

Town of Richmond Selectboard Meeting Minutes of July 5, 2022

Members Present: Bard Hill, David Sander, Jay Furr, Jeff Forward,

Members Absent: June Heston

Staff Present: Duncan Wardwell, Assistant to the Town Manager; Connie Bona, Finance Director; Kyle Kapitanski, Police Chief; Kendall Chamberlin, Water Superintendent

Others Present: Meeting was recorded by MMCTV, Allen Knowles, Alyson Dengler Ian Bender, Jim Feinson, Lou Borie, Mary Houle, Rod West, Warren Myers

Call to Order: 7:00pm

Welcome by: Sander

Public Comment:

Sander: Thank you to everyone, especially Linda Parent, Heidi Bormann, Marshall Paulsen, Stefani Hartsfield, Rebecca Rouse and Jay Furr who put on a fantastic Fourth of July celebration.

Houle: I agree with David. It was beautifully managed. It is astonishing it comes out without a hitch. I only had one issue with parking. The Parade might have been a little longer. There were extra parking spots in the Volunteers Green and for abiding by the rules.

Knowles: I want to express an opinion about the orange letter from VTrans regarding the Rt. 2 paving project. Had the Town or Selectboard been in contact with VTrans about the plan for nighttime paving between Lemroy Court and Rt 117. Other residents and I find this to be objectionable.

Sander: And very disruptive. We have had conversations as we wonder if it violates our Town noise and light ordinances. I know Josh has been in communication with the State.

Hill: We did have a conversation at our last meeting. We were concerned about the proximity of the construction to resident bedrooms. We are seeking answers from our attorney if our ordinances apply to the Agency of Transportation contractors.

Sander: It is a concern, and we are trying to work with the State.

Wardwell: There will be VTrans representatives at the July 18th Selectboard meeting.

Forward: It will be great to have both residents and Selectboard feedback at that meeting.

Additions or Deletions to Agenda: None

Items for Presentation or Discussion with those present

Consideration of approving the FY23 municipal tax rate

Wardwell: Included in the packet are the following documents: FY23 Municipal Tax Rate, Richmond 2022 Billed Grand List, Calculation to support exemptions. There are lines for the amount of money to be raised from taxes for General, Highway, Conservation Reserve (approved by voters as adding one cent to the municipal tax rate which is equivalent to 1% of the grand list). The Town provides exemptions to Veterans and Richmond Terrace. The Tax Rate is adjusted to account for those exemptions as Town still needs to pay the amount that would have been raised for the education tax rate. This is how we arrive at the FY23 Municipal Tax Rate.

Forward: Affordable housing is a hot issue. To help address this problem around 35 years ago, Richmond Terrace was built. I want to applaud these exemptions to maintain affordable options in Richmond. I think the tax rate went down \$0.03 this year so that is pretty awesome. I would have a hard time voting against this.

Furr: Some people may notice that the rate shown today is a bit higher than the one proposed on Town Meeting Day. We vote on the budget on Town Meeting Day and then we have to look at the Grand List to find the rate to afford that budget. It still does represent a decrease due to some unassigned funds which might not be available in other years.

Sander: This is the municipal tax rate. We do not have any control over the educational tax rate.

Hill: It is worth noting the budgets for the General (\$1,762,708.52), Highway (\$1,631,526.25) and Conservation Reserve (\$48,304.94). These are in the same ballpark. The school tax rate is layered on top of that.

Bona: This is the second time since I have been in Richmond that the municipal tax rate has gone down. This is the first time the educational tax rate has gone down. In the past, we might lower the municipal tax but people might not notice it due to increase in educational tax. The auditors wanted to see the Conservation Reserve listed as a separate line item.

*Forward moved to set the FY23 Municipal Tax Rate at \$0.7164. Hill seconded.
Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.*

Consideration of amending personnel guidelines to include Juneteenth as a holiday for staff

Hill: I support Juneteenth but wrestle with this. State Employees traded Columbus Day for MLK Day some years ago to keep the total number of paid Holidays.

Sander: I support Juneteenth but also support removing another Holiday. Columbus Day comes to mind but that is a discussion for another time.

Hill: June Heston messaged me that she does not support adding another Holiday at this time.

Furr: I agree that Columbus Day would be an appropriate trade. I wonder about Indigenous Peoples' Day. Does the State recognize that as a Holiday? My preference would be to hold off on this until another meeting when we add Juneteenth and strike another one.

Sander: I am also included to do a swap at another meeting if that is okay with the rest of the Selectboard.

Forward moved to table this discussion until a later meeting date. Furr seconded. Roll Call Vote follows discussion.

Bona: It is my understanding is that Columbus Day should be listed as Indigenous Peoples' Day. We have two floating Holidays which means we can use it at any point before June 30. If you are making a swap, then please recognize the meaning of the floating Holidays.

Chamberlin: I offer a compromise where the Town provides two floating Holidays to provide people with the opportunity to observe it during the three options of Town Meeting, Juneteenth, and Indigenous Peoples' Day.

Furr: We can recognize a Holiday by still giving it the floating status.

Houle: I appreciate that Juneteenth is added. I appreciate tabling this for another time when we can make a suitable trade. Twelve Holidays is quite generous.

Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Consideration of accepting FY23 Better Roads Grant

Sander: We applied for a Better Roads Grant to address drainage issues on Snipe Ireland Road. We have received the grant and need to officially accept it. This work is required by the Municipal Roads General Permit. The town will receive \$20,000 and a \$5,000 match is required. Included in the packet are the initial application as well as the grant agreement.

Forward: I am impressed by the proposal. It is very well put together and I do not see why we would turn down this opportunity.

Furr moved to accept the FY23 Better Roads Grant. Forward seconded.

Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Consideration of approving the use of ARPA funds for a letter to residents regarding the American Rescue Plan Act

Sander: The ARPA committee would like to send out a letter to all Richmond residents to gather feedback on potential uses of the ARPA funds. The Town may use ARPA funds for this mailer. The estimated costs are

- Postage for 2240 letters @ \$0.53 per piece: \$1,187.20
- 4480 pieces of paper for contents of letter @ \$0.007 per piece: 31.36
- 2240 envelopes @ \$0.21 per piece: \$470.40

- 2240 labels @ \$0.0055 per piece: \$12.32
- Total: \$1,688.96

Furr: We have been discussing the best way to reach out to everybody in Town. A physical mailing will include information about upcoming focus group hearings as well as ways to submit feedback from other options. We thought of inserting this with the tax bills.

Forward: My recollection is we might be able to insert in with the tax bill. Do we still have time for this?

Bona: We do the tax bills once a year and it is done next week.

Furr: We won't have time to get that ready for this year.

Forward: Maybe we print out extras so we can have some to hand out as well.

Hill: The mailing will use some ARPA funds to pay for the outreach mailings on how to use the ARPA funds.

Draft Motion

Furr moved to approve the use of not more than \$1,800.00 in ARPA funds to produce and deliver a letter for public outreach on APRA spending. Forward seconded.

Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Consideration of selecting an architect for the Town Center Building Project

Sander: The Town Center and Library Building Committee sent out a Request for Qualifications seeking architectural services to assist in the visioning process for the future of the Town Center building. The firm that is selected will assist in gathering feedback from residents and then create an architectural rendering of a proposed building. This will aid in the process of determining what the future of the Town Center will be and help create a vision and cost for a bond vote to fund the project. A more detailed scope of work is in the Request for Qualifications included in the packet.

Forward: The Town Center Committee provided an excellent process for writing the RFPs. The Committee selected two firms to interview. The Committee checked the references for and decided upon Black River Design.

Draft Motion

Forward moved to approve entering into an agreement with Black River Design for architectural services for the Town Center Building Project for an amount not to exceed \$50,000 with funding to come from the Town Center Reserve Fund. Hill seconded.

Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Announcement of Police Chief resignation

Sander: Police Chief Kyle Kapitanski handed in his resignation on Thursday, June 30. He has accepted a position with the Shelburne Police Department. His last day with Richmond will be July 13, 2022.

Josh Arneson needs to formulate a plan going forward which will likely consist of the following steps:

- Appoint an interim Police Chief. According to Chief Kapitanski both Officer Herrick and Officer Wilson are interested in serving in this role.
- Create a plan to search for and hire a new Police Chief. This will be the third time in the past three years that we have implemented this plan. The search for Chief Kapitanski involved a lot of public engagement and feedback.

Alternately, we may want to discuss if there are other organizational models we want to explore for the Richmond Police Department. About a year ago we had some informal discussions with Phil Pouech from the Hinesburg Selectboard about the potential for a shared leadership model between the municipalities.

Kapitanski: I would like to thank the Selectboard, Town, and residents for entrusting me as the Police Chief. This decision is based on what is best for my family's future.

Sander: I enjoyed working with you and I am sorry to see you go. We wish you the best.

Furr: A number of people have suggested how much it would cost to work with Williston or cooperate with Hinesburg. There is a need for police in Richmond as we see often from the complaints about speeding.

Hill: When a person leaves, we should pause and contemplate what we know about the position. We should make an overt decision to consider options for hiring a new Chief or cooperating with other Towns. Hinesburg Police seems to have a good grasp of community policing and engagement. There may be interim possibilities. It is awkward with June or Josh not here tonight.

Houle: I spoke to the Chief today and congratulated him on his decision. An exit interview would be very valuable as when he came in the Police Department was in flux. I am sure Chief Kapitanski will provide some great recommendations.

Forward: I have interacted with the Hinesburg Selectboard a few times. I have interacted with the Hinesburg Police Chief and Selectboard members. I have noticed that Hinesburg and Richmond are very similar. There is some interest from the Hinesburg Selectboard in pursuing this with us. We should investigate this and not make a change right now. It is the Town Managers decision. We should have more of an in-depth discussion when June and Josh are here at the next Selectboard meeting.

Furr: We do need somebody serving as the Chief of the Department.

Hill: Somebody needs to be in charge in 10 days.

Forward: If we have an interim Chief then there is momentum in a certain direction. We develop an extensive game plan at the next Selectboard meeting.

Bona: We need somebody in charge as the 3 officers are under contract. Somebody gets a different rate of pay to serve that role. Somebody has to oversee the other officers even if it is an interim Chief.

Furr: The memo outlines Josh's short-term plans and we should let him do that.

Kapitanski: I echo what Connie says. Whatever the Selectboard decides to do, the officers have a contract with specific working conditions.

West: It is my understanding that Josh is in charge of personnel decisions, and I think you need to stand behind that and maintain that system. I think you risk undermining his decisions. Last I knew, Hinesburg was down to a Chief and a single officer. In my experiences, the Richmond police has collaborated more with Williston than Hinesburg. Hinesburg and Shelburne also seem to collaborate. Thank you, Kyle, for your even-temper and steady-hand.

West: When Chief Buck left, we received a lot of community feedback about keeping our own Police Department.

West: When last Chief left there was a lot of community feedback about having own Police Dept.

Forward: The Hinesburg website currently lists 4 officers and 1 Chief. I have concerns about joining with a larger Police department. It is worth raising the conversation again and gathering input from the community and two town governments.

Sander: Thank you Chief Kapitanski. You will be missed, and I enjoyed working with you.

Discussion of communication about dangers of swimming at Huntington Gorge

Sander: This is a discussion about ideas that could help improve the messaging around the dangers of swimming at the Huntington Gorge. We held a meeting with Michael Chiarella, Director of Richmond Rescue; Jim Feinson, Richmond Land Trust; Denis Gile, Richmond Fire Chief; Gerald Levesque, Richmond Assistant Fire Chief and Josh Arneson to help frame the conversation on this topic and provide some feedback on what is currently being done and a few ideas of what could be done. Notes from that meeting are included in the packet.

Borie: Jim Feinson and I are here to kick off the discussion on behalf of the Land Trust.

Feinson: We discussed the pros and cons of generating awareness about the dangers of swimming at the Huntington Gorge. We agree we want to elevate on-site awareness. We wanted to reach out about best practices at other swimming hole areas

Borie: The Vermont River Access Collaborative is an initiative that was started last year. The Richmond Land Trust is part of this group of 15-20 representatives from Federal, State and local municipalities. The purpose of the group is to share information about managing swimming holes in Vermont. The good news is this collaborative is being managed by the Vermont River Conservancy who were recently awarded a grant to hire a full-time staff person as well as seasonal river stewards to oversee swimming holes and river access. The full-time person has not been hired yet. This is the 4th year the Richmond Land Trust has shared a swimming hole steward as an AmeriCorps position. This person will oversee the Huntington Gorge, Triple Buckets, Bolton Potholes and the

North Branch Cascades. There will be an active presence again this year. They will promote a culture of proper use and safety.

Hill: What are the current evidence-based best practices? Huntington Gorge and Vermont are not the only places with dangerous swimming holes. Maybe somebody, somewhere has more resources to share with us.

Forward: I applaud the Land Trust and Conservancy for trying to manage this beautiful resource. It is a valuable recreational resource that is also dangerous.

Furr: Many people are very emotionally attached to this resource. In the past, suggestions made to blow up the Gorge were met with strong resistance. This is not uncommon in other places where I grew up. Despite the number of deaths, safety is not necessarily a priority. I take my hat off to everyone trying to make this work.

Forward: The sign at the Gorge shows that a lot of the deaths occurred in the 1970-1980s. Since that sign was posted, we have had far fewer deaths. There is more awareness, and the problem has gotten better. There will always be a problem there.

Furr: I would like to see that sign updated. It is also very dangerous for any First Responders.

Borie: The Richmond Land trust installed a kiosk at the Gorge last fall. We have danger signs posted at kiosk and surrounding trees. We also plan to include information on other swimming holes that might be safer.

West: I used to live within “screaming distance” of the Gorge and I observe that it is not a static site as things change. Rocks move and there used to be a terrible undertow and deep hole. Dynamite would not have solved anything as the water will still change elevation. I appreciate all the work going on especially for the First Responders. I think this is the best situation.

Hill: The water flow changes how dangerous it is day to day. Some deaths occurred in very low water depth but due to the pressure swimmers are not able to be pulled out. There is no comparison to the number of people who die jumping into rivers versus the number of people who die in a week from firearms.

Feinson: The Land Trust is open to suggestions, and it needs to be a community solution. The Land Trust has no staff. If we are going to make a difference, then we are all going to have to participate.

Hill: Maybe we pursue updating the sign.

Borie: The sign is a Vermont Roadside Historical Marker, so it needs to go through a specific process to be updated. I think it was put up in 1994 or 1996 but I am not sure of an official list of the deaths since then.

Feinson: One sign deals with the death of a rescuer.

Forward: Not all deaths were accidental. There might be some sensitivity with updating the sign.

Discussion of parking on the upper block of Bridge St.

Sander: This is a discussion about the how to limit vehicles to only the posted two hours for parking on the upper section of Bridge St. and in the municipal lot between Greensea and The Big Spruce. We reached out to the business owner list, feedback from that email is included in the packet. Some people suggested issuing friendly reminders that look like a ticket.

Update on recreational parking at intersection of Johnnie Brook Rd. and Kenyon Rd. near the bridge on Rt. 2 over the Winooski River

Sander: This is a parking area that was established last year through the work of the Parking Advisory Committee. By many accounts the area is being used quite a bit. The State recently found that there is a stormwater permit for a treatment swale that runs through this parking area. According the to permit the swale must remain undisturbed. It is unfortunate that they did not discover this permit when we applied for the permit to use the area as parking last year. Road Foreman Pete Gosselin, Parking Advisory Committee Chair Kevin McAleer, and Josh Arneson met with representatives from VTrans at the site. We came up with a temporary solution which is being drawn up in more detail by VTrans. The Parking Advisory Committee will then review this plan and the Selectboard will have a final review at the July 18 meeting. At that point we will amend the permit with VTrans for the new layout of the parking area. VTrans will allow us to continue to use the parking area in its current configuration until the end of July to allow us time to amend the permit. There may be some longer-term solutions such as amending where the swale has to be located or adding fill to create more space outside of the stormwater area, but those will not be in place this summer. The packet provides a rough sketch that outlines the problem and solution:

<http://www.richmondvt.gov/wp-content/uploads/2018/11/3i-Parking-Changes-for-lot-at-intersection-of-Kenyon-Rd.-and-Johnnie-Brook-Rd..pdf>

Hill: It is rewarding to see the Agency of Transportation paying attention to stormwater in Richmond.

Forward: I commend the Parking Committee for coming up with a creative solution.

Discussion of painting a mural on the water tank on Jericho Rd.

Sander: The water tank on Jericho Rd. was recently painted a dark green. This led to a discussion at the Water and Sewer Commission about a concern that there may be graffiti put on the newly painted tank. There was a thought that if we painted a mural on the tank that artists would respect other artists and a mural would not get defaced with graffiti. Water and Wastewater Superintendent Kendall Chamberlin provided a link to a nationwide contest for water tank murals to show some examples for what could be possible. This is included in the packet. The Commission had an initial conversation with Radiate Art Space Director Rebecca Rouiller about having Radiate Art Space help with the mural painting. Rouiller was

interested but the following questions came up and the Commission wanted the Selectboard's opinion on these questions:

- How would a design be chosen?
- What type of community involvement would there be in the design choice?
- Would this be a Town expense or a Water and Wastewater Expense?
- What would the budget be?
- Where would we get the funding from?

Since the Reservoir weeps, white calcification marks show up which might be camouflaged by painting birch trees.

Forward: I am fine with the Water & Sewer Commission taking the lead on this.

Furr: It is a big surface area. Is it more of a problem if a mural makes it a distraction? We wanted something artistic enough to keep graffiti away. The leachate will force us to re-do occasionally. Is this something the Water & Sewer Commission pays for out of their budget or is it a Town budget item? Perhaps we wait to have Josh and June in on this conversation.

Hill: Many people did not want to draw attention to the front face of the reservoir where birch trees would blend with the hillside background.

Sander: When the tank was built, everybody could see the sandstone-colored concrete. Now that it is green, it does blend in quite well.

Forward: I look forward to continuing the discussion.

Discussion of ways to engage the bicycle community regarding rules of the road for bicyclists

Sander: This is an open-ended discussion to discuss ways to reach out to the bicycling community to ensure bicycle riders are following the rules of the road. Anecdotally, I recently had a bicyclist fail to stop at a 4-way stop sign intersection. It was my turn to go through the intersection and I had to brake abruptly to avoid hitting the cyclist who never stopped at the sign. They yelled "share the road" at me despite not following the actual rules of the road. I will admit that the vast majority of cyclists do follow the rules of the road. There are still many times when I observe bikes riding 3 abreast to the left of the white line.

Hill: There is not a singular biking community. Commuters tend to follow the rules of the road. A group of road bikers often ride parallel and take up the entire lane. Mountain bikers often come off the path on the west end of Cochran Rd right into oncoming traffic. It is similar to the Gorge discussion. How do we find and engage the individuals who are not following the rules of the road?

Furr: Maybe we can change the trail orientation coming onto Cochran Rd.

Knowles: A physical barrier might work. I recently attended a seminar on bicycle and pedestrian law in Vermont. The Title 23 VSA 1136c states "(c) Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles" (<https://legislature.vermont.gov/statutes/section/23/013/01136>). There is the

same penalty for bicycles as motor vehicles under State and Local rules. The same problem exists for dealing with the number of motor vehicle bozos and bicycle bozos. We cannot afford enforcement officers. We need to deal with physical barriers or traffic calming policies. Automated traffic enforcement is illegal because it is delegating enforcement. Traffic enforcement needs to stop being a legal matter and start being a regulatory matter. If we had traffic cameras, we could pursue the legal matter if people do not pay their fines. I am a bicyclist and there are many people who ride bikes like idiots.

Forward: I suggest we warn this again later on in the summer and encourage people to attend the meeting. This should be a continuing conversation.

Approval of Minutes, Warrants and Purchase Orders

Minutes

Furr moved to approve the Minutes of 6/20/22 as presented. Forward seconded. Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Purchase Orders

Forward moved to approve PO#4249 to Various Vendors for road gravel, drainage stone, shot rock and quarry rock not to exceed \$150,000. Hill seconded. Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Furr moved to approve PO# 4386 to Various Vendors for winter and summer blend calcium chloride not to exceed \$15,000. Hill seconded. Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Warrants

Furr moved to approve the warrants as presented. Hill seconded. Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Discuss Items for Next Agenda

- *Considering adding Juneteenth in place of an existing Holiday
- *Resume discussion of Police Chief position
- *Bicycle Safety updates
- *Artwork on Reservoir updates
- *VTrans Representative meeting
- *Cochran Rd speeding and traffic calming
- *Historic Marker at Huntington Gorge

Forward: I suggest we have June and Bard have a meeting with Josh to consider communicating with the Hinesburg Selectboard about a collaborative Police Chief.

Hill: We should at least start a conversation with Josh and his role. I am willing to do that.

Sander: Josh took pretty good notes at those previous meetings.

Hill: Also, be prepared for discussions with VTrans about our noise/light ordinance concerns, simultaneous closures, and nighttime construction.

Sander: If Rt. 2 and the interstate are both closed then we need to have contingency plans for accidents or emergencies.

Hill: Do we want to engage in Front Porch Forum for communication about the bike community or Reservoir painting debate?

Adjournment

Furr moved to adjourn. Hill seconded

Roll Call Vote: Forward, Furr, Hill, Sander in favor. Motion approved.

Meeting adjourned at 8:57 pm

Chat file from Zoom:

00:54:00 Rod West: please take down the shared screen

01:42:50 Connie: Something like the Jefferson silos