

Selectboard Minutes
4/05/2021

Members Present by Zoom: Christine Werneke, David Sander, Bard Hill, Cody Quattrocci, June Heston

Absent:

Others Present by Zoom: Josh Arneson, Town Manager; Kathy Daub-Stearns, Admin. Assist.; Kyle Kapitansky, acting Police Chief; Ravi Venkataraman, Planner; Kendall Chamberlain, Water & Sewer Superintendent; Pete Gosselin, Highway; Rebecca Mueller, Library; the meeting was recorded for MMCTV Channel 15, also present: Jack Linn, Greg Ilias, Veronique, John Rankin, Pamela "flask", Lisa T from NEMRC, Martha Nye, Cara La Bounty, Katy Mather, Diane Mariano, Denise, Jeff Forward, Judy McVicar, Karen & Don Yaggy, Lou Borie, Jim Feinson, Betsy Emerson, Judy Rosofsky, Laurie Dana, Jane Ann Miller, John Hamerlough, John Johnston, Shannon Dufour-Martinez, Becky Vigneault, Caitlin Littlefield,

PLEASE NOTE: The CHAT dialog is attached at the end of the minutes.

Called to Order: 7:05 PM

Welcome by Christine

Comments from the public: None

Additions or Deletions to the agenda: None

II. Items for Presentation or Discussion with those present

a) Reminder on appointments to boards/commissions/committees

Josh reported:

- that the Selectboard is looking for residents to serve on several committees
- that appointments will be made the last meeting in May,
- that information is available on the town website.

b) Update on Dugway Rd. construction to start April 5

Josh reported:

- that construction staging began today
- that there is no through traffic
- that construction vehicles will travel both sides of Dugway
- that pedestrian and bicycle traffic through the closed area will no longer be permitted
- that there is a new tab on the Town website that has updates for construction projects and information will also be posted on FPF

c) Update on West Main St. waterline replacement project to start early to mid-April

Josh reported:

- that this project will begin mid-April
- that 2-way traffic should continue with a flagger for sidewalk users

- that there will be planned water outages and residents should be prepared for unexpected outages

d) Discussion of the re-appraisal process

Christine said she is limiting this to 15 minutes, if there are additional questions please send them in to Josh or herself and they will be answered.

Lisa reported:

- that the anticipated CLA will be 81.97
- that in 2018 & 2019 house sale prices started going up and have continued to go up
- that the values will be informed by what is happening currently
- that any COVID spike will show up in the analysis

Discussion included:

- that June asked how a COVID spike would be adjusted. Lisa said there will be four (4) years of statistics to see and identify any spikes and there will be two (2) more years, through March 2023, of information gathered before the reappraisal numbers are set.
- that June asked who decides when to do a reappraisal? Josh responded that we saw the CLA go down and reappraisal had been discussed several times by the Selectboard adding that the reappraisal went out to bid and NEMRC was selected
- that June said that by 2023 school funding will not be by taxes and wondered if we were wasting money doing this now. Lisa said the CLA tells you your market has improved but that may not be across all properties.
- that sales through April 2021 will set the calculation for the CLA for 2021
- that Cara La Bounty asked, if building permits are the catalyst for increasing property taxes, and there was only one person who challenged their tax bill, why not wait for the state to mandate the reappraisal? asking how the last reappraisal was decided. Lisa said there was more than one person that grieved their taxes, that there are interior and maintenance work done on properties that no permit is required for and that increase the property's value.

Christine suggested that if anyone has more questions to email them in.

e) Review of recommendations from Parking Advisory Committee

Cara La Bounty reported:

- pictures of cars parked on Route 2 and Cochran Rd.
- that parking issues came from recreational use of the rivers
- that the focus has been on safety and parking
- that parking in the right-of-way was found to be the most hazardous
- that several suggestions were made for expanding parking that included the use of property owned by the Richmond Land Trust, the Railroad, and the town.
- that every parking area should have a parking diagram to inform people where to park
- that there will need to be site plans and applications for the state areas
- that the committee asked for the lease from the Railroad be reviewed

- that permit fees be waived for any landowner that agreed to have parking on their land
- that the proposed parking plans net an increase of spaces about 120 spaces
- that maintenance of existing parking does not require a permit

Discussion included:

- that Josh thanked Cara and the Committee for all the work that was involved in the presentation.
- that Ravi said any motion about waiving fees should have a limited time frame
- that Pete said it would require a motion by the Selectboard to have the highway department work on private land, Bard asked if the town has ever worked on property that is not town property, and not in the Town right of way. Pete said there was FEMA aid for the Graystone property and the historical society property at the round church that is mowed by the Town.
- June thanked the Parking Committee and Cara for the solutions. June asked who would be working with the landowners? Cara La Bounty said the only private property owner is the Richmond Land Trust.
- that Jeff Forward thanked Cara La Bounty and the Parking Committee for all the work and thought that was put into the excellent presentation.
- that Denise echoed Jeff Forward's comments asking where the funds for the replacement of the plaque would come from? Cara La Bounty said that the cost was still unknown so she would have to come back with that information.
- that signage at each location would be determined at a future meeting.
- that the signs are already in the highway budget and the maps and plaque would be need to be different funding

June moved to approve the parking proposals as presented by the Richmond Parking Advisory Committee (PAC) and authorize the Town Road Foreman, the PAC Chair, and Town Manager to move forward with all permits and work necessary to complete these projects. The Road Foreman is further authorized to use the Highway budget and department labor to complete work. Town Manager is authorized to sign all permits/documents. PAC Chair is authorized to manage these projects as needed; David seconded. Roll call vote: David, Bard, Cody, June and Christine voted affirmatively. Motion passed.

June moved to waive all permit fees for the Richmond Land Trust and VTRANS if they are applicable for permits for the Parking Advisory Committee parking plans and to include work in the Beacon Reserve Parking area; David seconded.

A friendly amendment was suggested to include a three (3) month limit. June agreed.

June moved to waive all permit fees for the Richmond Land Trust and VTRANS if they are applicable to the Parking Advisory Committee parking plans for a period of three (3) months and to include work in the Beacon Reserve Parking area; David seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

Cara La Bounty thanked the Selectboard for acting immediately on the recommendations. David thanked them saying the Selectboard could not have done this on their own. Bard said it was very well organized and comprehensive.

f) Consideration of approving HVAC and moisture mitigation project for the Richmond Free Library

Christine reported:

- that John Johnson from Breadloaf and members of the Town Center and Library Building Committees were present.
- that approval has been gotten to use town center funds and the Committee had been reviewing the scope of work being contemplated

John Johnson from BreadLoaf reported:

- that the radiant heat tubing is failing
- that the project was bid out and since then the project was looked at for just heat and did not include AC or moisture mitigation in the basement
- that the project now includes the moisture mitigation project and HVAC
- that increases in the costs of materials was 5-10% in January and now another 3-5% is expected adding that approving it now will help hold material costs down.
- that both projects would be approx. \$160,000 range

Discussion included:

- that Christine noted that there was a reduction in some of the costs adding that the moisture mitigation work is important for the long-term sustainability of the work being done.
- that the project is running \$40,000 lower than originally thought
- that Rebecca noted that there is mold on the walls in the basement
- that Cody asked if the numbers include the latest materials increases, John Johnson said some of these numbers are from January
- that Pete asked if any of the work would cause the library to be closed, John Johnson said yes, it is a noisy, messy process and hoped to have the work done before the Library would reopen to the public.
- that NE Air would be a subcontractor of Breadloaf
- that Laurie Dana noted that previously \$40,000 was going to be used from unassigned funds that was not used, Christine said the \$188,000 was not in addition to that money

Christine thanked John and the Committee for their work getting the project together.

David moved to approve entering into a contract with BreadLoaf to complete the HVAC and moisture mitigation work at a price not to exceed \$188,000 to be paid for with funds from the Town Center Fund, and to appoint Josh Arneson as the duly authorized representative; June seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

g) Discussion and consideration of setting a hearing date for Interim Bylaws allowing parklets, which is a proposal to potentially use public parking spaces on Bridge St., Depot St., and Depot St. Extension for restaurant seating

Josh read a statement from Gabe Firman and Lisa, the owner of Sweet Simone's. The letter is available in the packet for this meeting.

Christine reported:

- that June has had some conversations with business owners

June reported:

- that she spoke with business owners and received comments that parklets did not make sense, some comments were neutral on the subject

Comments June received include:

- that if this was approved then employees of those establishments should not park on Bridge street
- that this would be a pilot and not done every year
- that tables would not be both on the sidewalk and in the street
- that safety is an issue as it is a main thoroughfare
- that parking for the elderly and people with young children could be an issue
- that once businesses reopen employees will return and there will be a worse parking issue
- that it could be good for other businesses and create a positive atmosphere
- that instead of using parking spaces possibly use the tables set up by Big Spruce as a food court for all the businesses including Sweet Simone's
- that if the bank is leaving use that parking area
- that no one said yes, it is a great idea

Christine said a special meeting could be set to have a bylaw change, and if a hearing date is not set, one could be set at a later date.

Ravi reported:

- that with this idea there is no permitting pathway right now and is why it is presented the way it is being presented.
- that this is to have interim by-laws that would provide a mechanism for a permit to be applied for
- that the Selectboard would have the right to amend what was drafted
- that this should be a right for all business owners and is why eight (8) spaces are recommended

Discussion included:

- that Bard said the people who contacted him were 3/1 opposed to having parklets and asked if June knew what the immediate neighbor's thoughts were. June replied that they were somewhat neutral.
- that because it is in the public right-of-way anyone could sit there and not be a patron of the establishment. The business owner would be liable for his customers only and provide a COI and any outdoor consumption permits.
- that Bard said that parklets in Burlington on Church St feels different from what we are contemplating
- that June asked about road work being done this summer and who would move the parklet? Ravi responded that the owner of the parklet would be responsible.
- that June said that the tables being used as a food court might be explored with Gabe Firman further.
- that Bard said a question was posed to him about the amount of sidewalk space in front of Hatchet. Pete said the sidewalk is 10' and with the tables and cars pulled up to the curb the sidewalk becomes closer to 4' not the 5' it should be.

- that Jeff Forward said he thought this was a great idea and that on State St in Montpelier and in Burlington the parklets are removed for the winter. His concern is that the idea should not be shut off without being explored well.
- that Cara La Bounty said that having just reviewed safety and parking issues she is opposed to the proposal. Her concern is not necessarily cars turning the corner but cars coming down through a green light. Big Spruce does not have an outdoor permit for the structures they are currently being used and she did not think any accommodations should be made.
- that Jack Linn said he is surprised this is being considered on a main road through town even though he has enjoyed eating in outdoor in parklets. He was opposed to the proposed parklet
- that Denise said she has spoken to all the Selectboard members, that Bridge Street Hair has been supportive of the Town, has 5 hairdressers with only 2 working at a time, she wants to be sure that their clients have access to parking. She noted that Hatched and Big Spruce have opted to not open indoors. She tried speaking to Gabe Firman with options that did not include losing 4 spaces and was met with resistance. She requested that all Selectboard members vote no.
- that no action was taken on this subject

h) Consideration of approving a request for use of Conservation Reserve Funds for Emerald Ash Borer preparedness

Judy Rosofsky reported:

- that the Selectboard has looked at this previously
- that Caitlin Littlefield applied for a grant to take care of trees on Town property
- that the matching funds would help move the plan forward
- that she requested time to speak about the emerald ash borer in the future

Discussion included:

- that Christine said there is a \$15,000 grant that has been received. Estimates are at \$30,000 the \$20,000 would complete that work. Judy said Caitlin went with Green Mountain Power to show them which trees the town would be cutting.
- that Christine said that there is a communication mailing to all residents, Judy Rosofsky replied that was correct.
- that Jeff Forward asked if Ethan Tapper was consulted. Judy replied that Caitlin has worked with him on this.

Bard moved to approve \$20,000 from the Conservation Reserve Fund to carry out the first phase of the EAB response plan; David seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

i) Discussion of expanding the Water and Sewer District into the Gateway District - from West Main St. to Riverview Commons

Josh reported:

- that this has been discussed with the Water & Sewer Commission for a few years and a bond vote was done five (5) years ago.
- that discussions have heated up over the past few months including all phases.
- that there should be a new vote for the bond since the last one was 5 years ago

- that all the residents would vote but the repayment would be paid by the Water & Sewer users with the new users would be repaying the bond over a number of years.
- that the current Water & Sewer district is being mapped out and defined as is the proposed district expansion
- that the current district users and the proposed new users would vote for expansion, if you are not a user or proposed user of the system but own a business, land or property you would not have a vote
- that this could be voted by Australian Ballot
- that this may come before the Selectboard in just a few weeks

Discussion:

- that Kendall said the vote should take place soon since money is being spent to explore the expansion
- that Bard said since the vote was 5 years ago, for transparency and accountability the vote should be redone to avoid issues
- that Bard said there is always some confusion because of the need for all residents to vote but just the new users would be repaying the bond
- that there have been requests for information on where the legal explanation of who votes is found
- that Bard said the Water & Sewer Commission has a timeline with information related to costs and what the rates would look like is being established
- that Bard said that the Mobil station owner has proposed substantial changes and has obtained a permit to drill under the highway and install a septic system on the other side of the highway, so they have interest in having the extension come to them in Phase II
- that Phase I is to the Reap's, Phase II is to the Mobil station, Phase III is to the mobile home park. The complexity of phase 3 will make it the most expensive.
- that there could be funding opportunities that come from the Cares Act
- that Kendall said our primary responsibility is to keep people safe, and the expansion does that
- that Jeff Forward said he is in favor of protecting the environment, that Riverview Commons failed in the past and there are more than environmental concerns. He felt that interim zoning provided that restaurants are not approved in the gateway.
- Bard said the Water & Sewer Commission members have said that the project should be helpful to existing customers adding that the Reap's do not need the bond, there is an alternative for them using existing easements.
- that Cara La Bounty said 5 or 6 years ago the mobile home park upgraded their system and that years ago money was an issue. Cara asked if the owner was agreeable to the expansion that the users at the mobile home park would now have an additional bill. Bard said that there would not be meters at each mobile home, there would be a meter at the curb stop adding that the mobile home park owner has been in discussion with him and about what funding will be available.
- that people interested in the details can attend the Water & Sewer Commission meeting
- that Jeff Forward said his concerns may best be met through the Planning Commission
- that this will be updated at future meetings

j) Discussion of re-opening the Town Center to the public

Josh reported:

- that Town Center has been open by appointment for months
- that other municipalities in Chittenden County are open by appointment only & employees are staggered to stay in distancing requirements
- that we are not rushing to open, but it could be coming
- that there have been spikes in COVID cases, so we are being cautious with reopening

k) Consideration of approving liquor licenses

Christine reported:

- that these approvals are just off from the last batch that were approved and are for the Hatchet, Big Spruce and Sweet Simone's.

David moved to approve first class licenses for Hatchet Enterprises LLC., Richmond Yacht Club LLC., and Sweet Simone's LLC; third class licenses for Hatchet Enterprises LLC., and Richmond Yacht Club LLC.; and outside consumption permits for Hatchet Enterprises LLC., and Richmond Yacht Club LLC; Bard seconded. Roll call vote: David and Christine voted affirmatively, June and Cody voted no, Bard abstained. Motion did not pass.

Discussion included:

- Cara La Bounty asked if any of these were for outdoor seating capacity, Josh said these are outdoor consumption permits and do not specify the number of seats. Cara felt that this was an opportunity to force compliance for the outdoor seating permit and they should not have an outdoor consumption permit until they had the necessary permit for seating. June asked what Richmond Yacht Club is, then followed up on Cara La Bounty's statement asking what the process is to rectify the seating permit. Josh said that Richmond Yacht Club is the business name of the Big Spruce and he was not certain about the outside seating capacity. Car La Bounty said that Big Spruce has a permit from the DRB but not through the Zoning Officer adding that the DRB permit is for five (5) tables and they currently have ten (10) so they need to go back to the DRB for the additional five (5) tables then go to the Zoning Officer for the town permit. Cara asked if approval of the liquor licenses could be made conditional upon receipt of all permits needed by the town.
- Bard thought there could be a friendly amendment that would say the license would be contingent on permitted outdoor seating capacity or something to that effect

Bard moved to approve moved to approve first class licenses for Hatchet Enterprises LLC., Richmond Yacht Club LLC., and Sweet Simone's LLC; third class licenses for Hatchet Enterprises LLC., and Richmond Yacht Club LLC.; and outside consumption permits for Hatchet Enterprises LLC., and Richmond Yacht Club LLC with Richmond Yacht Club's outdoor consumption permit contingent on town permitting to support the specific number of outdoor seating; David seconded.

Discussion continued:

- David was concerned this was being taken out of order and wanted to be certain everything was being done in the proper sequence.

- Josh asked if these should be kept separate, the liquor licenses for all three as well as the outdoor seating permits for all three adding that it would keep the right enforcement for the right permit. David and Christine agreed, and they should be kept separate and manage the enforcement of them differently. Bard asked if this was reverting to the original motion. Christine said that having a liquor license did not mean you had to use it so they would have the license to use once they have the outdoor seating taken care of.

Bard withdrew his friendly amendment motion to revert to the original motion, David agreed to the withdrawal and return to the original motion.

Discussion continued:

- that June said she is concerned that if we approve the licenses and there is already a zoning permit violation, how do we make sure the violation gets corrected without having a contingency. Josh did not have an answer but stated these are two different issues. Josh felt that without input from the Zoning Officer or Ravi it would be problematic. June did not know how to approve the liquor license without the seating permit. Josh said that if Big Spruce serves outdoors without the seating permit that they would then be in violation of the seating permit. Christine said that the liquor license and seating permit violation are two different things. Cara La Bounty said, if the permits are not in place, she did not know how the Selectboard could say they have a safe place to have outdoor alcohol served adding that there is supposed to be a wall separating the tables and there is not one. She urged the Selectboard to consider that not having the barrier makes the area not safe for alcohol consumption. Josh asked Cara if they have outdoor seating permitted for the outdoor deck. Cara said that she met with Keith and he did not have a permit for the seating issued, just the construction was permitted. Cara advised the Selectboard to approve all the licenses but have them conditional on outdoor seating permitting. Josh did not think there was a mechanism where a liquor license could be contingently approved. Perhaps it could not be approved and then ask the business owner to come forward with their zoning permits. But we are not asking for proof of zoning permits from any other applicants for liquor licenses, so I wonder what precedent this sets. If we ask it of one applicant, we should ask it of all applicants.
- David thought you have your liquor license in place before you apply for other permits, he wanted to make certain we were doing things in the proper order. June disagreed with David she felt if you are building a building that will serve alcohol you get your building permits, and while you are building you take care of the liquor license.

June moved to approve first class licenses for Hatchet Enterprises LLC., Richmond Yacht Club LLC., and Sweet Simone's LLC; third class licenses for Hatchet Enterprises LLC., and Richmond Yacht Club LLC, and outside consumption permit for Hatchet Enterprises, David seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

David said that Richmond Yacht Club could remedy the permit issue and reapply.

I) Consideration of approval of Class 2 Roadway Grant and Structures Grant

Josh reported:

- that these are grants that are applied for every year
- that there is a 20% town match so this would help pay for 80% of the projects

Bard moved to approve form TA60, the Certificate of Compliance for Town Road and Bridge Standards, and to apply for the Structures and Highway grants and to name Pete Gosselin as the Grant Program Manager; David seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

m) Update on Rt. 2 reclamation (paving) project

Josh reported:

- that comments have been submitted to VTRANS and a meeting is being scheduled to address the issues

Bard reported:

- that there may be other ways to get what we want, but the sidewalks may not be in the scope of the state's project

Discussion included:

- that Christine asked if we should be calling on people to advocate for us, Bard said it depends on how the meeting goes

n) Consideration of adoption of the Local Emergency Management Plan

David moved to adopt the Local Emergency Management Plan; Bard seconded. Roll call vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

o) Discussion of Selectboard agenda structure and time allocations

Christine asked for feedback from those present regarding the amount of time that meetings take noting that we have very engaged citizens and Zoom has helped but discussions can go on and on, she was not certain those discussions influence the decisions. She added that there are groups that ask to come to educate people on specific topics and while important she is not clear that Selectboard meetings are the right venue. She asked if there were ideas or support to put limits on speakers, set times for topics as we did tonight.

Discussion included:

- that Bard said that having categories of topics and setting time limits was a good idea adding that the conversational style of meeting takes longer, he observed that some boards do not have input from the public after initial public comments.
- that June said that her experience was that meetings were not this long and keeping to the time frame is respectful to those who want to join for specific items adding we need to communicate and be realistic in the times we set. She suggested that if there is no update to something it could be noted so people do not wait and that anything requiring a vote take place at the beginning of the meeting. June said there is a fiduciary duty the Selectboard has to look at a P & L monthly.

- that David said that in person meetings did not go as long, with virtual meetings a lot of people attend now, and it is hard to control, Bard added that having a timekeeper that calls the question of whether something gets tabled until the next meeting. He observed that people see this as a public forum.
- that Christine thought having the first five (5) minutes for PSA announcements that allow people to connect but have a balance.
- that Cody thought finding a balance so people be able to have their say but not take an hour on a subject and setting the agenda appropriately with time limits would be his preference. He noted that when too many people are trying to talk it does not work so having the chair acknowledge a speaker before them speaking is important.
- that June said that limiting people's time to speak is respectful to keep to the timeframe.
- that decision items should go first being thoughtful about allowing enough time for each item, and Christine will express the structure of the meetings going forward adding that she will try to allow people to have their say and at the same time keep to the time set for an item
- that Cara La Bounty thanked everyone for their work on the Selectboard. She added that she feels she has been heard and recommended that sometimes it is a communication issue where a question is not being answered. She suggested that some questions may need to be in writing and answered that way. Cara said she is trying to be helpful and not hinder the process adding that the community participation has been amazing.
- that Christine said she is open to hearing other people's ideas and suggestions.

III. Approval of Minutes, Warrants and Purchase Orders*

Bard moved to approve the Minutes of 3/22/2021 as amended; Cody seconded. Roll Call Vote: Bard, David, June, Cody, and Christine voted affirmatively. Motion passed.

Invoices and warrants:

David moved to approve the warrants as presented; Cody seconded. Roll Call Vote: Bard, June, Cody, David, and Christine voted affirmatively. Motion passed.

Josh will send the warrant out for signatures using DocuSign.

Purchase Orders:

Christine moved to approve PO 4109 to VLCT PACIF Insurance, in the amount not to exceed \$68,106.79; Cody seconded. Roll Call Vote: David, Bard, Cody, June, and Christine voted affirmatively. Motion passed.

June asked why the invoice is past due. Josh replied that the initial invoice was missed and there are no fees associated with it being late. David asked when this should have been paid, Kathy replied that this is a quarterly invoice that would have been paid by 4/1/2021 if the invoice had been available.

IV. Discuss Items for Next Agenda

WS extension tentative
Delinquent Tax Collector appointment process
RFP for dump options
DRB appointments
Annual SB Calendar
Quarterly budget update

V. Executive Session if necessary

VI. Adjourn

June moved to adjourn; David seconded. Roll call vote: David, June, Cody, Bard and Christine voted affirmatively. Motion passed.

CHAT DIALOG:

01:21:23 bard: BRB
01:31:53 Rebecca Mueller: and the Library basement is moldy - on walls
01:37:35 Laurie Dana: Do you want to mention that this vote negates the \$40,000 from unassigned funds?
01:55:00 Rod West: Alcohol sales? May need to restrict access...
02:22:45 Cody Quattrocci: brb
03:18:51 Denise: Good night Everyone.. Selectboard Member for your service!
03:19:03 Denise: Thank you!
04:02:51 Jeff Forward: Thank for your service. good night