

**Selectboard Meeting
July 2, 2020 at 7:00 p.m.
Remote Meeting
Jericho Town Hall, 67 Vermont Route 15**

Members present: Catherine McMains (Chair), Wayne Howe, Tim Nulty.

Others present: Erin Wagg (MMCTV Videographer), Todd Odit (Town Administrator), Katherine Sonnick, Jason Cheney, Ned Dubois, Glenn Martin, Jim Carroll, Christine Smith
Catherine McMains called the meeting to order at 7:04 PM.

Public to be heard.

There was no public comment at this time.

1. Commercial District Planning Update.

Jason Cheney gave an overview of the process. The Commercial District project started in April 2016 when the Planning Commission (PC) engaged Landworks as a consultant. He said the Australian ballot vote in January 2017 is not really related to the project's start, but they get mixed together in people's minds. When the PC moved forward with Dubois & King, they captured most of the previously developed information. Working with the landowners and engaging public input, they developed the Master Plan in September 2019 which is an agreed upon document to be used as a benchmark and planning tool. Town Plan Updates happened in January 2020. Zoning Updates were scheduled to happen in Spring 2020, but of course that is where we are now. There have been tweaks and changes throughout the whole process. Jason said it's been a good healthy process, with constructive dialog with the public asking for definitions and clarifications. He said that many of those involved agree that this process does not end with Zoning updates. There are more steps to take to facilitate any development in the Commercial District.

Wayne said that from the start, there has been the understanding that this will be a multi-step, multi-year project involving infrastructure, but they will need people to shepherd it through the next steps for multiple years. He understands that the PC is trying to move it along with Selectboard approval, but there is no overarching document (other than the Town Plan) guiding the process. Landowners with a long history with the properties in the Commercial District need some assurance that this plan will have an affect in the future. He believes that hiring an economic development person might help to shepherd the future development process.

Jason said that in the big picture view, the project shouldn't end with Zoning updates. The landowners aren't part of that conversation so they don't fully understand that. They have been granted funds to develop an official map. He thinks the sticking point is that the landowners think it's stopping at Zoning changes. The public at large generally supports what is in the Master plan fundamentally, but for financial support, they need some assurance that what is

45 going to be developed in the Commercial District fits the model in the Town Plan. As far as the
46 Planning Commission is concerned, the Zoning changes as well as the development of the
47 Official map provides that assurance.

48
49 Jason said that the elephant in the room is a letter from some of the Commercial District
50 landowners. His synopsis of the letter titled "Letter to the PC and Selectboard" is that the
51 Selectboard needs to be on board with the PC and we need a commitment to be moving
52 forward with some infrastructure and plans. In response, the Selectboard drafted a letter to the
53 PC. Jason said that if the goal is to remove the silos in government, he will read the letter here
54 and at the PC meeting.

55 "At the Selectboard Meeting on Thursday, June 18th, the Selectboard acknowledged receipt of
56 a letter from landowners in the Commercial District that had been presented to the Planning
57 Commission, addressed to both the Planning Commission and the Selectboard. Given the
58 Commercial District work, it is still the purview of the Planning Commission. Based on the
59 statutory process, the respondent should be the Planning Commission. [Jason said the PC have
60 been the communicators with the landowners]. The Planning Commission has led the
61 Commercial District for four-plus years [Jason thanked the Selectboard for recognizing that].
62 engaging with the consultants, the landowners and the public. The Selectboard has supported
63 the work with grant applications and matched costs as well as additional funding as needed to
64 get the final deliverable. [Jason thanked the Selectboard for their support.] The Selectboard has
65 provided additional support with the endorsement of the Official Map project which is set to kick-
66 off with the CCRPC (Chittenden County Regional Planning Commission)'s support in the fiscal
67 year beginning in July 2020. After the Planning Commission approves the zoning regulations,
68 they will be passed on the Selectboard for review. At that time the Selectboard will consider the
69 zoning issues. When the zoning is approved, the Selectboard acknowledges that there are
70 items in the approved Master Plan that may be under the purview of the Selectboard.
71 Infrastructure improvements for the district are considered part of the Official Map process." The
72 letter is signed by Catherine McMains, Chair of the Selectboard. Jason said his goal in reading
73 the letter is to point out that they are in discussion, that the ask has been made and has been
74 granted, and to assure the public that they are engaging on the next steps even as they go
75 through the zoning changes.

76
77 Wayne said he's mindful of the importance of the map as a next step to formalize their
78 obligations to move this forward. The map commits conceptually to improvements to roads and
79 talks about infrastructure, septic, water and sets the stage to figure out the costs of putting those
80 things in place. The rub is how that cost is borne. He would like to see the map before they get
81 to that step. His sense is that the landowners want to jump to the cost and payment questions.
82 He would like to see what those improvements would be first. He, personally, is prepared to
83 sweeten the pot a little bit with a quid pro quo - if the Town has to put up a little bit of money for
84 studies to show the landowners that the Town is serious about moving forward - but the next
85 step should be the official map.

86
87 Jason said they have invited the Hinesburg Town Planner to the PC's Tuesday Meeting,
88 because he has been involved in Hinesburg's development of two official maps. He pointed out

89 that there are only four or five official maps in Vermont. He understands it to be a very
90 collaborative process which requires a great deal of public participation including the Town and
91 the landowners - similar to the Master Plan process. The PC has always tried to collaborate with
92 the Selectboard and has sought the Selectboard's feedback for the last four years that he's
93 been chair.

94
95 Catherine said there is a process they have to go through before commitments are made by
96 anybody. Jason said he is here tonight to let the public know that the Selectboard is engaged in
97 this process. He pointed out the milestones and the groups that are working on them. He said
98 the Advisory Committee has been active up to this point, next is the Infrastructure Task Force
99 whose job it is to work on the official map so the PC can work on some of their regular work.
100 The Landowners Association should be formed parallel to the Infrastructure Task Force and the
101 two groups should be communicating with each other. Katherine Sonnick said she was happy to
102 see a few Commercial District landowners present and wondered what they thought.

103
104 Catherine called on Ned Dubois who was the original signer of the letter. Ned said he signed the
105 letter and wrote the letter trying to be comprehensive including each person's ideas while being
106 succinct. He doesn't, however, represent everyone who signed the letter. He has always wanted
107 to see an official map but it got side-stepped. After Chris Sargent presented multiple map
108 choices, but decisions were never made and that was a mistake. Decisions needed to be made
109 regarding changes in boundaries and location of roads. These things were discussed but no
110 decisions were made. He feels the PC is going directly into zoning when zoning changes would
111 rely upon a map. He thinks the map should be done, or at least worked on, before zoning
112 changes. Concluding zoning at this time would be premature. He can see that there is grant
113 money for the map project and it will be worked on. He feels the map is very important because
114 one of the reasons for changing the vision in the Town Plan was to have more connectivity.

115
116 Glenn Martin said the zoning regulation changes have come a long way, but there are a few
117 glitches about which he wrote a long memo to Jason. To move forward, they'd have to sit down
118 and talk face to face and hammer some of the details out. He's disappointed that David
119 [Villeneuve], who owns much of the property in the Commercial District, is not present. He said
120 "Having David onboard and working with us is a must." He sees a lot of discord and there are a
121 lot of things that need to be hammered out.

122
123 Wayne asked Glenn what he thinks would be the next step regarding the official map. Glenn
124 said that he thinks the details about the infrastructure would need to be done. He's owned his
125 property for 45 years. He'd like to see it move along.

126
127 Jason said he is glad that Ned and Glenn are here because they can accomplish a lot by
128 talking.

129
130 Jim Carroll said that they don't seem to be able to get to the principal issue that's been
131 presented by the landowners, the advisory committee, and the letter to the selectboard. That is
132 that you can't write regulations that define something that you have not previously determined.

He thanked Glenn for offering to donate the land he owns between the Dollar General entrance and North Main St. to enhance connectivity for the community. He's seen other people offer to donate property for the betterment of the community, but he doesn't see those philanthropic offers being acknowledged. He said it's untimely to attempt to write zoning regulations when the major decisions and discussion haven't yet occurred. He has seen no economic and appraisal input regarding impact to the grand list and cost to the Town. He said they need more kids attending the schools.

Catherine said that Jim's issues are not related to the Planning Commission's update to the Selectboard, they are more relevant to the Planning Commission's process. Jason noted that there haven't been any zoning changes proposed to the Selectboard yet. When the changes are proposed, that will be when they can have that discussion. Jim said that the Planning Commission is appointed by the Selectboard. Catherine said that donated land and infrastructure issues would be more appropriate to the map project. Wayne asked Jim if he thinks the map project is an appropriate next step. Jim said it should be the first step - before the zoning changes. Jim said it doesn't have to be official but can be used to guide decisions. He said that making things law before you even know what it will look like is inappropriate and imprudent. He feels they should let the experts and the landowners develop a 3D map or variation of a map that includes economics in the agreed upon objectives.

Jason told Jim he was out-of-line and off on a tangent. He said that there is a real need for regulations now. Catherine said that there will be an official map because that is what the grant is for. Jim said that what he's talking about will enhance and improve the economics of Jericho. He's here as a concerned citizen of 43 years trying to help the town, so he's not out-of-line.

Catherine said they appreciate Jim's comments but because the zoning hasn't come to the Selectboard yet, there is no need to have that discussion now. Wayne noted that if the premise of the process was collaboration with the landowners and if you have six of the landowners saying "hold on" it's difficult to evaluate if you move forward with a vote in the Planning Commission. Catherine said that the landowners should form their association so they have a voice in the map process.

Jason concluded the Planning Commission's update to the Selectboard. He invited everyone to attend the Planning Commission meeting next Tuesday. He thinks Jericho has an exciting opportunity with the Official Map project and that everyone should keep an open mind. He thinks the guest speaker from Hinesburg will have some valuable information about the process.

2. Accept Final Mobbs Farm Management Plan.

Christine Smith presented the updated Mobbs Farm plan which gets reviewed in depth every five years. She said they presented an iteration of that plan to the Selectboard back in December, but there were some requests for revisions so that is what she is presenting today. She referred to pages 7 and 8 of the plan which now include a history of the Mobbs Farm logging operations, details on the establishment of a small orchard, and details about the pending solar farm installation. She said the rest of the plan is as it was in December. She asked if there were any questions or comments.

Catherine said she thought it was well written. She noted that the forest management plan is to let natural evolution take place. Christine confirmed that is the plan but they will continue to work in consultation with Ethan Tapper to make sure that they are addressing anything that needs to be addressed.

Wayne asked about the issue of dogs being under voice control. He has heard from a number of people about the issue mostly at Mills Riverside park. Christine said it has been an issue only occasionally at Mobbs. They try to deal with issues as they come up. Dog owners are allowed to let their dogs off leash as long as they are under voice control. For the most part, dogs and their owners behave well at Mobbs, and they hope it will continue that way. She asked Tim Nulty if he had anything to add to that - as a user of Mobbs. Tim said he's there almost every day. There are far fewer people and dogs than there are at Mills River. He can't remember any significant issues. Christine said that her experiences have all been positive, but they hear occasionally from people who had an uncomfortable experience with someone's dogs. She said they did address the professional dog-walkers bringing multiple dogs by requiring a 1:4 ratio (person to dogs) in the plan.

Wayne motioned to accept the Mobbs Farm Management Plan. Tim seconded the motion. The motion passed 3-0.

Tim commended the Mobbs Committee saying that the evidence of the Committee's actions in the last year or two has become more obvious than it used to be. Christine thanked him and said she would pass that along to the other members.

3. Consider Red Mill EWP Grant Agreement & Jericho Historical Society For Grant Match.

Todd said that the Town applied for a grant from the Natural Resources Conservation Service (NRCS) to help restore the failed river bank near the Red Mill. That grant requires a 25% local match. Seeing as it is private property, that match amount would fall on the Historical Society. Todd said the engineer working with the NRCS estimated the work to cost about \$300,000. That could mean \$75,000 in matching funds would be needed. They've put out a bid for the design work and done some negotiations.

Catherine had a conversation with Anne Squires who is concerned that the Old Mill can't afford \$75K. Anne doesn't feel she can sign the paperwork requiring that expenditure. They discussed wording it as 25% of the cost. Anne doesn't want to commit to any amount until presenting it to the board which hasn't met since Covid-19. Tim said that Anne has a good point, but the 25% wording seems like a good compromise. Catherine noted that all parties have the right to decline to approve the cost if they can't afford it - if it comes in more than \$300,000. The expectation is that it will cost less than that. Tim said if Anne could put out a number of what they thought they could afford: 25% of the cost up to, but not to exceed \$25,000 - for example. Todd said that the Town would have to chip in the rest.

Catherine said that the Town is already helping by applying for the grant to cover 75% of the cost, and the public has previously voiced concern about the Town contributing to a private enterprise. Todd noted that if it weren't for the Town, the Historical Society wouldn't have access to the Federal money. Tim asked what happens if they don't get the grant. Todd said that if they don't get the grant,

the Historical Society would have to come up with 100% of the repair cost. Wayne and Tim asked what would happen if they didn't do the repair at all. Catherine said that people think the building is stable, but they don't know for sure. Tim asked what the terms of reference given to the engineer were: Do the minimum necessary to stabilize the building? Todd said the NRCS's goal is to stabilize the stream bank. Tim said that's not the Town's concern, stream banks fail all the time. The building is what we're worried about. He thinks it's important to consider the consequences of A: doing nothing, B: doing the absolute minimum, or C: accepting the \$300,000 cost estimate.

Todd said it would be helpful to have a conversation with Anne about that. He said that when they put it out to bid, it could be as little \$100,000. Tim said that's why she should commit to 25% not-to-exceed "X". Todd asked if the Town would cover the excess in that case. Tim said that the bid would have to come down to a number that the Historical Society could afford 25% of. Todd suggested that they could end the agreement if the bids come in too high. He noted that because it's a federal grant we can't necessarily dictate the minimum standard of the work. It was the engineer for the NRCS (grantor) that came in with the \$300,000 estimate. Tim suggested that Todd go back to that engineer and tell him that's not going to work and ask him to reevaluate based on the minimum goal of stabilizing the building and protecting the public safety - it could be concrete, not stone.

Wayne asked if it matters that there might be equity in the building and if that would factor into the Historical Society's ability to pay. Todd said it should, but the other issue is that it is a historical site so the Federal government would have to restore it what it was if they're using federal money. Catherine noted that the Town tried to do the right thing by the Historical Society by applying for the grant, but if they don't want to put any Town dollars toward it, then they should withdraw the application. Tim said he's not opposed to spending Town money toward it, he objects to being forced to accept the \$300,000 estimate. Catherine noted that that is the number stated in the grant application but it would still have to be put out to bid. Tim said it's the terms set by the federal standard that will factor into the cost of the work. Todd said the intent is to do what was done to the wall as part of the bridge project which was to pour the foundation for the dry-laid wall. He said that Brooks [Buxton] paid to have some of that work extended onto the Red Mill property. Where it failed is exactly where that work stopped.

Tim said he's reluctant to go along with the federal grant parameters. He suggests they have an engineer provide an estimate for the minimum stabilization of the bank. Todd said that would be up to the Historical Society to arrange. Tim said that if they came to the Town looking for help to pay for that work, he'd be much more open to it. Catherine said that it's the Historical Society that has to sign the paperwork for the grant. Wayne said that if they can't afford it, the Town would be obligated to pitch in, and he doesn't think he could explain that to the citizens. Tim said they also need to show the citizens that they did the minimum necessary to keep the Red Mill from falling into the stream. Catherine suggested that they have Anne sign something for 25% of the cost. Tim reiterated that he's uncomfortable with the terms dictated by the NRCS's engineer for this grant. He equates the process with the Town Library building - a fetish for historical detail. Tim said he is willing to consider that the Town might have to contribute some dollars.

Todd said he is going to need some direction. Anne didn't give any indication of what they could afford, and if communicating with Anne is difficult and time consuming, they may need to drop the

grant application. He will need to get some information about the Historical Society's finances. Todd said that he will follow up with Anne next week to find out what they can afford.

Jim Carroll thanked Todd for going the extra mile and talking to geological and hydro experts. This could be a domino situation and it's frightening to him from a public safety perspective. The Historical Society and its leadership needs to understand that there's a broader issue with respect to the community. If the narrow part of the river gets jammed by debris, there could be a catastrophic failure. He encouraged the Selectboard to move ahead with the expert's recommendation.

Wayne asked if he means they should go ahead with this application. Jim confirmed that is what he suggests. Catherine agreed that the amount of water that comes through there during a storm is just amazing. He said it's a fiduciary responsibility, and he can't imagine that the community as a whole wouldn't want to step forward to keep the Red Mill from going into the river. Tim said that Jim implied terms of reference for the engineer that may be different than the terms associated with the NCRS grant application. He heard Jim as emphasising public safety and stability, not restoring historical character. Jim said that once the design work is done, it would be simple for someone to come up with a modern approach.

Todd said his recommendation would be to go for the grant and find a way to recoup that 25% cost from the Historical Society. Todd said that the bank needs to be fixed and it needs to be fixed to historical standards because anytime you Google Jericho, the Red Mill is what is represented. Tim said that if they are asked to commit to contributing \$75,000, he would vote against it. Todd said he would get more information about what the Historical Society could contribute and come back to the Selectboard with that information. It could mean that they would have to let this grant go, because the deadline for the work to be done is October 2, 2020. Catherine noted they would need permitting, a plan and a bid, and the work done by October. Wayne said they need a partner that is willing to work with them, and the Historical Society seems to be dragging their feet. Jim said that regardless of the personality of the people at the Red Mill, the people of the town want to support the Red Mill. He said he will do whatever he can to reach out to the Historical Society, but he's pretty sure that some people would be willing to contribute to the cost of the design phase. Wayne said that could be helpful and transformational. Catherine and Tim agreed. Jim suggested there might be someone else who could communicate with the Historical Society. Catherine said she will help because she has a decent relationship with Anne. Jim added that there is a bridge and gas tanks below this area, and it's not something you want to mess with. This is a hydro-geological puzzle that needs to be solved.

Wayne asked if Todd will go ahead with the application, and get the information needed from Anne with Catherine's help. Tim asked if Anne would sign the paper. Todd said she wouldn't sign it. Tim asked how he would then move ahead with the application. Todd said he wouldn't move ahead without a vote from the Selectboard. He will come back with more information about what the Historical Society can contribute. He explained that there is the grant agreement and then there's the side agreement between the Town and the Historical Society that they will provide the local match. If Anne doesn't sign that, then the Town is on the hook for the local match. Tim said that is why he is uncomfortable with the Town signing the application, because that will obligate the Town to pay \$75,000. Todd said that the Town will be obligated to pay 25%, but the side agreement with the

314 Historical Society would be for them to take on the obligation. He needs to do more research to
315 figure out where they are with that.

316
317 **4. Other Business.**

318 There was none.

319
320 **5. Approve Minutes of 6/18/20.**

321 Catherine had the following edit:

322 Line 51: "The Town will (**not**) provide any maintenance to the tree island..."

323
324 Wayne motioned to accept the minutes with changes as noted. Tim seconded the motion. The
325 motion passed 3-0.

326
327 Tim asked a technical question about Zoom. Todd changed his screen name.

328
329 Wayne made a motion to adjourn. Tim seconded the motion. The Selectboard adjourned at
330 8:37PM.

331
332 Respectfully submitted,
333 Anna Jordan-