

**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**  
**S e p t e m b e r   2 1 ,   2 0 1 5   M I N U T E S**

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

Absent: None

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Others Present: Geoffrey Urbanik, Town Manager; Harold Irish; Burce LaBounty; Cara LaBounty; Mary Houle; Eric Wood; June Heston; Doug Goulette; Patricia Gilbert; Jack Linn; and others; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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

**1. Welcome and Public Comment**

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

Jack Linn said he thought that the proposed Gateway area development (meaning the Reaps) would add tax value and they shouldn't be treated in any special way.

Cara LaBounty said that in her role as Development Review Board member she would strongly ask the Selectboard to stand behind the DRB's decisions. There was a right for public comment but she said she didn't realize that the town had appealed but we should not pick up Ann Cousin's battle. She was saddened to see that we paid legal counsel but sometimes the Selectboard can make decisions on its own, without legal counsel.

Mary Houle said during her time on the Selectboard she understood that the DRB members were an "arm" of the town. The DRB did not make this decision lightly and the board should affirm that decision. She then spoke more of Ann Cousins and the buyout of her property.

Eric Wood wanted to echo what had already been said and the decision is what it is and the DRB did what it needed to do.

Bruce LaBounty also echoed previous statements and the DRB went through its process and we shouldn't go around it.

Donald Palmer agreed and said that the developer did the right thing.

June Heston supported the Reaps' work and said that the Selectboard had fiduciary responsibility and it was irresponsible to fight the DRB.

Mary Houle thanked the Selectboard for offering the public the opportunity to speak prior to executive session.

**2. Executive Session**

Mr. Sander explained that the board needed to go into Executive Session to discuss pending litigation of the appeal of the Reap DRB approval, and conclude the Town Manager's evaluation.

1 Mr. Bressor offered a motion to enter an executive session at 7:15 pm to discuss pending litigation of  
2 the Reap appeal and personnel discussions of the Town Manager's evaluation. Mr. Hill seconded the  
3 Motion. Mr. Yeates added that the Town Manager and the Town Attorney should be included in the  
4 executive session. The motion carried 5-0.

5  
6 Mr. Yeates was called on an emergency call shortly after the Selectboard adjourned to the conference  
7 room.

8  
9 At 8:00 pm, Ms. Kane offered a motion to adjourn the executive session and reconvene the regular  
10 session and was seconded by Mr. Hill and the motion carried 4-0.

11  
12 Mr. Sander said that the Selectboard never initiated the appeal of the Reap DRB decision and had filed  
13 a motion for mediation. He asked the Manager to read the motion developed in executive session:

14  
15 Motion to not pursue litigation of the Reap DRB decision due to 1) the Selectboard never initiated an  
16 appeal 2) no opportunity existed to mediate.

17  
18 Mr. Hill offered this motion and was seconded by Ms. Kane. The motion carried 3-1 with Mr. Bressor  
19 voting against.

### 20 21 **3. Items for Presentation with Those Present**

#### 22 23 Palmer Lane

24  
25 The Manager explained the draft policy he had prepared for Palmer Lane.

26  
27 In 1995 the Richmond Selectboard approved improvements to the Class 4 road that was later referred  
28 to as Palmer Lane for use as a driveway for those residents currently living there. The Selectboard at  
29 that time retained public ownership of the Class 4 Right of Way but required permission from the  
30 Selectboard prior to any further improvement to the road, and prohibited anyone from blocking the  
31 road.

32  
33 In light of the approved subdivision of Donald Palmer in 2008 and the pending subdivision of Patricia  
34 Gilbert in 2015, and recognizing the probability of additional subdivisions and access requests in the  
35 future, the Richmond Selectboard hereby updates and enacts the following policy for Palmer Lane:

- 36  
37 1) The Town of Richmond has not surveyed this road and relies on recent private owner surveys  
38 and the Vermont Agency of Transportation General Highway Map (aka the town's official  
39 highway map) for the location of the existing right of way. The town recognizes a 49.5 foot  
40 Right of Way width for the entire length of the Class 4 road, improved or not.
- 41 2) The Town of Richmond will not maintain the road during the Winter months, but recognizes  
42 that the Town of Hinesburg has plowed snow through the existing 300 feet or so of improved  
43 road in the Town of Richmond, utilizing a "turn around" provided on Palmer Lane. The Town  
44 of Richmond will negotiate with Hinesburg to convert this practice into a formal agreement.
- 45 3) The Town of Richmond will not provide normal or routine maintenance during the Summer  
46 months. However, in the event of a catastrophic event, such as a major flood, the town will  
47 restore access across the improved portion of the road. Maintenance of the improved portion  
48 of the road shall be the responsibility of all lots utilizing the Class 4 road for access. Lack of a  
49 shared agreement on maintenance shall not compel the Town of Richmond to provide  
50 maintenance.

- 1 4) Patricia Gilbert is hereby granted permission to improve and utilize an additional 200 feet of  
2 the road, more or less, as shown on her plan for a four- lot subdivision granted preliminary  
3 approval by the Development Review Board in July of 2015. This new section shall be built  
4 with a 24 foot travel lane with 2 foot shoulders on each side, but otherwise in accordance with  
5 the plan dated 4.15.2015 from Lamoureux and Dickinson. This in no way restricts the public  
6 Right of Way from travel by others, and no one shall block or restrict the public Right of Way  
7 at any point.
- 8 5) Patricia Gilbert shall, where practicable, improve the travel width of the existing improved  
9 section of the road to a uniform 24 foot travel lane with a 2 foot shoulder on each side, from  
10 the town boundary with Hinesburg to the new section as shown on the plan dated 4.15.2015  
11 from Lamoureux and Dickinson. The Town of Richmond has no short-term plans to convert  
12 this Class 4 road into a Class 3 road, but cannot ignore the increasing traffic levels which  
13 require more width than exists currently. Conversion to a Class 3 roadway shall not, in any  
14 event, take place until the section of improved Class 4 meets the town's Rural Road  
15 specifications including appropriate width of Right of Way and travel lanes.
- 16 6) Tree removal within the Class 4 Right of Way is approved for this work, however, decisions on  
17 whether widening is impracticable or not shall be made by the Town Highway Foreman and  
18 Town Manager, appealable to the Selectboard. Failure to complete the required road  
19 improvements shall result in withholding of Certificates of Occupancy for any structures on the  
20 new lots from the aforementioned subdivision.
- 21 7) Decisions on the formal name of the road are made by the Richmond Selectboard.
- 22 8) This policy shall be recorded in the Highway records by the Town Clerk.

23  
24 Mr. Bressor asked why it might be impracticable to widen the road and the Manager said that near the  
25 boundary with Hinesburg it may be too constricted with walls. The road in Hinesburg was not as wide  
26 as this required.

27  
28 Patricia Gilbert and her engineer, Doug Goulette, both spoke against a 24 foot wide road, with two-  
29 foot shoulders on each side. They felt that a 20 foot road with shoulders was adequate. There was  
30 discussion on the proper road width. The Selectboard asked the Manager to explain the town's Rural  
31 Road policy, which he did, and it called for two 12-foot travel lanes with two-foot shoulders on each  
32 side. The Manager explained that the Selectboard should be concerned not with traffic today but in  
33 twenty years with 10 or more houses on this road.

34  
35 Patricia Gilbert said she felt she was shouldering the burden of future subdivisions. There was  
36 additional discussion on this, and Mr. Goulette's discussion of the State's A 76 standards.

37  
38 Ultimately the Selectboard agreed that the new policy for Palmer Lane would be as the Manager had  
39 presented, except that the full width of the road would be 24 feet.

40  
41 Ms. Kane offered a motion to adopt the policy on Palmer Lane as amended and was seconded by Mr.  
42 Hill, and the motion carried 4-0.

#### 43 44 **4. Other Business**

##### 45 46 **Update on Flood Damaged Roads**

47  
48 The Manager explained that FEMA representatives from Boston were in the area on September 9<sup>th</sup> for  
49 a short period of time and he was invited to meet with them at Greystone. Our local FEMA rep,  
50 Roland Luxenberg, was with them and we were able to answer two outstanding questions – while

1 we're restricted to work within the Right of Way, uphill storm water flows and downhill issues  
2 persisted so how to handle each?

3  
4 FEMA agreed that some sort of piping across the road was necessary and in so far as it would fall  
5 within the right of way for Greystone Drive, would be covered by our existing claim. Some parts  
6 would fall outside of the ROW, and need to be funded by some other means, either local share or  
7 homeowners.

8  
9 On September 16<sup>th</sup>, our engineer Stephen Diglio and the Manager met with GERA representatives and  
10 homeowner Kevin Kennedy to discuss our preliminary plans. The homeowners were concerned about  
11 ROW and road shifting, but realize that we're only moving the asphalt travel lanes and not shifting the  
12 ROW boundaries. There is some concern about utilities and Mr. Kennedy's septic line, which we will  
13 incorporate into our design. Stormwater management requires further refinement but the pipe idea  
14 was generally agreeable.

15  
16 Stephen Diglio will present some plans to us on October 5<sup>th</sup>. He will be working closely with Roland  
17 Luxenberg to get FEMA approval of basic designs prior to presenting to us, but there will be some  
18 questions as to how we handle the necessary work outside of the ROW. We are hopeful this leads to a  
19 solution to be partially implemented prior to the normal Winter shut down of construction in mid-  
20 December.

21  
22 Other repairs are mostly completed, with the exception of the slide on Wes White Hill and minor work  
23 on Dugway Road.

#### 24 25 Mobile Home Values

26  
27 The Manager reported from our Assessor, Ed Clodfelter of NEMRC, that the valuations of all mobile  
28 homes in town, but particularly in Riverview Commons are slightly high. He's provided a very  
29 technical analysis in the attached documents, but the overall adjustment he feels compelled to make is  
30 a decrease in the Grand List of \$703,900. This may be offset somewhat by new construction in town,  
31 but will likely mean a decrease in municipal revenues of around \$3,700. While apparently not  
32 significant, it is a matter of some concern. He felt the Selectboard should be aware of this action.  
33 There was some discussion of this and general property value trends. The Manager noted this may be  
34 the start of a new trend but that Richmond property values overall had been very stable or increasing  
35 slightly over the past five years.

#### 36 37 Speed Limits and Traffic Ordinance

38  
39 The Manager explained that he and his assistant had researched this issue and come to the conclusion  
40 that state law requires roads to be signed with speed limits unless there is a contiguous limit – for  
41 example, limits had to be posted each time the limit changed, but not on every street where the limit  
42 was the same from street to street. Burlington had effectively changed all of its limits to 25, so they  
43 could have limited signs for the same effect. The Manager also revised the list of roads to be included  
44 in the update to the traffic ordinance, eliminating a few that were less than .10 miles and dead-ends.  
45 The traffic ordinance had been prepared with an update.

46  
47 Mr. Bressor offered a motion to hold first reading of the Ordinance 2015-04 to amend the traffic  
48 ordinance with various speed limits, and was seconded by Mr. Hill. The public hearing and second  
49 reading would be on October 19, 2015 at 7:30 pm. The motion carried 4-0.

1 Donation of Land – Busick (near Dimick Lane)

2  
3 The Manager explained that this had been researched, and the town’s attorney, Mark Sperry, had  
4 prepared an explanation. It appeared this property was landlocked and of no recreational or other  
5 value to the town. Other landlocked land the town owned was bounded by publicly accessible land,  
6 but this was not. He recommended the Selectboard not pursue this property.

7  
8 Cara LaBounty said that the town could always sell to an adjacent land owner. There was some  
9 discussion on this and how it would work. Bruce LaBounty urged the board to not take this off the tax  
10 roles. Ms. LaBounty agreed to work with the Town Manager on additional ways to make this work,  
11 and bring back for the October 5<sup>th</sup> meeting.

12  
13 Ms. Kane offered a motion to table this item until October 5<sup>th</sup> and was seconded by Mr. Hill and the  
14 motion carried 4-0.

15  
16 Reports from Selectboard and Town Manager

17  
18 The Manager noted the Police Report.

19  
20 The Manager reported on the Town Plan, saying that the September 12<sup>th</sup> Vision Unveiling was  
21 attended by about 55 people, plus about 15 members of the Steering Committee. There, we talked  
22 about the draft vision (attached) and how public input has shaped the vision. At our Steering  
23 Committee meeting of September 16<sup>th</sup>, we talked about additional ways to gather input from the  
24 mobile home park and student-aged persons. We’ll likely finalize the public input into the vision by  
25 mid-October. We’ll also have a Resiliency event, likely a chili cook-off and pie bake-off to raise  
26 awareness about flood resiliency and community resiliency and volunteerism on October 24<sup>th</sup>.  
27 Just to remind everyone that this Thursday the 24<sup>th</sup> there will be a public hearing on the proposed  
28

29 The Manager reminded everyone about the GMP solar project on Governor Peck Road public hearing  
30 for the 24<sup>th</sup>. He would plan on attending, but neither the Planning Commission nor the Selectboard  
31 have formally supported the project, nor have they objected – he would attend as an interested party  
32 with no outstanding concerns unless the board wishes him to express an opinion.

33  
34 The Manager reported he met with South Burlington’s City Manager, Kevin Dorn, to discuss the  
35 regional services district idea he has been promoting. What South Burlington wants in the short-term  
36 is to have a special election this year to approve a services district, but it takes at least two towns to do  
37 so. There is no concrete plan of what services would be provided through the district, but Mr. Dorn  
38 believes that if two towns are truly interested in this, we can get approval from the voters for  
39 legislation to be enacted in the upcoming legislative session and go from there. He wanted to know if  
40 Richmond was interested in holding a special election for this purpose – we should discuss, as time is  
41 limited on notice requirements for November (we have no November election here in Richmond this  
42 year). The Selectboard agreed the idea was intriguing but declined to move this issue forward to a  
43 vote this year, without any details on what or how this would benefit Richmond.

44  
45 Mr. Yeates returned to the meeting.

46  
47 The Manager reported that Buttermilk LLC had approached several nonprofits and the Regional  
48 Planning Commission about partnering with them to channel brownfields funds through a temporary  
49 ownership relationship. On the 16<sup>th</sup> Ellen Kane attended the RPC meeting to support the concept of  
50 RPC intervention, without supporting the actual proposal from Buttermilk LLC – because the

1 Selectboard has not provided a formal authorization on any such plan for RPC involvement. The RPC  
2 turned down the idea but invited Buttermilk to return at some later date with a plan that included more  
3 information. It should be noted that the Senior Center group led by Rep. Anne O'Brien has also tried  
4 to position itself in this role, leading to complex political interactions.

5  
6 Speaking of the RPC, Charlie Baker told Ms. Kane that we need to have a representative on the board.  
7 Chris Granda had offered to do so, but has resigned due to not having the time to do so. This is an  
8 important position and we should discuss how to recruit for it, since no one responds to FPF or Times  
9 Ink ads.

10  
11 With Budget season starting in October, we need to decide on how to hear Department budgets. The  
12 Selectboard agreed that a special meeting on October 12<sup>th</sup> was needed for this.

13  
14 The Selectboard reviewed Financial Reports.

15  
16 Bruce LaBounty suggested we look into hiring a part-time or shared grant writer. There was some  
17 discussion on this.

#### 18 19 Approval of Warrants

20  
21 The warrants were reviewed and approved.

#### 22 23 Approval of Minutes

24  
25 Mr. Bressor offered a motion to approve the minutes of September 8, 2015 and was seconded by Mr.  
26 Yeates and the motion carried 5-0.

#### 27 28 Approval of Bank Note for Water Storage Tank

29  
30 The Manager explained that the town needed some short-term cash flow while constructing the Water  
31 Storage Tank, so they have a Bond Anticipation Note, to act like a line of credit, of \$500,000 from  
32 Merchants Bank. This would allow time for the town to reimburse from the State Revolving Loan  
33 Fund as the tank was built.

34  
35 Mr. Yeates offered a motion to approve the Bank Note from Merchants Bank for \$500,000 and was  
36 seconded by Mr. Bressor and the motion carried 5-0.

#### 37 38 Modification of Planning Loan WPL-170

39  
40 The Manager explained that he was able to have the repayment modification amended to include a  
41 statement that they would repay this in full with a new loan for East Main Street, called RF3-335.

42  
43 Mr. Yeates offered a motion to approve the repayment modification for planning loan WPL-170 and  
44 was seconded by Mr. Hill. The motion carried 5-0.

### 45 46 **5. Adjourn**

47 Motion by Mr. Bressor to adjourn the meeting at 10:02 p.m. Seconded by Mr. Yeates. So voted.