

Selectboard Minutes  
3/08/2021

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

Absent:

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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; Connie Bona, Finance; Linda Parent, Clerk; the meeting was recorded for MMCTV Channel 15, also present Rick Brigham, Sullivan and Powers; Michael Marks, Marshall Paulsen, Hawkeye, Cori, Jay Furr, Sally McCay, Clint Buxton, Dan Ryan, Karen and Don Yaggy, Bradley Holt, Judy Rosovsky, Colin Low, J Murray, Katie Mather, Steph Kamin, Amy Demetrowitz, Gretchen Paulsen, q Keating, Darlings, Greg Elias, Rachael Gray, Tom Leavitt, Stefani Hartsfield, Sue Roberge, Allen Knowles, Martha McSherry, Charlie Choiniere, Veronique, Silvermac, Mark Fausel, Peter Swaine, Wright Preston, David Thomas. Store's iPhone, Marie Thomas, Dean Slokum

**Called to Order:** 7:00 PM

**Welcome by David**

David welcomed and congratulated Cody Quattrocci and June Heston as the new members of the Selectboard. He thanked Katie Mather and Roger Brown, the outgoing Selectboard members for all their good ideas and hard work during their time on the Board. He then thanked the voters for voting during the pandemic and he thanked the Board for having him as Chair.

**Comments from the public:**

Linda Parent reminded everyone that all dogs need to be registered by April 1, 2021 and there informed us that there would be a rabies clinic taking place at the Huntington Fire Station at a cost of \$20. Linda then reported that 41% of voters voted in the past election.

Bradley Holt wanted to speak before item J to provide information he felt should be heard prior to the agenda item being discussed. Bradley said he has concerns about the proposed development on Hillview. One issue is that it was his opinion that the sketch plans review did not follow the requirement that at every step the entire plan for the property be known. Bradley also disagreed with Planner Ravi Venkataraman that the proposed density is compliant with the Town Plan. He wanted to let the Selectboard know so they could consider what they would do if the DRB did not follow the Zoning Regulations.

**II. Items for Presentation or Discussion with those present**

**a) Town Meeting follow up: Thanks to voters and candidates**

This item was covered in the opening remarks

**b) Reorganization: Selection of Chair and Vice Chair, Board Secretary, Official Newspapers**

David asked for a motion.

Discussion included:

- that Bard said during his time on the Selectboard the Chair and Vice-Chair have changed each year adding that generally the new Chair is not a new member of the Selectboard.

Bard moved to appoint Christine Werneke as the next board Chair; June seconded. Roll Call Vote: Bard, Cody, June, and David voted affirmatively. Christine abstained. Motion passed.

David congratulated Christine on her appointment as Chair, she will take over next meeting.

Christine moved to appoint David as Vice-Chair; June seconded. Roll Call Vote: Christine, Bard, Cody, and June voted affirmatively. David abstained. Motion passed.

Bard moved to appoint Kathy Daub-Stearns as the Selectboard Secretary, Christine seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

June moved to make the Burlington Free Press, 7 Days, the Williston Observer and the Times Ink the official Town newspapers, Cody seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

**c) Appointment of Selectboard representation to the Water and Sewer Commission**

David reported that there are three (3) members of the Selectboard and two (2) members that are Water and Sewer users that make up the Water and Sewer Commission.

Christine moved to appoint Cody Quattrocci as the Selectboard Water & Sewer Commission representative replacing Katie Mather, June seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

Discussion included:

- that Cody asked for more information. David said the Water and Sewer Department is municipally run and costs are funded by the users even though bonding needs to be approved by the voters.
- that Bard said the Commission is an oversight position. There is an annual meeting where the budget is voted on and with virtual meetings more people have been attending.
- that David added that responsibilities include keeping an eye on the budget and approving warrants adding that when there are projects there is more going on.
- that Bard added that he would be willing to have a virtual meeting with Kendall to provide some history to Cody.
- that David suggested that Cody get a tour of the facility. Kendall said that no one can just show up, with COVID, he would need to have an appointment

**d) Presentation of the FY20 Audit**

Josh reported:

- that Rick Brigham from Sullivan and Powers was there to present the auditor's report.

Rich Brigham provided:

- that he was happy with how the audit went virtually
- that he wanted to focus on the audit report and highlighted some areas in the report
- that the auditor's opinion stated that the information contained in the report is considered an accurate reporting, adding that not every audit is found to be that way
- an overview of the audit itself
- that one weakness reported was due to year-end adjustments not being done at the time of the audit but that they were about closing the books at year end and not a year-round issue
- that a management letter was issued as well related to grant reporting and documentation of the internal control systems in place adding that under new federal guidance policies need to be in place and updated to conform to them.

**e) Request to resubordinate a loan from the Champlain Housing Trust regarding Borden St. Development**

Josh reported:

- that Amy Demetrowitz, from Champlain Housing Trust, would be providing information on the loan
- that in 1993 the Town received a grant from the state that was then loaned to the housing trust
- that interest has been waived on the loan for 15 years and the loan is to be repaid in one lump sum and is in position after a mortgage
- that now Champlain Housing Trust is looking to refinance and is asking the town to keep the loans position

Amy provided:

- that in 2018 the mortgage was refinanced and now in 2021 they are back with this request because of dropping interest rates
- that the savings from refinancing would go to future capital needs

Discussion included:

- that Christine asked if there was an agreement somewhere that shows that the money saved would be put back into the property. Amy said their attorney would provide a new priority agreement that would put the loan after the mortgage. Christine asked if the savings going into the buildings was a good will statement. Amy said that it was.
- that Bard said in the past he had asked to see the financial picture and would like to do so again. Amy said it was provided in 2014 and would pass along the audit done on the property.
- that Connie Bona said she has received a copy of their financial reports and could provide them to Josh

Christine moved to enter into a new Subordination Agreement, with Josh Arneson as the duly authorized agent, Bard seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

Discussion continued:

- that Bard asked if the Board should see the financial records first. David asked Amy about timing, Amy responded that she was hoping to have an answer tonight adding that this request was to refinance the existing loan and the worst that would happen is we would not get the better interest rate. She was not sure how having the financial would impact the Selectboards decision.
- that Connie said she was interested in how the loan would be paid back adding that she has not seen a plan for repayment and asked for that information for her records. June agreed that she would be more comfortable if she understood the repayment of the loan. David said he has been concerned that the repayment was out to 30 years now.
- that Connie said the State gave us the money for community development and we could reinvest it in the community if that loan was repaid. Amy said that in 2029 they would refinance and look at a tax credit plan and be able to pay the town back.
- that Christine said she would like to have Amy back to help understand the loan. Amy thought meeting with the Affordable Housing Committee to get into the details of future planning instead of meeting with the Selectboard might be best. David thought it was a good idea.
- that Amy will be in touch with Josh

**f) Consideration of allocating \$500 from the Andrews Community Forest Fund toward the construction of picnic tables and a bench for the Andrews Community Forest**

Josh reported:

- that this is an Eagle Scout project, and that Colin Low and Wright Preston were present to provide information on the project.
- that there is a question about the funding source adding that the amount requested is \$500. Josh said he was under the impression that the Andrews Forest Committee had voted to recommend the use of Conservation Fund money adding that the procedure is for the Conservation Committee to make the request
- that Colin turns 18 in April so his recommendation was that the money could come from the Recreation Fund line of General Funds and then a request could be made by the Conservation Committee to the Selectboard to reimburse the General Fund

Discussion included:

- that Wright Preston said it is appropriate to have the money come from the Conservation Reserve Funds and apologized for any confusion that has been caused adding that the project also needs DRB approval
- that Judy Rosovsky said that the Conservation Committee would be meeting the next day and the Selectboard could look at it again in two (2) weeks
- that David asked if the funding could be conditionally approved. Colin said he needed to start buying items in the next week
- that spending it out of the General Fund then reimbursing it would be best

Bard moved to spend \$500 from the General Fund for two (2) picnic tables and one (1) bench that would then be reimbursed from either the Andrew Forest Committee or the Conservation Fund; Christine seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

Discussion included:

- that Christine asked where the funds were intended to come from. Wright Preston said that funding was intended to come from the Conservation Fund.
- that Wright Preston said that it was important for Colin Low to present his plan

Colin Low presented:

- that he proposed he build two (2) picnic tables and one (1) bench out of hemlock that would go near the trail head and serve as a place to eat with the bench going in the upper meadow to admire the landscape.
- that he had worked with the Andrews Forest Committee to come up with the design plans
- that the total cost for project materials is \$500

**g) Consideration of a request by the Recreation Committee to use DASH grant funds for community wellbeing work**

Christie Keating reported:

- that they were asking for \$3000 to finish the DASH grant work that was started and assist with the Recreation Committee to apply for the next round of DASH grant funding

Discussion included:

- that Christine thanked them for putting this together and asked if there was a certain population they were thinking about. Stefani Hartsfield said they are partnered with the Senior Center and have not been focused on any specific age group. Stefani added that there are some things that are specifically for youth but not only for youth. She was hoping for some grant match funding.
- that Bard thought the Town had approached this several years ago and was not inclined to have a paid recreation position. Stefani said that was true four (4) or five (5) years ago, but she thought that the issue then was a terminology issue. She said that when they go to voters again, she hoped to have more information available. June said that essentially, the board is being asked to pay for two (2) consultants and wanted to know what the outcome would be. Stefani said they would work to help bring in stakeholders and help with the next level of grant funding adding that the next round of funding is \$25,000 and they had received a letter of recommendation from the previous round of funding. She added that having experts would make it more likely to get the grant. Christie said that having experts help to move the initiatives forward could be invaluable.

June moved to spend up to \$3000 of the \$5000 DASH grant, Bard seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

**h) Consideration of prohibiting overweight vehicles on Dugway Rd. and Kenyon Rd.**

Josh reported:

- that this has been an ongoing discussion
- that there was a restriction on last years overweight limit permits but with Dugway closed there was no traffic other than local traffic
- that Kenyon Rd could be added to the roads limited for overweight travel
- that the attorney proposed some language to add to the overweight permit that would prohibit vehicles over 36000 pounds.

Discussion included:

- that Kyle thought it might need a review by the Secretary of Transportation
- that Kyle said there is a statute that grants municipalities the ability to restrict vehicles, but the restriction must be authorized by the Secretary of Transportation. The guidance we received last year was that the vehicles are already not permitted except by our overweight permit. The issue he said is that we would have to take suspected overweight trucks to certified scales and that would mean at least an hour of time to enforce an overweight provision. He felt the argument could be made that it is not a weight issue but a length issue.
- that Christine said that her concern is that if we find a way to not have them on Dugway Road, they need to go somewhere asking where they would be diverted to.
- that Christine would like to know who is going to come the next time to request trucks not be on their road. Kyle agreed that it is a concern.
- that Cody asked why these vehicles chose to take these roads instead of Huntington Rd for instance. David said that they are the quickest routes adding that the size of the vehicles creates a problem with line of sight. Kyle said road limits are set by statute so the municipality can issue overweight permits to allow vehicles to traverse the roads.
- that Karen Yaggy said the issue is not for the trucks, it is the walkers and bikers. She said Dugway has been closed for a year now and wondered if there have been complaints by other road's residents. Kyle said he has not heard of any. Karen said it is a good indication there is no negative impact on other roads.
- that Karen asked if there is a way to know what vehicles have been denied an overweight permit. Kyle said enforcement would be very difficult adding that is why he has been suggesting an Ordinance change.
- that any restriction to permits needs to be made in March since permits are issued in April
- that we could come back and add additional restrictions, Pete said signage would also need to be put on both ends of any road that is restricted
- that Wright Preston said he thinks loggers and foresters should be asked why they are using certain roads saying log trucks would take up both lanes of the town's bridge and there are not a lot of ways to get through Richmond. Karen said that if they were going 15MPH this would not be an issue. Wright thought input from the truckers would be invaluable.
- that David said on Kenyon, vehicles with trailers have been known to go 25MPH or more
- that there could be a letter sent to anyone already issued a permit to inform them of restrictions
- that Bard said having more information would be helpful as well as a suggestion to hear from a forester or trucker about routes. The board members agreed. This will be a topic for the next meeting.

**i) Consideration of appointing a Selectboard member to represent the Town at the Buttermilk masterplan DRB hearing, application number SUB21-01/CU21-01**

Katie Mather reported:

- that when looking at the most recent Buttermilk filing there is still has parking in the flood overlay area despite the conversations previously had about environmental concerns
- that the state representative had issues with the parking lot being there and she is waiting for his letter outlining those concerns

- that when it rains flood waters rise to totally taking over the proposed parking area
- that she would like to have a Selectboard representative attend the DRB meetings related to Buttermilk

Discussion included:

- that this would be specific to this property and not a prohibition on parking in all flood overlay areas
- that if there were language in the Zoning Ordinance it would be better
- that Bard said that having a Selectboard member at the DRB meeting would mean that they would be an interested party if they spoke for any future appeal.
- that Bard asked if the Board had strong feelings about putting parking lot there
- that Christine said she walked the property this past weekend and she worried that there would be added problems to Town Center if the parking lot were approved. Christine added that having the agriculture and open area is important for maintaining appropriate habitat near the village and was essential
- that David had concerns because Buttermilk's filing conflicts with information they provided a year ago to the Selectboard
- that Cody thought it was concerning based on what he heard tonight
- that June asked if FEMA had regulations or restrictions. Bard said there are restrictions about bringing materials in. His impression was that the soil structure is silty
- Ravi said the flood hazard overlay has strict regulations that would prevent water flow into or out of the area. Planning and Zoning has asked for more requirements and the application may change
- that Buttermilk is on the agenda for this week but having spoken to the applicant they will not be ready until the May 2021 meeting
- that Mark Fausel said there was a very conscious effort when writing the regulations to restrict what could be done in flood areas, but the Planning Commission did want to allow for some development, like a parking lot, and parking in this area could benefit the town and asked that the Selectboard to take that into consideration. Katie replied that the town is short parking in the upper block area but there is plenty of parking at the park or Town Center. She noted that if people are willing to walk there is no parking problem and the proposed parking area is close to where people are unwilling to walk from. Katie said that the information she has is that there are rare species in the flood overlay area and that in the regulations related to the Jolina Court District restrictions were put in on any flood overlay areas that would prohibit the parking lot
- Bard noted that he had a conversation earlier about the Route 2 rebuild and there will be additional parking on Route 2 once that was completed

Bard moved that the Selectboard send a letter to the DRB expressing interest in the Buttermilk parking and appoint Bard Hill as a representative to attend meetings, June seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

#### **j) Update on Hillview Rd. zoning and proposed subdivision**

Ravi reported:

- that zoning is linked to the town plan
- that the subdivision process is a three (3) step process, sketch plan review, preliminary subdivision application, and final subdivision application

- that the neighbors have brought concerns to the Selectboard, DRB and Planning Commission
- that on the aspect of whether the subdivision meets the Town Plan requirements saying that one (1) acre zoning should be revisited
- that changing zoning regulations is a lengthy process and interim zoning can be done for a maximum of two (2) years and would affect the entire district which is agricultural/ residential adding that is the designation for most of the town and would require input from the residents of the town
- that he recommended looking at the regulations as they relate to natural resources

Discussion included:

- that Marie Thomas asked if zoning is changed after someone purchases property would they be grandfathered in. Ravi said only if an application had already been submitted
- that Marie Thomas said that at the last DRB meeting Michael Marks said that if you have a large parcel of land you need to submit an overall plan for the entire property, not just the part that was being developed adding that it seemed the DRB was not going to enforce that requirement. She asked if the DRB is not going to enforce the requirement that going to environmental court would be expensive
- that Marie Thomas asked if the DRB does not follow the Zoning Regulations is there recourse that would not be going to court. Ravi said the DRB is charged with following the regulations and appeal is the only way to do it
- that Marie Thomas asked if the Selectboard could remove the DRB members if they did not follow the regulations. Josh said he would have to get legal advice to answer the question
- that Bradley Holt said this is very concerning because of what the possibilities are
- that Bard said if someone believes the DRB is not doing their job we should find out how to proceed. Ravi will check with VLCT
- that Judy Rosovsky said that she is an abutting landowner, but speaking as a member of the Conservation Commission, she is concerned adding that as far as recalling officials there must be a statute
- this will come back at a future meeting when more information is available

**k) Consideration of approval of updated Zoning Fees**

Ravi reported:

- that the zoning fee schedule had not been updated in eight (8) to nine (9) years
- that he updated the information using nearby municipalities as a guide
- that he reviewed the proposed changes with the Selectboard and public

Discussion included:

- that July 1 provided time to let people know of the changes

Bard moved to amend the Development Permit Fees as presented, effective July 1, 2021, June seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

**l) Update on TD Bank closure (moved up to being heard before J)**

Tom Leavitt reported:

- that for the last month and a half Northfield Saving Bank (NFSB) had been looking at the steps to have a location in Richmond
- that formal notice was issued in the newspaper and the FDIC was applied to
- that he anticipates approval from federal agencies
- that he is going to the DRB for approval for a temporary office
- that 53 Railroad or 23 Pleasant St. are approved by the NFSB Board
- that 23 Pleasant St would be their first choice due to the drive up

Discussion:

- that David and Bard thanked him for the update

**m) Update on Dugway Rd. repair**

Josh reported:

- that there was discussion about allowing the contractor to begin right away
- that upon information from FEMA the Town had to do a fifteen (15) day notice in the paper
- that May 15, 2021 would be the earliest start date

**n) Update on Parking Advisory Committee**

Josh reported:

- that this is a five (5) member board set up to address recreation parking and will be back in April to make recommendations for consideration

**o) Consideration of certifying the Certificate of No Appeal or Suit Pending from Actions of the Listers**

Josh reported:

- that every year the listers assess new construction and set values

Bard moved to certify the Certificate of No Appeal or Suit Pending; Cody seconded. Roll Call Vote: Christine, Bard, June, Cody, and David voted affirmatively. Motion passed.

Discussion included:

- that the information comes from the Lister and Town Clerk and if trusted by the Selectboard it has historically been approved

**p) Consideration of appointing Selectboard members to negotiate a lease with the Chittenden Solid Waste District (CSWD)**

Josh reported:

- that in Dec our lease was going to expire so the Selectboard extended the lease for one (1) year so there could be a better understanding of several issues
- that the goal would be to report back to the board with a new five (5) year lease
- that Josh would be involved in the discussions and would like a board member to be included

Discussion included:

- that June and David volunteered to join Josh in discussions with CSWD

#### **q) Update on appointments to boards/commissions/committees**

Josh reported:

- that the Selectboard is responsible for appointing persons to the boards/commissions/ committees
- that chairs have been notified of upcoming vacancies
- that the information has been posted on Front Porch Forum
- that once applications have been received, they will go to the respective committees who will make recommendations to the Selectboard
- that an ad was run in the Times Ink listing all openings
- that Water and Sewer Commission members have a different timetable and are not due until June 2
- that the DRB terms run through March and will be appointed at the first meeting in April

### **III. Approval of Minutes, Warrants and Purchase Orders**

#### **Minutes:**

Bard moved to approve the Minutes of 2/16/2021; Christine seconded. Roll Call Vote: Christine, Bard, Cody, and David voted affirmatively. June abstained. Motion passed.

Bard moved to approve the Minutes of 3/01/2021; Christine seconded. Roll Call Vote: Christine, Bard, and David voted affirmatively. June and Cody abstained. Motion passed.

#### **Invoices and warrants:**

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

Josh will send the warrant out for signatures using DocuSign.

#### **Purchase Orders:**

Bard moved to approve PO 4126 to East Engineering, in the amount not to exceed \$21,500.00; Christine seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

### **IV. Discuss Items for Next Agenda**

Dugway and Kenyon Rd

Champlain Housing Trust financials

Hillview Road subdivision update with VLCT information

CSWD lease progress

Route 2 rebuild

Lease review for the 3<sup>rd</sup> floor

Gretchen Paulsen asked if there is a date for the route 2 rebuild, Bard said it is an 18 month project so it will seem forever but did not know when they would be in Richmond

### **V. Executive Session: Personnel Matter**

Bard moved to find that premature general public knowledge about a personnel issue would clearly place the Town at a substantial disadvantage; June seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

Bard moved to enter into executive session to discuss a personnel issue under the provisions of 1 VSA 313(a)(3) of the Vermont State Statutes and to invite the Town Manager, Josh Arneson, into the executive session; Cody seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

Entered Executive Session at 10:15 PM

Bard moved to exit Executive Session and return to the regular meeting; June seconded. Roll Call Vote: Christine, Bard, Cody, June, and David voted affirmatively. Motion passed.

Exited Executive Session at 11:19PM

## **VI. Adjourn**

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

The meeting ended at 11:20PM.

## CHAT

00:42:08 Mark: Hi Kathy,

00:43:15 Mark: Hi Kathy, for attendance purposes, Mark = Mark Fausel; Hillview Rd

02:33:51 Judy Rosovsky: The area designated as Phase 4 parking is within the 100 foot flood zone. Climate change models predict increased flooding including more frequent 100 year floods. Paving that area will decrease the ability of that area to absorb flood waters, and as you all probably know that area is known to flood. I fear that putting an impervious surface in that particular location will create a conduit for floodwaters to move into the town center parking area, with potential detrimental results to the surrounding buildings.