

**RICHMOND SELECTBOARD
REGULAR MEETING
June 17, 2013 MINUTES**

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; Mary Houle; Ann Cousins; Denise Barnard; Mark Fausel; Wright Preston; James Garris; Michael Hampton; Heidi Bormann; Brian Monaghan; Tom Moreau, CSWD; Mike Weisel, Town Engineer; Caitlin Corkins and Leanne Tingay, State Downtown Program; Angela Cote; Kathy Dwyer; George Gifford; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

June Heston called the meeting to order at 6:40 PM.

1. Welcome and Executive Session

Ms. Lord offered a motion to enter executive session to discuss pending litigation matters related to the VYCC tax appeal, with Brian Monaghan (tax appeal counsel) and the Manager. Mr. Granda seconded the motion and the motion carried 5-0.

At 7:00 PM Ms. Lucht offered a motion to adjourn the executive session and reconvene the public session and was seconded by Mr. Granda and the motion carried 5-0.

2. Items for Discussion with Those Present

Chittenden Solid Waste District Budget – Tom Moreau

Tom Moreau, President of CSWD, was present to discuss the FY2014 budget with the Selectboard. Mr. Moreau noted that the overall spending was down by 2.7%, and was \$476,000 less than four years ago in 2009. The bad news was that the herbicide issue in their composting operation cost them \$800,000. Their insurance claim was denied. They derive one-third of their revenues from trash fees, and they were increasing their solid waste management fee. Myers was building a construction debris recycling facility that was a good idea, and CSWD helped get them started, but would ultimately lead to less revenue for CSWD. Mr. Moreau added that they were trying to find a new location for biosolids disposal which may save money.

Mr. Granda asked what the market value for recyclables was. Mr. Moreau said it was soft, three years ago they were getting \$125 per ton and now it was down to \$90 per ton.

Angela Cote asked if insurance covered any part of the compost claim, and Mr. Moreau said they had been denied, and were suing their insurer.

Mary Houle said that she had arranged to have some of her compost taken to the facility but it had not been collected, and Mr. Moreau made a note of it to be collected shortly.

The Manager asked how long Mr. Moreau would be with CSWD, and he said that they were in the midst of an 18-month succession plan, so he would still be here for a while.

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2 Ms. Lucht offered a motion to approve the CSWD budget and was seconded by Mr. Granda, and the
3 motion carried 5-0.

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5 Ms. Heston asked if there were any comments from the public.

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7 Heidi Bormann, of the Richmond Economic Development Committee, said that it was important for
8 people to understand that the recent increase of the Richmond water rates was not being caused by the
9 Depot Street parking lot. This was a separate issue from any concerns being discussed by the Water
10 Commission.

11
12 Village Center Designation – Caitlin Corkins and Leanne Tingay

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14 Ms. Tingay explained both the Village Center and Downtown Designation programs, the benefits they
15 offered and added that Richmond recently renewed its Village Center designation. She said that the
16 move to a designated Downtown would require the development of a nonprofit board that would
17 manage the program, and could apply for grants for improvements. The benefits were tax credits to
18 businesses for certain improvements to their buildings, code compliance and the town could create a
19 special assessment district for public improvements.

20
21 Ms. Conklin added more information about the tax credits, and said that having a grants and tax credit
22 coordinator would be a good idea for a designated Downtown.

23
24 Mary Houle asked several questions about the Downtown program. She asked if a design board was
25 needed.

26
27 Ms. Tingay said that either a design board or some other review board, such as a Development Review
28 Board, was necessary. It was not an architectural review unless you were going for an historic
29 improvement tax credit.

30
31 George Gifford asked if applicants could be renters. Ms. Tingay said yes, they just have to
32 demonstrate a tax liability. She added that July 1st was the tax credit deadline, but the first Monday of
33 each month was the application deadline for the Downtown program.

34
35 Ms. Lord asked about a Certified Local Government program. Ms. Tingay said this was a little more
36 difficult, and they did not get as many towns involved as they would like.

37
38 Ann Cousins added that a retreat for this program would be held in August.

39
40 Depot Street Parking Lot – Mike Weisel

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42 Mr. Weisel was present to show his most recent plan on the Depot Street Parking lot, including the
43 water line plan and a small section of sidewalk on Bridge Street. Mr. Weisel added that the Ecosystem
44 Restoration Grant that was originally allocated to rain gardens at the Town Center was now being used
45 to control some storm water runoff on this parking lot, adding to the design and budget for the project.
46 Mr. Weisel added that several projects were combined on this plan because of the railroad's request
47 that a \$3,000 application and review fee be charged for each separate application. Doing it this way
48 would allow us to pay one fee instead of three. Mr. Weisel continued, showing how the spaces were
49 aligned and giving a count. Mr. Weisel noted that the water line and the last few feet of Depot Street
50 were on railroad property, both in the new plan and what's existing now.

1
2 Denise Barnard asked if he was still aiming for an August start date. Mr. Weisel said no, since the
3 railroad review would take at a minimum six weeks, and there was also the town's Development
4 Review Board process.

5
6 Mr. Granda asked if any lighting was included and Mr. Weisel said that it was hoped that Green
7 Mountain Power could install lights on their existing power poles.

8
9 Angela Cote asked if there were any existing easements that would allow our current uses on railroad
10 land. Mr. Weisel said he did not believe so, however it was not an issue at this time and the town's
11 historic use of Depot Street and the water line would make a case that they had some sort of right to
12 continue.

13
14 Heidi Bormann thanked Mr. Weisel for his work on the project.

15
16 Governance Committee – Taylor Yeates

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18 The Manager explained that three people had expressed interest in serving on this committee: Jon
19 Kart, Wright Preston and Rick Barrett. Mr. Kart was not able to be here, but the Manager asked Mr.
20 Preston and Mr. Barrett to come forward and provide an introduction.

21
22 Mr. Barrett said he had worked on various adjustments to town committees, including creating the
23 Planning Commission and the Development Review Board. He had worked on the charter amendment
24 for the Town Manager, and he enjoyed this work and his goal was to review the benefits or lack
25 thereof of changing from elected listers to appointed.

26
27 Mr. Preston said he had also served on several previous charter committees, and two hiring
28 committees for police chief. He wanted a process that meets the town's and voters' needs.

29
30 Mr. Yeates asked what challenges did Mr. Preston and Mr. Barrett face on their former boards? Mr.
31 Preston said that in the past there were five members, and had been in touch with VLCT to get
32 guidance. Mr. Barrett added that the committees got along well, and didn't all agree, but they were
33 able to reach a consensus. The challenge was to come up with a proposal for a change that was better
34 than what we have now.

35
36 Mr. Yeates asked if either had ever been a lister. Neither had, although Mr. Preston said he worked
37 with appraisers regularly and knew what it took to value a property. Mr. Barrett said in a former
38 career he had been a developer and real estate broker.

39
40 Ms. Heston asked if such a change as this didn't require a charter amendment? The Manager
41 explained that a new state law allowed moving from elected to appointed listers by voter approval,
42 without having to amend the charter.

43
44 Angela Cote asked how many members would this board be? Mr. Yeates said that originally there
45 were to be five members, but he suggested three since it was so difficult to find interested persons.
46 Ms. Cote offered to serve on the board. Mr. Yeates said if they had enough for five members that
47 would be great, and suggested Ms. Cote forward a letter of interest to the Manager and come to the
48 next meeting to answer a few questions.

49
50 Mr. Granda asked if Ms. Cote had a conflict since her sister, Cara LaBounty, was a lister.

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2 Ms. LaBounty suggested Mr. Preston was biased also, due to some comments he had made about her
3 in an email recently.

4
5 The Selectboard did not consider either Mr. Preston or Ms. Cote conflicted in potential board
6 appointments.

7
8 Ms. Heston said that appointments would wait until the next meeting, and would be done all at once.
9

10 **3. Other Business**

11 Discussion of Ammonia Tank at Creamery

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14 The Manager explained recent developments in the ammonia tank issue. Many residents were now
15 either aware or becoming aware of the fact that anhydrous ammonia was still being stored onsite at the
16 former creamery. These residents had been contacting the Selectboard, himself, and even the town's
17 state representatives. The ammonia was very deadly and unsecured. Anyone could enter the building
18 and anecdotally, there were reports of children entering the building. The security fence surrounding
19 the building was nothing more than an agricultural fence that was easily breached. The Manager had
20 accompanied the Fire Chief and two state Fire Marshals to an inspection of the site on June 13th and
21 the fence was open upon their arrival. The Fire Marshals said that the condition of the tank, its
22 housing and the unsecured buildings were cause for concern. In the event of a breach, a ½ mile radius
23 would need to be evacuated.

24
25 The Manager also received a report from a structural engineer saying that the tank was supported on
26 concrete pillars and was not in danger of collapse. However, it was obvious that the roof was
27 collapsing and had many large holes. It was the belief of the town Health Officer and Fire Chief that
28 this was a serious situation that needed to be remedied. Therefore, with consultation from the town's
29 attorney, Mark Sperry and Cara Cookson, an emergency health order was prepared to order the owner,
30 Craig Caswell of Casing Development, LLC, to remove the ammonia.

31
32 The Manager added that in 2009 a Phase II environmental study had been done by the Regional
33 Planning Commission that stated the removal of the ammonia refrigeration system would cost around
34 \$32,000. It was anticipated that the removal of just the product would be much less. Finally, if the
35 owner failed to respond to the emergency health order, the town would then take action to obtain a
36 warrant to enter the property and dispose of the ammonia at the owners' expense.

37
38 Mr. Preston, Health Officer, and Mr. Levesque, Fire Chief were present to answer questions.
39

40 Mr. Preston agreed with the Manager's assessment of the situation. Mr. Levesque said that they
41 believed the ammonia tank was about ½ full.

42
43 Denise Barnard asked if this was the same system that had a leak several years ago, and Mr. Levesque
44 said it was the same but that wasn't from the tank.

45
46 There was discussion. It was agreed that Mr. Preston would issue the health order, and a period of five
47 days would be given for the owner to respond. The Selectboard, as the Board of Health, would have a
48 meeting on Monday evening, June 24th, to take further actions if no response was given, or if the
49 owner wanted a separate hearing.
50

Flood Plain Regulations Discussion

The Manager explained that the Planning Commission was holding discussions on revisions to the Richmond Flood Plain Regulations. There were some discussion on the level of regulation the town should enact, and whether or not the minimum FEMA requirements were sufficient or going beyond was necessary. There was also the issue of rising flood insurance rates and how the town may mitigate that through the Community Rating System. The Manager said that complying with the Community Rating System would mean additional regulation beyond the FEMA minimum.

Mark Fausel, the Planning Commission chair, said that he is slowing down the review of the flood regulations because of the new membership. They were not ready to push anything forward right now, and he is now down to four members and he would need to go back to five soon.

Ms. Heston said they had three other candidates. Ms. Lucht asked if we could nominate from the remaining interested candidates who were not appointed?

Mr. Yeates urged Mr. Fausel to not delay any pending changes. Mr. Fausel said there was a lot to learn, and the members needed time to understand the regulations. They weren't comfortable just rubber stamping the prior board's regulations.

Kathy Dwyer asked when will these be discussed. Mr. Fausel said they would be discussing this at the Wednesday Planning Commission meeting. Ms. Dwyer asked if there would be any public hearings, and Mr. Fausel said there were, and the Selectboard would also need to hold a public hearing if they were going to vote on any changes.

Ann Cousins asked if her application was still active or if she needed to reapply. Ms. Heston said that the Selectboard considered all former applications active, if the applicants were still interested.

AT&T Upgrade at Verburg Site

The Manager explained that AT&T wanted to upgrade their cell site at the Verburg silo, and they were increasing the height by 10 feet. He noted a representative was present to explain further.

Will Dodge was an attorney retained for this application, which was made to the Public Service Board. This would add an additional ten feet of silo and reinforcements to the existing silo. It would elevate existing carriers as well as AT&T within the site, providing better coverage. This was the first step for AT&T improving coverage of Richmond and surrounding areas.

Michael Hampton asked if AT&T had a permit to go onto existing power poles and Mr. Dodge said no, that was Unicell. The problem with those locations was that you had to de-energize the site each time you needed to repair or upgrade and it was difficult.

Mr. Dodge continued, and said there was a 45-day pre-notice period required by the Public Service Board. They were now seeking input, and for the town to sign a letter stating they either approve, approve with conditions, or disapprove. The only outstanding part of their application was a detailed structural report on bringing the silo up to code.

The Manager noted that a decision did not need to be made tonight, and it would be best to wait until the Planning Commission reported. This would be on the July 1st Selectboard agenda for action.

1 Appointments to the Planning Action Committee for the Regional Planning Commission

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3 The Manager explained that the Regional Planning Commission was seeking two-year appointments
4 to their Planning Action Committee. It was agreed that Mr. Yeates would be the PAC member and
5 Ms. Lord would be the alternate.

6
7 Approval of Minutes of June 3, 2013

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9 Mr. Yeates offered a motion to approve the minutes of June 3, 2013 with minor amendments and was
10 seconded by Ms. Lucht and the motion carried 5-0.

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12 Reports from Selectboard and Town Manager

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14 Hazard Mitigation Buyout

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16 The Manager reported that over the past month, the Town has met and emailed to try and determine
17 how to address the Section 106 historic review. The application has stalled while the town tries to
18 understand the concerns of FEMA and the State Historic Preservation Office. A meeting was
19 scheduled for this Thursday with representatives of all agencies involved. Ms. Heston requested she
20 be at that meeting by phone. The Manager added that Ms. Cousins from the Preservation Trust of
21 Vermont suggested that Amy Lord could become an advisor to the process since she has some
22 background in the Historic Preservation, and the Manager mentioned that Michael Hampton had
23 requested to be involved to do some legwork if needed, and the Manager intended to allow him to do
24 this.

25
26 Ms. Lord said she was interested in attending the meeting if she was able.

27
28 The Manager then mentioned the departmental and finance reports. A new financial report would be
29 done for the next meeting following the last accounts payable and payroll of the fiscal year.

30
31 The Manager updated the Selectboard on recent legal issues. The Chittenden County Fish and Game
32 Club zoning violation was before the DRB and it should be satisfied, since the DRB urged a common
33 agreement between the Club and neighboring residents. This has been accomplished and he hoped
34 this brought an end to the issue, where the Club pledged to improve sound attenuation and the
35 neighbors agreed to give them a chance to do so. Also, Steve Bordeaux had been served on the
36 cleanup on his property, and he obtained an attorney. The attorney requested a stay to be able to
37 review the case, and the town agreed.

38
39 The Manager then reported on several upcoming significant projects. These included the Checkered
40 House Bridge, the Hinesburg Road culvert, paving on Bridge Street and Depot Street, and the future
41 project over the Snipe Island Brook. Finally, the Manager reported that Williston was seeking a
42 Richmond appointee to their Community Action Board, and the Selectboard requested this be posted
43 on Front Porch Forum.

44
45 Consent Agenda

46
47 The Manager explained the Consent Agenda items as an update to the Basic Emergency Operations
48 Plan, accepting the resignation of Lou Borie from the Planning Commission, and accepting the
49 resignation of Ernie Kelley from the Planning Commission.

50

- 1 Ms. Lucht offered a motion to approve the Consent Agenda and was seconded by Mr. Yeates and the
2 motion carried 5-0.
3
- 4 The warrants were approved. Mr. Granda agreed to review the warrants for the July meetings.
5
- 6 Ms. Heston requested that the July 1st agenda have a space for an update on the Old Round Church
7 Bicentennial.
8
- 9 **4. Adjourn**
- 10 Motion by Mr. Granda to adjourn the meeting at 9:25 p.m. Seconded by Ms. Lucht. So voted.