

**RICHMOND SELECTBOARD MEETING
MARCH 21, 2016 MINUTES**

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

Others Present: Paul Bohne, Interim Town Manager; Cara and Bruce LaBounty; Mary Houle; Linda Parent; David Mullin; Heidi Bormann; Niels Rinehart, Minutes; Ruth Miller for MMCTV Comcast 15

Welcome and Public Comment

Mr. Sander discussed Geoffrey Urbanik's surgery and recovery, wishing him well on behalf of the Board and said that he is missed. Mr. Sander introduced new board member Steve May and asked for public comment. Ms. LaBounty asked if the Board would consider postponing the reorganization of the Board for a three month period until Mr. Urbanik returns. Ms. Houle echoed Ms. LaBounty's comments.

Mr. LaBounty said that re-appointments are on the agenda and that the Planning Commission has three appointments that are due but that they cannot complete them until the Selectboard makes their appointments. Mr. Bohne said that he would research Mr. LaBounty's question before the next meeting and would contact people on boards that are appointed and ask them if they want to be re-appointed. Mr. Bressor said that perhaps the town should advertise the appointments on Front Porch Forum. Mr. Sander apologized for any slights the Board's oversight may have caused.

Reorganization and Town Committee Liaisons

Mr. Hill explained that the Board needs to appoint a chair, a vice-chair, and the Board liaisons. Mr. Hill said that he was not interested in the position since he was very busy as chair of the Water and Sewer Commission. Mr. Bressor, Sander, and Ms. Kane expressed support for the suggestions raised by Mr and Ms. LaBounty and Ms. Houle. Mr. Sander and the other members said that he was open to the will of the Board. Mr. Bressor said that he believed the Board should move ahead with the appointments. Mr. Hill asked the Board if anyone on the Board wanted to become chair or should the Board retain Mr. Sander as the chair. Mr. Sander said that he would be willing to help out with the new chair. Ms. Kane said she had been asked to move up to becoming chair but that she was willing to support Mr. Sander as chair until Mr. Urbanik's return. The Board discussed the timing of Mr. Urbanik's return.

Mr. Bressor made the motion to continue the Board's current organization in respects to chair and vice-chair until the Town Manager returns full-time from medical leave. Mr. Hill seconded the motion and the motion carried 5-0.

Ms. Kane made the motion to appoint David Sander as the liaison to the Police Department, Administration, Finance, and the Fire Department; Bard Hill as the liaison to the Assessor, and Water Resources; Steve May as the liaison to the Library, State Legislature, Planning Commission, Development Review Board, and the Energy Committee; Ellen Kane as the liaison to the Town Clerk, Economic Development, Delinquent Tax Collector, and the Western Slopes Business Association; and Lincoln Bressor as the liaison to the Highway Department, Conservation Commission, Trails Committee, and Recreation. Mr. May seconded the motion and the motion carried 5-0.

Town Attorney Appointment

Ms. Kane made the motion to reappointment Mark Sperry as Town Attorney. Mr. May asked when the Town last put the Town Attorney appointment out to bid and how is the process accomplished. Ms. LaBounty asked if the Town could reappoint Mark Sperry until Geoffrey Urbanik returns. Mr. Hill and Ms. Kane agreed that it would be best to reappoint Mark Sperry until the time that Geoffrey Urbanik returns. Mr. Hill discussed the growing use of open competitive bidding in government but he thought

1 it was advantageous to keep consistency during the present interim period. Mr. Bressor said that
2 although lawyer's rates are high, there is an advantage in maintaining council that already has a good
3 handle on what's going on in the Town. Mr. May asked if the Town could partner with other towns to
4 purchase a block of legal services. Mr. Hill said that such a consideration would require greater
5 discussion since it's a complicated process in terms of what gets shared and how, what's allowable
6 and what's of interest.

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8 Ms. Kane made the motion to reappoint Mark Sperry as the Town Attorney with a review on June 6th
9 at the Selectboard meeting. Mr. Sander seconded the motion and the motion passed 5-0.

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11 Mr. Hill made the motion to amend the prior appointments with the date specificity of Geoffrey
12 Urbanik's return or June 6th, whichever occurs first. Mr. Sander seconded the motion and the motion
13 passed 5-0.

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15 Mr. Hill made the motion to appoint Mr. Sander as the Selectboard representative to Richmond
16 Rescue. Ms. Kane seconded the motion and the motion passed 4-0.

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18 Mr. May asked if there were appointments for the Emergency Management Coordinator and the Civil
19 Service Coordinator. Mr. Bressor said that Geoffrey Urbanik was responsible for that position. Mr. Hill
20 suggested that it might be helpful to review the current appointments and time frames at a future
21 meeting. Mr. Bohne said that he would provide a list at the next meeting. Mr. Sander asked if Mr.
22 Bohne was assuming Geoffrey Urbanik's roles for these two positions. Mr. Bohne said that no, he had
23 not been appointed. Mr. Bohne asked if there was a deputy or an assistant to these two positions.
24 Ms. Kane asked if Mr. Bohne could look into those questions and Mr. Hill said that these would be
25 important issues to raise at the next meeting. Mr. May raised the question that what would happen if
26 something did happen that required a response from these positions. Mr. Bressor said that he
27 believed the Town was in good hands with the staff including Carol Mader and other staff as well as
28 the Police and Fire chiefs. Mr. Bohne said that he would be available should anything happen. Mr.
29 May said he did not doubt the abilities of the town's staff but he was concerned that if something
30 should happen that the Town might suffer from an Al Haig moment in which many people, all with the
31 best of intentions, tried to take charge. Ms. Borhman suggested that Linda Parent should be the point
32 person. Mr. May asked Ms. Parent is she would be willing to take on that responsibility. Ms. Parent
33 said that she would follow-up with Geoffrey Urbanik and that they had both been to trainings about
34 incident commanders.

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36 Mr. Bressor made the motion that the Board appoints Ms. Parent as the Backup Emergency
37 Management Coordinator. Ms. Kane seconded the motion and the motion passed 5-0.

38 Approval of Liquor Licenses

39 Ms. Kane made the motion to approve the liquor licenses as a block. Mr. Hill seconded the motion
40 and the motion passed 5-0.

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43 The members of the Board then signed the licenses.

44 Habitat for Humanity Request for Release of Town Lien re: Bordeaux

45 Mr. Mullin presented himself and his organization, Green Mountain Habitat, an affiliate of Habitat for
46 Humanity. Mr. Mullin explained that they have made an offer to Mr. Bordeaux who is handling the
47 estate. Mr. Bordeaux has said that he needs to walk away with \$55,000 so that the cost of the
48 property would then be \$55,000 plus the \$20,000 that is owed to the town. Mr. Mullin is asking if the
49 town could decrease the amount owed to the town so that Green Mountain Habitat would then only
50 have to pay the \$55,000 to Bordeaux and then up to \$20,000 (whatever portion the Town agreed to)
51 to the Town.

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54 Ms. Kane expressed her admiration for the work that Green Mountain Habitat does, but said that she
55 had reservations about the request since it appeared to her that Mr. Mullin was negotiating on behalf

1 of the owner, putting Mr. Mullin in the middle, since it's the owner that is going to profit off the sale.
2 Mr. Mullin suggested that it was a win-win situation since Green Mountain Habitat would get to
3 purchase the house, the owner would get what he needed, and the town would get the \$20,000 it was
4 owed. Mr. Hill explained that he felt this approach was a backdoor way to help the owner who failed
5 to clean up the property so that it had to be cleaned up at the Town's expense. He also asked where
6 the figure of \$55,000 was coming from. Mr. Mullin explained that the property is listed at \$89,000 and
7 that the figure of \$55,000 was derived through negotiating between the owner and Green Mountain
8 Habitat. Mr. May asked if the owner or Green Mountain Habitat carried the taxes. Mr. Mullin explained
9 that the homeowner would carry the taxes.

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11 Ms. Houle expressed her admiration for Green Mountain Habitat but said that the Bordeaux family
12 had ample opportunity to help Steve Bordeaux when he was in need. Now that he is deceased the
13 family is trying to profit off the property and they are asking Mr. Mullin to speak on their behalf. The
14 lien was put on the property because of the responsibilities that the Town had to assume. Ms. Houle
15 asked that the town not grant the waiver and that it was the responsibility of the Bordeaux family to
16 come before the Board with the petition.

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18 Ms. Parent agrees that Mr. Mullin is in a tough spot but she said that the Town contacted the
19 Bordeaux family when Steve Bordeaux was in trouble but no one from the family would come forward
20 to help him. Steve Bordeaux had a lot of issues as a disabled veteran and lots of people in the Town
21 helped him out but that it took \$20,000 of the Town's money to take care of the property. Ms. Parent
22 also explained that the land has been assessed at \$54,200 and then with the improvements of water
23 and sewer, the price is at \$70,000. However, Ms. Parent explained that no one knows what the
24 condition is of the water and sewer. She said that she does not want the Selectboard to rescind the
25 lien because the Town would never get the money that it was owed. Ms. LaBounty voiced her support
26 for Green Mountain Habitat and the work they do but said that she also thought the Town should not
27 rescind the lien, saying that with the lien in place, the Green Mountain Habitat could return to the
28 Bordeaux family and use the Board's decision as a negotiating tool. She said that since this land is an
29 inheritance, there is no bottom value beyond which they cannot go. Ms. LaBounty also said that the
30 mobile home that stood there was only for two bedrooms and that this was an important factor to
31 remember. She recommended that when dealing with the condo association of which the Bordeaux
32 property was a part of, to remember to negotiate and to have the survey completed since the mobile
33 home was within the right-of-way. She asked that the Board uphold the lien since the only people that
34 were not helping Steve Bordeaux out were his family, the people that are now looking to profit off the
35 property. Mr. May stated his support for Green Mountain Habitat and their effort to create affordable
36 housing. In addition, he asked if the Board could make it a mission to support affordable housing
37 within the community, saying that affordable housing has been a recurring theme in the planning
38 process that has been ongoing. Mr. Bressor said that he felt the issue of affordable housing was a
39 topic that should be addressed within the Town's planning process and that he agreed with the
40 opinions that had been expressed. He also said that rescinding the lien would be considered a
41 charitable contribution and should therefore go through the regular process for charitable
42 contributions which includes placing it in the budget to be approved by the people of the Town during
43 the Town meeting. Ms. Kane said that there is a process for a non-profit to apply for a grant through
44 the Town and that Town goes through this process every year. Ms. LaBounty added that Mr. Mullin
45 was here on behalf of the owner although he was the buyer and that the Town could not forgive the
46 lien because the buyer asked for it. The property owner has to request it. Ms. Kane said that she
47 wished there was more they could do but that Mr. Mullin was not the one to be asking for the
48 forgiveness of the lien. Ms. Houle said it is the responsibility of the present owners to pay-off their
49 debt and so it is the responsibility of the Bordeaux family to petition the Board. Mr. Sander said he
50 could not add to anything that had been said and that he asked that Mr. Mullin not take what had
51 been said to express a lack of support for the work of Green Mountain Habitat. Ms. LaBounty
52 repeated that once the heirs realize the Town is not going to rescind the lien that Green Mountain
53 Habitat should negotiate. The Board thanked Mr. Mullin for his time.

Appointment of Delinquent Tax Collector

Ms. LaBounty said that when the position went from an elected to an appointed position that there had been some discussion concerning the 8.00% penalty that was being paid on collection of the funds. The discussion had been that the Town should change to an hourly amount since the point had been to keep more of the revenue in-house. Since the Town offers the Town's facilities for her use, that the Town was supposed to revisit the 8.00% penalty not being as her fee and now becoming an hourly fee for delinquent tax collectors and then keep some of that penalty revenue in-house to pay for the overhead. Ms. Kane said that LaBounty's point was important to raise and that it should be put back on the agenda but that she didn't want to discuss it now. LaBounty said that the Board has been putting-off this discussion for three years but that her taxes continue to rise when this change could result in more revenue. Mr. Hill asked to look at what revenue had been paid out to the Delinquent Tax Collector and Ms. Kane asked to have this question put on the agenda and then to have some actual numbers to discuss. She asked if Mr. Bohne could go back and look into it. Ms. Houle suggested speaking to Fran Thomas concerning this matter, saying that she has the knowledge base and could contribute. Ms. Bormann asked about the high number of people that were refinancing these days and if the Delinquent Tax Collector got the 8.00%. Mr. Hill said that yes they did. Mr. LaBounty asked why the position was not being advertised.

Mr. Hill asked to table the motion to appoint Laurie Brisban as the Delinquent Tax Collector and to raise it again at the next Selectboard meeting with some facts about payments and cost. Ms. Kane seconded the motion and the motion passed 5-0.

Reports: Selectboard and Interim Town Manager

Mr. Bohne commented on how cordial and helpful everyone has been and that he intends to maintain a schedule of Monday afternoons and Wednesday mornings, although he will have other office hours as well. He said that the issue of the Creamery has been the dominant issue he's been dealing with so far, saying that he would have a report during the Executive Session for the Board. Mr. Bohne said that he believed the chance for development at the Creamery was an opportunity that the Town does not want to let pass. He explained that a high number of people have put time into this project and if it falls through now it would be very hard to come back to it again. Mr. LaBounty said that the Planning Commission was afraid that if the negotiations between Buttermilk Construction and the property owner do not work out that the grant opportunity will be lost. The hope of the Planning Commission was that the Town was the first on the grant so that if Buttermilk and the property owner was not able to come to an agreement, that the Town would not lose out. Ms. Kane added that the grant was very competitive and the fact that the Town got the grant money to clean it up that now there is a pause on the deal. Mr. LaBounty said that the fear on the Planning Commission is that now that the grant is won, that the owner will raise his prices. He said his concern is that the grant is not contingent on Buttermilk making this happen. Ms. Kane added that the grant was not just about the clean-up. Mr. Bressor also added that the grant was to the Town for \$500,000. Ms. Borham reiterated that the Town is going to benefit since the grant was written to the Town. Ms. Kane said that grant was given based on a plan that was submitted and she doesn't know what would happen if the plan didn't work out. Mr. Bohne said that Buttermilk is technically the sub-grantee and there will be separate agreements made with both the Town and Buttermilk. Mr. Bohne explained that there should be no false impression that the Town is fully in the driver's seat and that the project could fall apart. In addition, he explained that the town cannot go into an agreement with Buttermilk unless Buttermilk is in an agreement with the property owners.

Ms. LaBounty asked if Mr. Bohne was aware that FEMA elevation applications had been approved for a total of 17 properties, all mobile homes in the mobile home park. She said that the next project is to create an RFP to hire a contractor to do the project. She did not think that the Board should wait for the return of Geoffrey Urbanik to start that process. Ms. LaBounty said that the process involved 75% of the funding coming from FEMA and the other 25% coming from the property owner. But in order for the property owner to say yes, we need to know what the real number is. The project involves the temporary relocation of people while the work is underway. Mr. Bressor asked for clarification about the Town's role in the process and Ms. LaBounty explained that the Town is the sub-grantee

1 according to FEMA. In the past, she explained, the Selectboard has appointed her to oversee the
2 projects. The only thing the town has to do now is to go through the RFP process and hire the
3 contractor. Ms. LaBounty explained that previously she had been working through this process with
4 Geoffrey Urbanik and that the funds flow through the Town of Richmond. Geoffrey Urbanik can sign-
5 off on everything and since Ms. LaBounty is doing all the work, the Town has limited need for
6 involvement and that Clare Rock does not need to be involved. She said that the Town has
7 approximately nine properties that are pending historical review. Ms. Kane suggested that Mr. Bohne
8 meet with Ms. LaBounty. Ms. LaBounty asked if the Board was comfortable with her meeting with Mr.
9 Bohne. Ms. Kane wanted Mr. Bohne to tell the Board if he could fit this project into his schedule. Mr.
10 Bohne and Ms. LaBounty agreed to meet. Ms. Houle explained that Ms. LaBounty has been the go-to
11 person since Tropical Store Irene and that she has also worked with the Town of Bolton.
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13 Minutes

14 Mr. Sander made a motion to approve the draft minutes from the February 16, 2016 meeting. Ms.
15 Kane seconded the motion and the motion was passed 5-0.
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17 Mr. Sander made a motion to approve the draft minutes from the February 29, 2016 meeting. Ms.
18 Kane seconded the motion and the motion was passed 5-0.
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20 Mr. Sander made a motion to approve the draft minutes from the March 7, 2016 meeting. Ms. Kane
21 seconded the motion and the motion was passed 5-0.
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23 The Board signed warrants supplied by Mr. Bohne.
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25 Mr. Hill replaced his previous motion with the motion that premature knowledge about the Creamery
26 parcel negotiation's status and grant would cause the Town or other persons to possibly suffer a
27 substantial disadvantage. Mr. Bressor seconded the motion and the motion passed 5-0.
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29 Adjourn to Executive Session

30 Mr. Hill made a motion to enter into Executive Session to discuss the Creamery parcel and grant
31 under the provisions of 1VSA313A2 and 1VSA313A1 and that the Board include the interim Town
32 Manager in our Executive Session. Ms. Kane seconded the motion and the motion was passed 5-0.

