

Selectboard Minutes
7/19/2021

Members Present by Zoom:

Members In-Person: Christine Werneke, David Sander, Bard Hill, June Heston

Absent: Cody Quattrocci

Others Present In- Person: Josh Arneson, Town Manager; Mary Houle, Bruce Bailey, Ed Gallo, David Root, Jack Linn, Jeff Forward, and the meeting was recorded by MMCTV

Others Present by Zoom: Kathy Daub-Stearns, Admin.; Kendall Chamberlain, Water & Sewer Superintendent; Ravi Venkataraman, Planner; Kyle Kapitansky, Police Chief; Linda Parent; Town Clerk, Stefani Rogers, Erin Tatro, Ronna Wheeler, Patricia Gilbert, Cathleen Gent, Lauke Parke, Sarah Heem, Chris Haggerty, Joan Hathaway, Rod West, Martha Nye, John Linn, Gabe Firman, Ofie, Elizabeth Parke, Samuel Waters, AJ Roshwell,

Called to Order: 7:02 PM

Welcome by Christine

Public Comment:

Jack Linn asked about the proposed teardrop raised platform at the intersection of Cochran Road and Huntington Road, he wanted to know how it would be plowed and wondered if Pete Gosselin had been consulted, Jack Linn did not think it was a good plan. Christine responded that she believed it was an option in a set of plans that could be decided on. That the feasibility of the plan was questioned with the answer being that the curb would be rounded to allow for trucks to roll over it but plowing was also a question, she did not think that all the questions have been answered adding that a decision has not been made. Bard observed that in Waterbury the curbs at the traffic circle are driven over, plowing he could not remember as clearly.

Cathleen Gent said she wanted to reference a letter from the Transportation Committee related to the Route 2 repaving project being done by VTRANS. The good news she said was that several people will be meeting with the VTRANS secretary, Joe Flynn, and the Transportation Committee has been concerned about the importance of communication between Richmond and VTRANS because of the limitations in the VTRANS plan. Christine updated on the status of the meeting saying David Sander, Josh Arneson, herself, and other staff would be meeting with VTRANS representatives the next day, but that Joe Flynn was not going to be able to attend due to a conflict.

Bruce Bailey, said that on River Road on the way to Essex, not in Richmond, but it would affect Richmond, there is a big oxbow that could cut into the road. He said, he called district 5 and they told him there is a dispute between the state and the landowner, so they have not done anything with it. Bruce Bailey said that if the river cuts the road, it is going to be millions to fix it. He thought it should be brought up at the VTRANS meeting. Christine said it had been brought up previously as a concern and if there were an opportunity to bring it up at the meeting it would be.

I. Additions or Deletions to Agenda -none

II. Items for Presentation or Discussion with those present

a) Discussion of use of firearms in the village

Christine reported:

- that usually action items are first on the agenda but that this was a safety issue that the Selectboard wanted to address at the top of the meeting.
- that there had been postings on Front Porch Forum about shooting in the village
- that Chief Kapitansky has been looking into this and he will update us on what he has found

Chief Kapitansky reported:

- that there was a complaint two Saturday's ago that is being looked into
- that it is not illegal to shoot on private property
- that there are state laws about unsafe shooting

Discussion:

- that June wanted to know if was true that someone's house was hit by a bullet, she had seen it on Front Porch Forum. Kyle said he did not believe a bullet struck a house but could not comment further.
- that some people thought the Town had an ordinance related to shooting
- that Ronna Wheeler said her house was shaking after the incident and she lives 1/2 mile away, she wondered about a noise ordinance. Bard said 9PM - 7PM are quiet times. She asked if that could be make earlier. Chief Kaptansky said the state law is entitled "noise in the nighttime", there is nothing about noise in the day. There are restorative justice means, and the Community Justice Center offers their assistance even if not an actionable offense. He will be checking with them.
- that AJ Roshwell, said he knew the individual, he did not want things to change and did not think the farm would be considered part of the village. He thought the individuals should work it out without the town becoming involved and if there was a false report about a house being hit that should be addressed and not be overlooked.
- that David Root asked if there were two different incidents. Chief Kapitansky said there was one afternoon that sparked the conversation but there have been multiple complaints about shooting. The reason for today is due to one event. Bard asked if Johnnie Brook was part of the village because he did not think so. Christine said that the report was that there were circumstances that made people uneasy, she thought there could be better communication adding that this was just a discussion.
- that Erin Tatro, said she could hear shooting that was not the shooting they were doing. She said that the shooting they were doing could not have resulted in the house on Esplanade allegedly being hit by a bullet. She said they heard shooting while they were shooting and did not want the finger pointed at them. She felt some of the comments made on Front Porch Forum (FPF) were not neighborly and could communicate on FPF in the future.
- that Kyle would check in with Linda Parent, Town Clerk, about whether there was an Ordinance for shooting in the village

b) Consideration of approval of amending the personnel guidelines to include a section related to social media

Christine:

- that this was previously discussed
- that the draft language came from VLCT
- that other towns have had issues, so we are adopting this proactively

Discussion:

- Kendall was concerned about the line about friendships and dating because he is friends with Pete for instance and wondered how that would work. Christine said she thought that could be removed. Bard observed there may be employees that date or marry each other. June said it is about what is posted on social media, Bard said it's not that you can't have friendships, it's about an adverse situation that is posted online. Christine said it is not that you cannot have friendships, that was not the intent, it is only about what is posted on social media.

David moved to amend the Personnel Guidelines to include a section regarding social media; Bard seconded. Roll Call Vote: Bard, David, June, and Christine voted affirmatively. Motion passed.

c) Consideration of approval of applying for the Climate Catalysts Innovation Grant

Jeff Forward reported:

- that he had a draft application
- that he is working with Chief Kapitansky for the Tesla purchase
- that the grant is for up to \$4000 and we would be applying for the maximum amount
- that he asked who the grant should be applied from, the Town or Police Dept

Discussion:

- that Kyle and/or Jeff Forward could be the grant manager
- that the grant says they will likely install another EV station, Kyle said there is a \$750 rebate for employees to have use of an EV station, plus rebates and incentives from Green Mountain Power that total \$2200. He felt an EV Station could be installed at close to \$0.00 so having another station made sense. He thought as far as the grant submission itself the Selectboard would need to approve it and name a manager. Josh suggested Chief Kapitansky or himself as grant manager, Jeff Forward agreed.

David moved to approve applying for the Climate Catalysts Innovation Grant Program and appoint Police Chief Kyle Kapitanski as the grant manager; Bard seconded. Roll Call Vote: Bard, David, June, and Christine voted affirmatively. Motion passed.

d) Consideration of amending the hearing notice for the hearing to consider the discontinuation Williams Hill Rd. from 1360 Williams Hill Rd. southward to the point where it intersects with Palmer Road and Beatty Lane

Josh reported:

- that after a closer look there was a desire to more accurately identify the portion of road being discussed for discontinuance.

Discussion included:

- that Patricia Gilbert, who lives on Palmer Lane/ Road, said regarding the portion that is being looked at to be discontinued, people on Williams Hill Road use that portion of road and asked if the discontinuance would make it so they could not. She said she owns part of the property so if the town gives it up would that mean she would then own part of LaukeParke's driveway? She asked if it could be discontinued just for motorized vehicles and not walkers or bicycle riders. She said it was unclear to her if it would be a trail or just given up. Christine said they were great questions. That there was a petition that brought this all up and not all the questions are able to be answered right now and there will be updates as the hearing date got closer. Patricia Gilbert said Wright Preston had walked the old road years ago, she said that closing it off to neighbors was something she did not want. Christine encouraged her to participate in the hearings.
- that Lauke Parke said he had issues with the draft. His concern was that the notice did not give the option of keeping the road as it is currently, he felt that the status of the road as a potential trail should be kept separate for the decision to discontinue the road. Lauke Parke also had concerns with the way the road to be discontinued was identified. Bard responded that the warning notice did not say Palmer Lane, it said Palmer Rd and Christine replied that the Selectboard had the authority to do several things under statute in response to the petition saying that pursuant to the statute there were three (3) options left to the Selectboard to decide. Lauke Parke said he thought doing nothing was not explicitly stated in the notice. Josh thought the notice could be left as it was since the hearing is about the status of the road and then the decision can be made about whether it should be improved with a trail. Bard said the hearing is about the classification of the road and thought delaying the approval of the notice could be a problem.
- that Patricia Gilbert asked if became a trail who would maintain it.
- that Lauke Parke said the issue of Palmer Road still remained, concerned about where the town is considering discontinuing the road in front of my property and thought there should be a definite point identified where the discontinuance would begin. Bard referred to the petition saying the notice is intended to encompass the information that was provided. Christine asked if we should clarify the notice. Josh showed a map saying the map drove the wording on the notice.
- John Linn said the petition was clear and did not include having a trail. He thought it should be handled separately. Christine said that the statute allows three (3) decisions available to the Selectboard and is why it is included.
- that after reviewing the map shown by Josh Christine said it was clear why the wording of the hearing notice was done.

Bard moved to amend the motion made at the July 6 Selectboard meeting to set the notice of examination of premises and public hearing to consider discontinuance of a portion of town highway 20, also known as Williams Hill Road, and/or Palmer Road, and to update the hearing notice so that the hearing notice more precisely describes the section of town highway 20 stated in the petition, with the examination of premises to take place at 6PM on Tuesday 9/14/2021 and the public hearing to begin at 6pm on 9/21/2021; David seconded. Roll Call Vote: Bard, David, June, Cody, and Christine voted affirmatively. Motion passed.

e) Consideration of selecting a surveyor to flag Williams Hill Rd. from 1360 Williams Hill Rd. southward to the point where it intersects with Palmer Road and Beatty Lane in preparation for the site visit and hearing

Christine reported:

- that a memo was posted with three companies who are interested in this project

Josh reported:

- that overviews and approaches, were provided by the surveyors
- that two of the approaches were very similar, the other approach was more about finding an original document

Chris Haggarty reported:

- that the three approaches would probably end with the same result
- that his approach would be reviewing record evidence looking for a survey
- that he has ancient manuscripts that may have the information, may not
- that he would speak with people in the know in Hinesburg
- that VTRANS has information, he would want to talk to Wright Preston, he hoped to find something useful that has already been found, he would walk around with residents and combine information to make a determination. He said time and effort would have to be put in.

Discussion:

- that June said she was not in favor of just looking for a document that may not exist and liked the two options that were similar. She said this would provide facts among the emotional issues. Bard agreed. Christine said one of the proposals referred to limiting the amount of time something might be spent. Christine said we will need it flagged so some decision will have to be made by whoever is chosen. Bard asked if flagging was described in any of the proposals. Chris Haggarty said he was not certain where in the order of operations flagging would occur. If there is physical evidence and a survey, it could be flagged and see how it lines up, but it is unknown where it would fit in the steps. Chris Haggarty said Joe Flynn is a very good surveyor. June thought that Chris Haggarty having information was a factor. Christine said that the desired end product is having the road flagged.
- that Christine asked Chris Haggarty to confirm that he would do that within the scope of services. Chris said that as long as we agree on what flagging is, it is not a full-on road survey. Christine said flagging would mean having the road marked for purposes of the site visit. Bard said what we are approving is an hourly rate with a maximum amount, see what has been learned and then revisit it further. Chris Haggarty thought it was a viable way to proceed.

Bard moved to approve hiring Chris Haggarty to conduct the work necessary to flag Williams Hill Rd. from 1360 Williams Hill Rd. southward to the point where it intersects with Palmer Road and Beatty Lane in preparation for the site visit and hearing, in an amount not to exceed \$5000.

A friendly amendment was made:

Bard moved to approve hiring Chris Haggerty to conduct the work necessary to flag Williams Hill Rd. from 1360 Williams Hill Rd. southward to the point where it intersects with Palmer Road and Beatty Lane in preparation for the site visit and hearing, in an amount not to exceed \$5000, and to use Contract Services Admin pay for this work; David seconded. Roll Call Vote: Bard, David, June, and Christine voted affirmatively. Motion passed.

f) Consideration of approval of a request by the owner of the Big Spruce to use parking spaces in the municipal parking lot located at 27 Bridge St. for seating for an event on July 30, 2021

Christine reported:

- that Gabe Forman presented a written request
- that this was being requested for the Rooted in VT event

Discussion included:

- that Gabe said the seating was done two (2) years ago with spaces on the street and it went well
- that there was a DRB hearing scheduled for a violation, Gabe responded that the violation is about the fence and was not resolved. Bard asked for clarification that the violation was not about seating, just the fence. Gabe said that the former and current Zoning Officers did not agree so the issue is going before the DRB to sort out the differences in interpretation.
- that Bard asked who would be roping off the area and who would be sitting there, wondering if it was reserved seating. Gabe responded that he would be roping it off first thing in the morning to ensure the parking spaces would open, if needed Rooted in VT put the fencing up last time and he thought that is what would happen again and that it would all come down by 10PM.
- that Jack Linn asked if it would be setting a precedent for having Stone's Throw request parking spaces for a private event. Bard responded that the precedent had already been set.
- that Mary Houle asked if any residents use the requested spaces for overnight parking. Christine asked where the residents that live in the apartments park, Gabe responded that the parking was not residential, it is 2-hour parking only. Christine said that there is a handicapped space on that side that should not be roped off. Gabe said the seven spaces requested did not include that space.
- that the event is on a Friday

David moved to approve the use of the parking spaces located on the south side of the municipal lot located at 27 Bridge St. for use by the Big Spruce as a seating area from 6 am to 10 pm on July 30, 2021, with an update no later than July 28 as to whether it the plan would be proceeded with;

A friendly amendment was made by June to include that there would be seven (7) spaces, that did not include the handicapped parking space, David accepted the amendment.

David moved to approve the use of seven (7) parking spaces, excluding the handicapped space, located on the south side of the municipal lot located at 27 Bridge St. for use by the Big Spruce as a seating area from 6 am to 10 pm on July 30, 2021

with an update no later than July 28 as to whether the plan would be proceeded with; Bard seconded. Roll Call Vote: Bard, David, June, and Christine voted affirmatively. Motion passed.

g) Update on progress of the Housing Committee regarding affordable housing

Ravi reported:

- that a survey had been distributed and the results are being compiled
- that a public meeting was being planned
- that the consultants work was at about mid-point
-

Discussion:

- that the overall goal was to determine the needs of the town and improving access to affordable housing units taking into consideration the towns character. Bard said the available data showed that the gaps are getting bigger. He was appreciative of the work the Housing Committee was doing.
- Christine asked if part of the outcome would be a recommendation for a governance structure for the Town of Richmond to have affordable housing. Ravi responded that if there was a need found there would be recommendations for regulations and ways to enforce the regulations. Bard said that non-profits usually manage compliance, rent, and maintenance. Christine asked what the relationship with the Town would be. Mary Houle said that in the past an organization had borrowed funds and a decision was made to stop charging them interest, she said that they have made no effort to repay the loan and the money was intended to be reused. Mary Houle thought it was mismanagement that has caused the money to not be repaid. Christine said the current relationship was not working. Ravi said the issues are that there is a loan that needs to be repaid and then there is the management of income, tenants being in compliance that can be done by towns or third parties, that the maintenance of the buildings is not usually the town's responsibility only that the units are in compliance with zoning.

h) Discussion of river exit location near Overrocker's

Josh reported:

- that there had been a question about where UMIAK was putting in at Overrocker's
- that a map was shown that was included in the information packet

Discussion:

- that Bard said much of the bank is silty and the more it is used, the more erosion there would be
- that Mary Houle thought that if UMIAK wanted to reroute the trail, not just for themselves then maybe they could build it, minimize any damage to the land and step up for continued access, not permanent access.
- that the drop off is not where people are being dropped off but where the bank drops off
- that Christine applauded the three committees that made this all happen, Bard noted that Pete Gosselin at the highway department made this happen quickly

i) Update from Town Center and Library Building Committee

Christine reported:

- that an RFP for an Owner Rep had gone out to help with maintenance that is not being addressed. That these would be projects that would not be undone during any renovations. She said the coordination usually falls on Josh since there is no maintenance facilities person and this would be a way to get work done in a timely fashion, following protocols, allowing Josh to focus on other things.
- that there was research on how other towns have done their visioning for their town centers being done and hoped to have a workplan created to bring back formally.
- that the goal had been to have a bond proposal by Town Meeting, but it was thought to be too aggressive with much of the work needed still being put together. She invited people to attend or join in the conversation.
- that Mary Houle suggested having a meeting about how much more debt the town could have. Bard said there may be other revenue streams and determining what the business plan for the buildings was necessary. Christine said this was a very big project that needed a financial plan adding that philanthropy was something that could be looked at, there could be in-kind donations as well and could be an effort in the visioning process.

j) Discussion of Town staff racial equity training

Josh reported:

- that there were three, 1.5 hour sessions all staff attended virtually
- that each session covered different issues including what towns can do based on what was learned.
- that at the last dept head meeting it was discussed having someone come in-person to continue the discussion
- that Patty Brushette has been in touch with different organizations and has put together a training for the Police Dept. that is specific to police officers. That Jared Katz may lead a presentation for officers. He suggested that officers come as themselves, not in uniform, and have another department cover Richmond calls.
- that Bard said that some trainings fall into the book club status as opposed to what putting the training into action with policies and practices.
- that in our purchasing policy we look have looking at minorities and Kendall thought there may be a way to include them more
- that Mary Houle said in an RFP what we should be looking at is being inclusive, but did not believe, in any policy, we have excluded anyone because of race, and wanted to be sure people were chosen because they are qualified.

k) Review of 45 Day Advance Notice of Petition of Vermont Electric Cooperative and Green Mountain Power for a Certificate of Public Good pursuant to 30 V.S.A. § 248 authorizing upgrades to the jointly owned Richmond Substation

Christine reported:

- that the Selectboard received documentation that was available in the document packet

Josh reported:

- that there is no action that needs to be taken
- that there are upgrades that need to be done

Ravi reported:

- that was a statutory notice
- that the Selectboard would be kept informed of developments but had nothing that it needed to be done
- that the site map was displayed that was provided in the information packet
- that the upgrades would provide better service

Discussion included:

- that this is not on town property
- that Mary Houle said that when she was on the Selectboard and Planning Commission there had been a request to waive the 45 day warning period, she said that during the conditional waive, that the electric companies had agreed to deed the property to the town and that had not happened. She thought that both properties were cleared of PCB's.
- that Jeff Forward remembered that the property near the school was to go to the school and the other piece was a swamp and not a buildable site. He was not anxious for the town to own them. He said Wednesday there was a meeting he would be attending where he would be able to look into the project further.

III. Approval of Minutes, Warrants and Purchase Orders

Minutes:

David moved to approve the Minutes of 7/6/2021 and the Special Minutes of 7/6/2021; Bard seconded. Roll Call Vote: Bard, David, June, and Christine voted affirmatively. Motion passed.

Invoices and warrants:

Discussion included:

- Josh said there was a slight change to the payroll warrant due to the Delta Dental invoice that was estimated and so it needed an adjustment for several reasons. The changes are handwritten on the front and back of the invoice

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

Purchase Orders:

David moved to approve PO 4202 to Chittenden County RPC for a Sidewalk Scoping Study in an amount not to exceed \$12,000.; Bard seconded. Roll Call Vote: Bard, June, Cody, David, and Christine voted affirmatively. Motion passed.

IV. Discuss Items for Next Agenda

grant request

change to the traffic ordinance

substation property

audit information

an approach for the federal money and process

MOU for the library

Discussion included:

Mary Houle expressed displeasure at how different construction projects had been done at the Town Center building. Christine thought that there needed to be regular maintenance on buildings and a process to maintain what there is needed to be in place. Bard said that a maintenance plan had been discussed for years. Christine said BreadLoaf provided an overview of the work that needs to be done but things have only gotten fixed when they were broken, and it takes a lot of neglect for things to get broken. This will be a topic at a future meeting.

V. Executive Session if necessary -none

VI. Adjourn

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

The meeting ended 10:10 PM