

**RICHMOND SELECTBOARD
REGULAR MEETING
July 16, 2018 MINUTES**

Members Present: Bard Hill; David Sander; Stephen Ackerman; Roger Brown

Absent: Christy Witters

Others Present: Geoffrey Urbanik, Town Manager; Mark Fausel, Planning Commission; Jessica Draper, Town Planner; Cara LaBounty; Bruce LaBounty; Jon Kart; Mary Houle; Dennis Gile, Fire Chief; Laurie Dana, Library Trustee; Judy Rosovsky, Conservation Commission; Peter Gosselin, Highway Foreman; Donna Niquette, Rick Niquette; Jean Bressor; Gary Bressor; Jeff Forward; John Johnston & Fred Bellucci, Breadloaf Architects; Paco Aumand, Director of Police Services; Sue Glennon & Barb LaPlant; Laurie Day; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Bard Hill called the meeting to order at 7:00 PM.

1. Welcome and Public Comment

Mr. Hill asked if there were any comments from the public.

Cara LaBounty said that she had volunteered for the town for many years, working on flood plain issues, regulations for eight years. She worked to get the first revised flood maps rescinded and remapped and had pointed out how arbitrary some of the town's flood regulations were – and worked to get them revised. She had eighteen projects approved for conditional use to elevate them above the base flood elevation. She helped to change the regulations in 2015 to make them more lenient for homeowners who were already in the floodplain. She said that the Development Review Board was making arbitrary decisions on elevation projects. Due to the lack of action against the DRB, she was no longer going to participate in anything having to do with the floodplain. She said if the town wasn't supporting the elevation of these structures, they shouldn't support using the regulations to take action against homeowners. There was no excuse for the Selectboard to allow the DRB to have arbitrary interpretations of the regulations. She urged changes to take care of the people who live in the floodplain.

Mr. Hill asked the Manager to speak a little about the follow up from the last meeting. The Manager explained that he had met with David Sunshine and Roger Pedersen of the DRB, and Mark Fausel of the Planning Commission. They discussed this decision, and felt that the regulations supported their conditions, however, Mr. Fausel explained that fill utilized to elevate a structure was meant to be exempt from the net loss of flood storage capacity rule. A clarification on this point was supposed to have gone out last week.

Mr. Hill noted this would be a more full report later on the agenda.

Bruce LaBounty criticized the board members for not being more attentive to Ms. LaBounty's concerns during her comment.

Mr. Hill noted that two additional agenda items needed to be added. The first was a discussion of a failing culvert on Cochran Road and a request to authorize funding to address it, and the second was

1 approval of the release of the mortgage lien on the Buttermilk property since the cleanup project was
2 complete.

3 4 **2. Items for Discussion with Those Present**

5 6 **Breadloaf Architects Facilities Assessment**

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8 John Johnston, a systems engineer for Breadloaf and Fred Bellucci, an estimator for Breadloaf,
9 presented the major findings of the facilities assessment for the Fire Station, Library and Town Center
10 buildings. The focus was on structural issues, ADA compliance, health & safety, and mechanical
11 systems. The report itself was quite large, but the major findings were condensed into lists of
12 recommended improvements with cost estimates, for each building.

13
14 There was extended discussion about certain items in each building. For instance, the Fire Department
15 required a diesel exhaust system and a new engine bay to replace the add-on currently housing the
16 antique engine. The Library's in-floor heat system was made of a material that is known to fail,
17 requiring a replacement system. The Town Center building was mostly out of code, and had older
18 systems, requiring a holistic solution that would be costly.

19
20 Mr. Hill noted that the cost to make the Town Center building energy efficient and code compliant
21 was \$3.2 million, for roughly 10,500 square feet.

22
23 Jeff Forward noted that the post office was not part of this study but had similar needs. It would take
24 time for the town to think about passing a two or three million dollar bond, but the post office would
25 be key to making the rest of the project work.

26
27 Linda Donovan asked if the police department was part of this study. Mr. Hill said that a new building
28 for the police might be talked about under that agenda item.

29
30 The Selectboard thanked Mr. Johnston and Mr. Bellucci for their presentation.

31 32 **Town Plan Discussions**

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34 Jessica Draper, Town Planner, and Mark Fausel of the Planning Commission were present to help
35 discuss the Town Plan and prepare for the warning of a public hearing by the Selectboard. Mr. Hill
36 asked if the Selectboard had any proposed changes. Steve Ackerman noted a letter had been received
37 from Chris Granda on the energy section. Mr. Hill invited Mr. Granda to come and speak to the
38 Selectboard.

39
40 Mr. Granda commended the Planning Commission and the Town Planner on getting out the new town
41 plan. He then spoke about the Richmond Climate Action Committee's goal of getting a phrase into
42 the energy section of the town plan that the town consider adopting what's known as the Stretch Code.
43 Mr. Granda explained that the State of Vermont has adopted an energy efficiency code for residential
44 construction, but a more rigorous energy efficiency standard could be adopted locally. He requested
45 that the Selectboard consider amending the town plan to include a phrase allowing consideration of
46 this.

47
48 Bruce LaBounty objected that this request was being made outside of a warned public hearing.
49

1 Mark Fausel explained that this request was made to the Planning Commission as well, who thought
2 that it proved too controversial at this time, and the Stretch Code could still be considered even
3 without any mention of it in the Town Plan.

4
5 There was additional discussion. Mr. Hill suggested this was better discussed at the first public
6 hearing. There was also concern that the town plan was making efficiency standards for public
7 buildings, but not private residences.

8
9 After more discussion, the Selectboard agreed to schedule the first public hearing for the town plan on
10 August 8th at 7pm. Mr. Sander offered a motion to warn the first public hearing on the new town plan
11 for August 8, 2018 at 7:00 PM in the Town Center meeting room. Mr. Ackerman seconded the
12 motion, and the motion carried 4-0.

13
14 Jessica Draper, Town Planner, explained more about amendments. If substantial changes were made
15 to the plan at any time, two public hearings would have to be held on those changes. So, if the town
16 made changes to the plan after the first public hearing, two more hearings would need to be warned.
17 There was consideration of timing but she felt that the Selectboard could still warn the hearings
18 required to be able to get the plan on for adoption in November.

19 20 **Police Discussions**

21
22 The Manager introduced Francis “Paco” Aumand as the Director of Police Services providing interim
23 leadership of the police department. Mr. Hill asked about priorities of the police department,
24 especially recruitment of officers and chief and facilities solutions.

25
26 Mr. Aumand talked a little about his background and what he’s learned since coming on board with
27 the town July 9th. He noted he was also the part-time executive director of the Central Vermont Public
28 Safety Authority and explained his experience in that area. There was some back and forth with the
29 audience on regionalization, whether it was realistic or not, and the issues the department currently
30 faced.

31
32 Mr. Brown commented that he was focused on finding a short term solution to the facilities issue by
33 approaching Williston about any opportunity to share their facility in cases where ours was unsafe or
34 inadequate. This would allow more time to work on a permanent solution by addressing safety
35 concerns.

36
37 Mr. Aumand responded, and there was discussion on this topic. Mr. Aumand noted that overall, there
38 was little interest in regionalization of public services, but some efforts were being made that could
39 change things in the future. Mr. Aumand intended to meet with the new Williston chief of police to
40 discuss opportunities.

41
42 The Selectboard thanked Mr. Aumand for coming on board to help with this difficult issue.

43 44 **Volunteers Green Riprap Discussion**

45
46 The Manager explained that since the last meeting, he had authorized our engineer, Tyler Billingsley
47 of East Engineering, to prepare bids and provide further cost estimates. Jon Kart has also met with the
48 Conservation Commission to review this project and is present to further explain some background.

49

1 Originally, our former engineer Mike Weisel designed a riprap project here in 2014, which was
2 presented to the Development Review Board in January 2015. At this time, the well house project was
3 approved, but the Volunteers Green project was withdrawn due to unanswered concerns and lack of
4 funding from the town. This engineering likely cost a few hundred dollars to draw up the plans, and
5 apply for both Army Corps of Engineers and Vermont Stream Alteration permits – both of which were
6 obtained fairly easily.

7
8 Nothing was started, and in 2016 the town wanted to continue to pursue the Volunteers Green part.
9 Green Mountain Engineering was hired to complete the well house portion, which remains
10 unconstructed. Tyler Billingsley was enlisted to reapply for conditional use approval by the DRB,
11 which was completed in December of 2017. Mr. Billingsley also re-upped our permits from ACE and
12 Vermont. Early in 2017, the Manager met with Karen Bates of DEC and Gretchen Alexander, along
13 with Ann Smith of the Friends of the Winooski. Judy Rosovsky was also there – this was where the
14 downside of riprap was first discussed and the experts present did not prefer riprap as a solution,
15 although it was not dismissed as ineffective. The project remains controversial.

16
17 Mr. Billingsley's billing totals:

18
19 Design & Permitting Invoices July – October 2017 = \$2,012.50
20 Contracted – bid documents = \$1,000
21 Bidding = \$1,500
22 Oversight = \$80/hr

23
24 Mr. Kart has explained a little history to the Selectboard and to the Conservation Commission. In
25 short, there has been no formal evidence-based research on the erosion problem, but it is generally
26 accepted as occurring, and worsening annually. Riprap is known to have influences beyond its project
27 limits, and we have not studied what those effects might be in this case. Alternatives have not been
28 fully vetted, as riprap is a hardened solution that would address the problem in the project area, and
29 there has been an urgency to act pressed upon the Selectboard. Thus, the Conservation Commission
30 has rejected the application for lack of demonstrable research on existing conditions and alternatives.

31
32 That said, the board could reasonably question if we need to go this far. After all, the project could be
33 completed without use of Conservation Reserve Funds by way of an annual budget appropriation, or
34 through indebtedness. Additionally, the urgency to act on this problem could also be questioned.

35
36 Riprap would be effective in stopping erosion in this location. Erosion is active along the length of the
37 bank on Volunteers Green, as well as on the far side, and will continue in vulnerable areas. What we
38 don't know is the effect that 240 feet of riprap would have further downstream. Additional work in
39 the future may be required to stabilize the river bank, whether we riprap according to this plan or not –
40 so while this project would be a long term solution, it would only address part of the erosion problem.

41
42 We will open bids on August 1st and present to the board on August 6th. ACE permits limit us to work
43 in the river between June 1st and September 30th and expire June 2022. The Stream Alteration Permit
44 expires October 1, 2018. If the project is not moved forward, the construction season will close and
45 the permits will expire, and would need to be renewed for another season.

46
47 Jon Kart and Judy Rosovsky discussed their concerns with the board. It was generally accepted that
48 rip rap would address the issue in the location where it was placed, however, it was unknown what
49 would happen in other areas. Whether or not Conservation Reserve Funds could be used was up for
50 discussion as long as the Conservation Commission's concerns were addressed.

1
2 Tyler Billingsley explained that he felt that the cost of construction would likely be around \$93,000 for
3 this project, plus a contingency. There was some urging from the audience to complete the project.
4

5 Mr. Hill noted that the board would discuss the project following the receipt of bids, at the next
6 meeting.
7

8 **Cochran Road Culvert**

9
10 Highway Foreman Peter Gosselin was present to request authorization to purchase supplies and
11 materials necessary to replace a nine-foot diameter culvert on Cochran Road, between the village and
12 Cochran's Ski Area. This culvert was a steel constructed culvert about 80 feet long that was installed
13 probably in the 1970s. It had been settling for a few years and a recent inspection revealed holes in the
14 culvert with voids from erosion. Part of the culvert was in danger of separating and he felt it would
15 not last another freeze/thaw cycle. He requested \$25,000, of which \$19,000 was for the culvert itself.
16 Highway would replace the existing culvert, with some contracted excavation help.
17

18 There was discussion on the urgency and other items. The road would be closed 3-4 days while this
19 took place, and Mr. Gosselin wanted to get this completed before school started. He felt that if this
20 was a fully engineered project with headwall and footwall, it would be more than \$200,000 but the in-
21 house project would be \$40,000 - \$50,000 and utilize the culvert reserve as the funding source.
22

23 Mr. Brown offered a motion to approve purchase order 3591 in the amount of \$25,000 for various
24 materials and supplies for this project, contingent upon successful acquisition of a stream alteration
25 permit, and was seconded by Mr. Sander. The motion carried 4-0.
26

27 **3. Other Business**

28
29 There was a request to address the July 4th report at this time. The Selectboard recognized the Parade
30 and Fireworks Committee for the fantastic July 4th and noted all of the hard work put in by the
31 members. There was some discussion on the events, and what could happen next year as well. It was
32 noted that while there was a lot of response for set up and take down, there was still a need for help
33 during the event for working the food and cleaning up.
34

35 **Buttermilk Lien Release**

36
37 The Manager explained that Buttermilk had recently received the approval from the state saying that
38 their scope of work was complete. Buttermilk wanted the town to release the mortgage lien it held on
39 the property for the value of the grant.
40

41 Mr. Sander offered a motion to authorize the Town Manager to sign a release of lien on the Buttermilk
42 property, subject to attorney review. Mr. Brown seconded the motion and the motion carried 4-0.
43

44 **Development Review Board report**

45
46 Mr. Hill explained the issue from the previous meeting, which was that the Development Review
47 Board had granted conditional use approval for elevation of a structure in the special flood hazard area
48 on Jones Mill Road. Ms. LaBounty had objected to the first two conditions of the approval and
49 wanted the Selectboard to try and get the conditions removed or modified. The applicants could
50 appeal to the environmental court or the DRB could be asked to reconsider the issue. The Manager

1 had met with two members as he described, and they agreed to clarify the original decision as
2 indicated.

3
4 Ms. LaBounty said that the issue was the requirement for a structural engineer, which was not
5 necessary, nor was it necessary for an engineer to certify the fill. It should only be for floodproofing
6 measures in the foundation (flow through vents). She noted there was no structural engineering
7 requirement for the recent mobile home elevations, and this was a new condition. The DRB had fixed
8 mistakes before, and they should do so now.

9
10 Mr. Ackerman said that the Selectboard had no authority to direct the DRB to change their decision.
11 Ms. LaBounty said she wasn't asking for that, but to request that the DRB make this decision
12 consistent with previous decisions on the same issue.

13
14 There was additional discussion along these lines. The Manager explained that Ms. LaBounty felt that
15 the town was justified in making this request due to the link between the elevation project and the
16 hazard mitigation grant that would pay for part of it. Ultimately, Mr. Brown offered a motion to
17 request that the Development Review Board reconsider the decision with regards to scope of the
18 structural engineer and remove the condition of the fill due to precedent, and was seconded by Mr.
19 Sander. The motion carried 3-0-1 with Mr. Ackerman abstaining.

20 21 **Acceptance of Resignation by Ian Bender and Appointment of Padraic Monks to the DRB**

22
23 Mr. Sander offered a motion to accept the resignation of Ian Bender as member of the Development
24 Review Board and appoint Padraic Monks as full member for the remainder of the term. Mr. Brown
25 seconded the motion and the motion carried 4-0.

26 27 28 **Reports from Selectboard and Town Manager**

29
30 The Manager noted the Police Report, and briefly ran through the other reports.

31 32 **Approvals**

33 34 **Approval of Purchase Orders**

35
36 Mr. Sander offered a motion to approve Purchase Order 3520 to VLCT-PACIF in the amount of
37 \$79,682.50 and was seconded by Mr. Ackerman. The motion carried 4-0.

38
39 Mr. Sander offered a motion to amend Purchase Order 3431 to Clarks Trucking for a replacement
40 highway dump truck, from \$154,913 to \$154,985. Mr. Brown seconded the motion and the motion
41 carried 4-0.

42
43 Mr. Ackerman offered a motion to approve Purchase Order 3558 to Reynolds & Son in the amount of
44 \$12,686.03 for replacement fire hose and was seconded by Mr. Brown and the motion carried 4-0.

45 46 **Access Permits**

47
48 The Manager explained there were two requests for amended access for 1764 Cochran Road and 333
49 Cochran Road. Mr. Sander offered a motion to approve the access permits for 1764 Cochran and 333
50 Cochran and was seconded by Mr. Ackerman. The motion carried 4-0.

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Turn the Towns Teal

The Manager explained this was awareness for ovarian cancer in September, by tying teal ribbons to the poles in town. This was done for several years and the town had no complaints. Mr. Ackerman offered a motion to approve the request for Turn the Towns Teal to tie ribbons, and was seconded by Mr. Sander. The motion carried 4-0.

Approval of Minutes

Mr. Sander offered a motion to approve the minutes of June 18, 2018 and was seconded by Mr. Ackerman and the motion carried 4-0.

Mr. Sander offered a motion to approve the minutes of July 2, 2018 and was seconded by Mr. Brown, and the motion carried 4-0.

Approval of Warrants

The warrants were approved.

Town Manager Recruitment

The Manager explained the plan and schedule. It was agreed that Mr. Sander and Ms. Witters would establish a committee of two members of the public and two employees to review candidates in the search.

Comments

Laurie Day asked who policed J. Hutchins and accused them of dumping piles of asphalt in the vacant lot next to the mobile home park. She accused the Selectboard of approving the portable asphalt plant that they proposed about six months ago. There was quite a bit of discussion back and forth. Mr. Hill explained that nothing had been approved, although the town did agree to be co-applicants on the project as far as the public access went, but they did not endorse the asphalt plan itself and were not in a position to approve it. The project was up for Act 250 review and approval as well as Development Review Approval, neither of which had notified the Selectboard of any pending action.

Ms. Day was upset, and said that the board and the Town Manager had supported the asphalt plant, and accused J. Hutchins of dumping and filling in a pond and no one had done anything about it. Her neighbor, Judy Rosovsky, had fill placed on her lot and the town had not done anything.

The Selectboard directed the Town Manager to follow up on this complaint.

4. Adjourn

Motion by Mr. Sander to adjourn the meeting at 11:00 p.m. Seconded by Mr. Brown. So voted.