

Selectboard Minutes  
11/02/2020

Members Present by Zoom: Christine Werneke, David Sander, Roger Brown, Bard Hill  
Absent: Katie Mather

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Others Present by Zoom: Josh Arneson, Town Manager; Kathy Daub-Stearns, Admin. Assist.; Kyle Kapitansky, acting Police Chief; Ravi Venkataraman, Planner; Kendall Chamberlain, Water & Sewer Superintendent; Linda Parent, Town Clerk, Pete Gosselin, Highway; the meeting was recorded for MMCTV Channel 15, also present: Stefani Hartsfield, Caitlin Littlefield, Justin Graham from RiseVT, Gretchen Paulsen, Judy Rosovsky, Rod West, Bob Heiser, Marie Thomas, Danny Peet, Allen Knowles, T, 632808, Ruairi Hutchison, 860 655 5387, Jean Bressor, iPhone, Cathleen Gent, Matt Leonetti, Amy Carmola, Sarah Reeves (CSWD), Ken Karlson, Logan Hegg (CSWD), Ryan Home, and Joy

Called to Order: 7:01 PM

**Welcome by** David with a reminder to vote!

**Comments from the public:**

Marie Thomas said she wanted the Selectboard to be aware that the CSWD has applied to the Agency of Natural Resources for an “after the fact permit” because they opened an area where they disposed of crushed glass illegally. She would like to have the Selectboard write a letter to Natural Resource Agency to not let CSWD off the hook and to have them more closely. She is concerned that they will increase fees to pay any fines they receive from their illegal actions.

**I, Additions or Deletions to Agenda:**

Kendal asked to add a discussion of port-a-lets to the Volunteer Green Use item; David replied yes.

**II. Items for Presentation or Discussion with those present**

**a) Consideration of approval of VT State Digitization Grant and COVID-19 Election Grant**

Josh reported:

- that we should have named Linda as the grant manager when she applied
- that Linda reported that the application for the grants was done ahead of the request to be timely
- that digitizing the records are being required for people to be able to access records especially because of COVID
- that this grant will get 40 years of records scanned

Discussion included:

- whether this contract with NEMRC should have gone out to bid

- that the next nearest quote for the work was over \$51,000
- that the money will go for an outside vendor to scan everything

Linda continued:

- that the next grant was granted for COVID related items to make elections easier
- that she received a grant for \$5000 and will purchase a laptop and some tables that will be kept at the school and some cleaning supplies that are not covered by FEMA

Discussion continued:

- that Marie Thomas thought having digitized records would be welcomed by the people who access the records, it would be safer and secure, suggesting that the assessor's records also be done. She urged the Selectboard to approve the grant applications.

Katie moved to approve digitization records grant and name Linda as grant manager; Bard seconded. Roll Call Vote: Roger, Christine, Katie, Bard and David voted affirmatively. Motion passed.

Katie moved to approve the COVID 19 Election Grant and name Linda Parent as grant manger; Bard seconded. Roll Call Vote: Roger, Katie, Christine, Bard and David voted affirmatively. Motion passed.

**b) Consideration of approval of request by Trails Committee to apply for a RISE VT Grant**

Jean Bressor reported:

- that the grant would cover signage for Town trails that was uniform
- that the grant would provide design and material up to \$1,500
- that volunteers would make the signs and put them up

Katie moved to approve the request to move forward for unified signage for Town trails; Bard seconded. Roll Call Vote: Roger, Katie, Christine, Bard and David voted affirmatively. Motion passed.

**c) Consideration of approval of request by Transportation Committee to apply for a RISE VT Grant**

Ravi reported:

- that he will be helping the Committee to apply for the grant that will help pay for another grants match that is \$8000

Discussion included:

- that this a planning grant

Bard moved to approve the application for the RISE VT Grant, Katie seconded. Roll Call Vote: Roger, Christine, Katie, Bard and David voted affirmatively. Motion passed.

**d) Consideration of appointments to the Transportation Committee**

Ravi reported:

- that this is an expansion of the Committee and would establish term cycles
- that there were four (4) applications with the committee has forwarding three (3)

Bard moved to change the Transportation Committee to seven (7) members, six (6) from the public and one (1) from the Planning Commission, Christine seconded. Roll Call Vote: Roger, Christine, Bard, Katie and David voted affirmatively. Motion passed.

Bard moved to appoint Catherine Gent, Erik Filkorn, Chris Cole, and James Floyd to the Transportation Committee for terms ending in May 2023, and Mark Damico, Allen Knowles and Jon Kart to the Transportation Committee for terms ending in May 2022; Christine seconded. Roll Call Vote: Roger, Christine, Bard, Katie and David voted affirmatively. Motion passed.

**e) Consideration of creating a UPWP bicycle/pedestrian Master Plan Steering Committee**

Ravi reported:

- that there have been a number of applicants
- that this steering committee would oversee the projects

Discussion included:

- that Bard noted the resurgence of volunteers and credited Ravi and Josh for the work they have done to move the plans forward in a focused way
- that Christine asked if the project would be completed by 2022 or is it the plan that will be completed. Ravi replied that it is the plan that would be completed.
- that Christine wondered if 18 months is what would be expected for a plan like this to be put in place and whether this plan is efficient. Ravi replied, yes, that it has to do with funding, so it is divided into 2 phases. These are the steps to getting a project completed: scoping, planning, engineering and then construction.
- that we are going at the pace of resources.

Christine moved to create the Bicycle/Pedestrian Plan Project Steering Committee, which will oversee the UPWP Bicycle/ Pedestrian Master Plan and provide guidance to its work throughout the project duration; Bard seconded. Roll Call Vote: Roger, Christine, Bard, Katie, and David voted affirmatively. Motion passed.

Christine moved to appoint Jean Bressor, Justin Graham, Colin Green, Chase Rosenberg, Ian Stokes, Jonathon Weber, James Floyd, Allen Knowles and Samantha Peikes to the Bicycle/Pedestrian Master Plan Project Steering Committee for terms lasting the duration of the Bicycle/Pedestrian Master Plan Project; Katie seconded. Roll Call Vote: Roger, Christine, Bard, Katie and David voted affirmatively. Motion passed.

**f) Consideration of approval of applying for a grant from Vermont's Urban and Community Forestry program to address the emerald ash borer recently discovered in Richmond**

Caitlin Littlefield & Judy Rosovsky reported:

- that we have emerald ash borer in Vermont and here in Richmond
- that a bio control release has been done to stop the borer
- that this grant will help decide what we want to do with the ash trees
- that this past summer an inventory of ash trees was done by volunteers
- that being proactive will be important
- that the grant would be for \$15,000

- that the treatments would be done for trees that are healthy and the others would need to be removed.
- that this would cover trees right in town and that there are 100's of other trees that decisions will need to be made for

Discussion included:

- that it is great to get out in front of the problem instead of chasing it
- that there are fourteen (14) trees in town, one (1) down Cochran, and one (1) at the entrance to a trail
- that the others are small, ten (10) inches in diameter or less, Judy Rosofsky though they would need to be removed and the trees replaced by another species.
- that the soil-based treatment should last 4-5 years and there may be a better way developed in the future
- that this is a matching fund grant so \$15,000 would need funding from the Conservation Fund
- that there is a one (1) acre lot on Cochran Rd that might be a good place to have nursery trees started
- that there should be some outreach to the public to educate people about how to limit the spread of the borer
- that it is appropriate for the Selectboard to approve the grant process even after the fact if necessary.
- that Roger asked, outside the town core who is responsible for the trees when they are in the town right of way. Caitlin replied that the trees are owned by the landowner, but the Town can manage the trees.
- that if the trunks are not showing damage and it is a certain time of year a logger could take them to a mill
- that Wes White Hill has a lot of ash trees
- that Roger wondered if it would be better to make use of the trees by selling them before they become damaged
- that 99.8% of the white ash trees will not survive over time
- that funding should be put in place to combat the emerald ash borer

Katie moved to approve the application for a grant from the Vermont's Urban and Community Forestry program to combat the emerald ash borer; Bard seconded. Roll Call Vote: Katie, Christine, Bard, Roger, and David voted affirmatively. Motion passed.

**g) Discussion of short term and long-term options to cover workload of the departing Zoning Administrative Officer**

Josh reported:

- that Suzanne Montegna has resigned and is moving to another state, her last day is Nov. 13, 2020
- that the challenge is covering her work over the next few months
- that Ravi will pick up a few hours
- that CCRP will be contracted for ten (10) hours to cover the DRB needs
- that as we look at the long-term structure the position has been 20 hours and shared a person with Hinesburg adding that he has been formulating solutions and one of them is to have the position be a 30 hour position, another is that Huntington is looking for a 15 hour position so we may partner with them and have a 25 hour person

- that he will have number available for the budget meeting
- that Josh thanked Ravi for the research into how other towns are handling the position

#### **h) Discussion of winter use of Volunteers' Green**

Josh reported:

- that Rod West requested the road in the park remain open to the loop over the winter which has been traditionally been closed.
- that Kendall has suggested that since the restrooms are not heated and have been closed and that port-a-lets should be provided.

Discussion included:

- that Rod West said that for a long time that the end of Esplanade was used to access the back of the park without having to go past the park and that most of those people are dog walkers. He asked that the Selectboard approve his request and that he would plow the area.
- that Pete met with Rod and he has a difference of opinion. That he spoke with Kyle Katpitansky and the neighbors who did not want activity there all winter. He thought we would be creating more impact to the park if the road was open.
- that Rod wanted the road plowed for walking purposes and well as driving to the back. He said when he plows the rink he usually plows back to the trail along the river for accessibility.
- Rod thanked highway for mowing back to the cornfield.
- that Christine asked if thought about the sidewalk plow being used. Pete said the road is gravel with speed bumps and that the equipment is made for hard services.
- that Pete said that people drive back there and let their dogs loose which is against our ordinance adding that they do not always clean up after their dogs when they run loose.
- that Katie said that last year when there were not enough places to park, she and Roger discussed keeping that road open for parking. That if we are having problems at Volunteers Green, they should be addressed.
- that having a twelve (12) month park plan is needed
- that the park loop is just dirt and not intended to be used in the off seasons and is also in the flood plain
- that there should be a dog park somewhere in Richmond
- that Stefani Hartsfield said that as a resident of Esplanade she did not think having the road open would bring problems. She was concerned that it would be a safety issue with the boulders and parking. She thanked Rod for all the work he does at the park. She said she is on the Rec Committee and is not sure what responsibilities are the Selectboard's and what are the Rec Committee's
- Kyle said vandalism is a spur of the moment thing and more access usually means more vandalism
- that Kendall thought one (1) port-a-let should be by the bandstand and if the road is opened then another by the concession stand.
- that Bard supports a port-a-let or two (2) and agreed with Pete about the plowing and what would make it usable for future years
- that Christine agreed to have a port-a-let by the band shell and have the Rec Committee explore what a four (4) season use of the park would look like
- that Pete asked about placing some picnic tables by the rink and in the band shell

- that the poop cans will be taken care of by Rod West over the winter

**i) Discussion of process to opt in for retail sales of cannabis**

Josh reported:

- that retail sales have been approved in VT and a few residents have inquired about establishing a retail business for cannabis
- that it would need to be passed by Australian ballot before the ordinance could be changed.
- that Ravi reported that once the voters approve a retail cannabis option, then it would go to the Planning Commission for review for a location.

Discussion included:

- that Joy asked if the location of the retail could be established by the Planning Commission prior to a vote by the town. Ravi replied it could be done that way.
- that Bard said that logically there are only so many areas in town that are retail and there are some rules about being around a school
- that there are no tax incentives since we do not have a local tax
- that Matt Leonetti said that the opt in would include cannabis retail but also cultivation. That this would be commercial areas only. That in the agricultural district cultivation would also be permitted saying the opt in is for everything.
- that Ravi said he has been informed that the opt in is for retail sales only and he would have to be in touch with the Planning Committee about cultivation.
- that Marie Thomas said that her observation is that in other states it brings a lot of traffic and parking is at a premium so she would not want to make that worse.
- that coming back with what the article would look like would be the next logical step
- that Matt L. wanted to know if the Selectboard chooses not to bring this to Town Meeting Day what the way to get the item on the ballot is. Ravi said that the usual 5% of the voters was not spelled out, that it was stated that it was the Selectboard decision.

**j) Discussion of Chittenden Solid Waste District lease**

Josh reported:

- that the lease ends this year and now is when to discuss the next five (5) year lease

Discussion included:

- that Katie asked if we could take the landfill back and run it ourselves. Bard replied that running such a facility is difficult and that the Town of Richmond is not prepared to do it. He added that we should look at performance, cost or other elements related to the lease and discuss those.
- that Josh pointed that there are two (2) persons from CSWD on the call. Sarah Reeves & Logan Hegg.
- that Sarah Reeves said CSWD should have gotten to the Town before now with the new lease and that CSWD would like to renew the lease.
- that Bard said the current lease expires in 2 months and we may put forward a one (1) year lease so that there could be time to address issues that have come up like the reuse area. Sarah Reeves thought that made sense and she could bring it to her board.
- that Logan Hegg noted that there are some things planned for the Richmond drop off center. Christine asked if he could give an idea of what those plans would be.

Logan said, making the site one way in, one way out, ways to keep it cleaner, and to keep it as safe and efficient as possible. Sarah Reeves said they are looking at a new access road that would make it easier to keep access clear and they will be adding accepting credit and debit cards.

- that Marie Thomas said we give them money on top of the revenue from residents. Josh replied that we do not, their money comes from residents only.
- that Marie Thomas is concerned that CSWD has an enforcement action against them because of crushed glass being buried illegally. She is concerned that if CSWD is fined that customers will have to pay for their illegal activities. That when people recycle there is an expectation that the glass is being recycled and this is really a breach of trust. She added that there needs to be some evidence that there is a commitment that things will get better. Marie thought that there should be legislation that encourages people to find new ways to use recycled items.
- that Bard would like to move forward with a twelve (12) month agreement so we are not operating without a lease. Sarah said she would get something to Josh for the next meeting.

#### **k) Update on trail easement on the Peet Farm**

Josh reported:

- that earlier this year the Town committed some Conservation money and with that came a trail easement adding that the easement is nearly complete and should be ready in about two (2) weeks.

Discussion included:

- that Bard said we should be clear about it being a trail and not a road. Josh said it is.
- that Bob Heiser, from the VT Land Trust, said that there is not an agreement with Buttermilk to make the trail contiguous.
- that Bard asked how it is accessed now. Danny Peet said that currently they have used it for decades there is not an official deeded right of way.

#### **l) Consideration of approving an easement through the Town Center to the Peet Farm**

Josh reported:

- that there is not a recorded access on the land records to the Peet Farm through the Town Center property adding this would reflect the same easement entitlements that is there already in place for another person.
- that we need a 1061 notice and that the easement needs to have a legal reference amended.

Discussion included:

- that Danny Peet said, when the school district gave the Town the property they mentioned the easement and there is a site plan that shows the easement but neither thing was actually recorded on the land records.
- Roger asked Bob if when the money was approved was it for this trail and wondered if there needs to be consideration for this easement. Josh said that the consideration is \$10 to make it legal. Roger said the town putting in \$20,000 was for the trail, now there needs to be another easement and is \$10 the right amount. Bob Heiser said VT Land Trust is trying to help with this transaction and without the

right of way there is no clear title for the Peet's to transfer the land to Jericho Farm. Danny Peet said the easement is for agricultural right a way that is deeded. He said there is more work to be done to make the path. Bob Heiser agreed. Bard said if you get an easement with the Town you still need one with Buttermilk. His concern was about a comment in the proposed easement regarding a new town highway and was this a foot in the door to turning the trail into a roadway. He would like to see this worked out as a sequence of events as opposed to one at a time. Danny Peet said he would share the agreement being worked on with Buttermilk. Bard said he would like to have all the agreements ready at the same time. Josh asked Bard if he was looking for all the trails to be connected before supplying an easement. Bard said yes, seeing the finalized easement with Buttermilk, the Peet's and the buyers to be certain that the trail is connected. Bob Heiser said he is concerned about the time running short to close.

- that Katie said she always thought there was a farm easement. If we establish a right of way would we be opening a door for another ask from Buttermilk to make it an active road. She asked what protection is there that this will not become a through road or infringe on the flood plain.
- that Bob Heiser thought that the language was supposed to be an out for the town. Danny Peet said he would have to ask his lawyer why it is there. He asked if his family decides to pull out of the current agreement would the Town allow a deeded right of way to his family.
- that Bard would like to see all the uses agreed upon together. Christine thought that including pedestrian access to the trail being added to the Peet agreement with Buttermilk is the missing link. Danny Peet said he would ask about it adding he wondered if the public highway language needed to be changed too. Bard said if the trail is connected, he is less worried.
- that Christine asked if there could be an update at the next meeting to know where they are at. Bard agreed. Katie asked if the date for the closing could be pushed. Bob Heiser said that there is a purchase & sale agreement with a closing date deadline. Bob Heiser said that the deadline has been moved before. Bard said he was sensitive to the timing.

#### **m) Discussion of regular updates from the MMUUSD Board**

Josh reported:

- that this is a question about whether the Selectboard would like to have regular updates from the School Board. David said he would like to at least have a written summary that could be followed up on would be sufficient. Bard said we should try it and see if it is helpful.
- Bard thought having an in-person update and see if it is helpful.
- that Josh will follow up on the process

#### **n) Update on Rt. 2 paving project**

Josh reported:

- that the state will be coming through in the fall of 2022 to redo the Route 2 paving and it will include removing the concrete below the roadbed.
- that the Town is looking for wider shoulders to have a bicycle lane and a turn lane.
- that the state is looking at four to five foot (4-5') shoulders

- that the turn arrow without a lane has been done in the past and we think it could be done safely here.

Discussion included:

- that Christine said that with some projects there are lines, then gravel adding when they say four to five foot (4-5') shoulders it's not paved. Bard said, no it would not be paved. Christine wondered what percentage of the 4-5' will be paved. Ravi said that a bike lane is typically 4' wide then the soft shoulder adding that how much will be paved should be able to be determined later next month.
- that Roger asked if more parking might be available on Route 2. Bard said he told them we would like to have the same thing Waterbury has. Roger asked if we would be willing to give up some parking for a turn lane if we are getting more street parking. Bard said, probably not. Roger would like to see how much parking would need to be removed.
- there will be more discussion going forward

**o) Review of expenses for Bridge St. Infrastructure Replacement Project**

Josh reported:

- that this was a large project
- that the \$788,365.95 is eligible for 50% loan forgiveness
- that the overall cost of the project came in slightly under what was originally planned
- that we did not use all the contingency money anticipated
- that we were able to get more done than anticipated
- that Josh thanked Pete, Kendall, and the entire Water Dept as well as Green Mountain Engineering.

**p) Update on Vermont Youth Project**

Josh reported:

- that the Town received a letter saying we are not eligible for the next round of VT Youth Project grants because we did not get enough done.
- that once COVID hit the group tried to keep things moving but did not get enough to get things done to satisfy VT Afterschool.

Discussion included:

- that Gretchen Paulsen said that when COVID hit they thought VT Afterschool was on hold and were waiting to hear what the next steps would be so they were surprised when this was cancelled. Stefani Hartfield agreed thinking that communication broke down with COVID. She said she was surprised when the program was notified it would not go to year two (2). Stefani said she thought the volunteer work will continue.
- that Amy Carmola, of the United Way, and Richmond parent, said that she would be interested in understanding what happened with the partnership with VT Afterschool.
- that Katie said she worked with the group and is disappointed that this has just disappeared.
- that Christine asked what Stefani needed to continue.
- Gretchen Paulsen thought sending a letter to VT Afterschool to get a better understanding would help to know how to move forward.

- that Justin Graham said he was shocked when he got the email. He also thought we were on hold while they were setting up COVID childcare centers. He thought there was great community support but did not think VT Afterschool would change their minds. Stefani agreed adding that the next step would be to correspond with them, have Josh write and request a meeting to help understand what happened. Josh agreed to help with that.

**q) Consideration of adopting a resolution regarding the date of Town Meeting Day 2021**

Josh reported:

- that a resident asked if the question to move Town Meeting Day had come from the floor, which it did not. When Josh asked the Town's attorney, he said it could be cured by the Selectboard making a Resolution.

Bard moved to approve the Resolution as presented; Roger seconded. Roll call vote: Bard, Katie, Christine, Roger, and David voted affirmatively. Motion passed.

Discussion included:

- that Christine asked what the intent of the resident was. Josh said, when he told the resident that there was a cure he was ok with that.

**r) Update on plan to review agreement regarding curation of artwork at the Town Center at the Nov. 16 Selectboard meeting**

Josh reported:

- that he gave the updated version to the attorney who will get back to us by the next meeting.

**s) Update on special meetings of the Selectboard to focus on the FY22 Budget**

David let everyone know that the next budget meeting would be Nov. 9, 2020 at 7PM.

**t) Update on Police Chief hiring process**

Josh reported:

- that he is getting closer to finalizing one (1) of the candidates.

**u) Update on Dugway Rd. project**

Josh reported:

- that things are moving forward.

**III. Approval of Minutes, Warrants and Purchase Orders**

**Minutes:**

Bard moved to approve the Minutes of 10/19/2020, Christine seconded. Roll Call Vote: Roger, Christine, Bard and David voted affirmatively; Katie abstained. Motion passed.

Roger moved to approve the Minutes of 10/20/2020, Bard seconded. Roll Call Vote: Roger, Christine, Bard, Katie, and David voted affirmatively. Motion passed.

**Invoices and warrants:**

Bard moved to approve warrants as presented, Roger seconded. Roll call vote: Roger, Christine, Bard, Katie, and David voted affirmatively. Motion passed.

Josh will send the warrant out for signatures using DocuSign.

**Purchase Orders:**

Bard moved to approve PO 3991 to Various Salt Vendors for road salt in an amount not to exceed \$95,000; Roger seconded. Roll Call Vote: Roger, Christine, Bard, Katie and David voted affirmatively. Motion passed.

**IV. Discuss Items for Next Agenda**

Agricultural easement

Artwork agreement

Update Dugway Road

Dispensary opt in/ opt out

VT Youth Project

Status update on the budget

CSWD update

Hiring of Police Chief

Sign thank you

**V. Executive Session if necessary- Real Estate and HR**

**VI. Adjourn**

Bard moved to adjourn; Katie seconded. Roll call vote: Christine, Bard, Roger, Katie, and David voted affirmatively. The meeting ended at 10:57 PM.