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## Residents will have to ratify impact fee vote

By Jessica Hyman  
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Richmond residents likely will be asked to validate Tuesday's impact fee vote on Town Meeting Day because of an error in the warning, Town Clerk Linda Parent said Thursday.

In September, the town Selectboard passed a revision to the impact fee ordinance that set flat fees for new construction. Tuesday, Richmond voters decided 326-258 not to rescind the change.

The warning was posted all over town correctly and in the local paper, Parent said. It ran in The Burlington Free Press on Nov. 4 with an error, she said. The error was corrected for the Nov. 8 edition, but by law, the warning should have run by Nov. 6, Parent said.

According to Kathy DeWolfe, director of elections and campaign finance at the Vermont Secretary of State's Office, the validation vote is to affirm that the action taken Tuesday was valid despite the minor error in notice. The validation would be by floor vote, and it would not be a reconsideration of the impact fee issue, DeWolfe said. "It cannot fail, it must pass," DeWolfe said in an e-mail. "It is only a formality regarding the notice issue."

Members of a homebuilders organization that lobbied against changes to the town's impact fee ordinance cite the warning error as one of several reasons to challenge Tuesday's results.

John McCabe, a Richmond resident and office manager at the Homebuilders and Remodelers Association of Northern Vermont, said the ballot question was confusing and he didn't think residents knew what they were voting on.

Residents were asked to vote "yes" to rescind the ordinance and "no" to uphold it.

MCCabe also said the vote is invalid because of the yellow ballots residents used in the daylong secret voting. According to Vermont Statutes, ballots for local public questions "may be any color except yellow."

"Wow!" exclaimed Selectboard Vice Chairman Erik Filkorn upon hearing of the color challenge. "It's nice to see that the Homebuilders are working overtime on this. God forbid we could simply respect the wishes of the voters."

DeWolfe said the paper color issue is unlikely to result in a revote.

"I don't believe that the court would ever strike an election because of the color of the paper that a ballot was printed on," she said Wednesday. DeWolfe said historically the statutes included the color provision because the general election ballot is yellow and officials did not want there to be any confusion.

Despite DeWolfe's dismissal of the challenge, McCabe said the Selectboard should have been aware of the statute.

Impact fees are levied on new construction to recoup capital costs incurred by the town as a result of that construction.

Because the measure to rescind the ordinance did not pass, the September ordinance went into effect immediately. The new ordinance imposes a flat fee of \$2,828 for schools and \$218.70 for fire services. The fees would not apply to homeowners who expand existing homes. The previous ordinance imposed fees of \$900 to \$5,300 per new home depending on the lot size and number of bedrooms.

"It keeps taxes down for existing residents" and closes some loopholes in the old ordinance, Filkorn said of the new ordinance this week. "This removes a tremendous administrative problem. Now, a house is a house is a house."

Opponents to the fee have said it places a burden on people building homes and is a deterrent to affordable housing development.

Selectboard member Pete Parent, who voted against the revision in September, said earlier this week that he doesn't agree with any impact fees. "You take a family who can barely afford a \$200,000 house and add \$3,000 to it, and that hurts," Parent said.

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