

**RICHMOND SELECTBOARD
REGULAR MEETING
January 21, 2014 MINUTES**

Members Present: June Heston, Chair; Amy Lord, Vice Chair; Chris Granda; Ashley Lucht; Taylor Yeates
 Absent: None
 Others Present: Geoffrey Urbanik, Town Manager; Mary Houle; Bruce LaBounty; Cara LaBounty; Linda Parent, Town Clerk; Cathleen Gent; Jim Donovan, Broadreach Consulting; Bryan Davis, CCRPC; Ezra Hall; Cindy Reid, Cathedral Square; Bruce and Sheila Bailey; Jeff Forward; Patty Bruilett; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

June Heston called the meeting to order at 7:05 PM.

1. Welcome and Public Comment

Mary Houle said she had copies of Public Service Department decisions from July of 2010 through December of 2013. She handed copies to the Selectboard and Town Manager. She said there were 183 applications during this timeframe for cell tower requests, with a 100% approval rate. She requested that the Selectboard reconsider hiring an attorney and engineer, and the costs, and moving forward with that.

2. Items for Presentation or Discussion with Those Present

Route 2 Bicycle and Pedestrian Path

Jim Donovan from Broadreach Consulting introduced the issue, and presented two maps which showed various alignments for possible pathways between the village and the Park and Ride at I-89 exit 11. The project was to explore ways to better provide access from the Richmond village area to the Park and Ride for pedestrians and bicyclists. Currently, US Route 2 is the only available access and the road design and traffic flow discourages its use by bicyclists and pedestrians and almost all who want to get to the Park and Ride have to drive or carpool.

Mr. Donovan continued, and explained the varying alignments and their challenges. The alignments ranged from widening the shoulders of the existing paved Route 2, to a path behind the cemetery running from Tilden Avenue to Route 2, to a path behind Camels Hump Middle School to Route 2, to a path through the cornfields to Route 2, and some ways along the railroad from the village to Route 2.

The most significant barrier was the railroad. The railroad refused to allow an at-grade crossing of their lines, and refused to acknowledge an existing cattle tunnel as an access beneath the railway. Therefore, the railroad could not be crossed. There was some speculation that at the pinch-point on route 2 in front of Mann and Machine, the railroad's right of way overlapped the Route 2 right of way and therefore the railroad could prevent any widening of the highway to accommodate the path. The remaining options required the creation of trails and bridges to get behind the cemeteries and out to Route 2. All in all there was no easy way to expand access for bicyclists and pedestrians along Route 2 in this area.

1
2 Mary Houle asked if this path was for year round use, and if it was, who would maintain it in the
3 Winter? Mr. Donovan said it was up to the community to decide those issues, but the community
4 would ultimately be the one maintaining the path.

5
6 Jeff Forward said he liked the idea of getting to the Park and Ride or Mann and Machine without
7 having to drive.

8
9 Bruce Bailey asked what the cost to Richmond would be. Mr. Donovan said it ranged between \$8,000
10 and \$2 million, depending on the chosen alignment.

11
12 Cara LaBounty asked if when Route 2 was reconstructed, would a phase of this project include East
13 Main Street? Mr. Donovan said no, the only part being examined was between the village and the
14 Park and Ride.

15
16 There was additional discussion. Mr. Donovan acknowledged Bryan Davis of the Regional Planning
17 Commission and Christopher Gendron of Stantec Engineering for their assistance. More information
18 was needed regarding the right of way issues, and the final report was pending.

19
20 The Selectboard thanked Mr. Donovan for his presentation.

21
22 Energy Code - Jeff Forward and Chris Granda

23
24 Mr. Granda introduced the issue by explaining that in 2009 Hinesburg had adopted an ordinance
25 requiring new residential construction to meet Energy Star efficiency standards. In 2011, Energy Star
26 standards were upgraded and enhanced and the requirements became too challenging for local
27 builders, and significant resistance was exhibited.

28
29 The new Residential Building Energy Standard (RBES) is now Vermont's adopted state energy code,
30 which is less stringent than Energy Star. There was no specific enforcement of this code, however, the
31 law states that prior to obtaining a Certificate of Occupancy, a certification must be signed stating that
32 the builder has built to the standards. Now, there is a new proposal, called RBES+ which includes the
33 basic RBES with additional standards, which fits between RBES and Energy Star. Mr. Granda wanted
34 Richmond to consider adoption of the RBES+ standard.

35
36 Jeff Forward, the Town's Energy Coordinator, said he was on the team in the 1990s that created the
37 first energy standards for Vermont. He said that the code needs to provide education to builders as to
38 why the codes are important. He also mentioned that the number one energy improvement is air
39 sealing of the building, which keeps energy costs down.

40
41 Ms. Heston asked if the State would then enforce RBES+. If not, then would Richmond have to do it?
42 Mr. Forward said we do not have life safety codes for residential construction in Vermont, so there is
43 no code official to enforce it specifically. Ms. Heston asked if buyers and builders would be scared of
44 building here if we were one of the few enforcing this code?

45
46 Mr. Granda said this was the primary question, and simply having a code makes no sense unless
47 people understand it. He felt that buyers would want to know that their builder is building an efficient
48 home according to an adopted standard, rather than just taking their word for it.

49

1 Mr. Forward said that Efficiency Vermont is very interested in training and education to avoid this
2 situation. The code helps to get builders aware of the beneficial requirements. Richmond builds 7-10
3 houses a year, and in ten years it may be 100 more homes. If we're not building well, there is much
4 energy being wasted.

5
6 Mr. Granda said there's no way for customers to know if the home is built to a high standard.

7
8 Mary Houle asked how the Energy Star rating worked and if it was copyrighted so that builders could
9 not falsely claim a home met those standards.

10
11 Mr. Granda said that Energy Star was created by the federal EPA, and had three tiers to the rating.
12 Use of that rating was open to anyone, but we were advocating the code+ which was very specific to
13 Vermont.

14
15 There was discussion on issuing a Certificate of Occupancy.

16
17 Bruce Bailey asked if this would lead to a bureaucracy to inspect and certify. Mr. Granda said no,
18 since Efficiency Vermont was offering to do these inspections for us.

19
20 Mr. Forward said the next step was to develop a proposal with the Planning Commission, and move to
21 the Selectboard for adoption as part of the zoning by-laws.

22
23 The Selectboard thanked Mr. Forward for his presentation.

24 25 **3. Other Business**

26 27 Cathedral Square Request for PILOT Extension - Cindy Reid

28
29 Cindy Reid, of Cathedral Square, explained that the nonprofit owned Richmond Terrace, an assisted
30 living community on Thompson Road. Since 1986 Cathedral Square has had a PILOT agreement with
31 the town to reduce their property taxes. This formed the basis for the partnership with the town. Ms.
32 Reid explained that the owners wanted to do a renovation of the building, and wanted to bring in a
33 partner to help. They needed to form a new corporation of ownership to take advantage of tax credits,
34 which the new partner sought as the incentive to invest. Since a new owner of the Richmond Terrace
35 would be formed, the PILOT would cease to exist unless a new PILOT agreement was put in its place
36 with the new owner.

37
38 Mr. Granda said he would like to see a new PILOT with language that protected the town should the
39 State find the PILOT invalid, and back education taxes were owed.

40
41 There was additional discussion and the Selectboard was generally agreeable to the idea. Several
42 questions remained unanswered, such as did a vote of the public have to approve this PILOT, would
43 Cathedral Square qualify for a PILOT if they were no longer a nonprofit entity, and how would the
44 agreement be structured.

45
46 Mr. Yeates asked for clarification as to how this would still qualify for nonprofit status. The answer
47 remained unclear.

48
49 Jeff Forward said that this was a private developer (investor) cooperating with a nonprofit. He said
50 this was a wonderful resource.

1
2 Cara LaBounty said we could continue the PILOT but it should match whatever language the state
3 requires of it.

4
5 Ms. Reid said that the closing date would be the end of April.

6
7 Cathleen Gent asked if this had to be renewed every five years, and Ms. Reid said no.

8
9 Cara LaBounty said if voters don't have to revote approval then the PILOT could be for a longer term.

10
11 The Selectboard thanked Ms. Reid, and requested that the Manager consult with the Town Attorney on
12 developing a new PILOT agreement. Ms. Reid said she would see if there were other existing PILOT
13 agreements that could be used as a model.

14 VMBB 2005 Seried Bond Refunding

15
16
17 The Manager explained that the Vermont Municipal Bond Bank had recently refinanced, or refunded,
18 the 2005 Series bonds for a lower rate. Richmond had financed a fire truck for ten years through this
19 bond, and would save \$5,789.86 through this refinance. The bond bank required approval from
20 participating towns on this issue.

21
22 Ms. Lucht offered a motion to approve the VMBB 2005 Series Bond refund as presented and was
23 seconded by Ms. Lord. The motion carried 5-0.

24
25 The Town Meeting Warrant was not final, and not acted upon. Linda Parent, Town Clerk, said it
26 would be available after tonight's meeting, due to the final question wording later on the agenda.

27 Cell Tower Update

28
29
30 The Manager explained that little information had developed in the past two weeks. However, a new
31 site for the Cochran Road tower, proposed by AT&T, was decided upon, and a new balloon test was
32 being conducted later this week on Thursday, with a weather date of Friday. Additionally, the
33 proposed tower on Williams Hill was revealed, and the tower was actually in Hinesburg, however, part
34 of the access road connected to Williams Hill road in Richmond. The property was owned by Jack
35 Linn.

36
37 There was some discussion on these towers, and the Manager was directed to publicize the location of
38 the Williams Hill tower, but no action was needed at this time.

39 Water Tank Funding Article Language

40
41
42 The Manager explained that in December the language for the indebtedness for the replacement water
43 storage tank and chlorine project had been proposed with a not-to-exceed term of 30 years. Ms. Lucht
44 had informed the Manager that a 40 year term was possible, and there was still time to amend the
45 article. Adding that the indebtedness would be paid for by water revenue was also added to the
46 amended question language.

47
48 Ms. Lucht added that earlier at the Water Commissioners meeting they had recommended this change.
49

1 Mr. Granda offered a motion to approve the new language as presented, and was seconded by Ms.
2 Lord.

3
4 There was some discussion. Mr. Yeates said it should read "water resources department revenue."
5 Mr. Granda and Ms. Lord agreed to this amendment. The final article wording was as follows:

6
7 **Shall the voters of the Town of Richmond authorize the construction of a replacement Water**
8 **Storage Tank and chlorination improvements with the amount financed through indebtedness**
9 **not to exceed \$1,500,000 to be financed over a period not to exceed forty years (40 years), to be**
10 **paid from Water Resources Department revenue? (To be voted by Australian Ballot)**

11
12 The Manager explained that the public information session for this Australian Ballot article, and the
13 others, would be on March 3rd at 6:00 PM in Camels Hump Middle School gymnasium.

14
15 The motion carried 5-0.

16
17 There was discussion of the water tank article, and Ms. Lucht said it should be on the February 18th
18 Water Resources agenda. Mr. Yeates noted that the Selectboard meeting should be moved to the 18th
19 as well, since there was a holiday on the 17th. Mr. Yeates offered a motion to move the February 17th
20 Selectboard meeting to February 18th and was seconded by Ms. Lord and the motion carried 5-0.

21
22 Bruce LaBounty asked why the fire companies were using a hydrant at Town Center and not on East
23 Main, when fighting the recent barn fire at the Andrews Farm. He said that East Main was already
24 shut down, and using Town Center tied up traffic. Ms. Lucht said that the East Main hydrant was
25 frozen and the Town Center hydrant was the next best convenient. Mr. Yeates agreed that the East
26 Main hydrant was frozen, and said he was on duty then. Mr. Bailey asked if substandard hydrants an
27 easy fix. Ms. Lucht said she would ask Kendall Chamberlin, Water Resources Superintendent, if the
28 lines on East Main were substandard but otherwise hydrants just teed into the water main.

29 30 Repair of Water Leak and Replacement Piping at Town Center

31
32 The Manager explained that the heat pipe in the basement of Town Center that served the Post Office
33 was leaking and in poor shape. He said that during the boiler replacement project, he had asked the
34 contractor to examine replacing this pipe, as it was an old four inch cast iron steam pipe, however, the
35 contractor declined to pursue the replacement, feeling that the cost associated with it was not worth the
36 energy savings. Later, while attempting to diagnose another issue with the Post Office heat zone, the
37 contractor's employees had noticed a significant leak in the pipe beneath the Post Office, and had
38 placed a temporary repair on the pipe. The pipe was suspected to be wrapped in asbestos, which was
39 later confirmed. Additionally, another smaller leak was discovered. This had happened right before
40 the holiday break. The Manager had taken bids to remove the asbestos and old pipe, however, he had
41 not received a price to replace the pipe. Shortly after the holidays, in early January, the heat contractor
42 provided a price to replace the pipe. This was in excess of the Manager's ability to award, but the
43 Manager felt that this was an emergency fix and was desperately needed due to the condition of the
44 pipe and temporary repair. Seeing the need to try and get additional bids, the Manager hastily
45 prepared a bid and submitted to plumbing and HVAC contractors that bid on the initial job, and
46 provided nine days to respond. Since no one had responded, there remained only one price, that of the
47 original contractor, Vermont Energy Contracting, for \$17,500. He realized this was a busy time of
48 year and not much time was given to the contractors to submit a bid, however, he strongly felt that this
49 was something that needed to be taken care of.
50

1 Mr. Granda said he felt the bid process should have been upheld.

2
3 Bruce LaBounty asked how long would the Post Office heat have to be down. He asked if Marshall
4 Paulsen could get in to do the work right away or not. There was discussion on timing and whether or
5 not there was enough time to put out a bid with a longer response time.

6
7 Ms. Lucht offered a motion to award the contract to repair the pipe under the Post Office, if work
8 could commence on or before February 3rd, to Vermont Energy Contracting, in an amount not to
9 exceed \$17,500. If not, then the Manager was directed to rebid the work with a closing date of
10 February 14th. Ms. Lord seconded the motion. The motion carried 4-0-1 with Mr. Granda abstaining.

11 12 Reports from Selectboard and Town Manager

13 14 Economic Development

15
16 Ms. Lord reminded everyone of the February 23rd Economic Development Committee presentation
17 about the survey results for the interim zoning proposals for the creamery. This was to also get more
18 input from those in attendance on what types of zoning they prefer for the parcel, so that a proposal
19 can be written.

20
21 Bruce LaBounty asked if we had an alternate sand vendor, since Hinesburg Sand was frozen and
22 closed. The Manager said he would check.

23
24 Cara LaBounty noted that Unleashed, a Richmond business, was closing their doors and she thanked
25 them for their time here.

26 27 Financial Reports

28
29 The Manager reviewed the financial reports. He noted that the new report design was in process but
30 not yet ready. Ms. Heston said that the Selectboard also needed financial forecasts, for revenues and
31 expenses.

32
33 Cara LaBounty asked for a projection on legal expenses for the cell towers. The Manager said we had
34 spent \$2,600 so far and he expected to spend \$5,000 just for VTel, and possibly more, and there were
35 three AT&T towers also.

36
37 Mary Houle felt that the state-level review was a wise decision. Cara LaBounty asked if the town
38 would spend \$5,000 on each tower.

39
40 Ms. Heston said that the contract was not open ended, however, a final figure could not be estimated.
41 She said that the Selectboard was aware of the financial consequences.

42
43 The Manager reviewed Department Reports and the Works in Progress. The Manager also noted the
44 February 28th Web Development meeting for the public, where input would be sought for the design
45 of the town's new website.

46 47 Approval of Minutes - January 6, 2014

48
49 Mr. Yeates offered a motion to approve the minutes of January 6, 2014 as amended with minor edits
50 and was seconded by Mr. Granda and the motion carried 5-0.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Consent Agenda

Ms. Heston reviewed the Consent Agenda items. The first was the appointment of Jack Bressor to the Trails Committee, to a term expiring in 2014. The second item was the interaccount transfers policy, amended to reflect changes from the last meeting. The third item was the annual AOT Bridge and Highway Codes Certification. The fourth item was Certificate of Highway Mileage approval and the final item was the agreement to use the CAMA system used by the listers, using the Marshal Swift Cost Tables.

Warrants

The warrants were approved and signed.

Executive Session

Mr. Yeates offered a motion to approve the Consent Agenda and was seconded by Ms. Lord. The motion carried 5-0.

Mr. Granda offered a motion to enter executive session at 9:15 pm to discuss the real estate acquisition for the Hazard Mitigation buyout of 2614 Cochran Road. Ms. Lucht seconded the motion and the motion carried 5-0.

Mr. Yeates offered a motion to adjourn the executive session and reconvene the regular session at 9:50 pm and was seconded by Ms. Lucht and the motion carried 5-0.

Mr. Granda offered a motion to authorize the Town Manager to proceed with negotiations as discussed in Executive Session and develop such documents as may be necessary. Ms. Lucht seconded the motion and the motion carried 5-0.

4. Adjourn

Motion by Ms. Lucht to adjourn the meeting at 9:53 p.m. Seconded by Mr. Granda. So voted.