

**RICHMOND SELECTBOARD MEETING**  
**May 2, 2016 MINUTES**

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

Others Present: Mary Houle; Gil Gravel; Mark Fausel; Marc Hughes; Bret and Melissa Hamilton; Rod West; Bob and Joy Reap; Paul and Stephanie Rogers; George Gifford; Maureen Kangley; Paul Bohne, Interm Town Manager; Ruth Miller was present from MMCTV to tape the meeting.

David Sander called the meeting to order at 7:00 PM.

**Public Comment**

Bruce LaBounty announced that the Planning Commission is going to take a new look at the zoning for the Gateway District for restaurant and retail use. Mr. LaBounty said they wanted to know if the Selectboard was opposed to the Planning Commission taking a second look at the Gateway District zoning or if the Board was in favor of the review. Mr. LaBounty said that restaurant and retail were taken out previously when the Planning Commission had placed it in. The Planning Commission feels strongly that this section should stay in the zoning regulations for the Gateway District. Mr. LaBounty said that they were hoping to address any concerns the Board might have before they resubmit it.

Steve May asked when was the last time that the Gateway District zoning was reviewed and if that review was before the Board passed the sewer bond. Ellen Kane said it was in 2014 and Lincoln Bressor said that the Board passed the new zoning regulations a week after the sewer bond. May said that it was prudent that since there is going to be a hookup available for sewer and water that the Board should at least take a look. Ellen Kane said that the Planning Commission was welcome to re-propose something and that the Board could open it up to public comment. Hill agreed that Kane's opinion made sense. Hill also said that the status of water and sewer in the Gateway remains somewhat unknown and that the Board wanted to know how access to water could present opportunities but also risks for the Gateway. May said that there was a concern in Town that 81% of the Town's revenues came from property tax and that the Town needed a better revenue mix.

Mr. LaBounty said that the Planning Commission has done a lot of work creating the new town plan and townspeople have discussed what they want and the Town needs a place to build in response to those ideas. Everybody says that they want a pharmacy but nobody knows where to put it. The Planning Commission believes that the Gateway District would be the only place where a pharmacy could go. Hill said that Mr. LaBounty raised a good point and said that with all the work that the Planning Commission has done, there might be new and evolved views on what the Gateway could be versus a year or two ago. Mr. LaBounty emphasized that the Town needed to act now. Hill and Bressor raised the point that a revision of the zoning regulations was supposed to happen after the town plan is developed and that the Planning Commission's approach seemed to be backwards. Sander and Hill said yes, but that the Board would be willing to look at it.

Cara LaBounty introduced the FEMA applications for elevation work in the floodplain, for a total of \$1,286,935 potentially coming from the Federal government. The Town has been awarded \$352,275. Geoffrey Urbanik has been gone for two months and little has been done in regards to the applications except that Clare Rock and Ms. LaBounty have been working on them to provide the State with information that the State had requested. Ms. LaBounty said that Rock told her today that she has not been working on the applications and that Rock said she had been told that she was not supposed to be working on them. Ms. LaBounty said that she has to do all the work herself and that she's been working for free and that she has only been paid by one of the 25 people applying for the elevation grants. Ms. LaBounty said that she is upset that the Town of Richmond staff is not available to help her with this project and that two weeks ago the State asked for additional information for the

1 Division for Historical Preservation (DHP) and that they wanted the Town to turn around documents in  
2 two weeks. She explained that Waterbury planned ahead to locate money to provide the additional  
3 information to the DHP whereas the State is only giving Richmond two weeks. Ms. LaBounty said that  
4 Richmond employs a Town Planner that has been working two days a week since last August, even  
5 though it is a full-time position. Ms. LaBounty said that she was upset that the Board would take  
6 the attitude that they should not micromanage staff. She said it isn't fair for the Town to ask  
7 volunteers to do the work they do and not to ask staffers to do anything and to not hold them  
8 accountable. Sander said Ms. LaBounty's statement was the first he'd heard of it.  
9

### 10 Agenda Order Change

11 Kane said that she received a request to move Item 2C further up the agenda to 2A and the Board  
12 agreed.  
13

### 14 FY17 Chittenden County Solid Wastewater District (CCSWD) Budget Presentation

15 Tom Moreau, General Manager of CCSWD, introduced the CCSWD and their need to have their  
16 budgets passed by each of the towns within Chittenden County. Moreau said that this year the budget  
17 went up 1% (\$104,000) to a total of \$9.6 million. The biggest issues included benefits and salaries.  
18 There were no cost of living increases and that most of the increases were from increases from  
19 health insurance. He explained that their trash fees are going up and that more maintenance is  
20 needed at the compost facilities. Two things went down: the study on biosolids is complete and there  
21 is no new General Manager search. In addition the CCSWD experimented last year with advertising  
22 under Act 148 for the solid waste to see if they could get more recycling and the CCSWD found that  
23 that was not a good use of their money. He said the revenues are up 5.2% and so the tax on trash  
24 will be going down, especially construction and demolition debris. The CCSWD is selling a little bit  
25 more compost. However certain things are down, especially the drop-off centers. The CCSWD has  
26 lost \$75,000 in scrap metal revenue since there is no demand. The CCSWD is proposing a three year  
27 rate increase on the drop-off centers and the increases will be 25%. This increase will address the  
28 drop in scrap metal revenue, and will help CCSWD address maintenance issues. The biosolids  
29 should go down however.  
30

31 Mauren Kangley asked if individuals should keep collecting their bits and pieces of metal. Moreau  
32 said, yes, absolutely since they can always sell it and there will always be markets. May asked if  
33 there was a long-term plan. Moreau said one of the upgrades is that the CCSWD has to get off the  
34 highways in some places because of the lines that form and possibly use more compactors so people  
35 can move through more quickly. The hope is that in 2017 the CCSWD will have money in reserve to  
36 make these improvements. May said his biggest concern was that tax-payers get value for their dollar  
37 and he feels better knowing that there is a long-term plan. Moreau explained that they want to  
38 decrease the wait time and to make sure that citizens have the opportunity to get rid of their  
39 hazardous materials. Moreau explained that the Board can wait until June 6<sup>th</sup> to vote on the budget. If  
40 the Board votes against the budget, then the CCSWD asks that the Town explain why. Or the Town  
41 can do nothing which after 45 days is viewed as a positive vote.  
42

43 Rod West resident asked about the money that had been held in reserve to build on Redmond Road  
44 and he was wondering what had happened to that money. Moreau explained that the reserve went to  
45 Paul and Tim Casey when the CCSWD payed them \$4.1 million. He added that the CCSWD looked  
46 very hard at building that landfill in 2007, but that they never went forward with it because they were  
47 8% below the lowest curve that they had generated. He explained that all the money was used to  
48 construct a preliminary design but he said that the need has decreased as Vermont becomes greener  
49 and with the passage of Act 148. He explained that they cannot import trash from outside the county.  
50 He explained that they waited and invested in composting and recycling to see how far they could  
51 bend the curve down and then they would invest in a landfill. The land is purchased and they have  
52 other reserves for closure but there is no money set aside to build the landfill. LaBounty asked if the  
53 lease agreements with other towns were the same as in Richmond. Moreau said that yes they were,  
54 except for the Williston facility which the CCSWD owned.  
55

1 Lincoln Bressor moved to approve the CCSWD budget for fiscal year 2017, Hill seconded the motion,  
2 and the motion passed 5-0.  
3

#### 4 **Concerns re: Outdoor Seating at Hatchet Tap & Table**

5 Sander introduced the issue saying that there had been conditional approval for outdoor seating back  
6 when the Bridge Street Café was located where the Hatchet is today. What has changed is that there  
7 are now two large picnic tables outside the Hatchet. The problems include the overhang of cars  
8 parking at an angle and the width of the two picnic tables reducing the traveling portion of the  
9 sidewalk to approximately three or four feet. Bressor produced a map of the ownership of the lot and  
10 explained that Dennis Bender owns not only the building but the sidewalk almost out to the curb,  
11 approximately nine of the ten feet of the sidewalk. A few years ago the Town paid to rebuild the  
12 sidewalk and the Town maintains the sidewalk and so he believes that the Town should expect to be  
13 able to walk along the sidewalk without issue. Gabriel Furhman explained that Niels Rinehart had  
14 approached him last week to say that there was a complaint about the outdoor seating. He explained  
15 that depending on how far a car comes in that the available space is between 48 and 50 inches of  
16 space. Furhman said that the average width of a sidewalk is 48 inches, anywhere from 42 to 60  
17 inches on average. He said that elsewhere in town the average width of sidewalks is anywhere  
18 between 55 and 60 inches of sidewalk width. He said that he has not seen anyone having any trouble  
19 with passage. According to Furhman, the Bridge Street Café had zoning for 4 feet of obstruction for  
20 their outdoor seating but that the chairs took up more space since they'd be moved around. He  
21 thought having a static table would be easier for passage along the sidewalk. He said the sidewalk is  
22 10 feet in width and so he used a smaller picnic bench and he believes it is functional.  
23

24 Sander read that the sidewalk is currently permitted for a 4-by-30 foot roped-off area in front of the  
25 restaurant and so the 5-foot picnic table would be a foot over what was permitted. Ms. LaBounty  
26 asked who gave the permit and Paul Bohne said that it was a State of Vermont permit to license  
27 outside consumption for a 4-by-30 foot roped-off area. Furhman said that Rinehart made it seem as  
28 though the outdoor seating was a zoning issue and that it was zoned at 4-by-30 foot area. LaBounty  
29 said that she is a DRB member and a zoning issue should not come in front of the Selectboard. If  
30 Furhman needs to amend a permit with the DRB then he has to go back to the DRB. Rinehart should  
31 not be sending him to the Selectboard and this is a case of a staff member sending a property owner  
32 to the Selectboard that the Selectboard is not authorized to do anything about. If he has to approve a  
33 liquor license, then that's all we are discussing here because the Selectboard has no authority over  
34 zoning permits. Furhman said that when he applied for the outdoor consumption permit [with the  
35 State] he asked for a 5-foot area knowing that he would need that much space. Kane said that the  
36 Selectboard would send the matter back to the Zoning and Planning office if there was an issue but  
37 that it was an item to discuss that was brought to the attention of the Selectboard. Furhman said that  
38 Rinehart told him that he was following up on a complaint and that Rinehart had found the 5-foot  
39 discrepancy and Rinehart had said that both he and the person who filed the complaint would be here  
40 tonight. Kane said there was nothing they could do tonight but that if he needs to address a zoning  
41 issue then he should go to Zoning and Planning. Furhman said whoever sent him to come before the  
42 Selectboard and waste his time should have sent him to the appropriate location. Mr. LaBounty said  
43 that the same staff person who sent Furhman to the Selectboard when he should have gone to the  
44 DRB also sent someone to the Planning Commission asking for a variance, which should also go to  
45 the DRB. Mr. LaBounty explained that the Selectboard needs to address this issue since it's resulting  
46 in a lot of volunteers wasting their time. Furhman also added that he doesn't know who wrote the  
47 memo that said there's only three feet of space, he said there's well over three feet of space on the  
48 sidewalk.  
49

#### 50 **Williams Hill Road Drainage: Rogers & Linn Properties**

51 Sander explained that Pete Gosselin has provided the Selectboard with detailed drawings illustrating  
52 the work he plans to do to address the remediation of culvert discharge on Williams Hill. Gosselin is  
53 asking the Selectboard for permission to go ahead with these plans for remediation. Hill asked how  
54 common is this issue and where are the locations. Gosselin wrote a memo dated April 20, 2016 listing  
55 the specific areas that need 'splash pools'. Bohne said that Gosselin listed three areas that would

1 require a similar fix and that if a more significant fix was required that he would first apply for a grant  
2 to repair it. Kane said that the previous discussion had stated that the Town had done work in the  
3 areas that the Town owned and that these were not the correct solutions. Bohne said that the  
4 Highway Department had stayed within the highway right-of-way which allows them to stem the flow  
5 of water but that it really takes a 15-by-15 foot area to create a splash pool to dissipate the impact of  
6 that water. These structures would require moving out of the current right-of-way. Kane said that the  
7 Board had discussed a policy for the future so that there was a standard that the Town needed to  
8 meet that was not met the first time these problems were addressed. This standard would be the  
9 boundary establishing when the Town should go in and make additional fixes. Kane asked that the  
10 Board put this standard in writing. Bohne said that Board could issue a standard as elaborated by the  
11 Better Back Roads Project. Bressor said that this standard should be a part of the Board's update of  
12 the Public Works Specs. Ms. LaBounty asked if what the Board was looking at, met with the updated  
13 Public Works Specs. Hill said that Gosselin provided illustration from the Better Back Roads manual.  
14 Ms. LaBounty asked if that manual existed when the work was done last year.

15  
16 Stephanie Rogers said that she spoke with Geoffrey Urbanik and told him that she had spoken to a  
17 couple people in the State and that she had been told about some grants being available to the Town  
18 so that these issues could be addressed. Rogers said that at the time Urbanik had told her that the  
19 grants were saved for the Better Back Roads. Hill said that Better Back Roads funding is held for  
20 larger scale projects. So Gosselin's estimate of \$4,500 is modest. Hill read from Gosselin's memo  
21 explaining that he was hoping to address areas that require easements to emplace splash pools and  
22 rip-rap work out of the right-of-way. May asked to clarify that the \$4,500 was to complete all three of  
23 the projects but Kane explained that the expense to continue to address this problem the way the  
24 Town has been would eventually be more than \$4,500.

25  
26 Jack Linn said that his second pool goes right through some ledge 83 feet away from the culvert  
27 where the ditch is 12 feet deep. He asked if the easement could be as-built designs. Linn said that he  
28 hadn't seen what Gosselin proposes to do. He said it was fine with him if it could be changed to go  
29 past the ledge because that was better management. If he puts his splash pool ahead of the ledge  
30 then it's still going to splash out of the ledge. But Linn said that whatever Gosselin does was alright  
31 with him except that he does not want Gosselin to be restricted by easements that are not going to do  
32 him any good. Hill made a motion to approve the \$4,500 work and to further direct Gosselin to add  
33 the locations to the annual work plans over the next few years, in terms of the splash pools in  
34 accordance with the Better Back Roads Standards, as described in his memo from April 20, 2016.  
35 Kane seconded the motion and the motion passed 5-0.

### 36 37 **Police Presence at Stone Corral**

38 Melissa Hamilton asked why the police are always in the parking lot of the Stone Corral. She said that  
39 customers come in and ask why the police are there and that the police presence was intimidating.  
40 She said that customers that have been stopped have said that the police told them that the Stone  
41 Corral was being watched. She also said that a couple months ago a state trooper was parked out  
42 front and people were asking why the state trooper was there. She asked the state trooper and was  
43 told that no, nothing was wrong. Ms. Hamilton said she told the state trooper that it was intimidating to  
44 have police parked outside their establishment. The state trooper told Ms. Hamilton that she had  
45 pulled over to use her cell phone. Ms. Hamilton said that the state trooper was very courteous and  
46 that she had expected to have the same sort of conversations with Town of Richmond police. Ms.  
47 Hamilton wanted to know why the police are parking there and that it discourages customers from  
48 visiting the Stone Corral. Mr. Hamilton said that the Stone Corral is a significant tourist destination on  
49 the Trip Advisory. He said he wanted to have a productive conversation about what it means to run a  
50 popular tourist business in a small town in Vermont and what the police presence signifies to a lot of  
51 their customers.

52  
53 Hill asked how frequently the police were parked in the parking lot. Ms. Hamilton said this past week  
54 cars were parked there three or four times a week. Mr. Hamilton said that last summer he saw a  
55 police car there maybe one day a week. Heidi Bormann told the police that they could not park in the

1 portion of the lot next to their business and since that time the police have been going down to the  
2 Long Trail to park.

3  
4 Chief Buck said that the Richmond Police Department has been running radar in the area of the  
5 Stone Corral for decades and that it is not a problem with the landowner (the Bormanns), who he has  
6 spoken to on several occasions. He said that Ms. Bormann said that he could park there. He said that  
7 the Town has received complaints about traffic at that location and that it is one of the better spots.  
8 He said that Stone Corral was never an issue and if he'd thought it would be that he never would  
9 have signed the liquor license. Buck said that they are going to stop sitting in that location running  
10 radar and that they are there for traffic enforcement. He said that he told the police not to run radar at  
11 that location unless they see an uptick in the speeding or if they get complaints again from the public  
12 that lives around there, and that then they would be back. Bormann has told the police that she has  
13 no issue with them doing their job. Also, the parking lot is not private. Under Title 23 it is considered  
14 public. Chief Buck said that they've only had three incidents with people coming and going from the  
15 Stone Corral and none of those three incidents were the results of an officer sitting there running  
16 traffic radar. Buck said he has a problem with the animosity towards the police department that  
17 seems to be generated by staff from the Stone Corral. He explained that local residents have told him  
18 that Stone Corral staff have been spreading rumors that the Police Department has arrested five  
19 DUIs from out of the Stone Corral and that they are stopping everyone that leaves the Stone Corral.  
20 He said that if there had been five DUIs from the Stone Corral that he would have come before the  
21 Board for a suspension of their liquor license. He said that officers have been approached by the  
22 Hamiltons and told that it was private property and that the police had no right to be there. Buck said  
23 that he's willing to work with the Hamiltons but that he can't have them spreading this sort of  
24 information.

25  
26 Kane said that they appreciate the police and the Stone Corral and what they bring to the Town. She  
27 said that it sounds like there could be a solution. Buck said that the police cars now park down the  
28 road, starting two weeks ago. However, Buck said that if they continue to receive complaints from  
29 neighbors, or if they notice an uptick in speeding at that location, that they will return to having a  
30 cruiser there once in a while. Mr. Hamilton said that this was the first they'd heard about gossip about  
31 the police. And that they have had private internal conversations specifically about complaints they've  
32 received from customers. He apologized if this sort of gossip has gone on about the police and said  
33 that he will address the problem. Mr. Hamilton said that he wished they had started off on a better  
34 foot and he does not want to have there be any animosity with the police department. Ms. Hamilton  
35 said that when the DUI happened, the police called Ms. Bormann and not the Hamiltons. Buck said  
36 that Bormann is the property owner. Kane said that the police have moved their cars and if there is a  
37 DUI that Buck should call the Hamiltons as well as the Bormanns. Buck said that in this case, they  
38 called the Bormanns because the Bormanns had asked them to call if there were any issues. Buck  
39 discussed why a police car is placed where it is and how radar works for speeding. May asked if there  
40 was another location where the police cruisers could sit and Buck said no.

41  
42 Ms. LaBounty said that people might be making complaints about speeding because they do not want  
43 the Stone Corral to be successful. She thought a solution might be a flashing sign that gives your  
44 speed and that if someone makes a complaint that then the police car should sit in their driveway.

45  
46 Kingley said she wanted to thank the Stone Corral for being where they are because they bring down  
47 the costs of her water bills but she said that Buck has a lot of power in that his policies could cause  
48 the Stone Corral to go out of business. Buck said he cannot make them go out of business and he  
49 repeated what he said previously about DUIs and the liquor license. Kane asked if the Board could  
50 check back in at a later date to see if things are continuing to move forwards. Linn asked if Buck  
51 would talk to the Hamiltons before he called the Liquor Control Board. Buck said that it hasn't come to  
52 that but that he would call them. Mr. Hamilton said it is his responsibility as an owner to make sure  
53 that his staff is trained in dealing with over-consumption and so it is important for him to know if there  
54 is a problem. Hill said that communication was key.

**Appointments to Boards, Commissions, Etc.**

Bressor raised a concern about Joy Reap being on the Planning Commission as a developer who is driving some zoning changes that benefit her own project. Mr. LaBounty said that Reap recuses herself whenever the Commission is discussing issues that might pose a conflict of interest. Mr. LaBounty said that as chair, he feels very comfortable with having Reap as a member of the Commission. Bohne said that he investigated the issue that Bressor raised and said that the Town ethics policy calls for recusal and that the person should leave them room. Mr. and Ms. LaBounty disagreed with this interpretation and said that the policy should be reconsidered. Kane questioned Bohne and he explained that the policy doesn't state that the person cannot return, but it does say that they have to leave the room. He continued that if someone knows that they will have to recuse themselves that they should ask someone to stand in on their behalf. Kane asked if the Board could get clarification and Bohne said he would email the policy. Hill and Bohne said that there is no reason why being a developer should exclude someone from being on the Planning Commission. Mr. LaBounty said it wasn't fair to him as a property owner to not be able to make a case that might affect something that he owns. Ms. LaBounty and Mary Houle cited their own experience working with the DRB and issues of recusal, saying that people have returned into the room to pursue their right as a property owner. Reap said that she's never seen anyone on the Selectboard recuse themselves and leave the room.

May made the motion to re-appointment for Mark Fausel, Lauck Parke, and Joy Reap to the Planning Commission for a four-year term, Kane seconded the motion and the motion passed 5-0.

Ms. LaBounty said that the DRB has had the same chair for the past 10 years, whereas other boards change their configuration. She believes there needs to be a cycle of change and that she wants the Selectboard to handle the issue. Bohne agreed to look into the matter and see if boards have their own rules or not.

Hill and Sander said that the DRB is seeking alternates to the DRB.

Hill made the motion to nominate Roger Pederson for a three-year term, seconded by May, and the motion passed 5-0.

The candidates for the Conservation Commission were listed. May asked whether or not there was a tradition of only allowing people to serve two terms. Sander said that they did not. Hill suggested that the Board postpones the decision since the Board does not know the answer. Hill also said that if there is more than one candidate, that both candidates should be invited. Ms. LaBounty said that there has been a rule that after two terms, a position should be opened to other applicants. She also said that the Board should not open the appointment process, asking people to come, because people would use that opportunity to not have to appoint Houle to a board. If there are two people who have served more than two terms, then the two applicants should be allowed to take on those positions. Kane said that there were four applicants and that the Board needs to know the policy on members serving more than two terms. Linn suggested that new blood on the Conservation Commission would be beneficial. The appointments were tabled.

Isabel Rabideau may be an applicant for the Recreation Committee but the Board was unsure if Rabideau was an applicant. The appointment was tabled.

Hill said that Ian Stokes, John Hamerslough, Jean Bressor, Callie Ewald were seeking re-appointment to the Trails Committee. Sam Gaulty and Willie Lee are new applicants. John Hamerslough said he would step down if necessary. Lincoln Bressor recused himself since his mother is seeking reappointment. Kane made the motion that Ian Stokes, Jean Bressor, Callie Ewald, Sam Gaulty, and Willie Lee be appointed for three year terms, Hill seconded and the motion passed 5-0.

1 Kane moved to reappoint Paul Huff, Denise Barnard, Lauck Parke, Joy Reap, and Morgan Wolaver to  
2 the Economic Development Committee for one-year terms, May seconded, and the motion passed 5-  
3 0. O'Brien is not seeking reappointment. LaBounty asked how the Economic Development Committee  
4 could have a quorum if they have five members and six open seats. Sander said that the Board would  
5 have to look into the question.

6  
7 Kane said that Veronica Beittel is not seeking re-appointment to the Richmond Rescue Board of  
8 Directors, Liaison, and Representatives.

9  
10 Sander said that Bruce Bailey and Robert Fischer are not seeking reappointment as Water and  
11 Sewer Commissioners. Hill said that two people have expressed interest and so he suggested that  
12 the Board should vote on the appointments at the next meeting. Ms. LaBounty said that Bressor's  
13 aunt was looking to be on the Water and Sewer Board and she wondered if two family members on  
14 the same board was a problem and if Bressor would leave the Water and Sewer Commission and if  
15 so, who from the Selectboard would take his place.

16  
17 Sander said that the post of Town Service Officer was on hold until the State Legislature passes or  
18 defeats the bill H575. Bressor said that H575 has passed and therefore the post of Town Service  
19 Officer has been eliminated.

20  
21 Kane made the motion to reappoint Chris LaBerge as the Animal Control Officer for a one-year term,  
22 seconded by Hill and the motion passed 5-0.

23  
24 Kane made the motion to appoint Sue Glennon, Ken Nussbaum, Linda Parent, Justin Spence, Donna  
25 Niquette, Barb LaPlant, Reggie Mobbs, John Durant, Rick Niquette and Norman Perkins to one-year  
26 terms on the Parade and Fireworks Committee, stating that the Board will resolve the liaison issue at  
27 the next meeting, seconded by Bressor, and the motion passed 5-0.

28  
29 Kane made the motion to appoint Carole Furr to a three-year term as a Town Fence Viewer and to  
30 add Jared Katz if he gets in touch with the Town before the next Selectboard meeting, seconded by  
31 Hill, and the motion passed 5-0.

32  
33 Bressor made the motion to appoint Geoffrey Urbanik as the Emergency Management Coordinator  
34 and Linda Parent as the assistant Emergency Management Coordinator for one-year terms,  
35 seconded by Hill, and the motion passed 5-0.

36  
37 May made the motion to appoint Jeff Forward for a one-year appointment as Energy Coordinator,  
38 seconded by Hill, and the motion passed 5-0.

39  
40 May made the motion to appoint Jay Furr for a one-year appointment as the Weigher of Coal,  
41 seconded by Hill, and the motion passed 5-0.

42  
43 Sander discussed the Inspector of Lumber, Shingles, and Wood. John Kart is seeking reappointment  
44 and Brian Carpenter is a new applicant for the one-year position. Kane said that the Board needs to  
45 find out how many terms John Kart has served and also if both applicants wish to come before the  
46 Board at the next meeting.

47  
48 May made the motion to appoint Matt Leonetti for a one-year appointment to the position of Tree  
49 Warden, seconded by Kane, and the motion passed 5-0.

50  
51 Hill said that he thought the Civil Defense Director and the Emergency Management Coordinator  
52 might be redundant. Sander said he would speak to Urbanik and table the motion. May said that if the  
53 vacancy persisted, that he would be willing to fill it.

1 Kane made the motion to reappointment Niels Rinehart as Emergency 911 Coordinator for a one year  
2 appointment, seconded by Bressor, and the motion passed 5-0.

#### 3 4 **Possible Change of Liaison Duties**

5 Bressor and Hill raised the point that May is the Liaison to the State Legislature while planning to run  
6 against the present Representative for Richmond, and that this relationship was problematic. May  
7 said that he understood that withdrawing from the position of Liaison to the State Legislature might be  
8 the prudent thing to do. Hill recommended that the Board therefore change May's role.

9  
10 Kane made the motion to appoint Hill to be the Liaison to the State Legislature for the Town of  
11 Richmond, switching May for Hill, Bressor seconded, and the motion passed 5-0.

12  
13 Kane made the motion to appoint May as the Liaison to the Parade and Fireworks Commission,  
14 seconded by Bressor, and the motion passed 5-0.

#### 15 16 **Status Report re: Creamery Project**

17 Bohne said that negotiations are continuing. Sander asked if there was a deadline of May 1<sup>st</sup> and if  
18 there has been movement. Bohne said that the EPA had a deadline but that the EPA will hold on if  
19 negotiations are happening and there is the possibility of movement. Also, Bohne explained that  
20 Buttermilk has pushed back their deadline.

#### 21 22 **Reconsideration to Approve Bordeaux Lien Payment**

23 Ms. LaBounty said that she is saddened that Habitat for Humanity closed on a piece of property with  
24 a lien on it and that their attorney allowed them to close on the property. Particularly after they had  
25 come before the Board to ask that the lien be forgiven. She asked how the property could close if  
26 there was a lien on the property. She also explained that she was not willing to accept that the Town  
27 might have to hire a lawyer, spending Town money. Ms. LaBounty explained that the deed should  
28 never be filed with the Town.

#### 29 30 **Re-Adoption of Local Emergency Operations Plan**

31 Hill moved to re-adopt the Local Emergency Operations Plan, seconded by Kane, and the motion  
32 passed 5-0.

#### 33 34 **Reports from Selectboard & Interim Town Manager**

35 Bohne said that the Town received a Class II Highway Paving Grant for \$175,000. Bohne announced  
36 that this will be his last Selectboard meeting. The Board expressed their gratitude for his service and  
37 commended him for his work.

#### 38 39 **Approve Minutes of 4/18/2016**

40 Bressor moved to approve the minutes from the April 18, 2016 Selectboard meeting, seconded by  
41 Hill, and the motion passed 5-0.

#### 42 43 **Approve Warrants**

44 Hill made the motion to approve Purchase Order #2621 for the lease of two police cruisers for a term  
45 of three years for \$70,515.98, seconded by Bressor, and the motion passed 5-0.

46  
47 Hill made the motion to approve Purchase Order #2589 for \$3001.12 for tires for the excavator, pick-  
48 up, and the trailer, seconded by Kane, and the motion passed 5-0.

49  
50 Bressor made the motion that the Selectboard make a specific finding that premature public  
51 knowledge and discussions concerning the estate of the Steven Bordeaux matter pending in the  
52 Vermont Superior Court Chittenden Unit Probate Division in which the Town is a party and  
53 confidential attorney/client communications made for the purposes of providing a professional legal  
54 service to the Selectboard regarding the foregoing, would clearly place the Town of Richmond and  
55 the Selectboard at a substantial disadvantage. Kane seconded the motion, and the motion passed 4-



1 0 to enter into executive session for said purposes. Hill abstained, explaining that he was not sure  
2 how it would disadvantage the Selectboard.

3  
4 Ms. LaBounty expressed frustration that the Selectboard has done everything in public concerning  
5 the lien on the Bordeaux property but now the Selectboard has to go into executive session to  
6 discuss collecting the money. Such a move, she said, would only serve to protect Habitat for  
7 Humanity and the Bordeaux family. Bohne said that there is a deeper issue at play. He explained that  
8 he himself and the Board did not understand the subtleties of the situation that the Town and Board  
9 were in. Bohne said that this was not a clear cut situation in which the Town was owed \$20,000 plus  
10 interest. The Town needs to talk to the Town Attorney to fully understand what options there are so  
11 that the Board can make a reasoned decision.

12  
13 Ms. LaBounty asked if this attorney was the same one that advised the Town to clean up the  
14 Bordeaux property and place the lien. Kane explained that Bohne is saying that there is additional  
15 information and nuances that the Board needs to discuss. Houle said that she thought it was not right  
16 that Habitat for Humanity came in asking for forgiveness of the lien when it was the Bordeaux family  
17 that owed the money. Mr. LaBounty asked if there was going to be a decision and Bohne said that the  
18 Board can make a decision or not make a decision.

19  
20 Bressor made the motion to move into executive session to discuss the Bordeaux property lien under  
21 the provisions of 1 V.S.A. 313 subsection A1. The motion was seconded by Kane and the motion  
22 passed 5-0.

23  
24 **Adjourn to Executive Session re: Bordeaux Property**

25  
26 Hill made a motion to exit executive session. The motion was seconded by Kane and the motion  
27 passed 5-0. Kane made a motion to request \$20,000, plus three percent interest and legal fees as  
28 payment on the lien on the Bordeaux property. May seconded the motion and the motion passed 5-0.

29  
30 Hill made a motion to adjourn. May seconded the motion and the motion passed 5-0. 10:17pm  
31