was no second and the
15 motion failed.

16
17 Mr. Hill offered a motion to table this discussion until more data on relative use was available and was
18 seconded by Ms. Kane. The motion carried 4-1 with Mr. Yeates voting against.

19
20 Creamery Inspection

21
22 Mr. Sander explained that we wanted to know follow up on the creamery inspection by the State Fire
23 Marshal from October of 2014. He said it was noted that the building was insecure, it was open, there
24 were piles of tires and combustibles present that should be removed.

25
26 Ms. Kane asked what our options were. The Manager explained that he could follow up with Mr.
27 Caswell to see what had been done since October, but he suspected little or nothing had been done.

28
29 Mr. Hill read the state laws regulating fire inspections. He wanted to see the State step in and enforce
30 these regulations. The Manager said that in his conversations with Mr. Dobiecki, he indicated that his
31 primary enforcement mechanism was the threat of declaring a building uninhabitable. Since this
32 building was unoccupied that would not work. He was not willing to spend more time on a building
33 where there was no immediate threat. There was discussion on this. Mr. Yeats suggested we do
34 nothing to discourage the pending sale of the property. Mr. Bressor agreed.

35
36 The Selectboard decided it was best to send a letter to Mr. Caswell asking what he has done to address
37 the items noted in the Fire Marshal inspection report.

38
39 There was mention of the pending sale of the property. Brad Worthen suggested the Selectboard
40 shouldn't make any decisions on the property if they had not seen the Purchase and Sale Agreement or
41 know what was included.

42
43 FEMA Subgrantee Agreement – Winter Storm 2014

44
45 The Manager explained that this was a standard subgrantee agreement with FEMA for reimbursement
46 of debris removal costs related to the Winter Storm from 2014.

47
48 Ian Bender said that along Dugway Road in the Phoenix Circle area, the branches had been thrown
49 over the bank and wanted them removed.

50

1 Ms. Kane offered a motion to approve the subgrantee agreement with FEMA for the 2014 Winter
2 Storm and was seconded by Mr. Bressor and the motion carried 5-0.

3
4 Reports from Selectboard and Town Manager

5
6 The Manager reported that the Water Commission was pursuing a bond vote for the water and sewer
7 work on East Main Street. That design included curbs and sidewalks, which was a project for the
8 town. The main driver of the bond vote for the Water Commission was the state's priority funding list
9 for the revolving loan fund – the same that gave the negative interest rate for the Water Storage Tank.
10 However, the Selectboard had more time to consider the project during their capital plan discussions
11 and could decide to act for the next Town Meeting.

12
13 The Manager reported that he would be attending the Community Resilience Organization team
14 sessions on the 17th and 18th. He said we were still putting together a solid team and he and Marie
15 Thomas were it right now.

16
17 The Manager reported that Green Mountain Power was proposing a solar project on the former
18 Marcelino property located on the hill between Governor Peck Road and the interstate. This would be
19 a large project, 2.5 or 3 megawatts and owned by GMP. He said this was generally well received,
20 however, he was concerned about who might have light reflect into their homes. He said this was a
21 section 248 process application, with local zoning playing no part. This approval would be given by
22 the Public Service Board.

23
24 The Manager reported that a letter had been received from Sue Minter regarding the Route 2 changes
25 proposed by the Selectboard. The Town Manager explained that in that request the town had
26 requested the 50 mile per hour zone be removed and changed to 40 mile per hour. Mr. Yeates said he
27 did not agree with that decision and there was some discussion on this, but no further action.

28
29 The Manager also explained that there would be some disruptions to town email. Two years ago,
30 Waitsfield Telecom moved to the Google Gmail system, but was now being dropped and they were
31 switching to a Zimbra system. He said that the last switch resulted in some lost emails and he said it
32 was likely this would happen again. He said this might push a discussion on brining the town's email
33 "in-house" through its own email domain. There was some discussion on that but no further action.

34
35 Approval of Minutes

36
37 Mr. Bressor offered a motion to approve the minutes of April 20, 2014 and was seconded by Mr. Hill
38 and the motion carried 4-0-1 with Mr. Yeates abstaining.

39
40 Approval of Permits

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42 Mr. Yeates offered a motion to approve Access Permit #15-030 for Doherty at 290 Cemetery Road
43 and was seconded by Ms. Kane and the motion carried 5-0.

44
45 Ms. Kane offered a motion to approve Right of Way Permit #15-024 at 1722 Kenyon Road for
46 overhead lines and was seconded by Mr. Bressor and the motion carried 5-0.

47
48 Mr. Bressor offered a motion to approve Right of Way Permit #15-015 to Vermont Gas for 67
49 Railroad Street and was seconded by Ms. Kane and the motion carried 5-0.

1 The Manager also presented Purchase Order #3158 to Coban Technologies for the police cruiser and
2 body cameras discussed previously. The bank note to purchase these would follow at a later meeting.

3

4 Mr. Hill offered a motion to approve Purchase Order #3158 to Coban Technologies in the amount of
5 \$27,055 for the purchase of five police cruiser cameras and five police body cameras. Mr. Bressor
6 seconded the motion and the motion carried 5-0.

7

8 Warrants

9

10 Mr. Yeates offered a motion to approve the warrants and was seconded by Mr. Bressor and the motion
11 carried 5-0.

12

13 Executive Session

14

15 The Manager explained that an executive session was warranted for discussion of the Deborah Mobbs
16 property damage claim.

17

18 Mr. Yeates offered a motion to enter Executive session at 9:35 PM to discuss the Deborah Mobbs
19 property damage claim and was seconded by Mr. Bressor and the motion carried 5-0.

20

21 At 9:55 PM Mr. Yeates offered a motion to adjourn the Executive Session and was seconded by Mr.
22 Hill and the motion carried 5-0.

23

24 **4. Adjourn**

25 Motion by Mr. Yeates to adjourn the meeting at 9:55 p.m. Seconded by Mr. Hill. So voted.