

**RICHMOND SELECTBOARD
REGULAR MEETING
October 19, 2015 MINUTES**

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

Absent: None

Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Charlie Baker, Regional Planning; Cheryl Owens; Ezra Hall; Dennis Doherty; Stephen Diglio, KAS Engineering; Jim Prevo; Diane Prevo; Gary Margolis; David M. Sunshine; A. Sloan; Cara LaBounty; Bruce LaBounty; Kevin Mahoney; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

David Sander called the meeting to order at 7:00 PM.

1. Welcome and Public Comment

Mr. Sander called for a moment of silence in honor of Fire Chief Tom Levesque, who passed away last week.

Mr. Sander then asked if there were any comments from the public.

Cara LaBounty said that Bolton had received confirmation that five of their hazard mitigation elevations projects were approved. She felt that confirmations for the elevations in Richmond’s mobile home park were just a few weeks away. She said that they would likely pursue an alternative for the 25% match for this work.

Mary Houle said that Chief Tom Levesque gave 48 years of his life to service for Richmond, to the Fire Department and also the schools. He was one of few who only did for others, and left big shoes to fill. She thanked all the neighboring departments who participated in the funeral and closed with Chief Levesque was well respected and would be greatly missed.

Mr. Sander also recognized Chief Levesque for all of his service to the town.

2. Items for Presentation with Those Present

Chittenden County Regional Planning Commission

Charlie Baker, the Regional Planning Commission’s executive director, was present to talk about the work the RPC does and how Richmond can participate more. He said that the RPC was celebrating its 50th year and there were many exciting things lined up, with water quality, flood resiliency, redevelopment and others – many things that Richmond was interested in and wanted more of.

Ms. Kane said she was aware of the help that the RPC has provided with the environmental assessment of the creamery and the Town Plan, and thanked the RPC for its help.

Mr. Baker said he’s been here for about seven years and they were working on some new shared services ideas and inter-town contracts. He noted that Richmond needs a new representative, and the

1 RPC committee meets on the third Wednesday of the month for about two hours in the evening. He'll
2 be asking for work plan submissions this November.

3
4 Mr. Hill offered to volunteer for the RPC representative slot, and Ms. Kane said she would be the
5 alternate.

6
7 Greystone Drive

8
9 The Manager explained that the town's engineer, Steve Diglio of KAS Consulting, had done some
10 additional work on the Greystone Drive project, and was here to explain and get an understanding of
11 where we can go from here.

12
13 Mr. Diglio said that he had been in contact with Roland Luxenberg about this project and said there
14 was some chance that the down-slope work could be covered under FEMA's project, but he wasn't
15 confident that the up-slope work would be.

16
17 Mr. Diglio went through the revised project budget, and noted the following:

18
19 Inside ROW costs = \$30,805

20 Outside ROW upslope costs = \$19,840

21 Outside ROW downslope costs = \$58,125

22 Engineering = \$17,310

23 Inspections = \$5,438

24
25 This represented about \$85,000 in uncovered costs to the town, including the 10% match on the
26 covered costs of inside ROW and engineering. Mr. Diglio said that he was moving forward with an
27 invitation to bid with several contractors, and plan to have a mid-November award date.

28
29 Jim Prevo, a resident of Greystone, said that there was no common land in the development, but there
30 was a stormwater system that was owned part by the residents association and part by the town. He
31 said that much of this damage is on private property.

32
33 Mr. Diglio said that Earl Wester said he would do certain improvements to the drainage swale along
34 his driveway on his own, without funding from the town or the homeowners association. He has
35 already put money into his driveway, and followed the plan that the town approved when he wanted to
36 relocate his driveway.

37
38 Gary Margolis said he agreed with Earl Wester, and he had no interest in spending \$20,000 to fix
39 anything upstream. This was a prior approval and if it needs to be upgraded, it needs to be done
40 because if it isn't then the town would face the same repair later. He added he wanted the power
41 placed underground again.

42
43 David Sunshine said he was the attorney representing Earl Wester at this meeting. He said Mr. Wester
44 agreed with Mr. Margolis, and that they have paid enough already to fix these things before.

45
46 Mr. Yeates said he was willing to move towards a bid on this, but not ready to make a commitment.

47
48 Ms. Kane asked if this was the builder's obligation to install a functioning system, what should the
49 town do? The Manager replied that the builder had passed away and that the public road was the

1 primary interest of the Selectboard. This situation was more complicated than just the right of way,
2 however.

3
4 Ezra Hall said that the residents' association had just spent \$55,000 to repair the stormwater situation
5 and he wants the repairs complete. If the road fails further, no fire trucks or ambulance could reach
6 their homes.

7
8 Mr. Diglio said that as far as future liability and exposure, the town would want to have easements
9 upslope and downslope and could qualify for public assistance in the future should it come available.

10
11 Mr. Bressor said that he was concerned that if we took over areas more vulnerable to the next damage
12 then we would be more exposed.

13
14 Cara LaBounty spoke about the other damages from the storm, and that we didn't pay to remove soil
15 that had washed downhill on Dugway. She asked if the full storm water system should be shared, or
16 just parts of it.

17
18 Mr. Diglio said that storm water permits were for treatment of storm water from impervious area, and
19 there were co-applicants on this permit.

20
21 Mr. Yeates reiterated he was ready to send this out to bid. He said he still had questions on liability,
22 but we shouldn't slow down construction. Ms. Kane asked for an actual budget.

23 24 Cemetery Road Rural Road Standards Waiver

25
26 Dennis Doherty, an application for a subdivision off of Cemetery Road, was present to request a
27 waiver of the width requirement for access to a proposed three-lot subdivision, where the access
28 currently served another existing lot, creating a four-lot subdivision which triggers a 60 foot right of
29 way and a twenty four foot travel width with two-foot shoulders on each side. Mr. Doherty was also
30 the separated husband of town employee Connie Doherty.

31
32 Mr. Doherty said that there was a lot access by his driveway owned by William Lockwood, who he
33 felt did not own a developable lot. The deeded restriction for the existing driveway was 50 foot wide.
34 Lockwood owns H11199, which allowed access to larger acreage from Hinesburg Road and Wild
35 Apple Lane. There was some question and answer on the proposed subdivision and driveway details.

36
37 Mr. Doherty said his septic designer felt that the Lockwood parcel was too small to fit a septic on, with
38 a house, and therefore not developable. The Selectboard requested this in writing from a professional.
39 Mr. Doherty suggested that this was a financial hardship to have him provide a 60 foot right of way
40 here.

41
42 Mr. Hill said he wanted to see things meet our road standards, and wanted the Selectboard to try and
43 enforce them.

44
45 Mr. Doherty said this was a private driveway, in existence since 1978, pre-dating the 60 foot standard.

46
47 Mr. Hill asked if emergency services could access this home? Mr. Doherty said yes, and he had a
48 letter from Chief Tom Levesque stating that they could get a fire truck up the driveway.

49

1 Bruce LaBounty said that a septic engineer can't make a determination on buildability of the
2 Lockwood lot.

3
4 Mr. Yeates asked how steep the grade was, and Mr. Doherty said he didn't know but it was within the
5 acceptable grade.

6
7 Mary Houle said that financial hardship for a developer should be the last consideration here. He
8 could seek another option.

9
10 Cara LaBounty said that this subdivision was no longer pending, she supported waiving to a 50 foot
11 ROW here but not a more narrow travel width. He should return with a completed subdivision
12 application.

13
14 The board agreed to hear this again on November 2nd.

15 16 **3. Public Hearings: Traffic Ordinance**

17 18 Ordinance 2015-04 Amending the Traffic Ordinance

19
20 Mr. Yeates offered a motion to table this ordinance indefinitely. With no second, Mr. Sander declared
21 the motion failed. Mr. Yeates said he did not support this ordinance, and the State erred in its
22 reduction of the speed on West Main Street (Route 2 west of the village) and it wasn't based on safety
23 data. The board briefly discussed the merits of this change.

24
25 The Manager reminded that the public hearing should be opened to engage in discussions, especially
26 with the public. Mr. Hill offered a motion to open the public hearing on ordinance 2015-04 and was
27 seconded by Mr. Bressor.

28
29 Mr. Yeates opposed moving forward with adoption of this ordinance.

30
31 Bruce LaBounty agreed and said that this was a "bone" to throw the town for not widening Route 2.
32 Lowering the speed didn't make the road less busy and more safe.

33
34 There was additional discussion on the merits of the ordinance.

35
36 The motion to open the public hearing carried 4-1 with Mr. Yeates abstaining.

37
38 Cara LaBounty said we pay for traffic studies to set speed limits, but here we have a false illusion of
39 safety.

40
41 Ms. Kane said she felt all of that route should be 40 miles per hour, why go 50 for just a mile?

42
43 Bruce LaBounty said that on East Hill Road, the people wanted the limit lowered and the town did a
44 traffic study, and didn't lower the limit because of existing speeds. But here, the limit was lowered
45 without data.

46
47 Mr. Yeates added that the limit has already been changed by the State, what we're arguing over is the
48 ability to issue fines. We need to base decisions on data to begin with.

49
50 Mary Houle spoke out about bike riders riding side by side.

1
2 Mr. Yeates offered a motion to close the public hearing and dismiss the ordinance. With no second,
3 Mr. Sander declared the motion failed.

4
5 Ms. Kane offered a motion to close the public hearing and was seconded by Mr. Hill, and the motion
6 carried 4-1 with Mr. Yeates voting against.

7
8 Mr. Bressor offered a motion to adopt Ordinance 2015-04 Amending the Traffic Ordinance, and was
9 seconded by Ms. Kane and the motion carried 4-1 with Mr. Yeates voting against.

10 11 **4. Other Business**

12 Fy2017 Budget

13
14
15 The Manager provided an overview of the budget based on last week's budget session with department
16 heads. The board discussed capital asset tracking, a facilities manager, and how to identify building
17 needs.

18
19 Cara LaBounty asked for clarification on how the Library Director was hired – which board hired her
20 and if her job description called for budgeting and capital planning.

21
22 Mr. Yeates said for the library, their budget for books should be beyond what they are requesting.

23
24 The board discussed some other budget items, but the budget and capital plan would continue to be
25 revised.

26
27 Mr. Yeates left on an emergency call. Ms. Kane had to excuse herself from the meeting early.

28 Financial Policy Updates

29
30
31 The Manager explained that the finance assistant, with the auditors, had requested several policies be
32 approved by the Selectboard. The board reviewed the policies, and approved as follows:

33
34 Purchase Policy – this amended certain aspects of the existing policy, particularly the approval limits
35 and other related items.

36
37 Mr. Hill offered a motion to approve the purchasing policy and was seconded by Mr. Bressor and the
38 motion carried 3-0.

39 Grant Writing Policy

40
41
42 Mr. Bressor offered a motion to approve the Grant Writing policy and was seconded by Mr. Hill and
43 the motion carried 3-0.

44 Bank Statement Reconciliation Policy

45
46
47 Mr. Hill offered a motion to approve the Bank Rec policy and was seconded by Mr. Bressor and the
48 motion carried 3-0.

49 Cash Receipts Policy

50

1
2 Mr. Hill offered a motion to approve the Cash Receipts policy and was seconded by Mr. Bressor, and
3 the motion carried 3-0.

4
5 Accounts/Audit/Financial Report Policy

6
7 Mr. Bressor offered a motion to approve the combined Accounts/Audit and Financial Report policy
8 and was seconded by Mr. Hill, and the motion carried 3-0.

9
10 Parking Ticket Policy

11
12 Mr. Hill offered a motion to approve the Parking Ticket Policy and was seconded by Mr. Bressor and
13 the motion carried 3-0.

14
15 Chittenden Solid Waste District Lease

16
17 The Manager explained that for more than twenty years, Chittenden Solid Waste District had leased
18 part of town-owned land on Rogers Lane for a recycling and local drop-off center. This was where the
19 old town landfill was. The original lease was just a memorandum of understanding, but has morphed
20 over the years. They wanted to sign a new lease, and had provided a copy. The Selectboard discussed
21 this and noted that the town was obligated under the proposal to plow and repair the facility's paved
22 area, and asked if this was new.

23
24 There was some additional discussion, and the board wanted to know if CSWD was interested in
25 purchasing the land.

26
27 Mr. Hill offered a motion to table this item until November 2nd and was seconded by Mr. Bressor, and
28 the motion carried 3-0.

29
30 Reports from Selectboard and Town Manager

31
32 The Manager noted the Police Report. The Manager also explained that the Town Plan Steering
33 Committee was holding its Resiliency Fair on Saturday the 24th at the Monitor Barn, and they had
34 agreed to donate the space for this event. The Round Church Lease was up, with the Richmond
35 Historical Society, next year. The original lease was via quit-claim deed, for 40 years. There were
36 some considerations and he was working on details of a proposal. He asked if the Selectboard had any
37 term preference, but they were willing to wait until the Richmond Historical Society weighed in to
38 comment.

39
40 Mr. Yeates returned to the meeting.

41
42 The Manager also provided a construction update, and noted that the paving plan would wait until
43 Spring. The contractor, Pike Industries, would hold its price through the Spring. The delay was due to
44 work on Jericho Road related to the water storage tank, but Toscano's parking lot (municipal lot)
45 would be paved this Fall.

46
47 Approval of Warrants

48
49 Mr. Yeates asked if we had a contract for VNA, but the Manager said no, it was just approval of an
50 amount during budgeting.

1
2 Mr. Yeates said that since VYCC was donating space this weekend, the two \$500 checks to them were
3 no longer needed. Mr. Yeates again said that the request for a check to the Postmaster from the library
4 should not be here and objected to them not using the town office's postage meter. There was also a
5 reimbursement request from Richmond Soccer, as well as two refunds without backup or a formal
6 request, and Mr. Yeates said these should be denied. Mr. Yeates objected to the petty cash
7 reimbursement without a simplified statement, and requested that be denied.

8
9 Cara LaBounty suggested the town have a standard reimbursement form.

10
11 Mr. Yeates offered a motion to sign the warrants on a new amount of \$687,266.93 and was seconded
12 by Mr. Bressor and the motion carried 4-0.

13
14 Mr. Yeates offered to supply the town with a standard reimbursement form.

15
16 Approval of Minutes

17
18 Mr. Yeates offered a motion to approve the minutes of September 28, 2015 and was seconded by Mr.
19 Hill and the motion carried 4-0.

20
21 Mr. Bressor offered a motion to approve the minutes of October 5, 2015 and was seconded by Mr.
22 Yeates and the motion carried 3-0-1 with Mr. Hill abstaining.

23
24 Mr. Hill offered a motion to approve the Turkey Trot Race to Never Give Up, Ever on Thanksgiving
25 Day and was seconded by Mr. Bressor and the motion carried 4-0.

26
27 There was discussion on the next agenda.

28
29 **5. Adjourn**

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