

**R I C H M O N D   S E L E C T B O A R D**  
**M E E T I N G   M I N U T E S**  
**A p r i l   1 8 ,   2 0 1 6   M I N U T E S**

Members Present: David Sander, Chair; Ellen Kane, Vice Chair; Lincoln Bressor; Bard Hill; Steve May

Others Present: Ellen Fallon, lawyer from Langrock Sperry & Wool, LLP; Paul Bohne, Interim Town Manager; Gabriel Firman; Mary Houle; Melissa Hamilton; Bret Hamilton; Paul Ross; Stephanie Ross; Catherine Riggs; Dolores Carter; Josi Kytte; Earl Wester; Tim Kane; Jack Linn; Marie Thomas was present from MMCTV to tape the meeting.

**Welcome and Public Comment**

David Sander called the meeting to order at 7:00 PM and asked for public comment. No comments were made.

**Executive Session**

David Sander stated he would entertain a motion that the Selectboard make a specific finding that premature public knowledge of discussions concerning contracts with the Rogers and Linns; the pending Petition for Election of Collective Bargaining Representative, of the New England Police Benevolent Association, Incorporated; and other probable civil litigation to which the Town may be a party; and confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard regarding the foregoing, would clearly place the Town of Richmond and the Selectboard at a substantial disadvantage.

Steve May made the motion to support the findings and Lincoln Bressor seconded the motion. The motion passed 5-0.

Hill amended the motion to include the Town Manager and the Town Attorney, seconded by May. The motion passed 5-0.

After conducting an executive session meeting, Ellen Kane made the motion to re-enter into General Session, seconded by Hill and the motion passed 5-0.

**Collective Bargaining**

Sander read the following:

WHEREAS, the Town received a letter dated April 8, 2016, from the Vermont Labor Relations Board ("VLRB"), notifying the Town that the New England Police Benevolent Association ("Association") had filed with the VLRB a Petition for Election of Collective Bargaining Representative, seeking to be the union representative for all employees employed by the Town as police officers, excluding the chief of police; and

WHEREAS, the letter also: 1) stated that the VLRB will proceed to determine whether a question of unit determination or representation exists under the Vermont Labor Relations laws, and 2) provided the Town with the following three options:

1. The Employer can agree that the bargaining unit proposed by the Association is appropriate, and can voluntarily recognize the Association as exclusive bargaining representative of the employees petitioned for, provided the Association demonstrates the support of the employees it seeks to represent, no rival employee organization seeks to represent the employees, and the proposed bargaining unit is appropriate under the standards set forth in

1 21 V.S.A. §1724(c). If the Employer chooses this option, please notify this Board and a  
2 Certification of Recognition will be issued.

3 2. The Employer can agree to a consent election. A consent election does not imply recognition  
4 of the Association for collective bargaining purposes. It does, however, require agreement  
5 that the proposed bargaining unit is appropriate. If the Employer agrees to a consent election,  
6 please notify the Labor Relations Board and we will work with you or your designee and  
7 Thomas Horgan to arrange a date, time and place for the election.

8  
9 3. If a question of unit determination or representation exists, please file an answer to the  
10 petition, indicating the specific question of unit determination or representation that exists.”  
11

12 **RESOLVED:**

13 1. That the Town Attorneys be and hereby are directed to notify the VLRB that the Town will  
14 agree to a consent election, in accordance with option 2 above, subject to an acceptable  
15 agreement regarding the date, time and place for the election; and

16 2. That the Interim Town Manager and Chief of Police be and hereby are directed to provide to  
17 the police officers, prior to such election, such information regarding the proposed union  
18 representation by the NEPBA as they determine to be appropriate after consultation with the  
19 Town Attorneys.  
20

21 Cara LaBounty asked if the Richmond Police Department has sought out this membership or have  
22 outside parties offered it up. Sander said that the Selectboard doesn't know but that the Vermont  
23 Labor Relations Board approached the Town on behalf the Union. LaBounty said that the public has a  
24 right to ask the Police Department if they were approached by the union or if they approached the  
25 union. She said that the Selectboard recently approved raises for the Police Department and she  
26 wanted to know if the response to these raises was to call in the union, or did the union approach  
27 them. Kane explained that the Selectboard doesn't know if they're going to unionize but that the  
28 Selectboard would be telling the Police Department that they have the right to vote one way or the  
29 other. LaBounty asked to clarify if the Selectboard has to take action and the Selectboard said yes,  
30 the Selectboard has to choose Option 1, 2 or 3. Mary Houle said she was sad that the Town was  
31 being asked to unionize the Police Department when the Town had just handed over raises.  
32

33 Kane made the motion to select Option 2 and that the Interim Town Manager and the Chief of Police  
34 be and are hereby directed to provide to the police officers prior to such election, such information  
35 regarding the proposed union representation by the NEPBA as they determine to be appropriate after  
36 consultation with town attorneys. Hill seconded the motion and the motion passed 5-0.  
37

38 LaBounty said that the Town is looking to build a new municipal building for the Police Department  
39 and that she hopes that the Town is treating the Police Department correctly and that they do not feel  
40 as though they have to unionize since bringing in lawyers and unions only causes more problems.  
41

42 **Consideration/Approval of Liquor License from Stone Corral**

43 Jack Linn asked if there had been any problems with the Stone Corral. Sander said that they have  
44 had no issues with the proposal before the Selectboard but that there had been some tertiary issues  
45 with the landlord. Linn said that he thought the police sit there and watch the door to the brewery.  
46 Sander said that the police have a radar trap at that location. Linn said the police presence there was  
47 very intimidating to patrons of the brewery. He said that anybody on the water board knows that the  
48 brewery is probably the biggest user of water and the Town needs that. Linn thinks that the police are  
49 doing everything they can to keep people out of the brewery. Hill said that this question should be  
50 followed-up on and that the Selectboard should reach out to the owners and the Police Chief to figure  
51 out what the concerns are. Sander said that this question now would move the Selectboard off the  
52 agenda but he said the landlord has been in touch with the Police Chief. Hill said it should be a matter  
53 to discuss at the next meeting.  
54

1 Melissa Hamilton said that the police presence is a problem and that the landlord had told them that  
2 they couldn't sit there. So now the police have moved down to Long Trail Physical Therapy and it's  
3 intimidating the customers. He said that they have discussed the matter with the police and that some  
4 of the things the police have said, she believes, were inappropriate. Hamilton said they would like to  
5 have the matter resolved. May asked if customers have described the police presence as intimidating  
6 and Hamilton said yes and described being pulled over herself.  
7

8 Gabriel Firman asked if the Selectboard could request that the Police Chief come to the next meeting.  
9 LaBounty asked that the Police Chief provide a list of all the speeding tickets the Department has  
10 collected from that location before the brewery opened and after the brewery opened.  
11

12 Sander explained that proposed action was not a renewal of a liquor license but rather a change in  
13 use to a liquor license for outdoor seating. Hill made the motion to approve the license, seconded by  
14 May and passed 5-0.  
15

### 16 Creamery Project Status

17 Paul Bohne provided an update on the Creamery project. He described a meeting that he attended in  
18 which it was made clear to the Senior Center that the grant won by Buttermilk was not transferable.  
19 He said that the next opportunity to go before the Community Development Board would be in  
20 October. Bohne also said that when the present grant came before the Community Development  
21 Board, there were three no-votes. So the message was that it was uncertain if a new grant would be  
22 well-received. The best case scenario is that if the Senior Center got a developer and moved along  
23 through the process, that everyone would be sitting here a year from now having the same  
24 discussion. Bohne said that the Senior Center asked if a subdivision of the property was possible and  
25 the answer was that it could've happened before the sale. Jeffrey Hoff is their attorney and came to  
26 the town office today and learned that they would have to have an application in for a DRB hearing by  
27 next Wednesday to be on the agenda for May 11. The Senior Center asked Chris Granda to act as an  
28 emissary to Buttermilk and met with Buttermilk but no decisions were made. The Community  
29 Development Board met with Granda last week and asked to have someone negotiate for them,  
30 resulting in the appointment of Jeffrey Hoff. As of today Hoff had spoken with the Buttermilk attorney  
31 but had not spoken with the principals. Bohne said he spoke with Christine Bourgeois with the EPA  
32 and she said that she had made a \$110,000 grant available to Buttermilk and that additional grant  
33 money is available from EPA. She said that she will hold that grant money available until May 1<sup>st</sup>.  
34 That money is not available to the Senior Center since they are owners of the property. He said that  
35 the Senior Center intends to talk with Buttermilk but that no negotiations have occurred since the  
36 Senior Center purchased the land on March 25<sup>th</sup>.  
37

38 Hill said he is increasingly concerned with public safety at the site. He said that there should be a  
39 fence present as well as the windows boarded up. He said it's an accident waiting to happen and that  
40 the roof is falling in and so he is very eager to have the clean-up happen before the next snowfall. Or  
41 he asked that the Town follows the Board of Public Health strategy to render the property safe. Kane  
42 said that the situation has come to a point that the roof could fall-in at any time. She's heard of many  
43 stories of children going on to the property. She said that we have to move forward with securing the  
44 property. May echoed their concerns and said that the Selectboard should take action. Mary Houle  
45 said that Anne O'Brien had guaranteed the Town that the grant money would not be lost. If the Town  
46 is going to take action to secure the property, then is the Town going to attach a lien to the property.  
47

48 Catherine Riggs asked if the Town could have a controlled burn to get rid of the building. Sander said  
49 it is not possible given the ammonia and asbestos and other contaminants. A controlled burn would  
50 cause the contaminants to go airborne.  
51

52 Firman said that the Senior Center has never had a plan of action. He asked if anyone could hold  
53 them accountable and can anyone create a plan of action and what would that plan of action be.  
54 Kane said it's a private sale. Hill said that the vehicles available to the Town include a public health  
55 order in terms of stability. A longer-term plan of action involves ordinances governing decrepit

1 buildings for significant fines. Firman asked if the Senior Center now had liability insurance and  
2 Sander said he believed that they do. Firman asked if the Selectboard could author a letter that tells  
3 the Town that by May 1<sup>st</sup>, the money will disappear to clean-up the property. Hill suggested that  
4 Bohne's summary might be good for a written text to submit to the Front Porch Forum.  
5

6 Hill said that his hope remains that the Senior Center and Buttermilk can get together and arrive at an  
7 agreement. LaBounty spoke to questions that have not yet been answered. Can the Senior Center  
8 have a structure on the property as the landowner who is not entitled to the clean-up grant and  
9 cannot profit from it. Bohne said that he had addressed it, saying that if they subdivided the property  
10 they could then construct their building on the subdivided parcel. LaBounty said that the developer  
11 will walk away from the property if the density of possible development is reduced. LaBounty said that  
12 somebody has advised the Senior Center to get involved in this process because they are anti-  
13 development and do not want to see development occur. LaBounty said that if you go back to all the  
14 public hearings that you will know who is behind this. She said that she believed it was very important  
15 that the Selectboard make it known that this is not the way to proceed. If the development and clean-  
16 up doesn't occur it will create great harm to the community. She said that the Town cannot wait  
17 anymore but has to take action. Bohne said that a subdivision was one way they could have worked  
18 with Buttermilk but it is possible that they can have a location on the site, but not as a stand-alone  
19 building. Linn asked if the Senior Center could subdivide without a clean-up and Bohne said they  
20 could. He said that they could apply for a subdivision but he can't know if they would get it. LaBounty  
21 explained that the Senior Center could cut-off the best part of the property and build on it, but they  
22 would still be responsible for having to clean up the rest of the property since they would still own it  
23 and would be liable.  
24

25 Josi Kytte of Buttermilk said that they are still at the table and that they have spoken with Granda.  
26 She said that Bohne and the Selectboard have been a fantastic help, facilitating the process. She  
27 said that she hasn't seen any proposal from the Senior Center. Kytte said that Buttermilk has always  
28 supported the Senior Center as part of the development. She said that the \$500,000 grant is based  
29 on economic development. And so Buttermilk has to put forward a business plan to show how the  
30 development would lead to economic growth. And so Buttermilk would first look at any proposal for a  
31 subdivision from this perspective. Therefore any proposal about a subdivision would have to be  
32 vetted to see if they could still make their grant requirements. She said the EPA is for \$134,000 and  
33 that they got the grant for a Brownfield revitalization economic liability program, but that you have to  
34 go through the process prior to ownership of the property. The Senior Center as owner cannot  
35 receive this money or the liability protection. So in total there are \$634,000 available, although the  
36 cost of the clean-up is at least \$750,000. So without the \$634,000, no one is going to complete this  
37 project.  
38

39 Kane said that if Anne O'Brien could pick someone else to bring to the meeting since Granda will be  
40 going away, that way introducing a 3<sup>rd</sup> party. Kytte said that Buttermilk could not purchase the  
41 property because they would have lost the grant. They had to wait for the environmental release form  
42 and so asked for an extension to the end of May for a final date of June 1<sup>st</sup>.  
43

44 Houle asked if the Town was still paying for legal services when there is no need to for legal advice.  
45 Fallon said that she was asked to stay through the discussion of the Creamery. Hill said that they had  
46 asked for their attorney to be present for the discussion concerning the health and safety issues.  
47 Houle asked if she would be offering her advice in public.  
48

49 A resident asked if it was Caswell's idea to put the property back on the market. Hill said that the  
50 Selectboard has no idea what Caswell's motivations were. Kane said that what they know is that  
51 Anne O'Brien got a call from Caswell on March 15<sup>th</sup> to say that he was going to put it back on the  
52 market on April 1<sup>st</sup>. O'Brien then bought the property for \$125,000.  
53

1 A representative from the Senior Center confirmed that O'Brien got a call from Caswell and that the  
2 Senior Center had a meeting with a quorum to discuss the offer and that they then decided to  
3 purchase it.

4  
5 Firman asked where was O'Brien and had she come forward with legal representation. Kytile said that  
6 Buttermilk had not met with any legal staff representing O'Brien but had met with Chris Granda.  
7 Firman asked why the Senior Center was not making an effort to meet with Buttermilk and seal the  
8 deal. The representative from the Senior Center said that they are making an effort and that the  
9 Senior Center wants very much to work with Buttermilk. Originally, she said, the Buttermilk plan was  
10 to give the Senior Center 1900 square feet and that they were going to charge a fee per square foot,  
11 which was impossible for the Senior Center since they do not have any funding. She said that the  
12 Historical Society was another non-profit that wants to have space within the facility and that there  
13 were three other businesses that had expressed interest in renting space and that this rent would  
14 have helped the Senior Center to keep the facility going. She said that they thought they were on the  
15 right track and that whatever problems were caused, were caused innocently. She said they've  
16 boarded up the windows, put up fencing, and they have liability insurance. Sander said that the  
17 Selectboard will return to this issue.

#### 18 19 Williams Hill Road Drainage (tabled)

20 Sander said that the Selectboard had discussed the Williams Hill Road drainage issue during  
21 Executive Session. No action was taken. Kane made a motion to table this discussion until May 2<sup>nd</sup>,  
22 seconded by May and passed 5-0.

#### 23 24 Mississippi/North Carolina Proposed Travel/Business Ban Resolution

25 May read a statement describing his motion for a resolution banning travel and business with  
26 Mississippi and North Carolina. Hill said that May's statement was in the form of a resolution. He  
27 asked if May was seeking to adopt the resolution and May said he was. Kane asked why the Town  
28 would go beyond the State and said that she wouldn't go forward with the resolution. Bressor said he  
29 appreciates the spirit of the resolution but cited a conversation he had with Kendall Chamberlin.  
30 Chamberlin said that for a small department, such a resolution could mean a lot of time and effort.  
31 Kane said maybe the Selectboard could make a resolution to stand by the principle. Sander  
32 appreciates May reading the resolution and that people need to take a stand. He said he would  
33 stand-by a non-binding resolution saying that the Selectboard does not agree with these laws.  
34 However, Sander said that he agreed within Bressor that making a break with vendors might cross a  
35 line, severing successful business relationships. He said that the Town has no funded travel to these  
36 two states. May said that he appreciates the support to the extent that the Selectboard is offering it  
37 but that he believes gestures need to be made in full, although a non-binding resolution is better than  
38 nothing. He said that he believes that not severing relationships is important.

39  
40 Bruce LaBounty asked that the public be given a chance to speak. Cara LaBounty said that the  
41 Selectboard represents the Town, not North Carolina. So if you have an issue with North Carolina,  
42 then go there and work it out. LaBounty said that she takes issue with the Selectboard dictating what  
43 states and countries the Town respects. She said that the Selectboard would be here every Monday  
44 night making resolutions since there is so much going on in the world that is terrible. She said that  
45 she does not need to be educated about what's going on in North Carolina today. Individuals can  
46 boycott whatever they want to but a town representative should not lecture and make resolutions.

47  
48 Houle said that she respects the passion involved in the presentation but that she also has items that  
49 she would like to pass resolutions on such as abortion or radical Islam. She said that we have to start  
50 at home otherwise everybody will be bringing resolutions to the Selectboard. A resident said that he  
51 was just in Mississippi to visit his mother-in-law. He said there is a bigger issue in the wedge issues  
52 that are dividing the country. He said that we can chose to jump on these wedge issues or we can let  
53 states govern themselves and just take care of Vermont. Earl Wester said that he agrees with the  
54 ideas behind the resolution and what people are saying and that the Selectboard would be opening

1 up a can of worms. Kane said that we need to get back to our agenda and what we need to focus on  
2 today.

3  
4 May made the motion to adopt the resolution but there was no second. Sander thanked May for his  
5 passion and integrity.

#### 6 7 Appointment of Alternate Authorized Representative for Water Tank/East Main Street Loans

8 Sander introduced the appointment of Connie Bona as alternate authorized representative for loans,  
9 including the RF3-302 for the water tank, and the RF3-303 for East Main Street. LaBounty asked for  
10 clarification and Sander said that Bona would be the contact person in Geoffrey Urbanik's absence.  
11 Bohne said that these are for reimbursements for money that the town has already spent. So with this  
12 motion she would be able to get these reimbursements. LaBounty asked why the obligation to sign  
13 wasn't going to Urbanik's assistant or to the Interim Town Manager. She thinks this obligation should  
14 stay with the chair of whatever board it is or Urbanik. Bohne said that this issue is a matter of  
15 processing a request for reimbursement from the State. The money is then direct deposited into the  
16 Town account. So the issues of control are not similar to what they might be if someone was writing  
17 checks out of that account. Kane said that she agrees with Bohne that there are good controls in  
18 place with these two specific reimbursements. Bohne said that he believed it was appropriate for  
19 Bona to do this.

20  
21 Hill made a motion to approve money for the authorized representative for the two loans, RF3-302 for  
22 the water tank and RF3-303 for East Main Street, seconded by Kane, and passed 5-0.

#### 23 24 Town Road and Bridge Standards Network Inventory Certification

25 Sander and Bohne introduced the issue, explaining that the Selectboard would be signing-off on the  
26 inventory. The certification is basically saying that the Town meets the standards as A02 has outlined.  
27 It's something that the Town has been doing every year for a number of years. In order to apply for a  
28 grant the Selectboard needs to sign-off.

29  
30 Hill made a motion made to approve the certification of the town road and bridge standards,  
31 seconded by Kane and passed 5-0.

32  
33 Bohne said that annually when the Town submits a grant application it has to submit a highway  
34 financial plan and that often times the Town Manager signs off on this. Now we are asking the  
35 Selectboard for sign-off and that the Selectboard is sending in the financial plan of our Highway  
36 Department. Bohne asked if Sander was comfortable with placing this issue on the agenda. Sander  
37 said that he was comfortable with signing-off on it.

#### 38 39 Selectboard/Town Manager Reports

40 Bohne mentioned that a number of issues had come up that were likely more than he or Urbanik had  
41 thought he'd be taking care of. He said he's doing his best so that these issues are not hanging  
42 around for when Urbanik comes back. He said he might wait till Urbanik comes back to get to the  
43 Streetscape project.

44  
45 Sander thanked Bohne for taking care of the many issues he's been presented with.

#### 46 47 Approval of Warrants/Minutes

48 May said that all of the warrants were in order and the Selectboard signed the warrants.

#### 49 50 Next Agenda/Adjourn

51 May made the motion to approve the minutes from April 4, 2016, seconded by Hill and passed 5-0.  
52 However corrections included:

53 1<sup>st</sup> page line 20 – a motion was not made by Sander but by Kane and then seconded by  
54 Bressor

55 2<sup>nd</sup> page line 17 – a motion was not made by Sander but by Kane and seconded by Hill

1  
2 Sander listed an item for the next agenda to look at the appointment of liaisons.

3  
4 Houle asked for a reading of the purchase orders and Sander read through the purchase orders.

5  
6 Bressor made the motion to adjourn, seconded by Hill, and passed 5-0.