

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
J a n u a r y 1 7 , 2 0 1 2 M I N U T E S

Members Present: Jon Kart; Neil Boyden; Erik Filkorn; Chris Granda; June Heston
Absent: None
Others Present: Geoffrey Urbanik, Town Administrator; Linda Parent, Town Clerk; John Hamerslough; Ian Stokes; Mary Houle; Cathleen Gent, Town Planner; Gary Bressor, Planning Commission chair; Erik Sanblom, KSA Consultants; Jack Linn and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Chair Kart called the meeting to order at 6:30 p.m.

1. Welcome and Public Comment

Chair Kart asked if there was any comment from the public, but there were none. Chair Kart noted that the petition deadline for Town Meeting elected offices was 5:00 PM on January 30th.

2. Items for Presentation

Petition to Reverse Citizens United Supreme Court Decision

John Hamerslough presented a petition to the Selectboard for a resolution to be placed on the ballot at Town Meeting to reverse a United States Supreme Court case commonly referred to as the "Citizens United" case. In this case, the Supreme Court affirmed that corporations and organizations had the same right to express speech through monetary contributions to political causes that individuals have. Many people, including Mr. Hamerslough and those who signed his petition, believed that corporate money would now have a greater influence on those who run for elected office than would money from individuals. This petition sought to ask a question on the ballot at Town Meeting that if approved, would call on Richmond and Vermont's elected officials to formally correspond with Congress to let them know that the people do not agree with this decision. This petition is similar to petitions being circulated across the country.

Chair Kart clarified that this was not a petition to have the Selectboard try and reverse the decision, but rather it was for the Selectboard to go on record with the people's opposition to the decision.

Mr. Hamerslough said yes and it was this way in many other states. Over 230 people had signed this petition.

Chair Kart said that if the signatures were good, it would get on the ballot. Linda Parent, Town Clerk, said that this petition had 232 good signatures.

Mr. Filkorn asked for the difference between a petition qualifying for the ballot versus the Selectboard voting to place this on the ballot. Ms. Parent said that the petition would only place this on the ballot, to be voted on by those at Town Meeting, however, the Selectboard could vote to make this an Australian Ballot item.

Mr. Granda offered a motion to place this item on the ballot as presented, as an Australian Ballot item and was seconded by Ms. Heston. The motion carried 5-0.

1
2 Proposed Zoning and Subdivision Regulations Update – Gary Bressor
3

4 Planning Commission Chair Gary Bressor and Town Planner Cathleen Gent were present to explain
5 the recent developments in the regulations revisions and Town Plan presentation. Mr. Bressor began
6 by explaining the comments from the recent public forum on the regulations. Comments from the
7 states Department of Environmental Conservation and the town's attorney were also pending and Mr.
8 Bressor felt that the Planning Commission needed more time to get through the comments. He also
9 mentioned that many in the recent public forum had felt that this needed to be put to a public vote.

10
11 There was discussion on the possibility of a public vote, and additional meetings required to finalize
12 the revisions. Mr. Bressor suggested that a vote might be held at the November, 2012 elections. Ms.
13 Heston said she was more concerned with the public's ability to have time to understand the changes
14 and less concerned with how long it would take to revise the documents.

15
16 Mr. Filkorn said that if there was a town vote held, it should be at a time to ensure a good turnout.

17
18 Mr. Boyden asked if the most recent revisions were approved by a vote. Ms. Gent said that the 2009
19 revisions did not get voted upon, but in 1996 they were voted on but that was a much more significant
20 change.

21
22 After additional discussion, the consensus was to not rush the revisions, and hold public hearings over
23 the summer and move towards adopting with a public vote later in the year. Mr. Boyden and Ms.
24 Heston agreed that this should piggy-back on an existing election.

25
26 Jack Linn stated that this should go to a public vote at the November election.

27
28 Chair Kart asked how many hearings were required. Ms. Gent said that if the Selectboard made
29 significant changes then additional hearings would be required after each significant revision.

30
31 Ms. Gent also reminded the Board of the January 24th special meeting to receive the 2012 Town Plan,
32 unrevised from 2007.

33
34 Mary Houle asked if there were any changes to the 2012 Town Plan and Ms. Gent replied not for this
35 plan. A new, revised Town Plan would be developed over the coming year.

36
37 Mr. Bressor said that if we delay the Town Plan, it will delay the zoning regulations adoption.

38
39 Jack Linn asked if the Town Plan was ever voted upon. Ms. Gent said yes, at the 2007 Town Meeting
40 it was approved by the voters.

41
42 **3. Other Business**

43
44 PACE Update
45

46 I explained that there had been a public meeting on the Property Assessed Clean Energy initiative on
47 January 12th. Mr. Granda continued, and explained that there is to be a vote at Town Meeting on
48 whether or not to create a PACE district in Richmond. Mr. Granda added that a process to establish
49 the district needs to be quantified, however, the vote would allow the Selectboard to proceed. This
50 would be a voluntary program.

1
2 Ms. Heston said that this would be by application, and no direct costs to the town would be involved in
3 creating the program and getting it up and running.
4

5 Ms. Heston offered a motion to have the PACE question voted on as an Australian Ballot item and was
6 seconded by Mr. Granda and the motion carried 5-0.
7

8 FEMA DFIRM 9

10 Erik Sandblom of KAS Consulting was present to explain his firm's proposal to do additional
11 modeling on the base flood elevation of the Winooski River. Mr. Sandblom explained that he might
12 be able to challenge the technical validity of the new Base Flood Elevations along the Winooski River,
13 after reviewing the HEC-RAS modeling done by FEMA. He felt that the manning coefficient was not
14 normal and the second item was the modeling of certain structures on the Winooski, in particular the
15 rail crossing that appeared to have used a more narrow opening than actually exists. Mr. Sandblom
16 said that the bridge appeared use a 410 foot opening but may actually have a 580 foot opening. Mr.
17 Sandblom explained some of the modeling changes he researched with this and how the flood
18 elevations changed with different assumptions.
19

20 Mr. Boyden asked after the flows were calculated, what was the next step. Mr. Sandblom said that he
21 felt that the data would be strong enough to challenge the existing model, through FEMA's process.
22

23 Mr. Filkorn said he was wary of spending good money after bad, but now maybe this was actually
24 good money spent. Mr. Sandblom said that this may be good enough to convince FEMA their model
25 was wrong, and they have to re-do the model.
26

27 Mr. Filkorn asked if this would be enough to get a change made and Mr. Sandblom said he was
28 capable of producing a technical product that could be used.
29

30 Mr. Boyden offered a motion to approve the KAS Consulting proposal in the amount not to exceed
31 \$5,600 and was seconded by Ms. Heston.
32

33 Mr. Granda asked if the work done for this amount would be enough to take to FEMA and Mr.
34 Sandblom said yes. Mr. Boyden asked if there was time to report this to FEMA and Mr. Sandblom
35 said that the town was in the appeal period now, through the middle of April, and he could produce his
36 report before then.
37

38 Mr. Granda asked for data on the loss of developable land and the number of homes affected by the
39 base flood elevations.
40

41 Mary Houle asked if this data would be useful for developing the new zoning regulations.
42

43 The motion carried 5-0.
44

45 FY2013 Budget and Public Hearing 46

47 Mr. Filkorn offered a motion to open the public hearing on the FY2013 budget and was seconded by
48 Mr. Granda and the motion carried 5-0.
49

1 The Administrator explained the budget, and the revised formatting which eliminated the “Capital and
2 Debt” section and reassigned those lines to individual departments. A brief overview of the budget
3 was also provided. Overall spending was up by 2%, and the tax rate was proposed to increase by 1.88
4 Cents.

5
6 Mary Houle asked what the school tax increases would be, for an idea of the total tax. The
7 Administrator stated he did not yet know.

8
9 Chair Kart said he was happy that town staff were able to cut back from the total increase, but some
10 proposals had to be cut to do this.

11
12 Mr. Boyden offered a motion to close the public hearing on the FY2013 budget and was seconded by
13 Mr. Filkorn and the motion carried 5-0.

14
15 Mr. Granda offered a motion to accept and approve the budget as presented and was seconded by Mr.
16 Boyden. Mr. Boyden commended the Town Administrator and the employees for their efforts. The
17 motion carried 5-0.

18 19 J. Hutchins Request to Release Retainage

20
21 The Administrator explained J. Hutchins’ request to release retainage, currently held at 10% of the
22 value of the completed work to date, or \$118,407.84. The request was for half of this, or \$59,203.92
23 of withheld funds.

24
25 Mr. Filkorn said he remembered the Selectboard wanted to get more aggressive with holding
26 retainage. Mr. Boyden said that he and the Administrator had met with the engineer on the project and
27 expressed some of our concerns. Particularly, the ridability of the road on the upper end was rough
28 and some of the sidewalks seemed to be pitched the wrong way. Mr. Boyden wanted to delay action
29 on this request until the engineer’s report was in.

30
31 Ms. Heston asked what the normal protocol would be, and the Administrator said that the Selectboard
32 could certainly wait for additional information. Chair Kart said that the Selectboard could release
33 retainage when they saw fit, although the Administrator said that the contract would call for release of
34 retainage at certain milestones. The Administrator said that the engineer was requested to make sure
35 there were no significant issues on the project that would prevent the release of retainage.

36
37 Mary Houle asked what the amounts were and the Administrator read them.

38
39 Mr. Boyden said that the engineer had recognized some of the paving issues already. There was
40 additional discussion and the Selectboard agreed to defer this until February 6th.

41 42 2011 Certificate of Highway Mileage

43
44 The Administrator explained that our highway mileage was slightly different, in that two Class IV
45 roads had been recorded in 2002 but never placed on the highway mileage sheets. These two roads
46 were off of Dugway Road. Chair Kart explained the significance of the mileage sheet, and Mr.
47 Boyden explained that this was also the basis for our highway aid.

48
49 Mr. Boyden offered a motion to approve the 2011 Certificate of Highway Mileage and was seconded
50 by Mr. Granda and the motion carried 5-0.

1
2 Approval of Minutes for December 19, 2011
3

4 The Administrator explained that the corrections were made to these minutes and were ready for
5 approval. Mr. Filkorn offered a motion to approve the minutes of December 19, 2011 as amended and
6 was seconded by Mr. Granda and the motion carried 5-0.
7

8 Approval of Minutes of January 3, 2012
9

10 Mr. Filkorn offered a motion to approve the minutes of January 3, 2012 and was seconded by Mr.
11 Granda. There was a discussion as to the mention of a resident's name was appropriate in the
12 sidewalk discussion or if it should be the address only. The Selectboard agreed that only the address
13 should be mentioned in this type of discussion, and amended the minutes to reflect that change. The
14 motion carried 5-0.
15

16 Approval of Minutes of January 10, 2011
17

18 Mr. Granda offered a motion to approve the minutes of January 10, 2011 as amended with minor edits
19 and was seconded by Mr. Filkorn. The motion carried 5-0.
20

21 Approval of Resignation from Planning Commission – Gary Holman
22

23 Chair Kart said it was not necessary to approve the resignation, but it was appropriate to recognize and
24 thank Mr. Holman for his service to the town. The Administrator was directed to send a note of
25 appreciation to Mr. Holman.
26

27 Chair Kart said that previously the Planning Commission had only five seats, and at the request of the
28 chair had been increased to seven seats. Chair Kart asked if the Selectboard wished to make any
29 changes. Mr. Boyden said he preferred a larger group and the others concurred.
30

31 Library Trustees – Laurie Dana
32

33 Mr. Filkorn offered a motion to appoint Laurie Dana to fill an unexpired term on the Library Board of
34 Trustees and was seconded by Ms. Heston. This seat was also being sought at Town Meeting by Ms.
35 Dana. The motion carried 5-0.
36

37 **4. Administrator's Reports**
38

39 The Administrator reported on the status of the Hazard Mitigation grants the town was applying for.
40 There was one property buyout and only the utility lines under the bridge were being sought by the
41 town, since the Cochran Road site had no prior damages and the Hazard Mitigation program was not
42 the right grant to go after in this case.
43

44 The Administrator also reported that on January 24th the Selectboard was scheduled to receive the
45 town plan at a special meeting.
46

47 Mary Houle asked if the February 20th meeting was moved to the 21st, and the Administrator replied
48 that it had been moved.
49

1 Ruth Miller asked if it was necessary to tape the 24th meeting and the Administrator said no, no other
2 business was to take place other than the receipt of the town plan. It was expected to be a brief
3 meeting.

4
5 There was some discussion over the equipment left by the painting contractor for the bridge. The
6 Administrator was directed to send a letter to the contractor reminding them that they are responsible
7 for cleanup costs should the area flood.

8
9 The Administrator requested an executive session to discuss the Post Office lease, which expires in
10 2013. Mr. Boyden offered a motion to enter executive session to discuss contract negotiations and
11 was seconded by Mr. Granda and the motion carried 5-0.

12
13 At 8:25 PM Mr. Boyden offered a motion to adjourn the executive session and reconvene the public
14 session and was seconded by Ms. Heston and the motion carried 5-0.

15

16 **5. Adjourn**

17 Motion by Mr. Filkorn to adjourn the meeting at 8:25 p.m. Seconded by Ms. Heston. So voted.