

**RICHMOND SELECTBOARD  
REGULAR MEETING  
September 6, 2016 MINUTES**

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Members Present: Ellen Kane; Lincoln Bressor; Bard Hill; Steve May (arrived 7:50 PM);  
David Sander

Absent: None

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Others Present: Mary Houle; Maureen Kangley; Niels Rinehart, Zoning Officer; Bob Heiser, Vermont Land Trust; James Garris; John Rankin; Judy Rosovsky, Conservation Commission; Cara LaBounty; Bruce LaBounty; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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Ellen Kane called the meeting to order at 7:00 PM.

**1. Welcome and Public Comment**

Ms. Kane asked if there were any comments from the public.

Mary Houle spoke about the Selectboard minutes of August 1<sup>st</sup>, and said that they should be corrected to more accurately reflect a comment she had made. The Selectboard discussed the wording, which was provided as an item already on the agenda, and Mr. Hill offered a motion to revise the August 1<sup>st</sup> minutes to amend a comment made by Ms. Houle and was seconded by Mr. Sander, and the motion carried 4-0.

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

Andrews Farm Preservation – Vermont Land Trust

Bob Heiser, with the Vermont Land Trust, spoke about the 428 acres of farmland left on the Andrews property. A few years ago part of this had been preserved as farmland, and sold to the Maple Wind Farm, and a couple of other buildings lots were created. The Vermont Land Trust had an option to purchase the property for \$450,000, which was appraised at over \$500,000. It was mostly forest, with a few small meadows. His goal was not to own the land, but put together a financial package with multiple entities to purchase and preserve the property.

Mr. Hill asked how this interfaced with the Town Plan. Mr. Heiser said he had spoken to Clare about this and he felt that it was consistent with our goals.

Cara Labounty asked how much tax revenue would the town lose if this was conserved by a tax exempt non-profit, such as VYCC. There was some discussion. Ms. LaBounty believed it may be around \$8,000 per year.

Judy Rosovsky said we knew the appraisal value, but not the real value used for taxation. Mary Houle said it was in “current use” which reflected a reduction in the taxable value. There was some additional discussion, and the Selectboard thanked Mr. Heiser for bringing this issue to the attention of the board.

Zoning Enforcement Issue

The Manager introduced the issue by explaining that the Zoning Officer had issued a Notice of Violation against a property owner for inability to show that the buildings were being used for an accepted agricultural practice. This discussion was originally intended to request that the Selectboard take legal action to enforce the NOV. This NOV was appealed last Friday, so the enforcement request is moot. The Selectboard should avoid discussing the subject of the NOV to not prejudice the Development Review Board's hearing, but they could discuss generally the issue of what's been known as ag-exempt structures, to get a better understanding of how the town has been handling them.

Mr. Rinehart went through an explanation of what had been termed the ag-exemption. He said there was technically no ag-exemption in our regulations but certain buildings used for accepted agricultural practices were exempt from local zoning, per State law. He said that only the State can determine whether a practice qualifies as an "AAP" under law, and he felt he had the authority to request documentation to that effect. If he did not get that documentation, he felt he had the authority to determine that a structure was subject to local zoning (the town had jurisdiction). He spoke of his conversations with Stephanie Smith in the State's Department of Agriculture which aided him in his decision.

Cara LaBounty asked what in our local regulations gave Mr. Rinehart the authority to do this, when no previous zoning officers had this opinion? She asked Ms. Kane to read the Richmond Zoning Regulations section 2.4.5, which Ms. Kane did. Ms. LaBounty said that the zoning officer's authority extended to only what was written in our regulations. Our regulations did not authorize the zoning officer to ask for anything more than the written notification of intent to construct an agricultural structure. There was additional discussion on this topic – how limiting the regulations were versus how a determination might be made.

Ms. LaBounty brought up her own case with the town from 2008, which she said she prevailed. The town had no right to reinterpret the regulations now.

There was additional discussion about how to resolve such issues, while not addressing the specific violation which was being appealed. Mr. Hill asked how a decision on this might be made with a "decision tree." Mr. Rinehart said that he wasn't qualified to determine if this was an AAP or not, that's where he needed to rely on the State's opinion. The board asked if Stephanie Smith might come to a Selectboard meeting following the appeal.

Bruce LaBounty said the town had no jurisdiction over ag structures, and all complaints had to go directly to the State. He mentioned some other criteria that were in the law to prove agricultural use.

Mary Houle said that adequate notice to abate should be required, a warning, before the Notice of Violation is issued.

Cara LaBounty spoke to Lincoln Bressor, and said that in her property record file in the zoning office was a copy of the letter that Gary Bressor had filed for his own agricultural structure – apparently misfiled, but he might also be issued a notice.

Ms. Kane concluded the discussion and asked that this come back with Ms. Smith and an opinion from our attorney on this.

Public Hearing – Public Works Specifications

1  
2 The Manager introduced the issue. The current public work spec was adopted in 1988, and amended  
3 in 1990. Virtually nothing has been done since then other than a few related policies. The existing  
4 spec is outdated and causes some confusion with other policies and our land development bylaws. The  
5 new spec is written to resolve these issues. The spec is primarily to be used for public or common  
6 infrastructure – private infrastructure won't be affected and remains regulated by either state law, or  
7 unregulated. The document could be found online at the town's website. He suggested the  
8 Selectboard open the public hearing, and then act on the changes.

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10 Mr. Hill offered a motion to open the public hearing on the Public Works Spec, and was seconded by  
11 Mr. Sander and the motion carried 4-0.

12  
13 There being no comments, Mr. Sander offered a motion to close the public hearing and was seconded  
14 by Mr. Bressor, and the motion carried 4-0.

15  
16 Mr. May arrived.

17  
18 Mr. Bressor offered a motion to adopt the revised Public Works Spec and appurtenant documents  
19 required, and was seconded by Mr. Sander. The motion carried 4-0-1 with Mr. May abstaining.

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21 Ms. Kane noted that we received word that Richmond Rescue would not be able to attend tonight's  
22 meeting, but wanted us to notify the public of their Open Forum on Opiate Addiction to be held on  
23 September 27<sup>th</sup> at 6:30 pm at Camels Hump Middle School.

### 24 25 **3. Other Business**

#### 26 27 9-11 Remembrance and Irene Remembrance

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29 Ms. Kane explained that Mr. May had some ideas for a volunteerism week to honor the memory of 9-  
30 11, and perhaps also Hurricane Irene.

31  
32 Mr. May explained his letter to the board where he called for a week of volunteerism dedicated to  
33 remembering the 15<sup>th</sup> anniversary of the 9-11 terrorist attacks. He wanted to encourage civic  
34 engagement, and asked the Selectboard to issue a proclamation.

35  
36 The Selectboard supported the idea, but Mr. Hill suggested we have a plan for this first and it seemed  
37 too late this year to get started. Ms. Kane suggested we start planning next year in April or May. Mr.  
38 Sander suggested that this can be an emotional and personal event. It should be carefully designed to  
39 honor the event and serve the community but not push people into it.

#### 40 41 Budget Discussion Overview

42  
43 The Manager introduced the budget season with an overview and draft calendar. This is a broad  
44 discussion at this time with no specific requests; however, the Selectboard should discuss whether they  
45 have any advance priorities or concerns at this time that we can begin to work on. The Manager also  
46 requested at least one, perhaps two, special sessions to handle budget requests from departments  
47 outside of regular meetings. These should happen in October. Additionally, health benefits are a  
48 perennial concern and we likely won't know what increase we're in for until late in the year.

49

1 Mr. Hill wanted to hear from Department Heads the good news, bad news, major themes that define  
2 their work. Mr. Bressor said we still need to get someone in to look at condition of the buildings.

3  
4 There was some additional discussion. The board agreed to a special meeting in October for  
5 Department Heads to present their budgets, but the date and time were to be decided.

#### 6 7 Request to change Palmer Lane to Palmer Road

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9 The Manager explained the request. Patricia Gilbert, owner of property and a new subdivision on  
10 Palmer Lane, feels that the nature of the road is changing with the additional lots, and that Donald  
11 Palmer (the road's namesake) has a private access which should be referred to as Palmer Lane, and the  
12 public right of way should be properly called Palmer Road. Indeed, the section of road from  
13 Hinesburg is called Palmer Road, and only changes to Lane at the town line.

14 The Manager had no objection to the renaming of the road. There are three total homes now,  
15 including Ms. Gilbert's, that would be affected, and the E911 system and tax maps would need to be  
16 updated, and we should be conscious of those required changes and the effects this would have on the  
17 other homeowners.

18 There was discussion and the board requested that the other residents be written a letter notifying them  
19 of the pending change and asking if they had any objection.

#### 20 Reports from Selectboard and Town Manager

21 Mr. Sander noted the police report.

22  
23 Ms. Kane went through the discussion on the "Residents Only" sign on Esplanade, which was installed  
24 recently with other improvements to the park. Mr. Hill said he was concerned about the sign and that  
25 people might think it was a private road. He requested this be blacked out, and not purchase a new  
26 sign. Ms. Kane and Mr. Bressor agreed.

27  
28 The board also discussed the crosswalk sign order, the pending changes to the "All Hazard Mitigation  
29 Plan" and the creamery, which was moving forward and scheduled to close by the end of the month.  
30 They also wanted to attend an upcoming meeting to discuss development plans.

31  
32 The Manager also mentioned a letter from Martina Price regarding use of the upstairs of Town Center  
33 for an arts space if Chittenden East should move out.

#### 34 35 Approval of Minutes

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37 Mr. Sander offered a motion to approve the minutes of August 15, 2016 and was seconded by Mr.  
38 Bressor. The motion carried 5-0.

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40 The Baker Street block party was delayed and the board expressed their condolences to the Poehlmann  
41 family.

#### 42 43 Approval of Purchase Orders

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45 The Manager presented Purchase Order 3201 to Newton Construction for gravel trucking related to the  
46 gravel plan, for \$24,960. Mr. Bressor offered a motion to approve Purchase Order 3201 to Newton

1 Construction for gravel trucking related to the gravel plan, for \$24,960, and was seconded by Mr. Hill.  
2 The motion carried 5-0.  
3

4 The Manager explained that earlier the Selectboard had approved a purchase order to Cody Chevrolet  
5 for a new foreman pickup with accessories. The Manager identified an error, and requested that the  
6 Highway Department solicit new quotes. Both times they claimed they could not get a response from  
7 Shearer Chevrolet, the holder of the State contract. However, they received a quote from Cody  
8 Chevrolet which matched the base State contract price. This order also includes an 8-year warranty.  
9

10 Mr. Bressor offered a motion to approve Purchase Order 3199, which replaces Purchase Order 3195,  
11 to Cody Chevrolet for the purchase of a pickup truck, warranty, plow and sander in the amount of  
12 \$56,138. Mr. Sander seconded the motion, and the motion carried 5-0.  
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#### 14 Approval of Warrants

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16 Warrants were approved and signed.

17  
18 Items for the next agenda were reviewed.  
19

#### 20 Executive Session

21  
22 Ms. Kane explained that there was a need to discuss the performance evaluation for the Town  
23 Manager, and read the following resolution.  
24

25 Find that premature public knowledge about the Town Manager performance evaluation would cause  
26 the town or person to suffer a substantial disadvantage. Mr. May offered this motion, and was  
27 seconded by Mr. Hill and the motion carried 5-0.  
28

29 At 8:45 PM Mr. May offered a motion to enter an executive session to discuss the Town Manager  
30 performance evaluation, under section 1 VSA 313 (a)(3). Seconded by Mr. Bressor and the motion  
31 carried 5-0. The Town Manager was invited to attend.  
32

33 At 9:05 PM Mr. Sander offered a motion to adjourn the executive session and reconvene the regular  
34 session, and was seconded by Mr. Hill and the motion carried 5-0. No further action was taken.  
35

#### 36 **4. Adjourn**

37 Motion by Mr. Sander to adjourn the meeting at 9:05 p.m. Seconded by Mr. Hill. So voted.