

Town of Richmond Selectboard

Minutes 12/20/21

Members Present: Christine Werneke, David Sander, Bard Hill, June Heston, Jay Furr

Members Absent: None

Staff Present: Josh Arneson, Town Manager; Kyle Kapitanski, Police Chief; Linda Parent, Town Clerk; Connie Bona, Finance Director; Ravi Venkataraman, Town Planner;

Others Present: Meeting was recorded by MMCTV, Benjamin Hardy, RPD, Jana Brown, Allen Knowles, Ike Patch, Martha Nye, Erin Wag, Laurie Dana, Farb, Carina McCauley, Lauck Parke, Michael Casella, Ryan Dinneen, Jen Rose Smith, Sarah Heim, June, Cathleen Gent,

Called to Order: 7:01pm

Welcome by Christine

Public Comment: None

Additions or deletions to agenda: None

Consideration of finalizing FY23 budget to be considered for approval by the voters at Town Meeting

Werneke: Reviewed the budget process to date with Town Staff and Selectboard. Selectboard worked hard to be aware of what we used for Town Funds. Department Heads helped on this as well and I am appreciative. We also need to be aware that the budget may be voted on my Australian ballot again this year due to COVID-19. It is possible what we are endorsing tonight will not be able to be amended on the floor at Town Meeting.

Furr: I want to start with the tax rate.

Werneke: We have a decrease in the tax rate by 4.19% from last year. This does not include the Conservation Reserve Funds, which is voted on separately. Even if that passes there will still be an overall tax decrease. We were able to get a decrease by using unassigned and restricted funds to offset what needs to be raised by taxes, and this keeps unassigned and restricted balances in good financial shape.

Furr: We can't do this every year because we don't always have this much in unassigned and restricted funds.

Heston: I want to put the General Offset line to be back to \$300,000, and would like to see that line stay at \$300,000. This version shows the offset at \$260,000.

Arneson: There were updates to Unassigned and Restricted funds from the last meeting and that is why an adjustment was made to the use of unassigned funds.

Furr and Hill both concurred that they were okay with that change.

Connie Bona: Cautioned that the FEMA money has not been received yet and if we have a large event we would need to take a loan.

Heston: We have liquid assets of \$5 million.

Bona: We only have \$2 million or \$3 million in the bank now. We did have to pay the school taxes recently.

Heston moved to change the general offset unrestricted unassigned line from \$260,000 to \$300,000. Furr seconded. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Reviewed that the County Tax line went up by about \$600 based on feedback from the Chittenden Country Judges budget meeting.

Furr moved to approve the budget as amended for presentation to the voters. Heston seconded. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Consideration of approving a change to the Personnel Guidelines regarding Health Savings Accounts

Werneke: This allows for health savings account contributions to be made on a monthly basis, rather than at the beginning of the calendar year.

Heston moved to approve the addendum to the Personnel Guidelines which stipulates that contributions to Health Savings Accounts will be made on a monthly basis. Seconded by Furr.

Hill: Will this be connected to payroll?

Arneson: Yes it will be automated on a monthly basis in the payroll system.

Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Consideration of bonuses for Police Department and Fire Department

Werneke: This follows the decision at the last meeting. There were questions afterwards and we recognize we need to address staff that were not considered in the last meeting, including Fire, Police, and non-traditional employees for the Town. Before we go into Police and Fire I want to look at members of Town Staff who get a stipend. The Treasurer earns a \$250 monthly stipend. This is equal to \$3,000 per year. A 2% bonus would equate to \$60. The Tax Collector is paid with the penalty from the collection of delinquent accounts. In FY21 this came to a total of \$7,867. A 2% bonus would equate to \$157. The Animal Control Officer is paid \$36 per week. Annually this comes to \$2,016. A 2% bonus would equate to \$40.

Lets see if this is something we want to address similar to other employees.

Heston, Furr, and Sander were in favor.

Hill: I feel they are in a different class of worker than people who do full time work for us, but I am not opposed to providing bonuses to be consistent.

Werneke: Some other employees left employment in the past year and we want to be sure we discuss how to handle bonuses for them. Assistant to the Town Manager, Kathy Daub-Stearns gave her notice in early November. But she worked regular hours through

the end of November and has stayed on with reduced hours in December to aid in the transition to a new Assistant to the Town Manager. Ms. Daub-Sterns earned \$23.50 per hour on Grade 11. A 1% bonus would be \$366. Heavy Equipment Operator Kevin Mahone worked until the middle of November in Highway. Mr. Mahone earned \$17.91 per hour. If we multiply the \$17.91 per hour by the roughly 45 weeks he worked this comes out to \$32,238. A 2% bonus equates to \$644. Mark Howland worked part time, seasonal, for 10 weeks this summer. He earned \$4,770 in calendar year 2021 at \$14.50 per hour. A 2% bonus equates to \$95.

Hill: It is an interesting question and my perception was this was for people who were currently employed. It was for recruitment and retention. By that measure it is for anyone still on payroll at the time the motion was passed.

Heston: I tend to agree with Bard. In most situations seasonal would not fall into any bonus plan, and it sets a precedent. I would include employees who were employed when this was passed.

Furr: I would like to include Ms. Daub-Stearns in the bonus.

Hill: I was trying to go with who was here at the time the motion was passed.

Werneke: Kathy was employed but had given her notice.

Heston: Since she is still employed, she should get the bonus.

Werneke: Next is Police. We would need an agreement with the Union but they are amenable to this. All Union officers would be in the 1% bonus range. We need to address what rate of pay to use to calculate the bonus for Officer Herrick, his base pay or acting sergeant pay. Also, need to determine if we include Officer Wilson because he was on military leave for the past year. We also need to determine if the per diem officer gets the bonus.

Hill: Their eligibility and their pay rate at the time of the motion is what we should use for their pay. The part time officer can be bonused on the fiscal year 2021 earnings. The deployed officer is employed and should be bonused on his fiscal years earnings.

Chief Karpinski: I support the bonuses for the officers. The deployed officer, Officer Wilson, does not have a full fiscal year. I suggest his bonus be based on his current pay rate.

Werneke: I agree we should calculate based on his current pay rate. He should not be penalized for service to his country and should receive a bonus as if he were currently active.

Heston: It is the law that we have to provide a bonus to a deployed officer if other officers are receiving a bonus.

Werneke: Next is the Fire Department. This may be the trickiest. Fire fighters are paid when they respond, not on a set number of hours. If we look at a bonus on 2% of their annual earnings then some would receive less than \$20. We could break them up into segments of 25 hours worked in calendar year 2021 and bonuses could be allocated in increments of \$25 relating to how many hours each firefighter worked. For instance firefighters who worked between 0-24 hours would receive \$25. Firefighters who worked between 24-49 hours would receive \$50, and so on.

Heston moved to provide a 2% bonus of annual pay to Treasure, Tax Collector, and Animal Control officer. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Heston moved to approve bonuses as structured for the town staff for all employees who were employed at the time the motion was made. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Heston moved to approve 1% bonus for all Unionized police officers based on their current wage. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Heston moved to approve a 1% bonus for the non-union part time police officer based on fiscal year 21 earnings. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Heston moved to approve bonuses for fire department volunteers currently on the roster based on hours served as was presented. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Consideration of approving a Purchase Order for the purchase a police cruiser

Werneke: Chief Kapitanski attempted to order a new cruiser but had to commit to it on a certain day and could not wait for Selectboard approval. The proposal is to approve a purchase order to allow Chief to commit to a purchase prior to further Selectboard approval.

Heston moved to approve Purchase Order number 3176 in the amount of \$40,000 for a police cruiser. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Public Hearing to consider adoption of a rule requiring the wearing of face coverings indoors in public spaces

Furr moved to open the public hearing to consider adoption of a rule requiring the wearing of face coverings indoors in public spaces. Seconded by Heston. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Werneke: We are required to read aloud the rule or vote to forego reading the rule.

Heston moved to forgo reading the entire rule aloud and read only the title. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Werneke: The title of the rule is a Rule Requiring Wearing Face Coverings Indoors In Public Spaces. If adopted, this Rule will only be in place for 45 days, until February 3. However, the Selectboard may hold another hearing prior to February 3 to consider extending the Rule for another 30 days. The Rule can continue to be extended for 30 days at a time until April 30, 2022, at which date the Rule would no longer be in effect per the Act 1, which allows for the Rule to be in effect.

We have included a letter from the Vermont Retail and Grocers Association and a letter from Richmond Rescue in the packet published online. We have also received other letters from the public. The Rule we are considering this evening does not include enforcement.

Furr: We made the choice to not have enforcement due to having a small force and we do not have the staff to enforce a mask mandate.

Hill: We encourage the mandate to go on record in support of the science. But it is difficult to enforce but we want to encourage people to wear masks.

Sander: I have received several emails and they are 4 to 1 in support of the Rule. Shared a conversation with Dr. Mark Levine where Dr. Levine stated that we have a long way to go with this pandemic. Omicron variant is becoming dominant. We need to continue with masks, vaccinations and social distancing. It is the responsible decision to reenact the mask mandate.

Furr: We had contemplated updating the poster and getting those to businesses. I do think even if we are not enforcing it having a poster that explains we have a mask mandate may help sway some people to wear the mask.

Ben Harty: I am currently a resident of Huntington but used to live in Richmond and participate in activities in Richmond. I am asking you to not impose the Rule. I was struck that business community members spoke out against a mandate in South Burlington because there is an assumption that there will be enforcement. Second, in South Burlington a council member solicited feedback from the community on Front Porch Forum and some members of the medical community warned about risks of wearing a mask. There is science supporting and science against the masks. I suggest we look at Freedom and Unity as the motto of Vermont, a mandate is not freedom nor will it provide unity. Businesses will make decisions on rules in their businesses. Leave the decision to individuals and they will rise to the occasion.

Jen Rose Smith: I love that Richmond is supportive of their neighbors and I see a decision to wear masks as an extension of that. I support the mask mandate.

Ike Patch: I am in support of the mandate. But I don't think it goes far enough because it still allows for people to remove the masks to eat and drink in a restaurant.

Jana Brown: In support of the Rule. Thanked the Selectboard for considering this Rule.

Carina McCauley: My husband Ed and I are both nurses and both in favor of the mask mandate.

Allen Knowles: I am a retired physician and I support the mask mandate. I believe the social pressure to do the right thing is real.

Erin Wag: I support the mandate. Also, what is the difference between the rule and the resolution from last year?

Werneke: Act 1 had set it up in such a way that there are periodic check ins to ensure we are monitoring the evolving situation.

Brown: Confirmed what Werneke stated.

Arneson: Last year we were in a State of Emergency and had authority under the State of Emergency per statute to enact a resolution. Currently there is not a State of Emergency and Act 1 gives municipalities authority to enact a Rule.

Hill: Both accomplish the same thing.

Werneke: Are there any other comments?

Heston: I want to acknowledge we have all heard from a number of people, most are for it and few who are against it. We are in another crisis and we do have a number of people who have chosen to not get vaccinated but the science shows that masks help to reduce the spread of COVID. With the Omicron variant Vermont is at number 14 in the country for the spread of the virus. Masks help to protect everyone and help to support the medical system, because they are overwhelmed right now. I think we are obligated to do what we can to help protect our neighbors.

Furr: Freedom comes with limits and we need to do what is right to help protect other people. When your choice impact others' freedom, liberty and rights then there has to be limits.

Werneke: In general people do not like to be told what to do. We want the ability to make choices to do what we would like to do. Science is following a process and should provide us with different perspectives. This is still young and we are still learning. I don't believe people who don't want to wear a mask are bad people. There are many reasons people have for wanting or not wanting mask mandates. The Selectboard has a decision to make and that is being made based on what we believe is best for the people of the Town. This has been difficult, it was the first time and continues to be this time. As you have heard this will come back and we want to continue to hear from you at future hearings.

Heston moved to close the hearing. Seconded by Sander. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Heston moved to adopt the Rule Requiring Wearing Face Coverings Indoors In Public Spaces and to have the Rule in effect for 45 days from today, with February 3, 2022 being the last day this Rule will be in effect. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Discussion of putting the Rule on Front Porch Forum and updating the flyer.

Consideration of approval of items related to the change in operators of the Solid Waste Transfer Station

Hill moved to approve the Lease Agreement with Casella Waste Management for the Drop-Off Center and to appoint Town Manager Josh Arneson as the duly authorized representative. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Werneke: The transitional document has also been provided.

Arneson: This still needs to be approved by CSWD. Casella has stated via email they are in favor of the document.

Heston moved to approve the Agreement For Transitional Period For Richmond Solid Waste Transfer Station and to appoint Town Manager Josh Arneson as the duly authorized representative. Seconded by Furr.

Ryan Dinneen: I am Depot Operations Manager for Casella. I wanted to confirm we will take trash, compost, recycling and metals on January 3. Yard waste, e-waste and tires will come on line later. The biggest change will be a switch of the flow of traffic to the site in an effort to alleviate traffic on Rt. 117. We will bring the re-use zone online later. We will offer use of credit cards shortly too. We will also communicate the plan on Front Porch Forum.

Hill: I ask that Casella come back in first quarter of 2022 to update us on how the launch is going.

Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Consideration of approval of use of Town Center Funds for asbestos inspections at the Town Center and Library

Werneke: Use of Town Center funds need to be approved by the Selectboard. We need to do this inspection prior to commencing with other projects.

Furr moved to approve the use of \$2,851 from the Town Center Reserve Fund to pay for asbestos inspections at the Town Center and Library. Seconded by Heston. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Consideration of approving projects to submit for the FY23 Unified Planning Work Program

Ravi Venkataraman: The Transportation Committee decided to pursue an update to the Rt. 2 scoping study to improve traffic flow for all users. The original study was from 2014 so it is dated and not comprehensive enough. We are hoping to get a project that we can implement in the future.

Cathleen Gent: I wanted to add that the Transportation Committee would also like to convert the walk bike trails master plan into an official map. The first phase would be to gather data and then building it into a master plan and then the official map. This project does not require a financial match from the Town.

Werneke: What is an official map?

Venkataraman: An official map is a regulatory map that is adopted by Zoning that recognizes the plans the Town has to build out any infrastructure. Once incorporated into Zoning it is incumbent on the property owner to develop the property to the specifications of the official map.

Gent: We are not proposing that the official map be undertaken at this time, this is just to collect the data to begin to make an official map. It would be a bit step to adopt an official map.

Werneke: How do we make sure that the timing of the planning work does not become irrelevant because it takes time for the execution to take place?

Venkataraman: In general a scoping study has a lifespan of five years. In this case the study is still usable but there are a few pinch points on the corridor that have not been explored enough, and we may be able to provide a safer and less expensive plan.

Gent: We have had the opportunity to look at the master plan and combine analysis efforts to look at components of the 2014 plan and the master plan.

Heston moved to approve pursuing the following projects through the FY23 Unified Planning Work Program:

- *An update to the 2014 Vermont Route 2 Bicycle and Pedestrian Scoping Report combined with the Phase 1 Bike/Ped Master Plan completed earlier this year, including: (1) a connection to the Exit 11 park and ride and Route 117 to the mobile home park, (2) from the schools to the Willis Farm area, and (3) a planning study for the Exit 11 area alternatives to accommodate pedestrians and bicycles as presented in the 2014 Vermont Route 2 Bicycle and Pedestrian Scoping Report.*
- *Phase 1 for an Official Map project, with Phase 1 focused on gathering information and data in preparation for making the finalized pedestrian/bicycle master plan part of a new Official Map, with Phase 1 to begin the second half of FY23 (January 2023).*

I also move to allocate \$5,000 from the Transportation Planning line in the budget towards funding the required 20 percent match for the update and expansion to the 2014 Vermont Route 2 Bicycle and Pedestrian Scoping Report.

Furr Seconded. Vote is later in the minutes.

Hill: I am thankful the Town Staff and Volunteers who have done the work to help us get to this point. In this process.

Werneke: I agree and am also thankful.

West: I also appreciate the work. But, I have a concern that the last time we talked about this it was a multimillion dollar project to create a connection between the Village and the Park and Ride, but now it sounds like we would make the property owners pay for it. I will pay attention as the process moves forward and be involved in that discussion.

Heston: I read it as if someone is developing and the map shows that there is a path then that would be part of their plan. Is the homeowner who is not doing any renovations, are they responsible or would that be a project of the Town?

Venkataraman: The idea is that eventually the infrastructure will be built, but it may be piece by piece. If there were development on one parcel then they would have to comply, but the Town would pay for other parts of the infrastructure. The official map can be used as a planning and zoning tool, there can be priority pieces and plans for pieces that could be part of the map over time.

Heston: We will not have an official map is we move forward to extend sewer, but we may if we have a water system, then who pays for it, water and sewer users or everyone who would use that path?

Venkataraman: Typically every property owners who connects to water and sewer would pay for the system. For other infrastructure I am not sure how that would be paid for.

Heston: The question is if we put in a water line then it should not be the user who has to pay for the path that goes with that water line.

Gent: These are all questions that would be discussed before an official map would be adopted.

Knowles: We are just looking at the very beginning. No one is told they have to pay for anything.

Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Discussion of affordable housing in Richmond to include the Zoning for Affordable Housing study and the process for changes to Richmond Zoning Regulations

Werneke: Can you provide an update on the study, summarize the memo and share next steps.

Venkataraman: The technical memo offers possibilities rather than make recommendations. It is based on state statute and planning practices. The overall summary is the need for increasing density allowances in flexible ways. It also notes that restrictions on housing could be in conflict with fair housing laws by creating exclusionary zoning practices. There is more detail to follow on all of this in the process going forward.

Hill: This is a topic that gets attention an the CCRPC. Changes that allow for density and affordability are at the top of the list.

Werneke: the nest step is the analysis in February. When will the Selectbarod be asked to take action to facilitate discussions on affordable housing?

Venkataraman: It would go to the Planning Commission first and they want to take time to look at the recommendations to see what fits for Richmond before going to the Selectboard. This could be not until the summer of 2022 for the Selectboard.

Werneke: This has been a topic that has come up in the past from Bard and members of the public. I want to be very clear on what the Selectboards role is to be able to enable affordable housing in the town. I believe the current members of the Board want to be able to support affordable housing in Richmond. One of the reasons we wanted this on the agenda is to respond to the public's questions on this and also to be clear on who is responsible for action on affordable housing. I would like to talk with Ravi outside of this meeting to better understand the process so I can better inform the public.

Venkataraman: I really want community members to have state in affordable housing. The conversations are going to be complex and going to be long. Density may require for buildings to go vertical. We also need to factor in that you usually only get affordable housing where there is municipal water and sewer.

Discussion of 2022 Town Meeting and review of draft warning

Heston: We have to wait to see what the legislature does before we can make a decision on what we will do for Town Meeting. It would be a good idea to have an informational meeting.

Werneke: We need to know by January 19 to finalize the warning.

Heston: I assume the Legislature will take this up as soon as possible.

Werneke: Representative Brown said they legislature will most likely look to replicate the flexibility give to Towns last year.

Update on application to Better Roads Grant Program

Arneson: At the last meeting we asked for authority to apply for the Better Roads Grant Program. At that meeting I provided information that the total cost of the project would be \$23,160, and that the grant would cover 80%, \$18,528, of the cost. Chis Dubin from the Chittenden County Regional Planning Commission was helping us fill out the grant and in doing so he realized that the cost estimates we were using were older and he found updated cost estimates. The updated costs estimates show a total estimated project cost of \$34,630. The maximum that the grant would provide for is \$20,000, leaving the Town with \$14,630 in cost. Most of this cost would be covered with in kind labor from the Town for the project. Again, this is work that is mandated per the Municipal Roads General Permit, so even with the increased cost and match, this grant will help cover a portion of the cost. The motion that was made at the last meeting did not include an amount so there is not a need to update that motion. I just wanted to be sure I updated the Selectboard about the increased cost.

Presentation of the 2020 All Hazards Mitigation Plan

Werneke: This is part of an informational process and all is looking good.

Minutes Warrants and Pos

Heston moved to approve the minutes of December 6 and December 13. Seconded by Furr. *Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.*

Heston moved to approve Purchase Order number 4299 to VLCT PACIF for Insurance in the amount of \$85,384.00 Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Furr moved to approve Purchase Order number 4302 to CSWD for \$74,000.00 to pay for items at the Solid Waste Transfer station which will be re-sold at the same price to Casella Waste Management. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Furr moved to amend Purchase Order number 4253 to add \$3,225.92 to pay for a sump pump, bringing the new total to \$164,425.92. Seconded by Heston. *Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.*

Sander moved to approve the Warrants. Seconded by Furr. *Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.*

Items for next agenda:

- Next meeting will be January 3
- Add for January 18, ask Cristalee from Williston community justice center come to talk to SB to talk about their services.
- Furr: Have a discussion on next steps for diversity equity and inclusion.
- Get update on when audit will be presented.
- Bond warning for Water and Sewer. Include update on process to date including zoning and next steps.
- Check in with Trails Committee to see how they are doing on planning for trails in Town. Discussion of their process on where to develop. Accessibility. Could be in February.

Executive Session

David Sander moved to find that premature general public knowledge of the Selectboard's discussion of a pending civil litigation related to Williams Hill Rd. to which the public body is a party, would clearly place the Town at a substantial disadvantage. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Furr moved to enter into executive session to discuss a legal matter under the provisions of 1 VSA 313(a)(1) of the Vermont State Statutes and to invite the Town Manager, Josh Arneson, into the executive session. Seconded by Heston. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Entered executive session at 9:57

Heston moved to exit executive session. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed. Exited executive session at 10:26pm.

Heston moved to adjourn. Seconded by Furr. Roll Call Vote: Hill, Furr, Heston, Sander and Werneke in favor. Motion passed.

Meeting Adjourned at 10:27pm

Text from Chat:

00:25:10 Connie: Sorry all...sketchy reception tonight..keep loosing connection so only hearing part of conversation

01:40:33 Jana Brown: Thank you to all our selectboard members for your service during these very challenging months. Safe and happy holidays and new year to all of you.

01:42:44 Allen Knowles: To wear a mask is not too great an ask. Thank you to the Selectboard for facing up to reality.