

**Brandon Select Board Meeting
May 27, 2014**

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

In Attendance: Devon Fuller, Blaine Cliver, Ethan Swift, Dave Atherton, Maria Ammatuna

Also in Attendance: Robin Bennett, Tracy Wyman, Richard Baker, Cindy Bell, Linda Stewart, Jeff Stewart, Allan Leavitt, Arlyn Bloodworth, Jack Fillioe, Dick Kirby, Lee Kahrs, Steve Bisette, Bernie Carr, Phyllis Reed, Chris Brickell, Nancy Fisher, Wayne Rausenberger, Kathy Rausenberger, Norm Milot, Bill Moore, Nancy Jakiela, Charles Jakiela, Doug Bailey, Bruce Edwards, Judy Bunde, Sarah Carrara

1. Call to order

The meeting was called to order by Maria Ammatuna at 7:03PM.

a) Agenda Adoption – Motion by Blaine Cliver/Dave Atherton to adopt the agenda, as amended. **The motion passed unanimously – 3 to zero.**

It was requested to reverse Items 15 and 17 and add Item 18 as a 4th executive session to discuss personnel.

2. Consent Agenda

a) Select Board Meeting Minutes – May 12, 2014

Motion by Blaine Cliver/Ethan Swift to approve the minutes of the May 12, 2014 Select Board meeting. **The motion passed unanimously – 3 to zero.**

b) Select Board Town Plan Re-adoption Hearing Minutes – May 12, 2014

Motion by Dave Atherton/Ethan Swift to approve the minutes of the May 12, 2014 Town Plan Re-adoption Hearing. **The motion passed unanimously – 4 to zero.**

c) Select Board Meeting Minutes – May 19, 2014

This item was postponed for approval at the next Select Board meeting.

3. Public Comments for Items not on the Agenda

Residents of Steinberg Road requested the Select Board consider reducing the speed limit on their road to 25mph, as they are concerned for the safety of their children. A petition was submitted to the Select Board signed by residents of Steinberg Road. It

was also recommended to place a speed bump at the beginning of the road. Ethan Swift asked Chief Brickell if he is aware of complaints concerning this issue and he was not aware of any complaints. He noted there is an issue with one individual that operates a motorcycle on this road. Chief Brickell also noted there is a state requirement that a Traffic and Engineering study would need to be done to reduce the current 35mph speed to 25mph. It was noted that part of the road is seasonal, which causes part of the problem where recreational vehicles come down the road illegally or trucks that come down the road to unload recreational vehicles. The issue is mostly related to ATV, motorcycle and recreational vehicles. A "Children at Play" sign is posted on the road, but it is quite old. Maria Ammatuna asked the Town Manager to look into whether the town has a "Children at Play" sign available. Ms. Ammatuna stated there could also be cones placed on the lawns to note the houses that have children. Ethan Swift advised Mr. Sanderson had made recommendations regarding Class 4 roads and the more a road is improved, the more use it gets and Mr. Swift is not sure what recommendations Mr. Sanderson has made regarding this road. It was noted there is a section where the potholes are very deep and if that portion could be put into a speed bump, it would take care of the speeders coming down the road with recreational vehicles. Ms. Ammatuna suggested Ms. Bennett look into the possibility of the path being chained off at the end of the season. It was noted the issue is not as severe in the winter months, but it is quite busy in hunting season. Mr. Swift stated traffic is a concern, as there is a salvage yard request for this road, which will be discussed later in the agenda.

Sarah Carrara asked when it was the proper time to discuss the sewer rate increase and Ms. Ammatuna advised this will be discussed during the Sewer Commissioners' meeting, immediately following the Select Board meeting.

Steve Bissette, resident of Barlow Avenue, questioned why the Town was paying extra to do a job that should have been completed last year. He has a trench near his driveway and was advised by Mr. Sanderson a month ago that it was going to be fixed. Ms. Ammatuna suggested for future reference, when someone has an issue with a member of the Town's staff, the Town Manager should be the first point of contact and if a resolution has not been reached, the Select Board should be advised. Ethan Swift stated the reason this contractor was chosen was due to the specialized equipment required and additional storm water work that needed to be done. Ms. Ammatuna requested Mr. Bissette provide this information to Ms. Bennett and she will work with Mr. Sanderson. Mr. Bissette also noted the budget has gotten way out of hand and the increased sewer rates topped it off.

Allan Leavitt stated the road vibration on Conant Square still persists.

Jeff Stewart stated VTrans has a Bicycle and Pedestrian Program that has \$4 million in grants and the town could be an eligible applicant. Mr. Stewart and Anne Bransfield attended the required training and were advised that the grant is available for scoping or design construction. It was noted that funds could potentially be available through the Safe Routes to School Program. A meeting is scheduled for Thursday at 7:00PM at

Stephen A. Douglas House to get the ball rolling. The deadline to apply for this program is June 27th. The intent would be to apply for a scoping grant, which normally costs around \$20,000.00 to \$35,000.00 and if awarded the grant, the Town would need to pay the 10% match of \$2,000.00 to \$3,500.00 around September. Currently, Anne Bransfield, Blaine Cliver and Debbie Boyce will attending the meeting and Mr. Stewart encouraged anyone who is interested in this subject to attend.

4. Town Manager's Report

Robin Bennett stated some spring maintenance has been done in the downtown area and beyond. The retired police cruiser has been advertised on Craig's List. The culvert inventory will be completed by June 6th and the data will be used in the project scheduling. Dave Atherton reported there is a hole in the water fountain in Central Park. Ethan Swift asked if there are additional grading plans and Ms. Bennett reported there is a schedule being developed for more grading and all roads will get some attention. A suggestion was made to post the schedule on the Public Works section of the web site and to provide updates in The Reporter.

5. FY 14/15 Budget

Wayne Rausenberger stated the Board should give thought to adding the cost of rent for the town office since the insurance money will run out at the end of the year and it does not appear that there will be enough time to get the project completed.

Doug Bailey thought it is questionable to increase the budget from the last time. He stated the Town has not moved forward with regard to health insurance costs and he questioned why consideration has not been given to reducing a person. He noted that no business now funds health insurance benefits 100%.

Steve Bissette asked if the Town would be in as much trouble if the Hannaford project and the other project north of Brandon had been approved. If the projects had gone through, it would have increased the grand list. Mr. Bissette stated that it would have also provided more jobs and he has not heard of anything more coming into this town and is concerned the town is dying. The town used to support itself and many now go to Rutland to shop. Ethan Swift stated the Brandon plaza project was not approved, but the grocery store was approved. Maria Ammatuna stated Hannaford's purchased their building at a higher than assessed value that did increase the list. Mr. Swift stated the plaza would likely have brought new clients, but there are still empty store fronts downtown and he does not believe the project would have changed the economic position that the town is in. Devon Fuller stated the former economic development coordinator was instrumental in bringing Chef Robert to town and changes in the economy are going to be piecemeal. The jobs that are created in small communities are usually started by people in the community. The infrastructure has to be solid to create, grow and sustain businesses. The Town needs to support the businesses that are here by providing the services the businesses are looking for. Judy Bunde stated one of the critical reasons the owner of the new bookstore chose Brandon was the grocery store

downtown. She stated missing the grand list was one thing, but there are other people paying taxes in town that would not have wanted it. Maria Ammatuna stated people need to make a commitment to shop in their town in order for their town to grow business.

Tracy Wyman asked if the Board has given thought to what they are going to do if this budget does not pass. Maria Ammatuna stated the \$70,000.00 is still being discussed and the Board has not chosen a date to vote. If there is not an approved budget by June 30th, there has to be a determination of what services are the priorities. Mr. Wyman asked if other alternatives have been considered. All board members have met with individuals to discuss the budget. Mr. Fuller stated the majority of the people he has spoken to have been supportive of the last budget, but it is important to educate the public about the budget. Mr. Fuller does not see lowering it any further than the last time it was voted and raising it might have been a mistake. He has been working on budgets over the last 2 budget cycles and there needs to be a certain budget to keep the amenities that the people want. Phyllis Reed was glad to hear that the \$70,000.00 increase is being reconsidered, as she thought this was absurd, as the majority of the people do not want the increase. Ms. Reed thought the Select Board would have a better chance of the budget passing at the same rate.

Jack Fillioe echoed Ms. Reed's sentiments. Mr. Fillioe thought as a result of the legislative session, the school taxes will come down dramatically and with this reduction, the total taxes will likely be around \$138/\$100k, rather than the proposed \$184/\$100k. Mr. Fillioe believes the same budget presented with a lower final tax rate would have a better chance of passing. Ms. Ammatuna noted the presentation had included all components of Brandon's tax bill; however, the information from the state was not available at the time. Mr. Fuller noted the Town's portion is less than the schools. The health insurance cost will not be known until union negotiations are completed, which will include wages, working hours and benefits. The Select Board will also look into contracting out grading. Doug Bailey stated he has brought up the issue of health insurance several times and it has not been addressed; and this needs to be addressed across the board for both the municipality and the schools. Mr. Bailey does not like to see the road crew being reduced and the police department has been developed into an excellent department. Blaine Cliver suggested the Chair request the Town Clerk/Treasurer work up a new sheet outlining what the voters will be paying for discussion at the next meeting. Cindy Bell felt the budget was too low because it would not fund the services that are now being received. Nancy Jakiela asked if it would be possible to vote separately on the additional items to allow people to vote on the basic budget and decide if they also want the additional funding. Bernie Carr stated the revenue shortfall is the beast in the budget and with economic development officer gone, he thinks it is important to stay on top of economic development. He advised Kevin Elnicki is prepared to do something with the Aubuchon Block, which could be an increase to the grand list. Mr. Elnicki is looking for some tax stabilization and if this is something that could be offered, it could potentially improve this building for additional uses. In protecting the process, the true shame of the Hannaford's process was it took so long for something to come from the state and the developer had to go too long to

get something done. Hannaford's was actually the ones who backed out of the project and whether one was for or against it, something should have been said to the state, as this delay should not have happened. Mr. Carr stated the Town needs to protect the process all the way through for businesses to want to come to town.

Maria Ammatuna stated funds will be reviewed to determine if non-active areas could be placed back into the General Fund. Mr. Fuller stated it appears there are some wages from economic development, zoning administration and the part-time code enforcement position that could be brought back into the General Fund. Robin Bennett stated the goal is to hire a zoning administrator as soon as possible and as far as economic development fund, it is not anticipated to have a lot of money left in that area. There has been significant overtime in the zoning administration line and Public Works was known that it would go over budget, but having a respite with the zoning administrator salary will assist in that area. Maria Ammatuna would like to determine the accounting format that the Board would like to see going forward. The Board would like a management summary and Ms. Bennett stated she can provide a one-page summary. Ms. Bennett will work with Mr. Cliver on the type of format the Select Board would like and Mr. Cliver requested the Board provide him with details of what they would like to see on the report.

Maria Ammatuna noted the Friends of the Town Hall have requested an encumbrance of \$8,657.19 for the FY15 budget.

Motion by Blaine Cliver/Devon Fuller to encumber \$8,657.19 for the Friends of the Town Hall into the FY15 budget. **The motion passed unanimously – 4 to zero.**

Ms. Ammatuna stated there are two board members who are not comfortable with the additional \$70,000.00. Devon Fuller questioned whether the matching funds for the bike path scoping work would be due in the next fiscal year and Mr. Stewart advised if the grant was applied for and approved, the funds would be due in FY15. Mr. Fuller noted the Town needs matching funds for projects like this one. A scoping project had been considered two years ago and the grant had not been applied for because there were no funds. Maria Ammatuna asked if there is a way to have a portion of the budget to be restricted for matching funds. Robin Bennett advised the Board could designate money to go into a reserve for matching grants. Ms. Ammatuna asked if a reserve fund could be included as a separate article for voting purposes. Ms. Ammatuna questioned if this year's budget will be a break-even or if there is potential for a deficit. Ms. Bennett stated there is potential for a deficit, but everything is being done to break even. Mr. Fillioe stated according to statute, if there is a deficit, the Town automatically will have to tax an additional 5% until the deficit is cleared. Ms. Ammatuna asked if the rule would apply if there is not an approved budget and Mr. Cliver did not think that it would apply. Ms. Ammatuna stated the Select Board wants to mitigate the possibility of a deficit. Robin Bennett stated it is not known that there is a true deficit until well into the next fiscal year. The fund balance budgeted for this year was not completely there and she does not want to end in a deficit situation, but the risk is more in the non-operating issues which are related to the FEMA projects. She stated the operating budget is close. If

there was a deficit, it would be quite small. Ms. Bennett stated there will be a good idea as far as operations, but it will not be known until the audit is done. Mr. Fuller asked if money has to be borrowed to pay down a deficit and Ms. Bennett stated a small amount could be made up over time. The budget that was voted down at the last vote was a bottom line budget with no frills. Ethan Swift stated the Board also does not know what the anticipated revenues will be and strategies could help mitigate this situation. Dave Atherton asked if the Town is going to be having a similar discussion next year. Ms. Bennett stated the current budget gives solid revenue projections and a solid operating budget. Ms. Bennett stated there is an obligation to accurately fund the services.

The Board made a recommendation to go forth with a budget the same as the last vote and to add three additional articles that would include a \$20,000.00 Grant-opportunity Matching Reserve Fund to be restricted for matching grants, a \$15,000.00 Emergency Fund and a \$25,000.00 Capital Improvement Fund. It was noted the budget is as minimal as possible, without losing services. Devon Fuller stated a Capital Improvement Plan has been discussed for years. Ethan Swift stated some grant funding programs are based on towns having a Capital Improvement Plan in place and this Plan has been part of the Select Board's matrix. Mr. Fuller stated the Select Board had asked the town manager to develop a Capital Improvement Plan and this will be a good way to start the funding for it.

Bernie Carr liked the idea of breaking out the additional budget items and encouraged the Select Board vote by machine, rather than paper ballot.

Robin Bennett proposed setting the Town Meeting for June 23rd and the voting for June 24th, which should provide enough time to have the ballots printed.

6. Town Meeting Warning

Motion by Devon Fuller/Blaine Cliver to put forth a budget in the amount of \$3,218,670.00, with an amount to be raised by taxes of \$2,613,995.00. **The motion passed unanimously.**

Motion by Devon Fuller/Dave Atherton to add three separate Articles to be voted on; 1) a \$20,000.00 Grant-opportunity Matching Reserve Fund, 2) a \$15,000.00 Emergency Fund and 3) a \$25,000.000 Capital Improvement Fund. **The motion passed unanimously – 4 to zero.**

Motion Blaine Cliver/Devon Fuller to hold a town meeting on June 23, 2014, followed by voting on June 24, 2014. **The motion passed unanimously.**

7. Recreation Background Check Policy

The Board will receive a draft policy on background checks in the next Board packet, as it had been inadvertently omitted.

Motion Devon Fuller/Blaine Cliver to table this item for discussion at the next Select Board meeting. **The motion passed unanimously – 4 to zero.**

8. Glebe/Lease Lands

Robin Bennett reported the Town has interest in Glebe/Lease lands and the Select Board has received a request from a property owner for the Town to release the property to enable the property owner to obtain mortgage insurance. The town can release the property through a quit claim deed or a regular release of the real estate. The Town's attorney has reviewed this document and is agreeable to either Option 1 or Option 2, with the condition that the Town would be reimbursed the attorney's fee for reviewing the information. The property owner's attorney stated he is not aware of any towns collecting lease payments for decades because the amounts were so small and was outweighed by the cost of administering the funds. Most towns are moving towards cleaning up these title issues. It was noted there was a Supreme Court decision that a town could not spend the money collected in perpetuity; only the interested earned on the money paid in could be spent. Title insurance companies do not want to insure over these. Ethan Swift expressed concern that the Town has an ordinance indicating a hearing is required for any land the Town conveys. It was noted that the Town would not be conveying the property; it would just be taking the Town off the deed so that the property is owned outright by the owners.

Motion by Devon Fuller/Dave Atherton to approve Option 2 presented, after it has been clarified that a hearing is not required. **The motion passed unanimously.**

Robin Bennett will review the town ordinance tomorrow and will execute the document if a hearing is not required.

9. Certificate of Approval for Location of a Salvage Yard

It was noted there are no current zoning violations. Tracy Wyman stated Mr. DeWitt has sold parts from this area for many years. Linda Stewart asked why this application came to the Select Board rather than to the DRB, as she is not sure what the zoning is there. Ethan Swift stated this is for a reauthorization from the state and is required to be acted upon by the Select Board. There had been some prior violations on Paint Works Road and the recommendation is that any approval be in compliance with current zoning regulations.

Motion by Dave Atherton/Devon Fuller to approve the Certificate of Approval for Thunder Towing, based on the information provided and with the condition that they comply with the zoning regulations regarding a salvage yard. **The motion passed unanimously – 4 to zero.**

Motion by Dave Atherton/Ethan Swift to approve the Certificate of Approval for the salvage yard at 393 Steinberg Road with the same condition that they are in compliance

with zoning regulations regarding a salvage yard and comply with the speed regulation. **The motion passed unanimously – 4 to zero.**

Mr. Swift stated there was concern raised during the Public Forum concerning the traffic issues on Steinberg Road.

10. Rutland Regional Planning Commission Appointment

Motion by Devon Fuller/Ethan Swift to approve the appointment of Dave Atherton as Brandon's Regional Planning Commission Representative and Richard Baker as the Brandon's Alternate Representative. **The motion passed unanimously – 4 to zero.**

11. Town Office Project

Robin Bennett has spoken with the state regarding the oil tank issues. The gentleman who will be making the decision will review this information to assure that Brandon complies with the grant that is being applied for. Steve Carr has been asked to have a discussion with the person at the Environmental Agency. Ms. Bennett will be doing her portion of the grant application this week and will follow-up with Mr. Carr as to whether he has contacted the Environmental Agency. The Town has to do testing for the clean-up project and if it comes back acceptable, that project will be considered closed. It is known that the town hall will be an ongoing issue. Devon Fuller asked if the two projects are being separated; Ms. Bennett stated as of right now they are not, but it is known that there needs to be clarification between the two projects.

12. Waterline/Segment 6/Bridge 114 Projects

Robin Bennett reported she received a draft contract and a revised letter from O & K clarifying the per hour charge.

Motion by Devon Fuller/Dave Atherton to accept the contract from O &K as presented. **The motion passed unanimously – 4 to zero.**

Blaine Cliver stated it is a much better contract that has limits. Devon Fuller requested clarification of properties for complete appraisals and Ms. Bennett advised they have identified the likely suspects. Ms. Bennett advised she also received a draft letter from Mr. Burke regarding the jurisdictional determination. Blaine Cliver stated the letter looks good and he proposed that Robert Black and he review the document with the intent of mailing it by Friday. Maria Ammatuna stated some of the items eliminated from the determination include the Stephen A. Douglas area, the sidewalk near the post office, and the LED lighting. Ethan Swift stated the letter does not clarify the amendment process. Ms. Bennett stated these are just the non-Act 250 amendment items. Blaine Cliver stated the curve line adjustment (Item #11) was not going to be included, however, Ms. Bennett noted it was included. The removal of the Park Street traffic light is being struck and the Town would have to proceed with an Act 250 amendment for this. The amendment would only speak to that issue and the Town would have the

opportunity to withdraw any recommended amendment. Mr. Cliver stated all of the data suggests that the traffic light is not required and he suggested that once this document is through the process that an Act 250 amendment could be submitted for it. Ms. Ammatuna stated the Town is trying to understand all elements of the project that will not reopen Act 250 hearings. The Town has committed with the agencies and all partners that this will be the next step and will provide a jurisdictional determination in writing.

Motion by Blaine Cliver/Devon Fuller to approve the jurisdictional option and for Mr. Cliver to submit additional information and drawings by Friday, after review with Robert Black and Robin Bennett. **The motion passed unanimously – 4 to zero.**

Regarding Bridge 114, Ms. Bennett reported the scope of work was received, but it was not what was anticipated and the Town will go back for a revision and to obtain feedback from VTrans. Blaine Cliver stated we want to investigate all of the structure, but not open it up. Ms. Bennett stated it was thought they provided too many alternatives, specifically regarding the sidewalks. VTrans has not weighed in yet on this subject.

13. Other Business

Dave Atherton did not understand why there are two sets of utility poles on North Street and suggested it would be good to remove the first set of poles. Ms. Bennett will look into this situation. He noted the Newton Road rock pile is slowly being removed.

Blaine Cliver stated there are still logs in the river by the Watershed Tavern and suggested having them removed when the water goes down.

Ethan Swift stated there had been discussion of talking with the Fire District about a joint project for the Wheeler Road area. Ms. Bennett will add this to the list of items for discussion.

Devon Fuller asked if there is a chance Green Park will be operational by July 4th. Ms. Bennett stated it is probable, but not likely. The engineering is still holding up the project. Ms. Ammatuna stated Francis Murray cleaned up around this area and the Town is very appreciative of his efforts.

Devon Fuller advised that on June 10th, there will be a showing of the movie, The Hungary Heart, which is about prescription drug addiction. Following the movie there will be a question and answer segment. On June 11th from 6:00PM to 8:00PM at Fellowship Hall, there will be a forum to continue discussion on this subject, with a goal of developing an action plan for the community.

Maria Ammatuna requested a resolution from the Select Board be written and submitted to the state regarding the condition of Route 73 and to inquiry as to how to get on the priority list for repairs.

14. Fiscal

a) General Fund Warrant – May 27, 2014 - \$1,470,198.65

Motion by Dave Atherton/Devon Fuller to approve the warrant of May 27, 2014 in the amount of \$1,470,198.65. **The motion passed unanimously – 4 to zero.**

The large warrant is due to the obligations paid to the schools, Fire District, water line project, Brandon Library and Senior Center.

Devon Fuller questioned whether the electric bill included the streetlights and Ms. Bennett reported the streetlights are billed separately.

b) Wastewater Fund Warrant – May 27, 2014 - \$69,947.03

Motion by Dave Atherton /Ethan Swift to approve the wastewater warrant of May 27, 2014 in the amount of \$69,947.03. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Dave Atherton to recess the Select Board to convene as the Board of Sewer Commissioners at 9:46PM. **The motion passed unanimously – 4 to zero.**

The Select Board reconvened at 10:17PM.

Motion by Devon Fuller/Dave Atherton to enter into executive session at 10:17PM for a contract discussion. **The motion passed unanimously – 4 to zero.**

15. Executive Session 1 V.S.A.313 (a) (1)

Motion by Devon Fuller/Blaine Cliver to come out of executive session at 10:41PM. **The motion passed unanimously – 4 to zero. There was no action required.**

Motion by Dave Atherton/Ethan Swift to enter into executive session at 10:43PM for a personnel discussion. **The motion passed unanimously – 4 to zero.**

16. Executive Session 1 V.S.A.313 (a) (1)

Motion by Dave Atherton/Ethan Swift to come out of executive session at 11:00PM. **The motion passed unanimously – 4 to zero. There was no action required.**

Motion by Dave Atherton/Ethan Swift to enter into executive session at 11:01PM for a personnel discussion. **The motion passed unanimously – 4 to zero.**

17. Executive Session 1 V.S.A.313 (a) (1)

Motion by Dave Atherton/Ethan Swift to come out of executive session at 11:04PM.
The motion passed unanimously – 4 to zero. There was no action required.

Motion by Devon Fuller/Dave Atherton to enter into executive session at 11:05PM for a personnel discussion. **The motion passed unanimously – 4 to zero.**

18. Executive Session 1 V.S.A.313 (a) (1)

Motion by Dave Atherton/Ethan Swift to come out of executive session at 11:07PM.
The motion passed unanimously – 4 to zero. There was no action required.

19. Adjournment

Motion by Dave Atherton/Devon Fuller to adjourn the Select Board meeting at 11:07PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,
Charlene Bryant
Recording Secretary