

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

5 Members Present: Chris Granda; June Heston; Neil Boyden; Amy Lord; Ashley Lucht
6 Absent: None
7 Others Present: Geoffrey Urbanik, Town Administrator; Mary Houle; Gary Bressor;
8 David Sunshine; Cathleen Gent, Town Planner; Gwynn Zakov, Zoning
9 Administrative Officer; Linda Parent, Town Clerk; John Mudgett;
10 Bonnie Lesage; Kasie Enman; Martha Keenan; Bruce and Sheila
11 Bailey; Marcy Harding; Harold Irish; Paulita Irish; Derek Harndon;
12 George Bevis; Kathryn Bevis; Cara LaBounty; Kim Moreno, Financial
13 Director; Lisa Liberty, Treasurer and Ruth Miller was present to
14 videotape the meeting for MMCTV Channel 15.

15 Chair Granda called the meeting to order at 6:15 PM. Chair Granda explained that the Selectboard
16 would enter an Executive Session to discuss personnel matters, specifically the reappointment of the
17 Zoning Administrative Officer, Gwynn Zakov and Acting Zoning Administrative Officer, Cathleen
18 Gent. Gary Bressor, Planning Commission Chair and David Sunshine, Development Review Board
19 Chair would also be present for this executive session.

20 **1. Executive Session**

21
22 Ms. Lucht offered a motion to enter an executive session to discuss personnel matters at 6:21 PM and
23 was seconded by Ms. Heston and the motion carried 5-0.

24
25 At 6:48 PM Ms. Heston offered a motion to adjourn the executive session and reconvene the public
26 session and was seconded by Ms. Lord and the motion carried 4-0-1 with Ms. Lucht abstaining due to
27 her temporarily leaving the room. Ms. Lucht returned prior to the start of public comment.

28
29 **2. Welcome and Public Comment**

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31 Chair Granda announced that the Zoning Administrative Officer, Gwynn Zakov, had submitted her
32 resignation to the Selectboard, in order to provide her with more time to study for the upcoming BAR
33 exam. This is a difficult position for the town to fill and he asked that this subject be further agendized
34 to discuss plans for the position.

35
36 Cara LaBounty asked what the town was thinking of doing, reorganizing the position? Chair Granda
37 said that the position is currently 16 hours per week and we needed to know if that was enough time to
38 perform the job. The Town also wanted to make sure that businesses are dealt with in better way and
39 how could we improve.

40
41 The Administrator stated that a recruitment would be started, with a job advertisement and a search
42 committee similar to what was done three years ago when Ms. Zakov was hired.

43
44 Mary Houle asked if there was more discussed than this subject and Chair Granda said no.

45
46 Chair Granda asked if there were any other comments for items not listed on the agenda. Cara
47 LaBounty asked who currently was assistant Town Treasurer. Lisa Liberty answered that she has
48 asked a couple of people to do this but not yet appointed anyone. Cara LaBounty said to the
49 Selectboard that she was interested in this position.

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2 **3. Presentation of FY2011 Audit - Mudgett, Jennett, Krogh-Wisner**
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4 John Mudgett and Bonnie Lesage of Mudgett, Jennett, Krogh-Wisner, the Town's Auditors, came
5 forward to answer questions about the town's FY2011 audit, and to discuss their findings.
6

7 Ms. Heston asked if there is usually a tighter timeframe for the audit.
8

9 John Mudgett said that they were scheduled to begin in August of 2011, but finished in February of
10 2012. He said that the town's records weren't ready for the audit, and the reasons why were noted in
11 the back of the audit report. Mr. Mudgett noted several of the comments, particularly the material
12 weaknesses including a lack of training for the new Financial Director and the fact that bank
13 reconciliations weren't completed at the time they came in August.
14

15 The Administrator explained that the town staff wanted to separate the duties of bank reconciliations
16 out of the Financial Director's office, and the Town Administrator was the agreed upon person to do
17 these, and he struggled to get the bank reconciliations completed in a timely manner. This has since
18 improved and he said that they have become easier and quicker to complete this year.
19

20 Mr. Mudgett continued and said there was some starting and stopping before the audit could be
21 completed. This was mostly due to having entries straightened out prior to the audit being able to be
22 completed. The town is be provided a list of items required to provide prior to the audit team coming
23 in to begin work.
24

25 Ms. Lord asked if the previous year's finances weren't in the same condition? Mr. Mudgett said that
26 the prior year's adjustments were around 17 as opposed to the 90+ adjustments required this year.
27

28 Lisa Liberty said that there had been no prior training, and the procedures for the Financial Director to
29 follow weren't there ahead of time.
30

31 Mr. Mudgett noted that one of their findings was that the town had hired someone who wasn't trained
32 to perform the duties right away. Mr. Mudgett then read Comment 11-2 on this subject.
33

34 Chair Granda asked if the town was bringing in resources to address these deficiencies.
35

36 The Administrator explained that when Ms. Moreno was hired the town knew that she would require
37 additional training, and that no one on-site was able to provide much of the training and it would be a
38 trail and error learning process, and a difficult one. Ms. Moreno had received training from NEMRC,
39 the town's financial software company, the Vermont Government Finance Officer's Association and of
40 course, the auditors.
41

42 Ms. Lord asked how the findings were listed. Mr. Mudgett explained that the material weaknesses
43 were the most significant, and then significant deficiencies and then other findings.
44

45 Chair Granda asked if the town was on the right track to improvement. Mr. Mudgett said that he
46 would need to come in and look to find this out, but the Selectboard can communicate with the
47 auditors at any time.
48

49 Ms. Lord said that this was a high priority for an early review.
50

1 George Bevis said that financial controls were lacking. He was concerned about comingling of funds
2 and that it might be a crime. He referred to the double paying of an invoice and a statement as serious.
3

4 Chair Granda explained that the Selectboard knew that Ms. Moreno needed training and that the town
5 was prepared to support her while she got familiar with the systems. He suggested that with the extra
6 money spent on the audit could they have hired someone, the answer is probably yes, and probably
7 someone with an accounting degree.
8

9 Cara LaBounty said that she applied for the job.
10

11 George Bevis said that this was financial mickey mouse. He asked what were the additional audit
12 fees? Mr. Mudgett estimated about \$10,000 more than was anticipated. Mr. Bevis had heard that it
13 would be more.
14

15 Mr. Bevis added that he didn't agree that fuel usage should be on the honor system, and that not
16 keeping copies of utility bills was bad. He was upset that this was not taken more seriously.
17

18 Chair Granda said that citizens have the right to scrutinize the government's operations. The
19 Selectboard made a decision and the transition had produced some difficulties.
20

21 The Administrator responded that while the financial recording errors were a result of the hiring
22 decision, the policy issues were long-standing with the town, and should not be pinned on Ms.
23 Moreno.
24

25 Ms. Heston said that this needed to be looked at sooner in the year.
26

27 Mr. Bevis asked why these weren't identified until now. He said that to get these fixed is costing the
28 town money.
29

30 To illustrate the difficulty in finding qualified personnel, Ms. Heston asked if an accountant for the
31 auditor would be willing to work for the town for what the town was paying.
32

33 Cara LaBounty said she sat in an interview, and was hurt and insulted she wasn't offered the position.
34 She felt the town needed the best qualified person but was not alone in this thought. She had a
35 daughter graduating with an accounting degree, and had classmates that needed jobs. The town
36 shouldl adjust the pay, and the Town Administrator should not be doing the bank reconciliations.
37

38 Ms. LaBounty continued and said that the auditors have come forward, and it was an embarrassment
39 to say that we have hired the wrong person. There were still problems. She said it was fine for the
40 town to be a training ground for police, but not financial personnel. She said there were lots of
41 colleges that had graduates. She added that Ms. Moreno was in an accounting class with her son, and
42 called for her to be demoted to bookkeeper.
43

44 Kathryn Bevis said to Ms. Heston that she had seen one audit on the board last year, and this was
45 important and she had the power to make decisions. She said she needed to recognize when someone
46 could not do the job.
47

48 Paulita Irish said that she heard that a vendor had received 3-4 checks for the same bill, and they were
49 double paid.
50

1 Mary Houle said that recommendations came from the auditors but there was no accounting for gas
2 cards. To say that this needs to be developed, and mention the Selectboard's "special meeting"
3 (regarding an interview for Chief of Police), mistakes were made on payroll and perhaps the town
4 made a mistake.

5
6 Mr. Bevis asked John Mudgett what his opinion was on the financial condition - if it was a qualified
7 opinion. Mr. Mudgett said it was not a qualified opinion. Mr. Bevis asked if this was a private
8 corporation would this opinion be a qualified opinion and Mr. Mudgett said that there was no adverse
9 opinion about the financial statement and disclosures. It was more that the audit process this year was
10 long and tedious.

11
12 The Administrator said that many of the deficiencies have been corrected and the town is producing
13 draft financial statements now. Chair Granda added that the Selectboard needs to go over this with
14 staff and make sure we're on the right track.

15
16 Mr. Bevis asked Mr. Granda if his business went through this, would he keep the employee.

17
18 Cara LaBounty thanked the auditors for cleaning things up. She hoped things might get better. She
19 said it was ok if the town wanted to train up a zoning administrative officer. She asked who was
20 preparing the spreadsheets, who was advising the Selectboard and have they seen any analysis based
21 on projections?

22
23 Chair Granda said that they received financial reports from the Town Administrator. Ms. Moreno
24 prepares these reports.

25
26 There were additional comments from the audience related to performance of the Financial Director.

27
28 Chair Granda said that this was a useful discussion, and that more needed to be held in future
29 Selectboard meetings.

30
31 Mr. Mudgett said that the Selectboard had to make sure things were being done, and set objectives.
32 He would be available for future discussions and would be looking for draft statements in a couple of
33 months.

34
35 The Administrator noted that the auditors had prepared a draft contract for the current fiscal year,
36 FY2012. The Administrator noted that he was pleased with the auditors and recommended the
37 contract.

38
39 Chair Granda asked how long had the auditors been with the town, and how often should they be
40 changed; noting that tonight's discussion didn't place them in any negative light.

41
42 Ms. Heston said that five years is typical.

43
44 Mr. Mudgett said that often 3-5 year proposals were done. They had just completed a three-year
45 proposal, and suggested that the town shouldn't change auditors in the middle of correcting a problem.

46
47 There was some discussion of timing and preparation. The auditors wished to come in an assess the
48 town's preparedness in May or June.

49

1 Ms. Heston offered a motion to approve the contract with Mudgett, Jennette, Krogh-Wisner for the
2 FY2012 Audit at a price range of \$20,000 - \$25,000 and was seconded by Mr. Boyden and the motion
3 carried 5-0.
4

5 Chair Granda said that due to the time schedule were there any items that may be deferred. The
6 Administrator suggested the Athletic Event Policy, Town Appointments and Emergency Management
7 could be deferred.
8

9 Bruce Bailey said that regarding the neighbor problems with the Chittenden County Fish and Game
10 Club, could he speak on that now instead of waiting. Chair Granda allowed this. Mr. Bailey said that
11 the club was facing a \$100/day fine and asked what the basis was.
12

13 The Administrator said that it was provided for in the zoning regulations.
14

15 Mr. Bailey said that if this was levied, it would shut down the club. He hopes it would not happen.
16 He offered to show the Selectboard the club facilities and show them what goes on, and let them shoot
17 if they liked.
18

19 Chair Granda said that for the public record, the issue for the residents wasn't the noise of guns, but
20 was the amount of noise. Mr. Bailey said he didn't understand, since in 1976 they had 1,500 - 2,000
21 members and now only have about 500-700 members and how could there be more noise. He couldn't
22 understand how the environmental court came to the conclusion that its use had expanded.
23

24 **4. Other Business**

25 Green Mountain Athletic Association Round Church Run

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27
28 Kasie Enman Wallace and Martha Keenan were present to explain their request for the Round Church
29 Run this year. Last year's race had Cochran Road closed for one hour and they again requested this for
30 their race, to be held on August 25th. They reported that their only feedback was positive for last
31 year's race.
32

33 The Administrator stated he had few complaints.
34

35 Ms. Lord asked if they would post the road as to be closed, and Ms. Enman said that they would on the
36 day before.
37

38 Mary Houle asked for the date and time, and Ms. Enman said August 25th from 8:25 AM - 9:30 AM.
39

40 Mr. Boyden asked if it was rain or shine, and they said there was no rain date, only lightening would
41 cancel the race.
42

43 Ms. Lucht offered a motion to approve the GMAA Round Church Run request as written and was
44 seconded by Ms. Heston and the motion carried 5-0.
45

46 Appointment of Acting Zoning Administrative Officer

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48 Cathleen Gent recapped the terms of her original appointment, and that with Ms. Zakov leaving it
49 would be her that would fill in until a permanent Zoning Administrative Officer was hired.
50

1 Ms. Houle asked if this would generate overtime hours. The Administrator stated that it could
2 generate overtime hours. Ms. Houle said that in that case she would not recommend the hire of Ms.
3 Gent because of cost.

4
5 Bruce Bailey asked if the Administrator was interested in the position and the Administrator said no.

6
7 Marcy Harding said that the money was in the budget for the hours for the current ZAO and if Ms.
8 Gent needed overtime then the town should pay.

9
10 Ms. Heston offered a motion to appoint Cathleen Gent as Zoning Administrative Officer for a three-
11 year term beginning April 23, 2012 and expiring April 22, 2015 and was seconded by Ms. Lord and
12 the motion carried 5-0.

13 Economic Development Committee

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15
16 Ms. Lord explained that after the last meeting she had talked about reinventing the Economic
17 Development Committee with the Richmond Area Business Association. Their desire was to help
18 work on the new zoning regulations and suggest some changes that might help the business
19 community. There was additional discussion.

20
21 Mary Houle said that membership was limited to Richmond Residents only.

22
23 Ms. Lord said that it was also business owners in Richmond who did not live in Richmond.

24
25 Bruce Bailey said that recruitment for committees was difficult, and suggested recruitment be offered
26 at the July 4th parade with signup sheets. Chair Granda agreed.

27 Approval of Change Orders #19 and #20 for Jericho Road

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29
30 The Administrator explained that Change Order #19 was for the School Street improvements that had
31 been agreed to in principal but never formalized. The sidewalk work was about to be completed and
32 this was necessary to proceed. The Administrator also explained that a new catch basin was needed on
33 the downhill side of Harold Irish's driveway, where the original plan showed two pipes coming
34 together but they do not work well in the field, and this change would be forthcoming.

35
36 Mr. Boyden asked how much contingency was left, and if the sidewalks would be covered.

37
38 The Administrator would provide an updated contingency number.

39
40 Ms. Lord said that while the sidewalk needs to meet with the school's, it is coming along fine.

41
42 Mr. Boyden offered a motion to approve Change Order #19 for School Street improvements related to
43 Jericho Road in an amount of \$35,705 and was seconded by Ms. Lucht and the motion carried 5-0.

44 High Risk Rural Roads Grant Program

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46
47 The Administrator explained that the Regional Planning Commission had identified Wes White Hill as
48 qualifying for a study for signage improvements, in the vicinity of Stonefence Road. This wasn't
49 necessarily a dangerous stretch of roads but for some reason it was one of only two roads in the

1 County that qualified for this grant. The Regional Planning Commission was requesting that we
2 endorse the grant application.

3
4 Ms. Heston offered a motion authorizing the Administrator to sign the High Risk Rural Roads Grant
5 Program application endorsement and was seconded by Mr. Lucht and the motion carried 5-0.

6
7 **Work Within the Right of Way Permit for Waitsfield Telecomm**

8
9 The Administrator explained that this permit was for work on Kenyon Road for Waitsfield Telecomm
10 to install an underground conduit diagonally across the road at 1245 Kenyon Road.

11
12 Ms. Lucht asked if the town had any other underground facilities in this area and the Administrator
13 replied no.

14
15 Ms. Heston offered a motion to approve a Work within the Right of Way permit for Waitsfield
16 Telecomm and was seconded by Mr. Boyden and the motion carried 5-0.

17
18 Approval of Minutes: March 22, 2012

19
20 Ms. Lucht offered a motion to approve the minutes of March 22, 2012 and was seconded by Ms. Lord
21 and the motion carried 3-0-2 with Mr. Boyden and Ms. Heston abstaining.

22
23 Approval of Minutes of April 2, 2012

24
25 Ms. Lord noted several edits. Ms. Heston offered a motion to approve the minutes of April 2, 2012 as
26 amended and was seconded by Mr. Boyden and the motion carried 4-0-1 with Mr. Granda abstaining.

27
28 **5. Administrator's Report**

29
30 The Administrator reported that the Highway Department would begin their Summer work schedule
31 on April 27th, and start their 10-hour days. He added that the gravel plan included Dugway Road,
32 Wes White Hill and if possible Stage Road would be addressed.

33
34 The Administrator presented the revised Highway Equipment and Fire Truck notes, with corrected top
35 sheets. These had been previously approved, but this required signatures.

36
37 Ms. Heston offered a motion to approve note 116092027 from Merchants Bank in the amount of
38 \$112,187 for the purchase of a Highway Truck, five years at 2.32%. Ms. Lord seconded the motion,
39 and the motion carried 5-0.

40
41 Ms. Heston offered a motion to approve note 116092084 from Merchants Bank in the amount of
42 \$311,879.89 for four years, at 2.32% Ms. Lucht seconded the motion and the motion carried 5-0.

43
44 Status of DFIRM Appeal

45
46 The Administrator explained that the appeal had been submitted to FEMA and received, and the Letter
47 of Map Revision was in the process of being completed. The Administrator had a copy of the appeal,
48 but full-size maps were not yet provided to the town by the engineer.

49
50 Marcy Harding suggested that this information be placed on the website.

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Animal Control

The Administrator explained that the town was having some difficulty this year with loose animals and unlicensed animals. He requested the ability to explore some options in resolving these issues.

Mary Houle asked what the current animal control officer wasn't doing. There was some discussion on improvement. Chair Granda directed the Administrator to develop a proposed solution.

Repair of Fays Corner Bridge

The Administrator explained that the bridge on Hinesburg Road at Fays Corner had been damaged. Highway Foreman Peter Gosselin had prepared a purchase order from two bid results, Parent Construction and Dirt Tech.

Mr. Boyden asked if the results were copied. The Administrator said that he had not been provided with copies of the bid results. Mr. Boyden suggested this item be tabled until the written scope of work was obtained and the results of the bid shown.

Executive Session to discuss Pending Litigation - Chittenden County Fish and Game Club

Ms. Heston offered a motion to enter an executive session at 9:30 PM to discuss the Chittenden County Fish and Game Club pending litigation and was seconded by Mr. Boyden and the motion carried 5-0.

At 9:50 PM Ms. Heston offered a motion to adjourn the Executive Session and reconvene the public session and was seconded by Ms. Lord and the motion carried 5-0.

Motion to conditionally suspend the \$100 per day fine imposed on the Chittenden County Fish and Game Club by the Zoning Administrative Officer

The Administrator explained that with ZAO's recent Notice of Violation issued to the club called for a \$100/day penalty for not complying with the regulations. Since this was pending mediation, which the town was a part of by way of the Selectboard, the proposal was to conditionally waive the imposition of the penalty pending the mediation.

Mr. Boyden offered a motion to conditionally suspend the fine as explained and was seconded by Ms. Heston and the motion carried 5-0.

Lisa Liberty, Town Treasurer, announced her resignation. She felt that the people in office should be trusted and did not want to be a part of the accusations made here tonight. She offered to stay on until the end of May. She said some things got twisted, and people were representing journal entries as crimes, and evidence that she was not a good accountant. Ms. Moreno was ridiculed and the scene was pathetic.

Ms. Heston said that everyone had a voice, but it was not the behavior that we expected. Ms. Heston asked if Ms. Liberty was able to double-check Ms. Moreno's work at all, and it was needed. Ms. Heston thought that Ms. Liberty's help was needed here.

1 Mr. Boyden seconded Ms. Heston's comments. This audience wasn't letting the town represent the
2 whole picture, and the Selectboard needed several meetings to explain what actions are being taken.

3
4 Ms. Liberty added that this group of people wasn't being productive, but vindictive.

5
6 Ms. Lord said that she would repeat what Ms. Heston and Mr. Boyden said, and it sounds like the
7 town is moving in the right direction.

8
9 There was a question about a double payroll. The Administrator explained that no one got paid twice,
10 it was an error that was caught the same-day and corrected prior to payroll clearing. This was what
11 was supposed to happen, a mistake was caught, corrected on the same day and no problem resulted.
12 The fact that a mistake was made should not be the focus, it should be the fact that it was corrected
13 quickly.

14
15 Chair Granda hoped Ms. Liberty would reconsider. He thought that many of the comments were an
16 unfortunate result of town politics. He wanted to bring stability to the board, and felt people needed to
17 be treated with respect and problems addressed the correct way.

18
19 **6. Adjourn**

20 Motion by Mr. Boyden to adjourn the meeting at 10:00 p.m. Seconded by Ms. Lucht. So voted.