

**RICHMOND SELECTBOARD
REGULAR MEETING
September 4, 2012 MINUTES**

Members Present: Chris Granda, Chair; June Heston, Vice chair; Neil Boyden; Amy Lord; Ashley Lucht

Absent: None

Others Present: Geoffrey Urbanik, Town Administrator; Linda Parent, Town Clerk; Mary Houle, Lister; Cara LaBounty, Lister; James Garris; Bruce Bailey; Rev. Alice Ling; Wright Preston; Bradford Elliot; Cathleen Gent, Town Planner; and Ruth Miller was present from MMCTV to tape the meeting.

Chair Granda called the meeting to order at 7:05 p.m.

1. Public Comment

Chair Granda asked if there were any comments from the public, but there were none.

Hurricane Irene, One Year Later

Pastor Alice Ling was present to speak about some of her experiences helping the community during the post flood times. She noted that in the early settlement of Vermont, the settlers built their homes close to the water and in the fertile floodplains of the valleys. Flooding has been a part of life here from the beginning, but after Irene she was struck by the generosity of everyone to their neighbors after the flood. She said people continued to help each other, and the community can come together to help each other through difficult times.

Ms. Ling offered to say a prayer, but did not insist on it. Some in the audience suggested against it.

Chair Granda thanked Reverend Ling for her work, especially the pie and coffee gatherings.

Report from Town Listers

Chair Granda reviewed a list of expenses from the listers office for the current fiscal year, and past fiscal years. He noted that the listers were elected and their duties were statutorily defined, but the rate of payment was not. Last year's overall budget was overspent by \$500 and this year is on track to also be overspent. Chair Granda asked the Selectboard how they should exercise control over the budget.

The Administrator reviewed the budget history for several years, pointing out that in 2007 and 2008 the town did a revaluation which caused a large spike in costs, and since then lister salaries have been low primarily due to low staffing and one lister refusing to take a salary while employed. This lister chose to use salary funds to pay a contract appraiser. Now the town has two listers who are getting paid, and expenses have gone up. A charge of over \$1,600 for copying was also incurred in the current fiscal year.

Cara LaBounty, a lister, said that this report didn't have necessary details. The listers have never been invited to revise the budget, and therefore have no control over what the town budgets. Ms. LaBounty continued, and explained some of what the listers do but she was not prepared to give budget figures. She noted that the other lister, Mary Houle, was employed last year and was not invited to provide a budget.

Mary Houle mentioned that a per-parcel dollar amount should go into a special town account for lister education, and it has not been. The town also gets money for valuation that it puts into a reserve instead of funding listers. Ms. Houle asked who their department head was.

1 Ashley Lucht said that the public was their department head, but wondered if the Town Manager would be the
2 one for them to report to in the future. Ms. Lucht said that she felt it was appropriate for the listers to develop
3 their own budget.

4
5 Chair Granda said we needed to have necessary input on the budget, since the 2012 budget was exceeded and
6 the 2013 budget was likely to be.

7
8 Cara LaBounty said that the current budget only pays for one lister, and the town only budgeted \$1,000 for a
9 contract appraiser which over the past few years has cost more than that. She said she was in office since
10 March and there were many projects to get done.

11
12 Chair Granda wanted Ms. LaBounty to explain the projects. Ms. LaBounty said that to create a budget would
13 take some time. The tax maps haven't been updated since 2010, and not all of the parcels are corrected. Chair
14 Granda asked how much time did this take, and other tasks? Ms. Houle said that there had been multiple
15 refinances and recording those was a five step process.

16
17 Ms. LaBounty asked who the listers liaison was, and was answered Chris Granda. There was more discussion
18 on the budget and how to define what duties were necessary or how much funding it would take. Ms. LaBounty
19 again said that the town should take funds from the state and fund the listers budget rather than the reappraisal
20 reserve. Ms. LaBounty objected to charging the copying to the contract line.

21
22 Jon Kart said that the Selectboard and listers need to work together to identify what needed to be spent. He
23 asked if there would be more charges like the copying charge. Ms. LaBounty said she did not appreciate having
24 to account for this expense separately. Mr. Kart said that she bought the copies.

25
26 Maureen Kangley asked if the Selectboard was saying that the listers are getting paid too much salary.

27
28 Chair Granda explained that the Selectboard was concerned that the listers were on track to well overspend their
29 budget and the board needed to understand why, and what could be done to control costs.

30
31 Ms. Houle said that the copying was done as a courtesy for another department, for the Board of Civil
32 Authority. She said that the clerk of the Board of Civil Authority needed this done, and they volunteered to do
33 this. Chair Granda asked if they were saying that the clerk of the Board of Civil Authority was the one to
34 authorize this expenditure ahead of time.

35
36 Ms. Lucht said this was sounding like either a full time job, or several part time jobs. If the work is more than
37 \$8,000 then how much would it be, and how can we monitor it?

38
39 Chair Granda said that both of the listers were former Selectboard members, and they should understand how to
40 budget.

41
42 Ms. Heston recommended that the listers develop a budget for two listers, showing the approximate duties and
43 time involved.

44
45 Ms. LaBounty said that prior to this, the listers were not charged with developing a budget.

46
47 Chair Granda said that it makes sense for them to understand how to effectuate a budget. Ms. LaBounty said
48 that the listers weren't overspending, they were underbudgeted. She said they should be treated as any other
49 department.

50
51 Ms. Lord asked if in the past there was work that should have been happening that wasn't, but is now getting
52 done. There was more discussion.

53
54 Ms. Heston offered to work with the listers to develop a budget, and Chair Granda recommended that they all
55 meet to develop a budget.

1
2 Ms. Lord said she wanted to say one thing about the copying charges, and Ms. Lucht that the town paid for
3 color copies of black and white originals, and wasn't double sided.
4

5 Ms. LaBounty tried to explain that they didn't have much notice to get the materials in order.
6

7 The Administrator asked if the listers were to continue to get paid normally, and Chair Granda said that will
8 continue, and what is happening now with their work will continue. The listers budget would come back on the
9 agenda at the next Selectboard meeting.
10

11 David Raphael and former Richmond Creamery 12

13 David Raphael was present, representing Craig Caswell, the current owner of the creamery. Mr. Raphael was a
14 planner working for Landworks in Middlebury. Mr. Raphael explained he had two items to discuss, the first
15 was that the owner wanted an important parcel to be developed, but he was struggling with density and height
16 questions. However, they had no intention of developing anything that would not fit the village. Second, he
17 said that they wanted to explore a partnership for Brownfields grants to address remediation of the contaminated
18 areas. He noted that they were also committed to the creation of a Senior Center with office development. He
19 presented a "preliminary development proposal" that would fit the draft zoning regulations.
20

21 Chair Granda asked if the Selectboard would like to comment.
22

23 Ms. Heston said that she liked Mr. Raphael's ideas, and draft plan. Ms. Lord agreed, and asked if he had any
24 strategies for pulling in the public.
25

26 Ms. Lucht asked what the specifics of the proposal were. Mr. Raphael replied that there were fifteen residential
27 units, and since there were twelve age restricted units there was a bonus of three units allowed. Three
28 commercial buildings were proposed.
29

30 Chair Granda asked how large was the senior center, and Mr. Raphael said 5,000 square feet.
31

32 Ms. Houle noted that the Regional Planning Commission was aware of the contamination issues. Mr. Raphael
33 said they were instrumental in identifying these issues.
34

35 Cathleen Gent thanked Mr. Raphael for following the proposed bylaws.
36

37 **2. Ordinances for First Reading** 38

39 Ordinance 2012-03 Amending the Fee Ordinance 40

41 Cathleen Gent explained that some of the land development fees were in need of amendment. The proposed
42 changes were modest, and taken from comments made at various public hearings. The town was proposing the
43 addition of a "temporary certificate of occupancy" fee of \$60, while reducing the regular certificate of
44 occupancy to just the recording fee. There were some other small changes.
45

46 Ms. Lucht asked how these fees would be tracked, and if we shouldn't wait for the regulations to be adopted
47 first.
48

49 Ms. Gent said that the changes wouldn't go into effect for some time, and they are testing these fees on an
50 interim basis.
51

52 Chair Granda asked for an analysis for impacts on fee revenue.
53

54 Ms. Lucht offered a motion to introduce on first reading ordinance 2012-03 and was seconded by Mr. Boyden,
55 with a public hearing date of October 1st at 7:30 pm. The motion carried 5-0.

**AN ORDINANCE OF THE TOWN OF RICHMOND
2012-03**

**AN ORDINANCE AMENDING SCHEDULE A OF THE
RICHMOND ROAD NAMING ORDINANCE**

The Selectboard of the Town of Richmond hereby ordains that Schedule A of the Richmond Road Naming Ordinance is hereby amended as follows (new language **Bold** and Underlined, deleted language ~~struck~~):

Section I. Amendment of Existing Ordinance

Schedule A will be amended as follows:

~~VERBERG RD LN~~
~~OLDFIELD RD~~ **OLD FIELD RD**
SADLER MEADOW RD P 75
~~Wortheim LN RD~~

Section II. Severability.

If any section or part of this ordinance is deemed to be invalid or unenforceable, the remaining sections or parts of this Ordinance shall remain valid and enforceable.

Ordinance 2012-04 Amending the Road Naming Ordinance Schedule A

The Administrator explained that the town had an ordinance regulating the naming of roads, and the Selectboard had to approve each name or revision to an existing name, by amending this schedule of roads. The Administrator listed the proposed amendments.

Linda Parent said that there were lots of times when various people would need to know whether a road was a Road, Street, Lane, etc. and it was important that they be recorded properly.

Ms. Houle said that the listers had to make sure the parcel addresses were right.

Cathleen Gent said that these changes reflect what the Grand List shows now.

Ms. Lord offered a motion to approve on first reading ordinance 2012-04, setting a public hearing date for October 1st at 7:30 pm and was seconded by Ms. Heston and the motion carried 5-0.

**AN ORDINANCE OF THE TOWN OF RICHMOND
2012-04**

**AN ORDINANCE AMENDING CERTAIN FEES
IN THE TOWN OF RICHMOND**

The Selectboard of the Town of Richmond hereby ordains that the following shall serve as the fee schedule for certain zoning and land development services:

Section I. Fee Schedule

1 This schedule of fees, effective September 4, 2012, applies to zoning, subdivision and public works
 2 fees.
 3

Zoning and Construction	
Zoning -- Minimum permit fee (includes recording fee)	\$ 40.00
Zoning -- Per Square Foot, Residential (includes recording fee)	\$ 0.20
Zoning -- Per Square Foot, Commercial (includes recording fee)	\$ 0.30
Request for Permit Information (includes site visit)	\$50.00
Boundary Adjustment (includes recording fee)	\$ 75.00
Certificate of Occupancy (recording fee only)	\$10.00
Temporary Certificate of Occupancy (includes recording fee)	\$ 60.00
DRB Conditional Use Hearing or Appeal of Zoning Decision (does not include recording fee)	\$150.00
Site Plan Review (Administrative) (does not include recording fee)	\$ 50.00
Site Plan Review Hearing (DRB) (does not include recording fee)	\$ 100.00
For development within the Flood Hazard Overlay District for development or repairs that would not require DRB or zoning approval outside of the Flood Hazard Overlay District	\$10 per recorded page

4

Subdivision (does not include recording fee)	
Sketch Plan Review	No fee
Preliminary Subdivision (4 or less lots)	\$200.00 plus \$100.00/new unit
Preliminary Subdivision (5 or more lots)	\$400.00 plus \$100.00/new unit
Administratively Created Lots	\$ 100.00
Subdivision Amendment (Administrative)	\$ 60.00
Subdivision Amendment (DRB)	\$200.00

5

Public Works	Residential	Commercial
Use of Public Right-of-Way (separate inspection fee applies/no recording fee applies)	\$ 100.00	\$ 100.00
Town Highway Access [includes recording fee]	\$ 100.00	\$ 100.00
Technical Review Fee (4 or less lots)*	\$ 600.00	\$ 1,200.00
Technical Review Fee (5 to 9 lots)*	\$1,800.00	\$2,000.00
Technical Review Fee (10 to 50 lots)*	\$2,800.00	\$3,800.00
Technical Review Fee (more than 50 lots)*	\$3,600.00	\$5,200.00

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Impact Fees	Single-Family	Multi-Family/unit	Mobile Home	Non-Residential
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School	\$ 2,828.00	\$ 1,228.00	\$ 1,776.00	\$ 0.00
Fire	\$ 218.70	\$ 153.09	\$ 153.09	\$ 0.11 per s.f.

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Section II. Severability.

If any section or part of this ordinance is deemed to be invalid or unenforceable, the remaining sections or parts of this Ordinance shall remain valid and enforceable.

3. Other Business

Hazard Mitigation Buyout Discussion

Chair Granda noted that on September 27th there was a special public hearing on this issue, and now that the Selectboard has taken public comment, they should discuss their next steps and concerns. Since they heard the public last week, this discussion would be for the Selectboard only. Any negotiable items would be discussed in Executive Session.

Chair Granda read through a memorandum outlining several discussion points. He noted that the town was not motivated by profit in this case, and they needed to understand the ongoing costs. The only item the Selectboard would gain is a small plot of undevelopable land.

Chair Granda said that in the event that the State couldn't cover the 25% match, someone else would. This should be recognized, but discussed later.

Ms. Lucht asked who would mitigate environmental contamination? She felt that FEMA would not cover this cost, but would cover a phase 1 environmental review. She suggested that the town take action to authorize a phase 1 environmental.

Ms. Lord had asked the Administrator to find out from the State's Hazard Mitigation Officer, Ray Doherty, if the budget for this would expand to cover environmental remediation and Mr. Doherty's response was no.

Mr. Boyden said that the town needed to know up front what kinds of environmental costs were involved.

Chair Granda spoke of the insurance repair estimates used with the substantial damage determination, which was not part of the original application. He requested that this be provided to the State and FEMA as part of the application. He asked if FEMA had been made aware of the historic registration of the building, and the Administrator said that they had.

Chair Granda said that since this was an historic building, instead of demolishing it some had suggested it be repaired or resold, or moved. He added that any solution where the structure was kept would not meet the goals of the buyout program.

Ms. Lord added that since this was an historic building it could get waivers from the repair requirements of the floodplain regulations.

Ms. Lucht said there was no idea on how much it would cost to remediate.

Chair Granda suggested that the course of action should be that the town investigate how to allow for preservation, and give the historical society a chance to research funds.

1 Ms. Heston asked what our timeframe was, and what FEMA's timeframe was. Chair Granda didn't want to cut
2 the town's options before FEMA decided what they wanted to do.

3
4 Ms. Lord asked if any site assessment had been done, since she has not seen any record of one. Chair Granda
5 said that some people had seen the condition of the home, but no one acting as the town's agent.

6
7 Ms. Lucht again said we needed a phase 1 environmental study, and Ms. Heston agreed. Mr. Boyden said that
8 we were unaware if the remediation figures were realistic, and we needed an inspection.

9
10 Chair Granda said that the consensus of the Selectboard was to reach out to the Houles and request that we
11 establish a mutually agreeable time for a phase 1 environmental study be performed as well as an inspection of
12 the condition of the home.

13
14 Chair Granda asked if the Administrator could determine if there were any other buyouts proceeding with a
15 phase one environmental study, and that Richmond would pay upfront for this study to be done on this property.

16
17 Ms. Lucht noted that the only historical remediation to be done on this property was simple documentation.
18 The Administrator said that there was no guidance from the State or FEMA on the historical value of the
19 property. Ms. Lord then wondered if we had done enough to verify the cost value of the structure.

20
21 Chair Granda said that the application had been approved by the State with the information contained therein.
22 FEMA now needed to determine if that information was acceptable.

23
24 Ms. Lucht said that the repair value was compared to the listed value, and asked if the listed value was the same
25 as the appraised value. Ms. Lord said that there had never been a site visit to back up the original estimates.
26 Chair Granda asked if what had been done was sufficient for FEMA review.

27
28 Ms. Heston noted that the one acre value needed to be clarified.

29
30 Chair Granda suggested we needed clarification on the environmental assessment, historical value, and pre-
31 flood market value. Ms. Heston asked if the historic value was relevant if the structure wasn't viable.

32
33 After some additional discussion, Chair Granda requested any further comments be put into writing and
34 delivered to the Administrator.

35 36 Fire Warden

37
38 The Administrator explained that Mike Mack had retired from Fire Warden, and Harland Stockwell was
39 interested. There were certain requirements to be met, but Mr. Stockwell appeared to be acceptable to the State.
40 Mr. Stockwell's term would be from September 1, 2012 through June 30, 2017.

41
42 Mr. Boyden offered a motion to appoint Harland Stockwell as Fire Warden for a term of September 1, 2012
43 through June 30, 2017 and was seconded by Ms. Heston and the motion carried 5-0.

44 45 Invoice Audit

46
47 The Administrator explained his final amendments to his comments. Part of the information requested was an
48 analysis of the latest payment mistakes, and the Administrator noted that beyond the certain vendors separately
49 identified by Mr. Robinson, there were only two doublepayment errors in 2012, in January and February.
50 Things seem to have cleared up since then.

51
52 Ms. Lucht noted that Water and Sewer would consider moving their meetings to the third Monday of the month
53 to allow for month-end billing to be received and processed for payment. Hopefully this would alleviate the
54 late fees and missed billing that leads to paying balance forwards.

55

1 Chair Granda indicated that this report was to be placed on the website.

2
3 Hot Dog Cart Request

4
5 The Administrator explained that after researching this, he believed that it was entirely within the Selectboard's
6 authority to allow this, however, he did not recommend it due to the difficulty in managing competing vendors
7 or other interests.

8
9 Ms. Lord said that she had been told that the next day someone wanted to put a barbeque bus in the park's
10 parking lot.

11
12 Ms. Lucht felt that there were already several nice restaurants in town that paid taxes, and took foot traffic.
13 This might detract from those businesses.

14
15 Ms. Heston said she had less difficulty with the issue than the precedent. She noted there were vendors there
16 already, and if let one hot dog cart in how do you control others?

17
18 Chair Granda asked if the Selectboard did not want to amend the park policy.

19
20 Mr. Boyden said he didn't think we wanted this management issue. Ms. Lord agreed.

21
22 Linda Parent said that the first time someone got sick, the town will get into legal trouble.

23
24 Angela Cote said that the Farmers Market already allows food vending, and they weren't from Richmond.

25
26 Chair Granda said that the consensus of the Selectboard was to not pursue this issue, and suggest that the vendor
27 contact the Farmers Market to see if they had a space for him.

28
29 Access Permit 12-131 for Sadlar Meadow Road

30
31 The Administrator explained that this was a new private road, named in the ordinance above, that would
32 connect to Jericho Road at the Peet Farm. The Highway Foreman had reviewed this and there was adequate site
33 distance in both directions and no objections were noted.

34
35 Ms. Lucht offered a motion to approve access permit #12-131 and was seconded by Ms. Lord and the motion
36 carried 5-0.

37
38 Approval of Minutes of August 20, 2012

39
40 Ms. Lucht offered a motion to approve the minutes of August 20, 2012 as amended and was seconded by Ms.
41 Lord and the motion carried 4-0-1 with Mr. Boyden abstaining.

42
43 Approval of Minutes of August 21, 2012

44
45 Ms. Heston offered a motion to approve the minutes of August 21, 2012 and was seconded by Ms. Lord and the
46 motion carried 3-0-2 with Ms. Lucht and Mr. Boyden abstaining.

47
48 **4. Reports from Selectboard and Town Administrator**

49
50 The Administrator discussed the difficulties with specifying equipment for new furnaces for the Town Center
51 building. There was some discussion on the timing. Chair Granda suggested bidding with a contingency in
52 mind if the project could not be completed before Winter. The decision was to move forward with bidding.

53
54 The Administrator noted that the Vermont League of Cities and Towns was having their annual conference on
55 October 4th, and a delegate was needed. He had served as delegate in the past, and offered to do so. Ms.

- 1 Heston offered a motion to appoint the Administrator as League delegate and was seconded by Ms. Lord and
2 the motion carried 5-0.
3
- 4 The Administrator also noted that paving on Browns Court and Esplanade was complete, and Hinesburg Road
5 was nearing completion.
6
- 7 Angela Cote said that the "s" curves on East Hill Road were in bad shape and if there was any paving left over it
8 should be placed there.
9
- 10 Ms. Heston asked about two checks for Glenna Pound. The Administrator explained that the original purchase
11 order was for \$7,150 but her last billing was over this amount. The first check was for the balance, on the
12 purchase order, and he needed approval to pay the second amount. Ms. Heston offered a motion to authorize
13 payment of \$1,966.25 to Glenna Pound and was seconded by Ms. Lucht and the motion carried 5-0.
14
- 15 The Administrator presented a purchase order to Newton Construction for gravel hauling in the amounts of
16 \$9,936.00.
17
- 18 Mr. Boyden offered a motion to approve purchase order #3035 in teh amount of \$9,936, for 138 hours of
19 trucking at \$72.00 per hour to Newton Construction and was seconded by Ms. Lucht and the motion carried 5-0.
20
- 21 Chair Granda called for an executive session to discuss personnel and real estate items.
22
- 23 Ms. Heston offered a motion to convene an executive session at 10:10 pm and was seconded by Ms. Lord and
24 the motion carried 5-0.
25
- 26 Ms. Heston offered a motion to adjourn the executive session and reconvene the public session at 10:45 pm and
27 was seconded by Ms. Lucht and the motion carried 5-0.
28
29
- 30 **5. Adjourn**
- 31 Motion by Ms. Lucht to adjourn the meeting at 10:45 p.m. Seconded by Ms. Heston. So voted.