

**R I C H M O N D   S E L E C T B O A R D**  
**R E G U L A R   M E E T I N G**  
**D e c e m b e r   2 ,   2 0 1 3   M I N U T E S**

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Members Present: June Heston, Chair; Amy Lord, Vice Chair; Chris Granda; Ashley Lucht; Taylor Yeates  
Absent: None  
Others Present: Geoffrey Urbanik, Town Manager; Linda Parent, Town Clerk; Jonathan Low; Bob Low; Mary Houle; Amanda Rapp; Ezra Hall and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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June Heston called the meeting to order at 7:10 PM.

**1. Welcome and Public Comment**

Jonathan Low, of Wes White Hill, spoke about Gilletts Pond. He and his wife were concerned about the loss of the dam. Note: On November 19<sup>th</sup>, the Girl Scouts notified the town that the State was compelling them to replace or remove the dam they owned at Gilletts Pond. The Girl Scouts said they intended to seek a state permit to remove the dam. This was communicated to a number of residents and the concern had grown.

Mr. Low continued and said he wanted the town to communicate with them if the town has further need to go to the dam. He said that during the visit in November, the State, Girl Scouts and the town were on his property without his permission.

Mr. Low suggested that the Girl Scouts could sell the water rights to someone else. Mr. Low asked what the town's concerns were, what the notification process was under Act 43 and how would Huntington be included in this conversation. He asked if the Selectboard needed any additional information to schedule this on a future agenda.

The Manager explained that up until now the town had no concerns since this was a privately held dam. There was some concern from neighbors on Durand Road on July 3<sup>rd</sup> when severe flooding hit the area and washed out Wes White Hill below the dam. The Manager was initially concerned because of confusion over who owned the dam, but this had since been shown to clearly be owned by the Girl Scouts. He was unaware that the State had performed an inspection until the Girl Scouts shared that information. The meeting in November was at the request of the Girl Scouts and the State, where their intentions were made known.

Mary Houle asked for a quick explanation of the issue.

Mr. Granda replied that the condition of the dam had made the State act, and order the Girl Scouts to replace or remove the dam. New regulations exist that make this the case. The questions were, what do we do next and who has an interest in the dam and the pond?

Mary Houle asked what precipitated this? Jon Low said that the Summer flooding caused some residents to talk to the State.

Bob Low suggested that the Conservation Commission look at how valuable this resource is to the town.

1  
2 Jon Low said this needed to be openly discussed, and that the Selectboard has already passed judgment  
3 on the issue.

4  
5 Mr. Yeates said that this was a private issue for the Girl Scouts, and the Selectboard should talk after  
6 we know what actions are intended to be taken.

7  
8 Jon Low said that people should hear what the Selectboard has to say. Otherwise, what is said outside  
9 of the meeting is just a private opinion.

10  
11 Ms. Heston said that only one memo to the Selectboard has explained what is going on. Jon Low said  
12 maybe people just weren't informed. He was asking the Selectboard to look into it.

13  
14 Ms. Lord agreed that the Conservation Commission should examine the resource.

15  
16 Ms. Lucht said that there was a separate process at the State for removing a dam. The process is  
17 mandated by law. Since this is owned by the Girl Scouts we could say it is a public resource if we  
18 wanted but the Girl Scouts own the dam, implying there wasn't much the Selectboard could do.

19  
20 Mr. Granda said that when the town received notification of any pending action, they would make sure  
21 it was well publicized.

22  
23 Bob Low said he would put together a list of questions of what the Selectboard would want to know  
24 about this.

25  
26 **2. Items for Discussion with Those Present**

27  
28 **VCDP Loan for Champlain Housing Trust – Request for Additional Deferral**

29  
30 Amy Demetrowitz of Champlain Housing Trust was present to explain their request for an additional  
31 deferral of repayment on the 1998 Community Development loan. In 1998 the Town applied for and  
32 received Community Development funds from the State. These were used for the construction of  
33 affordable housing on what is now Borden Street. The original terms of the note were that principal  
34 and interest repayment would be deferred for a 15-year period of time, thereafter monthly installments  
35 would be made over 15 years. This was scheduled to begin in April of 2014. Champlain Housing  
36 Trust was seeking an additional 15 year deferral of repayment, with a lump sum payment at the end of  
37 that term.

38  
39 Ms. Demetrowitz explained that the current housing consisted of 16 affordable apartments of one, two  
40 and three bedroom. She explained about the Champlain Housing Trust's role, and said that if they  
41 were to repay the loan, they would need to raise rents by \$164 per month which may make the units  
42 unaffordable. She was beginning the conversation on an additional deferral.

43  
44 Ms. Heston said that this was a huge request. With a 15 year deferral they shouldn't need an  
45 additional 15 years. She wanted to know the rents, expenses, how the loan would affect each unit.

46  
47 Ms. Demetrowitz said that in other places, they have agreed to additional deferral terms. Ms. Heston  
48 asked why not just give these funds as a grant then, and Ms. Demetrowitz replied that according to  
49 IRS rules it has to be a real loan, and the units must be kept affordable for 15 years, for the low-  
50 income tax credit.

1  
2 Mr. Granda asked if the loan was repaid, would we have to spend it on more affordable housing. Ms.  
3 Demetrowitz said no but for low and moderate income housing there is a benefit by way of eligibility  
4 for other matching funds through the Community Development Block Grant program.  
5

6 Mr. Granda asked if we should re-up the deferral, since we may be able to use these funds for other  
7 redevelopment projects. Ms. Demetrowitz said she was aware of the work on the site next door and  
8 suggested that the State had other Community Development funds available and the town should apply  
9 for a new project for substantially more funds than this loan.  
10

11 Mr. Yeates asked why not ask for more than a 15 year deferral? Ms. Demetrowitz offered that we  
12 could do a 30 year deferral.  
13

14 Ms. Lucht asked then why not pay back over 30 years, starting now? Ms. Demetrowitz said that could  
15 also be done. Ms. Lucht said then why not just adjust the repayment terms on the current schedule.  
16

17 Ms. Demetrowitz added that Champlain Housing Trust didn't receive a benefit from this funding, the  
18 town of Richmond received the benefit. She suggested that we look at the town plan and see what it  
19 says about affordable housing.  
20

21 Mary Houle said that even with low income housing, an expectation of rent increases should exist.  
22

23 Ms. Demtrowitz agreed and said that the rent has increased over the years.  
24

25 Mary Houle said that all of the prior Selectboards have understood that this loan was to come due, and  
26 may have plans to use it for other projects. Ms. Demetrowitz again said that the town could get  
27 another grant for another project.  
28

29 Mr. Granda said that we could use this as another application to approach Vermont Community  
30 Development on broader projects.  
31

32 There was some discussion about long term affordability and restrictions. Ms. Demetrowitz noted that  
33 the state's deferrals depended on affordability in perpetuity.  
34

### 35 **3. Other Business**

#### 36 Cell Tower Discussions

37  
38  
39 The Manager provided an overview of the issues so far with the Johnnie Brook Road tower and the  
40 other AT&T towers, one on 2614 Cochran Road and the others yet to be identified by AT&T.  
41

42 Mr. Granda also provided a summary of the issues: the town has written to the Public Service Board  
43 requesting to be an interested party on the Johnnie Brook Road cell tower application from VTel; we  
44 needed to identify what our own interests in the outcome with this and the other pending applications;  
45 how should we look at co-location on these towers to minimize the amount of towers; each separate  
46 tower has its own set of issues and concerns; how do we optimize service while mitigating impacts to  
47 views, resources and how does this fall under Act 250; and finally, location issues. He said that the  
48 Planning Commission was looking to follow the Selectboard's lead on this.  
49

1 Ezra Hall thanked the Selectboard for their letter on concurrent review of the AT&T towers. The  
2 minimum 45 day notices would have to go out, and we could use more input to influence the PSB  
3 agenda. He wanted resident notification of these hearings when they occurred.

4  
5 Mr. Granda said that the reason to provide a hearing here in Richmond was to give voice to the public.

6  
7 Mr. Yeates said that it was clear that their other locations will have to be revealed prior to this hearing.

8  
9 Jonathan Low said that this was the same issue, as with the dam. How to get the town to be proactive.  
10 We don't know if the town can actually influence the opinion of AT&T. How do we get this process  
11 to happen?

12  
13 Ms. Heston said that a few meetings ago the Selectboard agreed to get involved. In reality, we don't  
14 have a direct say on these applications.

15  
16 Jon Low asked how do we start the same process, for the dam?

17  
18 Mr. Granda said call the Manager about a public meeting space and have a meeting. Set up a grass  
19 roots political process.

20  
21 Jon Low asked how to get this on the agenda? Mr. Granda said just ask the Manager.

## 22 23 Solar Array Valuations

24  
25 Mr. Granda began by saying he felt this was a good discussion for the town's Energy Coordinator, Jeff  
26 Forward, but he was unavailable for this evening.

27  
28 The Manager explained that in 2012 the Vermont Legislature enacted a law to create a tax on solar  
29 arrays larger than 10kw. There was also a provision to exempt the owners from the tax if it was  
30 agreed to by the voters of the town. The issues in Richmond were that at least one solar array of that  
31 size was owned by an exempt entity (VYCC). Camels Hump Middle School also owned one,  
32 however, in both cases, ownership was in question. Typically there is a lease arrangement and the  
33 exempt entity then does not own the array but a private for profit corporation does. Does the tax  
34 apply, and if so, who owes the tax? These were unanswered questions.

35  
36 Mary Houle said that for the array on Route 2 (owned by VYCC) it was not part of a larger parcel, and  
37 never abated. It was exclusively set aside but the State is supposed to set the value of the solar array.  
38 This was not under the umbrella of the court case on tax exemption. She felt that Jeff Forward's  
39 personal solar array was lower than the wattage under the law.

40  
41 The Selectboard agreed to discuss this again on December 16<sup>th</sup>.

42  
43 The discussion of potential health and safety issues as the former creamery was also deferred to  
44 December 16<sup>th</sup>.

## 45 46 Fy2015 Budget

47  
48 The Manager reviewed the changes from the previous draft. There was an overall 3.06% increase in  
49 spending and a 6.08% increase in taxation, at about 3.8 cents.

50

1 There was some discussion about a request from the Town Clerk on an increase in pay, and also  
2 increasing the pay for the listers. The Manager said that those details should be taken up in an  
3 executive session but final decisions must be made in public.

4  
5 The Manager went through the Appropriations budget. He maintained a level budget except for  
6 contractual commitments. There was significant discussion on the merits of charitable donations by  
7 the Selectboard.

8  
9 Ms. Lucht suggested we reallocate a bottom line amount, with a new evaluation process. Mr. Yeates  
10 said that the voters were essentially approving a discretionary fund, awarded based on a policy. Ms.  
11 Lucht said that the town needed a committee to establish policies, formalized by the Selectboard, and  
12 then awards could be based on those policies.

13  
14 Ms. Lord said that a different budget section for charitable organizations than from contracted  
15 organizations.

16  
17 Mr. Granda said that after CUSI, the Regional Planning Commission and Richmond Rescue there was  
18 only about \$20,000 to apply. Ms. Heston wanted to take that \$20,000 and have a process in which to  
19 apply, review and award.

20  
21 Mr. Yeates said then the process should start now, so that at town meeting the voters could approve or  
22 modify the Selectboard's choices. There was some discussion on this point.

23  
24 Ms. Lucht offered a motion to pull contracts only into the Administration budget and put \$20,000 into  
25 a discretionary line, to be used in accordance with a policy to be established prior to the end of the  
26 fiscal year. Mr. Granda seconded the motion.

27  
28 Mary Houle said that once word gets out that we are taking applications, more organizations will  
29 apply. She only supported two charities herself. She offered to get the "Shelburne Charlotte  
30 Hinesburg" SCHIPS policy for the Manager.

31  
32 Mr. Yeates said that these were great ideas but we give to some organizations that don't seem to help,  
33 like GBIC, but not to Our Community Cares Camp. We should decide now, so that voters can decide  
34 at Town Meeting. He asked for clarification on Ms. Lucht's motion.

35  
36 Ms. Lucht said that she wanted the RPC, SSTA, CUSI and Richmond Rescue lines included in the  
37 Administration budget, and the remaining ones in a discretionary budget, under Appropriations. The  
38 Manager said that this left \$18,375 in a "charity pot."

39  
40 Mr. Yeates said that Jericho has a better way of addressing charitable contributions, but everything is  
41 laid out and voters get the final say.

42  
43 Ms. Lord agreed that we should add lines but keep at a \$0 increase overall.

44  
45 Mr. Yeates added that the voters have given the Selectboard some discretion. Mr. Granda said that  
46 this process is now limited but could be more deliberative. Mr. Yeates agreed that this needs to be an  
47 open process.

48  
49 Ms. Lucht called the question. The question failed 0-3-2 with Ms. Heston, Ms. Lord and Mr. Yeates  
50 voting against and Mr. Granda and Ms. Lucht abstaining.

1  
2 Ms. Heston recommended we cut some lines but include funding for the Red Cross and Our  
3 Community Cares Camp. She said we needed a “cap” policy for funding limits. She said we should  
4 offer \$1,000 for Red Cross and decrease the Visiting Nurses line by \$1,000.  
5  
6 Mary Houle spoke about the Senior Center group and said that the town doesn’t need two Senior  
7 Centers. The church is fine.  
8  
9 Ms. Lucht offered a motion to have no changes to the Appropriations budget as presented. Mr. Yeates  
10 seconded the motion.  
11  
12 Mary Houle appreciated the Selectboard’s conversation on this.  
13  
14 The motion carried 5-0.  
15  
16 Mr. Yeates said that the Winooski River Bank funding should be put off for another year.  
17  
18 Ms. Lucht said we need to add money to pay for increased water rates, and also have a discussion  
19 about funding the town’s open water allocation that covers fire protection and other use. She  
20 suggested it be funded at between \$15,000 and \$18,000 a year.  
21  
22 Mr. Yeates asked how infrastructure costs were shared between users. Ms. Lucht said that 70% of the  
23 water bill was for fixed costs, including capital, and 30% was for operating costs. She said that the  
24 town needed to capture the value of the system to the Fire Department, which served the entire town.  
25 She said this was at least \$15,000 for fire protection and infrastructure support.  
26  
27 Mr. Granda said that the point is that the Water and Sewer system will have to make the case and we  
28 need to link this cost to an asset, such as the water storage tank. Now we’re asking to collect before  
29 the asset exists. He didn’t like doing it this way.  
30  
31 Ms. Heston said she realizes that there has been no pre-planning for the water system but to be careful  
32 with this measure. Ms. Lucht felt that the case could be made. There was additional discussion.  
33  
34 The Selectboard agreed to wait until the Water Commission could provide a final figure on this before  
35 modifying the budget.  
36  
37 Ms. Lord noted that the Highway budget was the highest increase with 4%.  
38  
39 Mr. Yeates said he was unhappy with a 6% tax increase. He asked if the additional \$14,000 in gravel  
40 could be cut without a big difference in work accomplishment.  
41  
42 Ms. Lord agreed that the Winooski River Bank project should be delayed. Mr. Yeates offered a  
43 motion to delay the Winooski River Bank project until FY2016 and was seconded by Ms. Lord. The  
44 motion carried 4-0-1 with Ms. Lucht abstaining.  
45  
46 Mr. Yeates offered a motion to reduce the Gravel budget by \$14,000 to \$220,000 and was seconded by  
47 Ms. Lucht and the motion carried 4-1 with Ms. Lucht voting against.  
48  
49 There was some discussion about the Listers budget but no changes were offered.  
50

1 Funding Questions for Town Meeting

2  
3 Fire Truck Funding Question

4  
5 There was discussion on the amount to be financed. The sheet provided by the Fire Chief showed a  
6 plan that included \$281,799. The Selectboard agreed that the financed amount in the question should  
7 be \$282,000.

8  
9 Water Storage Tank Question

10  
11 Mr. Yeates asked why the town needed to vote on the Water Tank question.

12  
13 Ms. Lucht replied that there were specific deadlines for state funding. The town's project was already  
14 on the priority list for funding approval, but they needed a vote affirming the town's ability to go into  
15 debt. If we didn't pass a bond by Town Meeting we would lose the priority approval.

16  
17 Mary Houle asked what the visual impact would be on the new tank. Ms. Lucht said that it was almost  
18 fully buried. The visible part would be facing Jericho Road, and the top could not be buried. The  
19 neighbors would not be able to see the front of the tank from their homes.

20  
21 Mary Houle asked if there would be an inspection hatch. Ms. Lucht replied yes.

22  
23 Mr. Yeates said he didn't realize we needed to pull the trigger on this. Ms. Lucht said that this was a  
24 line item in the Water budget. It was hoped this loan would be a 20 year loan with a negative 3%  
25 interest rate which equated to loan forgiveness. There was some additional discussion.

26  
27 Ms. Lucht offered a motion to approve the following two funding questions for articles at town  
28 meeting:

29 Question 1: Fire Truck

30 Shall the voters of the Town of Richmond authorize the purchase of a Fire Pumper Truck with the  
31 amount financed through indebtedness not to exceed \$282,000 to be financed over a period not to  
32 exceed five years, as reflected in the Town's approved Capital Plan?

33 Question 2: Water Storage Tank

34 Shall the voters of the Town of Richmond authorize the construction of a replacement Water Storage  
35 Tank and chlorination improvements with the amount financed through indebtedness not to exceed  
36 \$1,500,000 to be financed over a period not to exceed thirty years (30 years)?

37 The votes for indebtedness are by statute Australian Ballot articles (Title 24, Chapter 53).

38  
39 The motion was seconded by Ms. Lord. The motion carried 5-0.

40  
41 Reports from Selectboard and Town Manager

42  
43 The Manager read a proclamation for Mary Virginia Cunningham Day, to celebrate her 100<sup>th</sup> birthday  
44 on December 7<sup>th</sup>. The Manager and Selectboard applauded Ms. Cunningham and signed the  
45 proclamation.

46  
47 Economic Development

1  
2 Ms. Lord reported that their focus was still on redevelopment of the creamery. Surveys were going  
3 out to help guide the interim zoning efforts.  
4

5 Mr. Yeates asked who was doing the survey. Ms. Lord said that the Western Slopes Business  
6 Association was doing the survey. Mr. Yeates said we needed to know who has an option to buy and  
7 what the relationship was there. This was to be agendized for the December 16<sup>th</sup> meeting.  
8

9 Ms. Lord said that the Senior Center group, led by Representative Anne O'Brien, which was a 501(c)3  
10 nonprofit, held a purchase option. This allowed them to apply for planning grants to develop a  
11 remediation plan for cleanup of the contaminated site. This also allowed them to recruit a redeveloper  
12 to work with them and the current owner on a project that will redevelop the site. Ms. O'Brien is also  
13 on the Economic Development Committee.  
14

15 There was some additional discussion.  
16

17 The Manager updated the Selectboard on the Depot Street project, which was complete, and the park  
18 and ride project, which was not going to be complete by mid-December as originally forecast by the  
19 project owner.  
20

#### 21 Listers pay 22

23 The Manager said that this was from the last meeting, and the question was whether to increase lister  
24 pay from \$12/hour to \$18/hour now, and not wait until any changes from Town Meeting. This would  
25 not change the current approved budget.  
26

27 Ms. Heston said that this came out of recommendations and observations from the Governance  
28 Committee.  
29

30 Mr. Granda said this raises all kinds of issues. Doing this mid-year throws the budget expenses out of  
31 whack. He didn't see how this made sense at this time.  
32

33 Ms. Lucht said that the busy time of year was coming up. This was to be taken up at the December  
34 16<sup>th</sup> meeting again.  
35

36 There was discussion on the website. Ms. Heston noted that the Snelling Center was still accepting  
37 applications, and the town should apply.  
38

39 The Manager asked if the employee gift certificates of \$25 each should be approved again this year,  
40 and the Selectboard concurred that they should be issued.  
41

#### 42 Approval of Minutes of November 18, 2013 43

44 Mr. Yeates offered a motion to approve the minutes as amended with corrections noted and was  
45 seconded by Ms. Lord. The motion carried 5-0.  
46

#### 47 Warrants 48

49 Mr. Granda asked three questions on warrants, which were answered by the Manager. The warrants  
50 were approved.



- 1  
2 There was discussion on the Clerk's request for a pay increase, and this was scheduled for an  
3 executive session for December 16<sup>th</sup>.  
4  
5 There was discussion on the January 20, 2014 meeting and it was agreed to move this to the following  
6 day. Mr. Yeates offered a motion to move the January 20, 2014 meeting to January 21, 2014 and was  
7 seconded by Ms. Lord and the motion carried 5-0.  
8  
9 **4. Adjourn**  
10 Motion by Ms. Lucht to adjourn the meeting at 10:00 p.m. Seconded by Mr. Yeates. So voted.