

Selectboard Minutes 7/20/2020

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

Members Present by phone: none

Absent: none

Others Present by Zoom: Josh Arneson, Town Manager; Kathy Daub-Stearns, Admin. Assist.; Kyle Kapitansky, Police; Ravi Venkataraman, Planner; Connie Bona, Finance; and Angelica Contis recorded the meeting for MMCTV Channel 15, also present: Marshall & Gretchen Paulsen, Jay Furr, Martha Nye, Jeff Forward, Cathleen Gent, Rebecca Rouiller, Jana Brown, Sau, Greg Elias, Jessie Heiser, Mary Houle, Judy Bush, Diane Mariano, Ike Patch, Emily Mitchell, Kathryn ?, Sasha ?, Peggy Curtis, Judy McVickar, John Rankin, Virginia Clarke, Alexis Lathem, Emily Mitchell, Scott Silverstein, Eliza West, Galaxy S10E, Phara Hexaby, Katie L.

Called to Order: 7:00 PM

Welcome by David.

Comments from the public: David said he expected a civil meeting, that people would keep the conversation germane to the conversation. He said he and other town officials/ employees have received disrespectful, rude emails and voicemails.

Discussion included:

- Phara Hexaby said that while driving through Richmond this weekend she saw signs on a public building that horrified her. After several minutes voicing her position on several subjects she declared that there was a court council on Facebook and that the signs need to come down. David let her know she was 6 min into a 2 min allowable discussion. Bard requested a time limit. Josh was requested to mute her participation. Several times she unmuted herself continuing to be disruptive.

The meeting continued:

- Mary Houle requested time. David gave Mary the floor. Mary said that Cumberland Farms was ordered to take signs down on their windows and they provide goods and services. She said that the Radiate Art rents property at the Town Center and the signs on the building may be a violation of Act 250 and as a partial owner of the building she objects to having the signs up. She thanked the board for hearing her request.
- Rebecca Rouiller, Director of Radiate Art requested time when we get to that agenda item. Bard responded that as a point of order board members speak first, then the public has an opportunity to speak.
- Dianne Mariano, representing owners in Jonesville, thanked to the road crew for putting up some fencing and said the residents appreciate being heard and thanked everyone. David thanked her for bringing the problem to the board's attention.

I. Additions or Deletions to Agenda- none

II. Public Hearing: Amendment of Village Downtown Zoning District Regulations
Katie moved to enter into a public hearing for amendments to the village downtown zoning district; Bard seconded. Roll call vote: Katie, Bard, Roger, Christine, and David voted affirmatively. Public hearing started 7:15 PM

Ravi reported:

- that the amendments would align the Downtown and Jolina Court Districts and would add two parcels to the Downtown District, the NOFA building and the dentist office.

Discussion included:

- Roger asking Ravi if this brings the list of uses and compatibility in line with the Jolina Court district. Ravi replied, yes. He added that the lot frontage change is to correct a previous error. He said that the Planning Commission realized having a 75' frontage is nearly impossible with a small lot.
- that Phara Hezabay returned to the meeting and continued to speak out of turn. David told her she was speaking out of order and interrupting a public hearing. Josh removed her from the meeting. David asked that people are appropriate and timely.
- Katie said that some Pleasant St. residents had concerns about the changes. Ravi replied that he had not spoken to them but other than those two lots none of the other buildings on Pleasant St. would not be affected.
- Gretchen Paulsen said she was not aware of all the details as it affects Pleasant St. and asked what changes are being put in motion. Ravi replied that the changes in frontage only affect properties that are not residential. As an example, he said, if a commercial property were to subdivide then the regulations would apply. Marshall Paulsen had some of our concerns about noise, parking, and light issues. He was looking for assurance that those things will not change with any redevelopment and would remain the same. Ravi replied that any new development would be under the same ordinances and would have to go through site plan review prior to obtain approvals.
- Katie asked what the parking requirement is for a restaurant or brew pub. Ravi said they would have to file a parking plan and would have to show that there is enough parking for their proposed business and the other established businesses as well. He said that the regulations require 20 spaces per 1000 sq. ft. of floor area. Marshall said he wanted to repeat that Pleasant Street should not have parking on it. He said there was an emergency and the emergency vehicles could not get through because of cars parked on the roadside.
- that Bard thought Marshall's comment should be added to future discussions about where to allow and not allow parking when looking at changing the Ordinance. David agreed saying that the board needs to consider town-wide parking and not just one area or another.

Bard moved to close the public hearing; Katie seconded. Roll call vote: Katie, Christine, Roger, Bard, and David voted affirmatively. Motion passed.

The public meeting closed at 7:30 PM

David asked if the Board was ready to adopt the changes.

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

III. Public Hearing: Addition of “Veterinary Clinic” and “Pub” uses to Zoning Regulations

Katie moved to enter in a public hearing to add “Pub” and “Veterinary Clinic” definitions; Bard seconded. Roll call vote: Christine, Katie, Roger, Bard, and David voted affirmatively.

The public meeting started at 7:32PM

Ravi reported:

- this addition is mainly to correct errors in the zoning.
- the definition of “pub” is listed in the Jolina Court regulations and this change would make the definition for “pub” to be the same as “tavern” Ravi read the definition of “pub”, then “tavern” at Katie’s request.

Discussion included:

- that Gretchen Paulsen asked if there was a time listed in the Ordinance that a pub or tavern would need to close by. Ravi replied not that he was aware of. adding that the Dept of Liquor Control would control that. David added that a town ordinance could also address it. Gretchen said that there would be increases in noise and people coming and going. She said we have to balance residential and commercial and not lose one over the other. Bard said that the state statute is 2AM is closing time. He said that in addition to the state statute maybe the town wanted to have an ordinance. Katie thought the parking requirement would be difficult to have on the corner of Pleasant St. Gretchen said that rules change, look at Jolina Court. Having a pub there concerns her. Christine asked if they were experiencing problems with the existing businesses in town. Marshall said, no what those establishments are doing is working.
- Roger said, this amendment does not change what is allowed, it defines the uses we have. He acknowledged that there has been zoning drift where the new normal gets set in a different place than it has been adding short of being

present at meetings there isn't a way to have a say, going to meetings is important.

- Ravi said to clarify, with noise, the zoning regulations say from 11pm – 7 am is a max 60 to 70 decibels which is like rainfall outside so it's not much. Bard when its outside your window every night it has a different feeling. Cathleen Gent said that any proposed uses would require a conditional use application so there would be a review and approval process for a tavern application. Katie asked if those are reviews that happen at the DRB level. Cathleen said yes.

Bard moved to close the public hearing; Roger seconded. Roll call vote: Katie, Roger, Christine Bard and David voted affirmatively. Motion passed.

The Public hearing closed at 7:46 PM.

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

IV. Items for Presentation or Discussion with those present

a) Follow up on budget for UPWP Grant

Josh reported:

- that originally two grants were approved by the Selectboard with a total match of \$16,000. The budget included \$10,000 for the grants with the understanding that if both grants were awarded to Richmond then the rest of the money would come from unrestricted funds. He said at the last meeting both grants were approved with the amount approved being \$8000 due to a misunderstanding so he wanted to be clear about the Board's will.

Discussion included:

- that Bard asked what our match share is, Ravi said 20%. Bard thought we should proceed, that it is a good return on investment.
- Christine asked if we already receive both grants. Josh replied, we have received both grants. Christine asked are we clarifying that we need to spend \$16,000. Josh said yes, at one meeting the board voted to approve the money, at the last meeting the match was misstated at \$8,000 so just updating that the amount is \$16,000.
- Christine said she was concerned that we just started our fiscal year and we are already over budget. Josh said that for the planning grants we will be over by \$6000, that the MPG grant is in the application process and that is spread out over 2 years with a match of \$2200 that is spread over 2 years.
- Katie said given we are postponing paving since we aren't sure what is happening financially, is there a way to defer the grants? Bard thought an 80-20 match was very advantageous and \$6000 is less than the difference between health plans chosen by employees so we should move ahead.

- Cathleen Gent agreed with Bard saying we have gotten the award of both grants and cannot predict what will happen next year and would encourage the Selectboard to allow them to continue with these projects.

b) Discussion of artwork on town property

Josh reported:

- that this came up at last week's meeting
- that it is about the boarded-up windows at Radiate Art space
- that originally the windows were boarded up to make the space more airtight, and Radiate made the panels into artwork
- that nothing was in writing but that it was approved by the previous town manager
- that VLCT saw it as a non-public forum and that the panels had previously been limited in forum adding that the town could limit the topics and any organization using them was the advice of the attorney.

Discussion included:

- Bard saying, he read the lease and with the exception of parking, entering or leaving the property, there is no permission to access any other areas of the property other than the space actually rented. He said that the way he reads it the tenants cannot do what they have been doing.
- Josh reported that when he spoke with the previous Town Manager, he said he had given verbal approval that it was ok and added let's try it and see how it goes. Bard replied that a verbal agreement cannot change the written agreement. He said he is thoughtful that others have expressed wanting to know when they get to put up something they want to. He said he does not want to go down the rabbit hole of what is artwork and what is educational. David largely agreed with Bard that Town Center should be a neutral area and not a lightning rod. He has never seen such anger and nastiness from residents, and it is very upsetting. Bard said when we look back at the resolution that was passed it was based on a frame that was recommended by our attorney that was limited to those items for a specific amount of time.
- Rebecca Rouiller said, Radiate Art has been in Town Center since 2016 and their mission is to provide a space that fosters art for all age groups. Our purpose is to engage the community she said. The windows were boarded up when it was the teen center. The windows were painted to bring attention to the art center. They got verbal approval from the previous town manager in support of the duck race, then to give a voice to young teens. There is a history of using the windows without worry about content. There is a statement regarding the panels on the Radiate website, about how to tackle the topic with facts. She said they used well researched and Vermont topics about the oppression of blacks. The murals show how racism is systemic in our community with the hope that it would start conversations and find actions to right these wrongs. Radiate Art recruited a local artist to make them. She said she did not think she needed permission. She said that if they asked for permission then it felt like they were doing something wrong and thought it was completely appropriate with the resolution that all the "Whereas" statements say that we support and want to set a standard that is inclusive. Katie asked if she was at the meeting where the resolution was passed. She said no. Katie

said she had asked if the resolution extended to Radiate. Rebecca replied that she had spoken to Josh who said he had looked over the lease agreement and said there was nothing in the lease that spoke to it. Rebecca said that she had asked for BLM sign on their chalkboards previously and she said Josh said there was nothing in the lease that addressed signage. Bard did not agree saying there is a clause in the lease that other than the rooms there is nothing else that can be used.

- Rebecca asked why it is coming up now since she has been able to use the window panels for years. Katie replied, the previous Town Manager said let's see how it goes, and it's gone easily until now adding he granted an opportunity outside of the lease and for better or worse, some people object and want to have their message on the boards just like you do.
- Rebecca said this is not political, it is human rights. Katie replied pro-life also wants to put their signs at Town Center.
- Bard read the part of the lease he has been referring to: "The remainder of the entire premises shall not be utilized by the Tenant except to park vehicles in designated areas and to walk to the Leased Premises."
- Rebecca said back to Katie's comment, she did not see how the windows are political statements. Bard said, with the resolution, the legal advice was followed. He said he was not debating the topics, he was saying, that Radiate did not have authority to put the information up. Rebecca said she thought she was in alignment with the Town. Bard said the resolution was done in a way that would not allow for just anyone to post whatever they want. Katie L. said, that when she heard what Bard said, that they may not have the right to paint on the window, her concern is: what message are we sending when those signs are suddenly taken down? She thought, maybe have them up for the time that the BLM sign and flag are up. She said she loves the murals and talks to her children about them and is proud that they are there. Katie Mather said that it is not about the spirit of the resolution that was crafted, we have to consider what the constitution guides us in. If we say they can stay, then we have to offer the space for others to put their message.
- Katie L asked if the lease could be rewritten to give Radiate authority to have control over the windows. Katie M. replied, the first question that comes to mind is what happens when other renters have a different view. Bard said do we give over the right to every renter in the building? Equal protection does not allow for saying I agree with you, but I do not agree with the next person. This is a public building owned by all the residents.
- Ike Patch said he understands that the lease is valid, and no pictures were ever supposed to be there, now we are between a rock and a hard place. What are we saying, are we on the wrong side of history? Katie M. said whether you personally agree with the speech someone is saying or not what are we saying to our children if we do not follow the constitution? Bard said it does not matter how someone else tramples on the constitution, he strongly feels that it needs to be followed.
- Alexis Lathem said that the panels follow the resolution. Bard replied that the legal advice was very specific, it cannot be cart blanche to put anything up. It was crafted that way to not allow others to post anything. To be clear if the resolution said that anyone can post anything anywhere then this would be ok. Alexis said this is about posting about what the town has already said it wants.

Bard said legal advice was followed for the resolution and the windows were not part of the resolution.

- Patch asked if the panels be taken to another property? Katie M. said she would hate to see the panels lost but did not want to open the door to a first amendment fight. Christine said, what we have is two conversations, a legal debate about what rights people have and then there is the conversation about education and communicating where we stand on this topic. Christine thought we should let the debate happen. The racial equity group does not have people with different opinions. How do we have the conversation in a way that can move us forward instead of dividing us? Katie M said, we have to acknowledge that not everyone feels the same way, we are trying to do what is right.
- Jeff Forward suggested that the messages are not political but educational, that he is sensitive to the constitutional issues and the board needing to decide what messages can be sent from Town Center. He said he sees it a mission of the Library, it is about art, asking could the panels be put on library property? He added that it might need legal advice. Connie Bona said at the Town Center Offices there are a lot of calls coming in that the panels should not be on Town property. She said that a bigger divide is occurring with people getting ticked off and conversations going south fast. Connie said you are saying it is art and it is not political but then trying to use the resolution which was political.
- Emily Mitchell said she is thinking about the people in our town who are not white, who are for the first time being represented on our building and they are part of this town too.
- Katie M. said her view is the greatest support she can give is that regardless of her own beliefs on an issue she stand-up for the constitution.
- Christine asked, what decision or action are we faced with having to take right now? Connie said she thought we were waiting for information from the PO on the subject. Bard said, he had a conversation with someone at the PO and at the close of that conversation it was acknowledged that because it was rented property, not owned by the PO that the flag was ok. Josh said he had a similar conversation and suggested that if there was a problem to put it in writing so it could be addressed by the Board, to date he had not received anything in writing.
- Josh said that the lawyer consulted advised that the board can limit the speaker or speaker's topics and that may dictate the future use of the boards. Bard said we need to have something that says what can, and who can, put art up. Josh said it would put up some barriers as opposed to having anyone can put something up. He said it could be restricted to just Radiate, and not allow anyone else. Topics could be up to the Selectboard. Josh said we may want a more formal report from the lawyer. Bard asked if the Library Trustees might be curators of the artwork. Jana Brown said she is a Trustee and she could bring it forward at the next meeting. Josh said, inside the library or outside the library? That question would need to be figured out as well. Rebecca Rouiller finds it confusing that the Library would be considered. She thought that something written into the lease would be better. She would not have slogans, hate speech, religious content, ballot or law items if it were in the lease. Bard said his perspective is that the difference is she is a private nonprofit, the Library is a public nonprofit and the library is already making decisions about content for the residents.

- Judy Bush said the library is already putting together art exhibits with artists that want to show work on subjects like climate action. She thought they must have a policy in place already adding that Radiate and the Library have worked together in the past.
- Scott Silverstein said he loves the murals, if Radiate could put something on the murals that identifies them and shows that the panels do not necessarily represent the towns opinion he thought that should be enough.
- David said he did not see any actionable items but wanted it to be on the next meeting's agenda. Bard said he would like to hear from the attorney in writing. Katie M. asked for specific information on users, topics, and contents. Josh said he could have it ready for two weeks. David said having a good plan rather than giving in to uncivilized behavior was what was needed.

c) Discussion of process for evaluating speed limits on municipal highways

Josh reported:

- that there have been requests for speed studies.
- that the process is to find the average speed and takes into other considerations like cyclists, pedestrians, etc., then makes a recommendation. Josh said that the board then can ask for additional consideration. At the end of the day the speed needs to be set at whatever the recommended speed limit is.

Discussion included:

- Roger asking Kyle if he would pull someone over on Huntington Rd doing 50 in a 45? Kyle said it depended on the road conditions. Roger said he would like to look at how to slow people down, have some traffic studies done on roads that are over 35 MPH.
- Katie asked Christine to share what she found about parking. Christine said she went to the Winooski River site and there is guidance that refers to the field as a place to go to put into the river at Bombardier's field. Volunteers Green is also listed on the site as a place to put in.
- Josh asked if the board wanted to make suggestions. Bard thought having a meeting with CCRP and the Agency of Transportation would be a good starting point. He said, pick a few roads, route 2, Cochran Rd and Huntington Rd. and get those studies done. He did not know if there are any more roads that should be looked at. Josh said Route 2 is already being considered. He has had other residents request lower speed limits on other roads.
- Roger wondered how Jericho Road has a 35 MPH on their end. Bard suggested putting a meeting together. Josh will look at putting it together. Roger would like to talk with the guy from CCRP.
- Jeff Forward said that on Cochran Rd., Huntington Rd., and Hinesburg Rd. there are a lot of cyclists. It seemed to him that speed limits should be 35 to promote being pedestrian and cyclist friendly. He would like to see Hinesburg Rd added to the list.

d) Follow up on alternatives for in-town pick up of trash, recycling, and organics

Josh reported that this is a follow up from last week:

- that our CSWD site will not be open before mid-sept

- that “fast trash” may be possible with Cassella’s but he had not heard back about organics

Discussion included:

- Bard asked if “fast trash” could be located at the closed center for a few hours to see if it worked? Josh thought we should try 3 Saturdays and would pursue a plan with Cassella. He did not know what the fee schedule would be. They would charge the residents with the Town as the facilitator.
- Rod West said up to 4 bags is \$10 at CSWD. Josh replied that the price has gone down to \$5.

e) Discussion of Selectboard representatives on the Police Chief Hiring Committee and reminder of deadline for letters of interest from the public

Josh reported:

- that edits to the ad were made after recommendations were received
- that letters of interest from residents are due the end of day July 24 and he also needed 2 members from Selectboard
- Christine asked how the letters are being reviewed and how the decision is being made. Josh responded that he reviewed and selected the members with the help of a few others.
- Christine asked that members of the racial equity members and housing committee send in letters of interest to participate in the process.
- Bard asked if it was Dave and Roger that participated before. Josh said yes. Roger said he would be happy to or not. He is becoming more experienced in evaluating the type of leadership the town wants. David said he enjoyed serving and learned a lot and wants to use that experience. Katie said she is also interested. Bard said he is not interested. Roger said he is willing to back out. Katie said Josh should toss a coin. David said Roger was valuable the committee the last time. Roger suggested that David and Katie do it saying he has a lot going on adding that he would like to look at resumes as the process moves forward but did not need to be part of the meetings.

f) Consideration of delaying the 1.5% interest rate by one month for first installment of FY21 taxes

Josh reported:

- that the board made the decision to move when the 1st installment of taxes was due. Typically, he said, every payment that comes in late receives a 1% penalty that is assessed on the 15th of each month for 3 months then the penalty increases to 1.5% until paid. He proposed Sept. 15, Oct, and Nov. be at 1% with 1.5% beginning Dec. 15 and continuing until paid.

Bard moved to move the first 1.5% penalty to December from November; Christine seconded. Roll call vote: Katie, Roger, Christine, Bard, and David voted affirmatively. Motion passed.

g) Update on Bridge St. infrastructure project

Josh reported:

- that the project was nearing completion
- that they would be removing scaffolding from bridge later in the week

- that the next thing is the water line extension which was able to be gotten at bid pricing and 50% forgiveness.
- that we had been waiting on a waiver that was received
- that now an historical permit is being waited on, he did not expect any issues with it
- that the Water & Sewer Commission had approved the extension work adding that the contractor had begun ordering supplies.
- that the extension work will take about 3 weeks and the contractor hopes to be done before school begins
- Josh said he will work on getting the word out that there is more to be done

Discussion included:

- Christine asked about the paving saying she thought it looked so sloppy, not even. It is our village downtown and it looks thrown together. Josh said he received a similar complaint and walked it to see for himself. He said there is a base layer and top layer that needs to be looked at and he has asked Pete to look at it. Josh said there are plans for sidewalk restorations with full road paving being done in the next two years.
- Bard said, this is real money, sidewalks, pavement, and curbs are big money. Temporary work does not look good but work needs to be done in the right sequence and so it won't look perfect.
- Christine said she would like to do the walk through and make recommendations. Josh said it is likely to be Wednesday and she is welcome to come along.

h) Update on Dugway Rd. project

Josh reported:

- Unlike Bridge Street historical structures are holding up the Dugway Road project
- that UVM and the engineer are working on it and once that is done we can go out to bid
- that the season is closing and it is starting to look like we will be into the spring before starting the project

i) Consideration of approval of Fraud Prevention Checklist

David said this is an annual self-assessment.

Bard moved to approve the Fraud Prevention Checklist; Katie seconded. Roll call vote: Katie, Roger, Christine, Bard and David voted affirmatively. Motion passed.

j) Richmond Rescue quarterly update

Josh reported that this is a "more for your information" thing than it is something to report on.

V. Approval of Minutes, Warrants and Purchase Orders

a) Minutes:

Bard moved to approve the Minutes of 7/13/20; Katie seconded. Roll Call Vote: Katie, Bard, Roger, Christine, and David voted affirmatively. Motion passed.

b) Invoices and warrants:

Roger said there is an invoice for MTE \$3.75 that is not on the warrant for the FY21 Warrant. He found the invoice following the invoice for the forester, but it is not on the Warrant. Josh said he would look into it and it could be added to the next warrant. Roger said, then there is a Patterson Fuels invoice in one amount and on the Warrant for another amount. Connie said we can either take it off or change the amount by hand. Josh said he will cross it off and initial it then put the correct amount in and change the total.

Roger moved to approve the Warrant with corrections, Katie seconded. Roll Call Vote: Roger, Katie, Bard, Christine, and David voted affirmatively. Motion passed.

Josh will send the Warrant out for signatures using DocuSign.

c) Purchase Orders:

Roger moved to approve PO #4019 to Richmond Rescue in the amount not to exceed \$76,483; Christine seconded. Roll call vote: Katie, David, Roger, Christine, and Bard voted affirmatively. Motion passed.

VI. Discuss Items for Next Agenda

Library heating, how to pay for it

Art panels

Police Chief

Town wide assessment

Speed Limits

VII. Executive Session if necessary- none

VIII. Adjourn

Roger moved to adjourn; Bard seconded. Roll call vote: Katie, Christine, Bard, Roger, and David voted affirmatively.

The meeting adjourned at 9:58