

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
J u n e 1 9 , 2 0 1 2 M I N U T E S

Members Present: Chris Granda, Chair; June Heston, Vice Chair; Neil Boyden; Amy Lord; Ashley Lucht
Absent: None
Others Present: Geoffrey Urbanik, Town Administrator; Mary Houle; Jon Kart; Tyler Gingras, Green Mountain Engineering; Harold Irish and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Chair Granda called the meeting to order at 6:30 PM.

1. Welcome and Public Comment

Chair Granda asked if there were any comments from the public, but there were none.

2. Treasurer Discussion

Ms. Lucht said that she, Jon Kart, Lisa Liberty, Kim Moreno and the Administrator met last week to discuss a proposed job description for the Town Treasurer. Ms. Lucht reviewed the proposed description with the Selectboard, including essential frequent duties, essential infrequent duties and nonessential duties.

Jon Kart said that the statute gives authority for most of what is in the job description, but the statutes don't recognize that a town might employ a financial person. How much do we want our treasurer to do?

There was some discussion. Mr. Boyden noted that the Selectboard should approve on investments, not the Town Manager. Ms. Lord asked if VLCT's Bill Hall should be consulted on our proposal.

Ms. Heston said that this was an oversight position in Richmond, and four to five hours per week should be enough. There is nothing saying that the Treasurer needs to work with the auditors.

Ms. Lucht said that Lisa Liberty noted that the Finance Director worked with the auditors, as the audit usually took place during working hours.

Chair Granda said that the Selectboard needed to fill the position, and asked if this description was far enough along to facilitate recruiting for the position.

Ms. Lucht said that they were still working on revisions but what exists now should work fine to give an idea of what is expected.

Ms. Heston asked the Administrator if he saw any conflicts with what was proposed and the Town Manager position. The Administrator said that there were no apparent conflicts of authority.

Chair Granda asked if this could be revised and brought back for the July 2nd meeting. Chair Granda asked if anyone was not planning on being in attendance at the July 2nd meeting, and it appeared that no one had any plans to be away.

1 Chair Granda suggested that from now on, all Selectboard meetings start at 7:00 PM. Ms. Lucht
 2 offered a motion to begin all regular Selectboard meetings at 7:00 PM and was seconded by Mr.
 3 Boyden.

4
 5 Ms. Lucht suggested that all Water Commissioners meeting start at 6:00 pm, since there was often
 6 business that would run over into Selectboard meeting time.

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 8 The motion on the Selectboard meeting time carried 5-0.

9
 10 **Financial Reports**

11
 12 The Administrator explained the updated budget status and budget-to-actual reports provided by the
 13 Financial Director. The budget status had been annotated to explain significant variances in budget
 14 lines, and the budget-to-actual report had been corrected.

15
 16 There was some discussion about why the police revenues were so high, and the Administrator said he
 17 suspected that fire department revenues were included, and that the new note for the fire truck was
 18 included in that line.

19
 20 Ms. Lucht asked if the Selectboard would get this for the Water and Sewer fund as well, and the
 21 Administrator said they would.

22
 23 **Transfer Resolution for Rainy Day Fund**

24
 25 The Administrator read the resolution:

26
 27 WHEREAS, in June of 2011 the Richmond Selectboard did transfer unexpended budget balances from
 28 the Highway Gravel and Retreatment budget lines into the Rainy Day Reserve; and

29
 30 WHEREAS, the stated intent at that time was to utilize these funds in the following fiscal year to catch
 31 up on the road gravel and retreatment plans; and

32
 33 WHEREAS, during the course of the current fiscal year the Highway Department has performed extra
 34 work beyond the approved budget to make progress on the gravel and retreatment plans,

35
 36 NOW, THEREFORE, BE IT RESOLVED by at least 2/3 of the Richmond Selectboard that it hereby
 37 authorizes the use of the Rainy Day Reserve by way of withdrawal of funds to offset certain
 38 overexpenditures in the Highway Gravel and Retreatment budget lines for FY2012 as follows:

39

40	Gravel Overexpense	\$82,395
41	Retreatment Overexpense	\$22,031
42		
43	Account	Amounts to Transfer
44	11-6-50-1-99.10 Miscellaneous Revenue	\$104,426
45	40-2-50-7-01.00 Rainy Day Fund	\$104,426
46		

47 Ms. Heston offered a motion to approve the Transfer Resolution and was seconded by Ms. Lord and
 48 the motion carried 5-0.

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2 **Other Business**

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4 **VACTOR Memorandum of Understanding**

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6 Ms. Lucht said that she had spoken with Jim Pease, who said that in 2008 or 2009 the town had
7 committed to this project. The project had been revised, since Stowe had withdrawn from the
8 consortium. Therefore, full time staffing was not needed and the equipment was no longer a truck but
9 a trailer mounted vactor. Johnson Town would maintain and house the trailer, and it would be used in
10 warm weather only. There was a shared calendar for the use. The only outstanding issue unresolved
11 was the disposal of sediment, which could be an added cost for the towns. Costs would be reevaluated
12 every year.

13
14 Ms. Heston asked what was the lifespan of the equipment. Ms. Lucht was not sure, but maybe 10
15 years. Ms. Heston asked if private disposal costs were not the same as would be the towns. Ms.
16 Heston said that over a five year period the vactor purchase was significantly more expensive than
17 remaining with a private contractor.

18
19 Ms. Houle said that the town should look into composting the soils collected. She said that this could
20 render some volatile organic compounds inert. The town previously had a contaminated soil pile, and
21 the town had treated the soil this way. She asked if the soil was to be transported if the truck had to be
22 covered.

23
24 There was some additional discussion and the issue was to come back at the next meeting.

25
26 **Jericho Road and J. Hutchins**

27
28 Tyler Gingras from Green Mountain Engineering was present to explain the two pay requests and the
29 final disposition of the work on Jericho Road by J. Hutchins, Inc. Mr. Gingras explained that the
30 original contract was \$1,401,000, with a 10% contingency value of \$140,000. With change orders and
31 adjustments for unused contract quantities, the final value of the contract was \$1,501,550 or \$39,450
32 less than budgeted. The main savings was in ledge removal, where the contractor was able to utilize
33 the existing pipe trench through the ledge and additional removal was not necessary.

34
35 Mr. Gingras also explained that substantial completion had been reached, and the one-year warranty
36 period was in effect as of June 18th. There was also a list of items required to be completed, referred
37 to as a punchlist. Pay request ten was for the completion of the work, and pay request eleven was for
38 the release of retainage. Mr. Gingras noted that two property pins needed to be reset, and there were
39 some outstanding water work items. Mr. Gingras recommended that the town continue to hold 1.25%
40 retainage, and release the balance of the 5% retainage that it was currently holding.

41
42 Mr. Boyden asked if there was a way to recoup the engineering costs related to the punchlist
43 completion and Mr. Gingras said that GME was not charging for the oversight of these items.

44
45 Ms. Heston asked what was in the contract regarding the release of retainage. Mr. Gingras said there
46 was no real agreement on how long to hold the retainage, and the town could continue to hold the 5%
47 if they chose.

48

1 There was a discussion of liquidated damages. Mr. Gingras explained that this was an incentive to
2 finish the work, however, the work was substantially complete and the holding of retainage would be
3 enough to guarantee the completion of the work.

4
5 Ms. Lucht asked if warranty items were for one year and Mr. Gingras said yes. The Administrator
6 asked if liquidated damages can be assessed on warranty items and Mr. Gingras said no, and again the
7 retainage was the incentive to complete the work.

8
9 Chair Granda said he would not support releasing the retainage until all work is done. He wasn't
10 advocating for liquidated damages at this point but would withhold the retainage. Mr. Gingras noted
11 that pay request ten did not release any retainage and recommended the approval of that payment.

12
13 The Administrator noted that two change orders must be approved to make the pay requests balance.
14 The Administrator presented Change Order #21 in the amount of \$4,550.00 for the retaining wall and
15 Change Order #23/24 to balance the final quantities, reducing the contract value by \$75,768.94.

16
17 Ms. Heston offered a motion to approve Change Order #21 in the amount of \$4,550.00 for the
18 retaining wall and was seconded by Ms. Lucht and the motion carried 5-0.

19
20 Harold Irish pointed out that his property markers were disturbed and who would pay for their repair.
21 Mr. Gingras said that Stuart Morrow was going to reset the markers and J. Hutchins would pay for
22 this.

23
24 Mr. Gingras explained that Change Order #23 yielded a less expensive contract. Ms. Heston offered a
25 motion to approve Change Order #23, reducing the contract value by \$75,768.94 and was seconded by
26 Ms. Lord and the motion carried 5-0.

27
28 Ms. Lucht offered a motion to approve Pay Request #10 in the amount of \$195,701.37 and was
29 seconded by Ms. Heston and the motion carried 5-0.

30
31 Chair Granda said that Pay Request #11 would not be acted upon at this time.

32
33 Harold Irish said that Vermont Gas had installed their stubs too far off the side of the road, and they
34 intruded into one of the drainage swales created by this project. Mr. Irish asked that these pipes be
35 relocated out of the ditch. The Administrator said that he would make sure this happened.

36 37 Smoking Policy

38
39 The Administrator explained that he had made the changes suggested at the last meeting. There was
40 some discussion that this policy was not yet ready to be finalized.

41
42 Chair Granda asked if the policy had been reviewed by Mark Sperry and the Administrator said no.
43 Chair Granda suggested some ways to clean up the language.

44
45 Ms. Heston asked if this was an employee only policy, and if it covered employees on break. The
46 Administrator said that this was for employees only and when employees were on break they were still
47 covered by the town's employment policies.

48
49 Mary Houle said that the town needed to eliminate smoking on all town property.
50

1 Chair Granda said that the policy required revision and should come back on the July 2nd agenda.

2
3 Document Policy

4
5 The Administrator explained that the Selectboard had requested a way to keep certain documents that
6 were being created or drafted by staff, or by hired consultants, privileged until the Selectboard
7 determined that they were ready for the public. The intent was to keep unfinalized documents from
8 becoming subjects of public debate prior to the Selectboard examining them.

9
10 Chair Granda asked if this had been developed by Mark Sperry and the Administrator said yes, he had
11 worked with Mark Sperry on these.

12
13 Ms. Lucht said that the Selectboard is trying to control the release of documents, but at what point
14 does a document become a public record?

15
16 The Administrator suggested that is what the Selectboard is trying to determine with this policy.

17
18 Cara LaBounty asked if this was strictly for policies or would it cover more than that. Chair Granda
19 said that it would cover all interdepartmental communications, as defined in the policy.

20
21 Cara LaBounty asked if the emails were confidential? She said that this makes it appear that the
22 Selectboard is only bringing things once they have been finalized. If all documents have to go to the
23 Selectboard first then the policy overreaches.

24
25 Chair Granda said that the Selectboard needs to develop a position on these items.

26
27 Ms. Lucht asked at what point will this become a public discussion?

28
29 Ms. LaBounty said that the Selectboard should label items as “draft” before the Selectboard and public
30 see them.

31
32 Chair Granda said that the Selectboard needed to define what was appropriate, and Ms. LaBounty
33 replied that the Selectboard needed to define what was really confidential.

34
35 Chair Granda directed that this item be placed on the website, and also brought back for the July 2nd
36 meeting.

37
38 Short Term Debt Policy

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40 The Administrator explained that as a result of the last meeting’s discussion on the Selectboard’s
41 voter-approved authority to borrow money not exceeding \$150,000 payable over not more than five
42 years there were questions on the limits of that authority. The Administrator said that prior to this no
43 limits had been examined and the origins of this authority lied in the purchase of highway equipment.
44 This has since carried over to other projects, such as roadwork and planning and engineering projects.
45 The Selectboard should have a discussion on the limits of this authority or how they would like to see
46 it used.

47
48 Chair Granda said he would like to see a debt ceiling on short-term debt.

49

1 Ms. Heston asked if there were any guidelines on debt ratios? Ms. Lucht said she had reviewed the
2 statute and it mentioned a 10-1 debt ratio which sounds too high. She said the town should adopt a
3 calculation, and the next step might be the town's own ratio cap on borrowing.

4
5 Mr. Boyden asked what the league had, and requested an updated debt schedule. This item would be
6 brought back at future Selectboard meetings.

7
8 Approval of Minutes: June 4, 2012

9
10 Mr. Boyden offered a motion to approve the minutes of June 4, 2012 and was seconded by Ms. Lucht.
11 There was some discussion, and Ms. Lucht said that following the close of the meeting there was a
12 discussion about short term borrowing that should be included in the minutes even though it was after
13 adjournment.

14
15 The Administrator requested that the minutes be tabled so that the minutes could be properly amended,
16 and the Selectboard agreed.

17
18 Ms. Heston asked about two Bay State elevator invoices and the Administrator said they were for both
19 the Library and Town Center.

20
21 Mr. Boyden asked to look into Clark's Truck Center invoices and said that we should be paying the
22 discounted amount if it was offered.

23
24 **3. Administrator's Report**

25
26 The Administrator reported that Jericho Road was substantially finished. There were some items left,
27 but the road was complete and open and he thanked everyone for their patience. The Administrator
28 also reported that the Browns Court waterline project was scheduled to begin construction on June 25th
29 and would take about six weeks. The Bridge Street Bridge would unfortunately not be completed by
30 July 4th. The state's engineer gave assurances that both lanes of the bridge would be open for the
31 parade.

32
33 The Administrator reported that TD Bank was now charging the town fees according to a formula that
34 included transaction volume and a minimum balance. The fees were amounting to about \$5,000 per
35 year and the town had not budgeted for this. The Selectboard discussed this and agreed that the town's
36 banking options needed to be examined.

37
38 The Administrator noted that the proposed zoning regulations were scheduled for presentation to the
39 Selectboard in July. Chair Granda brought up the option of having a special meeting for this on July
40 23rd and the Selectboard agreed to hold a special meeting for this purpose.

41
42 Harold Irish asked why a couple of driveways on Jericho Road were not paved. The Administrator
43 said that these two homeowners demanded that their driveway aprons not be paved.

44
45 Mr. Boyden asked who the new president of Richmond Rescue was, but no one knew.

46
47 Approval of Warrants

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49 There was discussion on whether the Selectboard needed to formally vote on warrants or simply
50 approve by signing. It was agreed that their signature constituted approval of the warrant.

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Chair Granda called for an executive session to discuss personnel items.

Cara LaBounty asked where the town would stockpile vector spoils and said that the town had other stockpiles in the floodplain, where they should not be. The Administrator said he'd look into it.

Ms. Lord asked for a future agenda to discuss use of salt on the road over the Winter.

Mr. Boyden said that the League should also be scheduled to provide transition training for the Town Manager form of government. He noted that he, Chair Granda and the Administrator were having a meeting with Williston's Town Manager to discuss transition issues.

Ms. Heston offered a motion to enter an executive session at 8:55 PM to discuss personnel issues and was seconded by Mr. Boyden and the motion carried 5-0.

At 9:30 PM Mr. Boyden offered a motion to adjourn the executive session and reconvene the regular session and was seconded by Ms. Lord and the motion carried 5-0.

4. Adjourn

Motion by Mr. Boyden to adjourn the meeting at 9:30 p.m. Seconded by Ms. Lord. So voted.