

**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 u l y 2 , 2 0 1 8 M I N U T E S**

Members Present: Bard Hill; David Sander; Stephen Ackerman; Christy Witters

Absent: Roger Brown

Others Present: Geoffrey Urbanik, Town Manager; Mark Fausel, Planning Commission; Jessica Draper, Town Planner; Kelley Lane, Assistant to the Town Manager; Jon Kart; Mary Houle; Lauck Parke; Gary Bressor; Jean Bressor; Beth Brouard; Blair Knowles; Matthew Parisi; Marie Thomas; Peter Thomas; and Erin Wagg was present to videotape the meeting for MMCTV Channel 15.

Bard Hill called the meeting to order at 7:05 PM.

1. Welcome and Public Comment

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

Ms. Houle complained that the Farmer’s Market wasn’t cleaning up after itself and the Town Clerk and other staff had to clean up after them. She said that they should be required to empty the trash after each market. She also said that the roadside mowing was brutal to trees and that we should not use the mower to clear branches – they should be cut back by hand and that would be less brutal and less wounding of the tree.

Ms. LaBounty complained about the Development Review Board placing conditions on approvals that were not supported by the regulations. She had been party to three hearings in the past few months, and conditions were attached that were too gray and open to interpretation and that the chair was drafting the decisions without input from the rest of the commission. She felt that all decisions should go to the full board for review and approval. She provided three examples where she believed the full DRB was not aware of the conditions attached to approvals. The first was the mobile home park elevation project where a condition not applicable to the mobile home park zone was included in the decision, the second was the Cowan subdivision where the decision required that the mylar include the driveway location for a residence when it is usually only required for commercial applications and the third was the 98 Jones Mill Road elevation application where the DRB has required engineered plans and a no net loss of flood storage capacity requirement. Prior applications to the DRB for elevations did not include these conditions. She wanted both of these conditions removed, and the Selectboard to take some sort of action regarding the DRB’s decisions outside of the regulations. She felt if the regulation could not be cited to support the condition, then the condition should be removed.

The Selectboard considered this and the Town Manager was directed to arrange a meeting with Steve Ackerman, liaison to the DRB, to discuss this decision, and report back by July 16th.

Matthew Parisi was the fiancé to Blair Knowles, who bought the subject property. He felt that Ms. LaBounty did an excellent job explaining the situation, and noted that one previous decision did not have this condition for having an engineered design. He was limited in time to start construction before the federal elevation grant expired next year and he had an appeal deadline of July 13th. If he

1 did appeal, construction would not start until 2019 and that could potentially put him beyond the
2 deadline. He felt there was no precedent for conditions one and two.

3
4 Ms. Witters said she was at the hearing for the mobile home park elevations, and was confused about
5 the elevations and placing fill in the floodplain. Ms. LaBounty explained that the regs allowed fill for
6 elevations necessary for foundation support. She said that Richmond was one of the few communities
7 that did not allow new construction in the floodplain and that we should be accommodating. This
8 wasn't excessive fill, just around the foundation.

9
10 Mr. Hill asked Mr. Parisi if he had asked for a reconsideration of these conditions by the DRB. Mr.
11 Parisi said he talked to the zoning officer about these conditions, but she said this was final and he
12 could appeal if he wanted.

13
14 Mr. Hill said that it seemed like he could ask for a reconsideration, or make an appeal to the
15 Environmental Court. Ms. LaBounty said that the Selectboard should ask if their intent was really to
16 have conditions one and two. Mr. Parisi reminded the board about the July 13th date. Mr. Hill said
17 that the meeting should happen in time to provide feedback to Mr. Parisi.

18 19 **2. Items for Discussion with Those Present**

20 21 Executive Session

22
23 Mr. Hill noted that the discussion for Executive Session could be pushed to the end of the agenda.

24 25 Presentation of Town Plan: Mark Fausel, Planning Commission Chair

26
27 Mark Fausel, chair of the Planning Commission, and Town Planner Jessica Draper formally presented
28 the Town Plan to the Selectboard. On May 16th, 2018 the Richmond Planning Commission finalized
29 the revisions of the draft 2018 Town Plan, and voted to warn their public hearing for June 25th. After
30 the public hearing, the planning commission is allowed to make changes to the proposed plan and
31 must submit the newest draft to the legislative body (Selectboard). The Selectboard must then warn
32 their own public hearings for the proposed plan (minimum 2 hearings if the town has more than 2500
33 residents). If the Selectboard chooses to make any changes that are considered substantial (changes to
34 concept, meaning, or extent) the Selectboard is required to notify the planning commission. They must
35 also warn new hearings based on these changes. In order to hold a town-wide vote on the plan, the
36 planner created this schedule for the legal adoption process:

- 37
38
- 39 • 6/25: Planning Commission Hearing
 - 40 • 7/2: Present the draft with any changes to the selectboard
 - 41 • 7/16: Selectboard should vote to warn their two hearings
 - 42 • 8/2: Publish warning for both hearings
 - 43 • 8/16: Last legal day to make ANY changes to the plan (if this schedule
44 is followed)
 - 45 • 8/20: SB Hearing 1
 - 46 • 9/4: SB Hearing 2
 - 47 • 9/17: Selectboard should vote to create a town plan ballot item on
48 Election Day
 - 10/4: Publish warning for Election Day

- 11/6: Election Day

These dates are based on legal warning requirements and changes to these dates are not terribly flexible. If a change is desired to be made to these dates, we would need to review the requirements and alter other dates accordingly.

The plan contains 11 technical plans, an Implementation Plan, and an Almanac. The technical plans are as follows: Community Development, Economic Development, Education, Emergency Resilience, Energy, Future Land Use, Historic Resources, Housing, Natural Resources, Transportation, and Utilities & Facilities. The implementation plan lays out general timelines and responsible parties for carrying out the actions in the technical plan (many of which are ongoing existing tasks). The almanac is a document that contains data and factual information that, while important, would have bogged down the narratives of the technical plans. One of the main goals of the planning commission was to make this plan as user-friendly and readable as possible. That is why many sections are briefer than town plans past. There was also an effort to avoid repetitive language. That is why you may find that language that relates to multiple sections is only found in one section.

Additionally, it should be noted that there are still some sections or ideas in the plan that members of the public consider unresolved or controversial. The first issue that is still questioned is the “fuzziness” of the Future Land Use map areas. The majority of the planning commission believes that this kind of style provides more flexibility for delineation during the zoning regulation process. Others believe it gives a false impression of a very loose zoning map and doesn’t show the areas where development is restricted by nature or by law.

Another issue is residential densities and housing in general, mostly related to the village. The State of Vermont encourages development to be clustered and mostly confined to existing development centers such as our village. However, many village residents are concerned about how increased residential units may affect neighborhoods and infrastructure. The planning commission believes it has left the door open to have that discussion during the zoning regulation process, and has also provided the opportunity to expand the village boundaries which could allow for more/denser development in areas that are not as developed as the existing village. It is their opinion that the plan is not intended for regulatory language but more for a regulatory foundation.

Related to this is the somewhat controversial energy development topic. Regional Planning took a very large role in the revision of the energy technical plan in order for us to be ready for a determination of energy compliance from the Public Utilities Commission. The PUC will *supposedly* grant substantial deference to town plans that are energy compliant when reviewing energy development proposals. This requires the planning commission to determine what landscape aspects will be protected from development (of any kind, not just energy). The current plan limits development in certain natural areas and prohibits development on slopes over 35% grade. These development limitations, because they apply to all development, can be seen as controversial.

It was also expressed that the maps may not be 100% accurate to 2018 on the ground features. Our maps are made mostly through regional planning. They usually do the data collection and pull from other reliable sources such as the state. It was not allowable in our timeframe for a commissioner or myself to update all of this data, so we kept the maps as is and reminded people that there is an accuracy disclaimer. The Future Land Use map, however, was a joint effort and not created through GIS data.

1 Aside from the density controversy, the other big argument was about agriculture and forestry.
2 Act 171 required the town to consider forest fragmentation in the plan for environmental and
3 economic purposes. However, many community members believe that agriculture and forestry are
4 dying industries and that the commission shouldn't be putting lifelines in the plan for those. There also
5 seems to be an argument about whether the agricultural protections that community members are
6 vying for is an alternate route for conservation protections under a different guise.

7
8 The commission believes that although not every person could ever be 100% satisfied, this
9 plan contains the best possible compromises.

10
11 The Selectboard thanked Mr. Fausel and Ms. Draper for the significant amount of work that went into
12 this document. Ms. Draper noted that the board could consider warning for a public hearing now, or
13 make changes at the next Selectboard meeting and warn a public hearing at that time. The Selectboard
14 decided to consider this at the next meeting.

15
16 Marie Thomas said that the process was comprehensive and long-lasting. There were many
17 opportunities to participate.

18 19 **Volunteers Green Rip Rap Discussion – Jon Kart**

20
21 Peter & Marie Thomas gave their opinions that rip rap was not the right solution for the park.

22
23 Mr. Hill offered a recap of the history of this issue, and the dynamics of the changing river shore. The
24 issue had been discussed since at least 2014, and many people had raised concerns about loss of the
25 park. The Selectboard, last year, had agreed to pursue the project, get it re-permitted and completed
26 this year.

27
28 Mr. Kart also explained more about the project, and provided a slide show illustrating the areas in
29 question and the damage being done to the shoreline due to river flooding. He said that two state
30 experts, the Stream Alteration manager, Chris Brunelle, and a State River expert, Gretchen Alexander,
31 had noted in a memo from last year that rip rap was the only way to prevent the erosion in this area.
32 There was concern for areas not being riprapped but Mr. Kart emphasized that this area supported the
33 bridge and was key to flow patterns when the river was elevated.

34
35 Marie Thomas disputed Mr. Kart's interpretation of Gretchen Alexander's letter. She felt that no data
36 had been taken to measure the changes to Volunteers Green, and no case had been made that rip rap
37 was the best option. She felt that the river would do what it wants to do, and asked what the urgency
38 was.

39
40 More discussion followed. Mr. Hill said this boiled down to, let it go or use rip rap.

41
42 Peter Thomas said he spent 20 years with FEMA in disaster recovery. At one time, rip rap was the go-
43 to solution, but no longer. He said that the problem will get bigger and there's always a trade off
44 between armoring and consequences. He felt the velocity of the water in this area would be increased
45 with rip rap, causing other problems, and that the bridge was not unstable.

46
47 Gary Bressor mentioned upstream rip rap from the 1930s. For 80 years the shore of the river had been
48 stable. He just wanted to have the bank here fixed and it has been overdue.

49
50 Beth Broulliard asked if extending the bridge back was a solution?

1
2 Mr. Kart said that it was fixed in its existing footprint and was constrained by federal regulations due
3 to the way the restoration was funded.

4
5 Ms. Witters said we need to consider the river but have hardened infrastructure with the bridge and
6 bandshell. She said that we should look downstream and examine softer alternatives.

7
8 Mr. Hill asked if the board wished to wait for the Conservation Commission to examine alternatives or
9 move ahead without them.

10
11 Mr. Sander wanted to move forward with the town's plans, without Conservation Reserve Fund
12 approval. Ms. Witters, Mr. Hill and Mr. Ackerman agreed.

13
14 Mr. Hill asked how this might be paid for, and the Manager suggested a one-year bank note, planning
15 to pay it off in next year's budget utilizing the town's surplus funds.

16
17 Mr. Hill wanted this on the next agenda, with a revenue/cost proposal.

18
19 There was a discussion about bidding. Mr. Ackerman offered a motion to approve putting the project
20 out to bid as proposed and was seconded by Ms. Witters. The motion carried 4-0.

21 22 **3. Other Business**

23 24 **Discussion of Police Services**

25
26 Mr. Hill explained that the town was brining in Francis "Paco" Aumand, as the new Director of Police
27 Services. Mr. Aumand had an extensive history in policing in Vermont and at the State level. The
28 Manager noted he was an excellent transitional leader for the Richmond Police Department.

29
30 Mr. Hill said that in the near term, the department's goal should be to recruit two police officers to fill
31 vacancies. Mr. Brown had suggested exploring sharing Williston's police station for certain things to
32 offset the immediate needs for safety and security at the Richmond station. This would improve
33 conditions and provide time to consider alternatives on a longer time line.

34
35 Ms. Witters agreed that Mr. Aumand was perfect to stabilize the department and chart the future. We
36 have difficult issues facing us, and he can help lead us through solutions.

37
38 There was discussion about community policing, and approaching it in a different fashion.

39
40 Marie Thomas said she went to the first listening session, and asked where the rumor that we were
41 getting rid of the police come from? She just heard support for the police department and it was sad
42 that some officers decided to leave.

43
44 Mr. Hill noted that there are members of the Richmond community who feel that we should not have
45 police and they are free to express themselves. It is a minority opinion, but he would argue in favor of
46 their right to say it.

47
48 Mary Houle asked if the police union was still active. The Manager explained that the union was still
49 active. He was not sure if there was a minimum membership, but that the officers had formed a

collective bargaining unit and chosen NEPBA to represent them. If NEPBA left Richmond, the bargaining unit still remained and the contract was in place for the duration.

Bolton Contract

Mr. Hill explained the contract providing Bolton with traffic enforcement services. The Manager added that it was for 11 hours per month, at \$60 per hour – a change from the \$45 for the previous year. This was acceptable to Bolton. The board discussed this and would like the contract to provide “up to” 11 hours of coverage, not a flat 11.

Mr. Sander offered a motion to approve a traffic enforcement Police Services contract with Bolton for up to 11 hours of police coverage at a rate of \$60 per hour. Mr. Ackerman seconded the motion and the motion carried 4-0.

Volunteers Green and Vehicular Access

The Manager explained ore and more folks have been driving onto Volunteers Green to either have a picnic, drop off or pick up canoes/kayaks, or for some other unofficial reason. The ordinance prohibits this without advance written permission from the Rec Committee, but hasn’t been enforced. This has generated more and more complaints about the condition of the green and other concerns. The discussion for the meeting is what to do about it. The ease of access is mostly suitable for maintenance by the town, but we could block this access with either a rock or some moveable barrier.

The board discussed this and agreed to try a sign saying “No unauthorized vehicles”. This would allow emergency vehicles to continue to access the green from the front parking lot. If more was needed the issue could be revisited at a later time.

Approval of Tax Rate

The Manager explained that the proposed tax rate was less than anticipated at Town Meeting due to a higher grand list.

		TAX DOLLARS TO BE RAISED		TAX RATE
Municipal and Highway Fund			\$ 3,194,193	\$ 0.6886
TOTAL			<u>\$ 3,194,193</u>	<u>\$ 0.6886</u>
Calculations based on a Grand List value of:		\$4,638,504		
TOTAL APPROVED MUNICIPAL TAX RATE:				\$ 0.6886
Prior Year Approved Municipal Tax Rate:		\$	0.6758	
Tax level increase:		\$	0.0128	

Mr. Sander offered a motion to approve the FY2019 municipal tax rate at \$0.6886 and was seconded by Ms. Witters. The motion carried 4-0.

Capital Planning

1 The Manager explained that the FY2019 plan was not completed due to not having an approved Town
2 Plan. However, capital projects continue to be on schedule, which will be updated and revised
3 according to Selectboard priorities. One of the more notable additions will be the Fire, Library and
4 Town Center buildings and what improvements we plan to schedule for the next five years.

5
6 The Highway vehicles, equipment and road maintenance schedules have been in place since 2007 and
7 may be in need of review. The Manager believed the vehicles and equipment replacements have
8 worked out well, the gravel and paving plans have been funded at a level that has been difficult to
9 achieve (especially in years with flood damage) and may be overly ambitious.

10
11 Water Resources needs more input from Kendall Chamberlin. We have recently transitioned away
12 from significant projects and into an asset management style of capital thinking. Our new plans
13 should reflect this for reserve funding and point to how and when we tackle bondable infrastructure
14 projects. The draft project list from the pending Breadloaf report was included also.

15
16 The board briefly reviewed the old capital plan. Mr. Hill noted that he wanted Breadloaf to offer
17 prioritization suggestions to their report as he didn't feel qualified to do that, and this was something
18 they were hired to complete.

19 20 **Reports from Selectboard and Town Manager**

21
22 The Manager noted the Police Report, the budget status and Works in Progress with Calendar.

23
24 The Route 2 culvert replacement was successful and completed earlier than anticipated.

25
26 The July 4th promised to be a great one this year and many new people have been working hard to
27 make it a success. The Manager noted that someone was concerned that the heat might be an issue but
28 the Selectboard did not wish to change anything.

29
30 Mr. Hill offered a kudos to the Parade & Fireworks Committee for getting involved and putting in a
31 great effort.

32
33 Mr. Hill offered a thank you to Chief Buck for his service, noting he retired on June 29th. Mr. Sander
34 read the sign-off from the latest police report, and thanked former Chief.

35
36 Mr. Hill was looking forward to boards and committees having town email and wanted to update the
37 board at the next meeting.

38
39 Mr. Hill noted the Town Manager vacancy was posted and recruitment would be discussed at the next
40 meeting. Mary Houle suggested Paul Bohne for an interim manager as he did a nice job filling in two
41 years ago.

42 43 **Approvals**

44 45 **Approval of Minutes**

46
47 The minutes had not been prepared and were deferred to the next meeting.

48 49 **Sullivan & Powers**

50

1 The Manager noted the scope of work for the FY2018 audit, costing \$22,800 with \$5,100 for financial
2 statement preparation. The Manager felt that a single audit would not be necessary this year.

3
4 Mr. Ackerman offered a motion to approve the FY2018 audit scope with Sullivan & Powers for a cost
5 of \$22,800 for the audit, \$5,100 for preparation of financial statements, and additional costs for a
6 single audit, if necessary. Mr. Sanders seconded the motion, and the motion carried 4-0.

7 Approval of Warrants

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9
10 The warrants were approved.

11 Approval of Purchase Orders

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13
14 Mr. Ackerman offered a motion to approve Purchase Order 3395 in the amount of \$15,000 for water
15 purchase of sodium chloride, and was seconded by Ms. Witters. The motion carried 4-0.

16
17 Mr. Sander offered a motion to approve Purchase Order 3449 to Hinesburg Sand and Gravel for winter
18 sand in the amount of \$40,994 (9.50/ton). Mr. Ackerman seconded the motion and the motion carried
19 4-0.

20
21 Mr. Ackerman offered a motion to approve Purchase Order 3448 to Hinesburg Sand and Gravel for
22 road gravel in various sizes, in the amount of \$150,000. Ms. Witters seconded the motion and the
23 motion carried 4-0.

24
25 Mr. Sander offered a motion to approve payment to Buttermilk, LLC under Purchase Order 3516 in
26 the amount of \$46,989. This represented their final grant payment. Ms. Witters seconded the motion
27 and the motion carried 4-0.

28 Executive Session

29
30
31 Mr. Hill explained that the pending issues did not require executive session at this time.

32
33 Next Agenda: DRB follow up; Volunteers Green stabilization update; July 4th update; Town Plan;
34 Breadloaf; Town Manager recruitment strategy

35
36 On this last item, Mary Houle suggested involvement from new members of the community, not the
37 same people who usually get involved.

38 **4. Adjourn**

39
40 Motion by Mr. Ackerman to adjourn the meeting at 9:35 p.m. Seconded by Mr. Sander. So voted.