

Selectboard Minutes
12/21/2020

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

Absent:

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; the meeting was recorded for MMCTV Channel 15, also present Alexis Lathem, Allen Knowles, Ann Naumann, Brodie O'Brien, Sean Witters, Cara LaBounty, Cody Quattrocci, Connie van Eeghan, Darcie Rankin, Denise Noble, Diane Mariano, Emily Mitchell, Evelien Killian, Gretchen Paulson, Hunter Wasser, Ike Patch, Jana Brown, Jay Furr, Jane Miller, Jessie Heiser, John, Judy McVicar, June Heston, Judy Bush, Justin Graham (RISE VT), Madeline Dougherty, Kira Kelly, Lou Borie, Matt Leonetti, Martha Nye, Mary Houle, Michelle, Peter, Rebecca Rouiller, Rebecca Starks, Rick Grouse, Rod West, Ruari Hutchinson, Sasha Finnell, Sau, Veronique, Wafic Faour, Will Lambek, Wright Preston, unidentified person at: 802-578-9678

Called to Order: 7:06 PM

Welcome by David

Comments from the public:

Mary Houle asked about an email from Josh that addressed the Cochran Road lot saying the subject was not warned. Josh said it was under the transportation item. Mary thanked him.

Cody Quattrocci asked if comments should be held if a warned item. David responded yes.

Christine made a request to move up in the agenda the 5th item. The board had no issue with moving the item forward resulting in the switching of items F and G.

Sau requested that if an uncomfortable topic came up and there is discord that a Selectboard member step in sooner than at the previous meeting.

David said that the conservation funds request has been removed. Wright Preston said the Allen Community Forest woodlands are freezing up quickly so the improvements to the logging road need to be tabled until next summer.

Josh requested an addition to agenda saying the Rec Committee is asking for \$1500 as a grant match adding that the grant needs to be submitted prior to yearend. He suggested putting the item that at the end. David said make it H.

II. Items for Presentation or Discussion with those present

- a) Update on next steps for Dugway Rd. project

Josh reported:

- that the paperwork and permits are in place
- that we are getting ready to go out to bid

Josh turned it over to Tyler who reported:

- that paperwork is into FEMA
- that he would make a recommendation as to who to select once all bids are received
- that it would then go the board for consideration
- that the project would be ready to start in May or later depending on the contractor and weather
- that we may need an extension from FEMA to get the deadline for completion pushed out to the end of the year

Discussion included:

- that Katie asked about the chain link fence. Christine replied that we agreed to put up snow fencing. Bard said it was a conversation at the last meeting. David said there are also physical barriers there. Katie said she wanted to make sure there is signage that makes it clear we have not taken the fence down because it is safe. Christine said we discussed signage.
- that Rod West wondered what the scope of work on Dugway Road is. Tyler replied that there is a failed slope that will need a concrete wall with stone and other changes to make the slope better.
- that Christine asked about the timeline and whether there is enough time for contractors to respond. Tyler said there are several approved vendors and that there are not many contractors who can do a job like this one so between bid ads and invitations there should be a good response to the bid request.

b) Summary of process to install a gate at Andrew's Community Forest

Josh reported:

- that on November 21 a gate was installed that has been discussed on Front Porch Forum
- that there were ATV's accessing the forest and the logger had some equipment vandalized. Wright Preston contacted the Andrew's Community Forest Committee who agreed that a fence should be put in and that some residents felt Wright Preston had acted on his own.
- that there should have been a public meeting about the gate which has now place and the committee voted to install the gate.
- that a permit from the DRB is also outstanding
- that all committees have been made aware of the "open meeting law" and will be reminded each year going forward.
-

Discussion:

- Katie asked if we are assured that ATV's will not access the property. Wright said when snow accumulates ATV activity usually stops adding that the VAS trail that runs through there has been closed by VAS due to a landowner dispute. Wright said he had not heard of any other ATV use.
- Katie asked who is responsible for damage to the logger's equipment. Wright said we do not want criminal activities and has not heard anything in a month or so.
- that Wright said that ATV activity on the property needs the owner's permission. Katie asked if anyone on an ATV is subject to a fine. Wright said the challenge is catching the person to issue the ticket. He said he did not think the problem was at a point making it necessary to bring in law enforcement to patrol the property.
- Peter asked if there were any laws broken other than the open meeting law. Josh responded that a DRB permit also needs to be issued.

- Peter asked how many ATV's there were and whether anyone considered it could be anti-logging interests. Wright said he has never heard of any issues with anti-logging activities in Chittenden County.
- that Peter is trying to understand why looking to the ATV's as the vandals as opposed to anyone else. Cara Labounty agreed saying we should be saying it is criminal activities and not pointing fingers at any group of people.
- that Cara asked who had keys, Wright said the lock has a common combination held by the town, highway, police. Cara asked that all emergency services have the number. Wright said he also provided the combination to the utility company.
- Cara Labounty asked where the funds came from for the gate. Wright said he paid for the posts and donated the gate.
- Peter asked if the board thought it would be ok for people to just do whatever they want. David replied that when it was realized open meeting law was violated the town let all committees know and it is being worked on to not happen again. Bard said he takes the open meeting law seriously and the committees adding that the committees are volunteer, and it takes vigilance to make certain everyone knows what needs to be done.

c) Consideration of approval of Conservation Fund Request by Andrews Community Forest Committee to improve a section of road on the Andrews Community Forest

Withdrawn until summer by request of the Andrews Community Forest Committee

d) Consideration of approval of two FY22 UPWP grants

Ravi reported:

- that the transportation committee met and voted to pursue 2 projects
- that Jericho Rd was discussed, and it was concluded to have these projects scoped.
- that the FY 22 budget does not currently include sufficient funds.

Discussion included:

- Roger asked about going up Jericho Road. Ravi said that in 2007 there was something done then. Roger thought there was something else. Ravi thought anything done prior would be incorporated.
- Cara Labounty asked if it was \$16,000 plus \$20,000. Ravi replied that it would be \$20,000 in total. Cara said this is just for the planning process. Ravi said yes.

Bard moved to approve pursuing the southern portion of the Bicycle/Pedestrian Master Plan project and the Sidewalk Scoping project with Jericho Road, Bridge Street, and Huntington Road segments for the FY22 Unified Planning Work Program (UPWP) projects as well as approve the allocation of \$20,000 (\$8,000 for the southern portion of the Bicycle/Pedestrian Master Plan, and \$12,000 for the Sidewalk Scoping Project) for the required 20 percent match for said project; Roger seconded. Roll call vote: Katie, Roger, Bard, Christine, and David voted affirmatively. Motion passed.

e) Discussion Town Meeting related topics including review of draft warning

Josh reported:

- that this draft assumes we are having an in-person meeting
- that the warning is available in the packet

- that the cannabis question asked at the last meeting was whether retail and integrated licenses could be split out, Ravi reviewed the bill and determined it could be split out. Josh asked if the board wanted to split it out or leave it. Christine said that retailers made sense and did not know if integrated licenses would be more complicated. She asked if we wanted to designate just retail since that is what we would probably end up with.

Discussion included:

- Matt Leonetti said he wanted to keep it open to make it more inclusive and have the ability for integrated licenses.
- that there is not a need to decide anything tonight
- that Ravi thought the rules would be more defined in the coming month or so since there are workshops coming up to help understand how these uses would be integrated into zoning.
- that Matt asked if the Selectboard opts to not put this out to a vote would it require signatures to get the item before the voters. Ravi said if the Selectboard does not put it on the ballot then it would require signatures. Josh said that is correct in a non-COVID year, in a COVID year the Selectboard could receive a request and put it on the ballot without signatures. Mary Houle said the Selectboard could put it on the warning, but she is tired of COVID being used as an excuse and thought the Selectboard should not hide behind COVID.
- that Katie asked about these issues being decided by Australian Ballot – would we have information available on our website. Josh said the only FAQ started is for cannabis and if we move to Australian Ballot there will be others for each item on the ballot.
- that Katie let Matt know the Selectboard thought it should be brought to the voters. Matt said he was looking to see how these things are resolved by towns.
- that Josh presented the FAQ and Bard made a formatting request.

Josh's report continued:

- that mailing ballots out to all active registered voters cannot be done, that voters can make a request for a mail in ballot but that could change
- that there may be alternate options for voting and more information will be available

f) Consideration of approval of agreement for art curation with Radiate Art Space

Josh reported:

- that this has been an ongoing discussion on creating a curation committee
- that our attorney has reviewed the agreement written by Radiate and the board committee.

Discussion continued:

- that Bard said it has been a long process and this creates a framework for curating artwork. His view is that the Selectboard does not have the time or expertise to curate artwork
- that Rebecca Rouiller said her board is happy with where the agreement is and welcomes the public comments
- that Christine asked about the "duration" piece and how it relates to the current murals. Josh said that the current murals would be replaced by July 12, 2021 since they were installed July 12, 2020. Rebecca said any installation could be up

- for a year but that it has been discussed that in May there would be a call for new murals and typically that would happen in the spring and fall during non-COVID times.
- that Christine asked if all the windows would be the same theme or if there could be two themes. Rebecca said content is open because they want a variety of groups and there is nothing that says all the windows need to be the same theme. Christine thanked the Radiate Board.
 - that Bard said this is not a permanent installation so it can evolve and change over time.
 - that Sau said under “ownership of copywrite” she hoped there would a line saying that credit to the artist and to Radiate would be included. Bard thought that was reasonable.

Bard moved to amend the draft agreement as described by Sau, Katie seconded. Roll call vote: Roger, Christine, Katie, Bard and David voted affirmatively. Motion passed.

Bard moved to adopt the agreement as amended; Katie seconded. Roll call vote: Katie, Roger, Christine, Bard and David voted affirmatively. Motion passed.

David thanked everyone involved for their work.

Katie thanked everyone for all the hard work on this.

g) Follow up on suggested changes to the Fair and Impartial Policing Policy (FIPP)

Josh reported:

- that Kyle, Roger and Josh would be speaking about their experience in the group.

Roger reported:

- that there are two, but related questions related to migrant communities and the local police department. First, affirmative policing, the ability of migrants to contact local police if needed. He said he would like to see translators available, maybe hire bi-lingual officers with outreach to the migrant communities. Roger was not sure what that looked like but thought possibly hire a person that everyone in town knows that they can call someone formally or informally. He thought we needed to find a way to contact the migrant community
- that preventing local law enforcement from contacting federal authorities would help in the migrant community accessing help when they need it
- that changing the FIPP he was in favor of
- that the role of our PD is community policing
- that the challenge of not violating the federal law has been tackled by CA and there are ways to do this in a way the does not ask officers to not violate laws but still prevents the sharing of personal information
- that Roger said changing our FIPP will not make our communities safe for migrant workers for various reasons including someone disagreeing with whatever policy is set. He thought we should not underestimate what we are currently doing but we should not overstate where we can get to.
- that this issue is one of the reasons we should have a local law enforcement in Richmond adding that if we were dealing with the state police this would be a more difficult conversation.

Discussion included:

- that Rauri Hutchinson asked if Roger were proposing an alternative to the FIPP. Roger replied that what he was talking about was in addition to the FIPP. He thought the breakout group was looking at how to improve the safety and protection of migrant workers in Richmond.
- that Mary Houle said that if our officers are not going to follow federal law then forget the cannabis issue, it is not allowed federally so anyone can just sell it. She thought the Selectboard should rethink the issue if they were not going to have our officers follow the law. Mary suggested reading the book "Race Pimping"
- that Bard encouraged Roberts Rules of Order asking that questions be addressed to the chair instead of others. David agreed.

Josh reported:

- that he learned a lot on this subject
- that the migrant community feels this would make them safer
- that the state model funding was changed because of the holding back of federal funding
- that going forward this could be a financial issue if we change our policy
- that he struggles with adopting a policy of going against federal law and he knows that Kyle has the same issue
- that the police department culture right now does not support calling ICE
- that what the liability is for having it adopted is something he is working on getting an answer to
- that he has not formed an opinion on exactly what needs to happen

Kyle reported:

- that he is concerned about the same things Roger and Josh are. This FIPP does not make migrant workers any safer.
- that the line that says the policy is not intended to break federal law makes the parts that do break the federal law void
- that essentially the removal of information about undocumented persons cannot be thought of as a flight risk does not prevent that person being held for other reasons
- that he felt the new wording made issues worse for migrant workers
- that he had no intention of investigating border violation issues
- that the job of Richmond PD is to keep people safe in a moral, ethical way adding it is unethical for him to ask his officers to break a federal law.
- that he thought the affirmative action of having bi-lingual officers would make a difference
- that this policy does not afford any protection, he wants everyone to feel safe
- that the difference between this and cannabis is that the state has made cannabis legal
- that there is more we can do that is more purposeful than changing the FIPP

Discussion included:

- that Bard asked if there was some sort of compromise the breakout group could come or was the group not able to come to consensus. Roger said there was not a policy the group agreed on.
- that Bard said that the people who are asked to enforce the policy are the police and the town manager. Kyle said depending on how you interpret it the ultimate control is with the police chief, and because the town manager is under the Selectboard control and therefore in charge of the police department it is

- complicated. Bard replied that he thinks listening to the towns legal advisor is what we should be doing and asked Josh what that advice is. Josh said he would be following up with the lawyer and have him further clarify the questions we have. Katie said she is still unclear whether the FIPP puts us in violation of the federal law and who it is that is in violation, officers, or the Town. Josh replied that the feedback has been a little confusing and is one of the things being followed up on.
- that Katie asked Kyle about him feeling it is unethical to ask them to break federal law. Kyle said officers contacting federal authorities are not breaking the law, Josh or himself prohibiting officers is where the violation occurs. Katie said the new wording prohibits officers from contacting federal authorities as opposed to the current wording.

Discussion included:

- that Cody Quattrocci read part of a letter from the ACLU regarding the rewriting of the FIPP. He thought that a new policy would be a stronger thing than the current culture.
- that Madeleine Dougherty said that she heard Josh and Kyle say that there are more things that could be done for migrants and that the new FIPP was written with migrant justice she thought it is troubling that people who are not migrants think they know what is better for them. She said doing more later can be done, it may not be perfect but thinks that the FIPP should be passed right away and she did not want to hear more about it from the Selectboard, who are not migrants. Bard said that he wants to hear from an attorney that represents the Town, the ACLU does not do that, and there are a variety of opinions. He said someone made a point that the state was going to adopt this, he said he would applaud a consistent policy throughout the state. Cira Kelly said she co-drafted the letter with ACLU, and she lives in CT, she said the town lawyer does not represent the residents and appreciates Bard wanting to have that opinion. Cira said that this is confusing and wanted to clear up some misconceptions. She said there is no federal law that says local police have to talk to federal officers. Police officers have authority to enforce state and federal laws, the federal government cannot force a local officer to enforce a federal law. She said that there is a Supreme Court decision that is being waited for. David agreed that this is complicated.
- that Will Lambek, of Migrant Justice, said Kyle believes the proposed FIPP does not afford better safety. He said the proposed FIPP was written specifically to prevent migrants from being deported and he did not read the policy the same way as Chief Kapitansky feeling that the proposed FIPP strengthens the migrant workers position not the opposite.
- that Will Lambek said it was a moral issue to not have officers work with the federal authorities. He added that the only entity that can determine who is violating the law is a court, not the AG's Office and nothing in the proposed FIPP could be determined as unlawful.
- that Kyle clarified that officers would not be in violation that it would be the entity that restricted the ability of officers

h-1) Rec Committee fund request for approval of a RISE grant (added to agenda)

Ravi reported:

- that the committee is looking to buy snowshoes with the library implementing a lending program
- that Justin Graham is on the line if anyone has questions for him

Discussion included:

- that Ravi will be the grant manager
- that Justin said it is straight forward

Katie moved to approve the grant match of \$1500; Christine seconded. Roll call vote: Roger, Katie, Christine, Bard and David voted affirmatively. Motion passed.

h-2) Announcement Snowplow Status Alert System

Josh reported:

- that this was brought up in case drivers get COVID
- that there is a page on the town website that describes what the colors mean
- that the VT Emergency Alert System will also be utilized
- that it will not be a daily update, only when needed
- that he is working on using a sign outside the town center offices as well

Discussion included:

- that Bard said Pete has mentioned mutual aid agreements. Josh said that Pete has worked out agreements with other towns, but other towns will have their own streets to clear then help us out and the reverse would also be true.

h) Review of transportation projects to address summer parking concerns

Josh reported:

- that there was a great deal of discussion over the summer
- that an Ordinance change takes months so working on it now would be important

Discussion included:

- that Christine said as we have construction on Dugway we may need to block traffic. David agreed. Christine said that she imagines that it may be more challenging this year with construction on Dugway taking place
- that David thought we should talk about an Ordinance change for the eastern part of Cochran Rd. Roger said he got a call from someone on the upper part of Dugway who thought there was an issue with people crossing his land. Bard said we are back to where we want people to park and where we do not want them to park.
- that Bard thought we should discuss the potential parking on Cochran Rd. David said he did not see an easy way to use the lot for river access without creating more issues. Bard said from the lot accessing the river is not easy, it would be more for bikers and walkers, not for people with floatation devices. Katie said the RLT said they would not open parking up if the town does not do parking on the Cochran lot so are right back where we were last year unless we change the Ordinance or open up parking on the roadway. Christine asked if we considered working with Jonesville, Bard said Jonesville is still Richmond and the state highway is there. Cara Labounty said Jonesville has no separate laws, it is Richmond, it is a town governed by Richmond. Cara said the railroad owns the small lot. She said she is confused about the agenda item thinking the board had a summer project list. She suggested that if the RLT is not opening the lot she suggested widening the road in certain areas of Cochran Rd to have access to the river. She would like to see a cost analysis of making parking along the road and

- look at budgeting to maintain the canoe access. At Volunteers Green she suggested a changing center for people to change out of their wet things, so people are not stripping down in front of families adding we need to add infrastructure to help people.
- that Mary Houle said there is a lot on route 2 on the left and that in the past there was an offer for a parking lot, but the town had to maintain it. She added that we gave \$86,000 for the conservation of Bombardier Field and that in the future we should have an ownership interest in any conserved land to avoid this type of issue.
 - that John asked if there was a way to have a plan before the snow leaves. Diane Mariano said there is a lot of people looking to park, not just for river access. She thought the work needs to be done by a committee and then brought to the board and thanked the board for discussing it now. Bard agreed and asked Ravi if the transportation committee could look at this and make suggestions to the Selectboard. Ravi said the question is not an analytical one the transportation committee would generally take up adding that at the end of the day it is a political and policy issue. Bard said he did not think it was and made specific observations. Cara asked who is on the transportation committee. She said another scope of work for them would be the cost and if the transportation committee does not have the information she asked if other people could be involved. Cara added, if Ravi does not think the transportation committee is the right committee, the Selectboard can appoint a committee to do the work. Katie asked if she is volunteering to head a parking committee. Cara Labounty said yes. Bard thought it was a good idea. Bard said he had previously spoken with the RLT about gravel and they may use conservation funds for that. Lou Borie said they were able to get 20 cars into the parking lot adding that having a dedicated group would be advantageous and the RLT would participate in that group and if the SB thinks it is a good idea then it should begin soon, he strongly supporting the idea.
 - that Jane Miller said she would like to know what Cara meant by expanding the parking by Wes White. Cara said she is not looking to expand where the small lot is saying that she is looking at Wes White Hill where there is a rectangular area where the town realigned the road. Jane Miller did not want more parking near her. Cara said she would like to see better signage.
 - that John said he loved the idea and thought there should be someone from the committee available. Bard thought having Cara, John, and Dianne post something on Front Porch Forum (FPF) for others that want to be on the committee would be a good first step. Cara said she wants the Parking Committee to be an adhoc committee saying it would be best having Josh post on FPF. Cara, Dianne, John, and Lou would be the start. Katie thought it was a great plan. Josh will send them the information for committees. Cara asked if the committee could be formed tonight so they could start getting things together. David said it could be formalized at the Jan. 4th meeting. Ravi said it would be a planning advisory committee with details on meetings and members with length of terms necessary at the formation. Bard asked if the consensus of the Selectboard is to appoint the four members and let them move forward was that possible. Ravi said it could be done. Cara asked John and Dianne how many members they thought the parking committee should be, they said five.

Bard moved to appoint John, Diane Mariano, Cara LaBounty, and Lou Borie to form a parking committee with a total of five members, John, Diane and Cara will serve two-year

terms, Lou will serve a one- year term; Christine seconded. Roll call vote: Christine, Bard, Roger, Katie, and David voted affirmatively. Motion passed.

Discussion included:

- that Christine thought that there are residents in town that are very interested in finding solutions that should be reached out to.
- that Cara asked Josh and Ravi to email her any information needed

i) Update on Rt. 2 paving project

Josh reported:

- that VTRANS is looking at repaving route 2
- that the town is looking for more parking on Route 2
- that there is a new project summary will be out in January to see the project summary and provide feedback on it.
- that the WS Dept has a sewer line expansion they are looking at that will be discussed with VTRANS

Discussion included:

- that this is a major project that will be 18-24 months
- that getting everything right is important because it is likely the State would not be back for a long time

j) Follow up on Rt. 2 speed study from VTrans

Josh reported:

- that the speed study that was requested came back reaffirming the current speed with a slight modification of a few yards to 40
- that there was a meeting where farm traffic, pedestrians, bicycles were discussed the person who did the study said she observed those things and felt the road was wide enough for the speed

Discussion included:

- that the speed limit is set based on what speed people are going
- that the Town has no authority to change the speed limit
- that there are not many accidents on that stretch of road

k) Consideration of approval of MOU for Chittenden Country Multi-Jurisdictional All-Hazards Mitigation Plan

Josh reported:

- that this plan needs to be updated every 5 years
- that the plan is needed for any federal hazard mitigation funding
- that it is one of the four items needed to have additional funding from FEMA
- that this option is a multi-jurisdictional plan that costs less
- that the match is billed over a one-year period

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

l) Update on plan to hold special meetings of the Selectboard on Jan. 11 to work on the FY22 budget

David reminded everyone there will be a special meeting of the Selectboard on Jan. 11th

m) Update on Police Chief hiring process

Josh reported that we are still doing our due diligence in making the selection process.

III. Approval of Minutes, Warrants and Purchase Orders

Minutes:

Roger moved to approve the Minutes of 12/07/2020; Bard seconded. Roll Call Vote: Roger, Christine, Bard, and David voted affirmatively. Katie abstained. Motion passed.

Roger moved to approve the Minutes of 12/14/2020; Bard seconded. Roll Call Vote: Roger, Christine, Bard, and David voted affirmatively. Katie abstained. Motion passed.

Invoices and warrants:

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

Josh updated the Selectboard on changes to the warrant.

Josh will send the warrant out for signatures using DocuSign.

Purchase Orders:

Roger moved to amend PO 4046 to Recordsforce Inc, in the amount of \$15,138.00; Bard seconded. Roll Call Vote: Roger, Christine, Katie, Bard, and David voted affirmatively. Motion passed.

Josh said this is covered by grant funds.

IV. Discuss Items for Next Agenda

Parking Committee

Fair and Impartial Policing Policy if they are ready

Final approval of articles dependent on Linda's schedule

Update on Police Chief

Discussion on chat question for addition of grant approval for snowshoes and whether is was lawful. Bard suggested having a ten-minute meeting to address it before the end of the year.

Gretchen Paulsen thanked everyone for their time. David said that the sentiment was very appreciated since the board hears when things go wrong.

V. Executive Session if necessary - none

VI. Adjourn

Katie moved to adjourn; Bard seconded. Roll call vote: Christine, Bard, Katie and David voted affirmatively. The meeting ended at 11:01 PM.