

**Brandon Select Board Meeting  
August 11, 2014**

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

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

**Also in Attendance:** Robin Bennett, Joe Ammatuna, Cindy Bell, Chris Brickell, Richard Baker, Lee Kahrs, Janet Coolidge, Delores Furnari, Priscilla McKeighan, Kathy Rausenberger, Wayne Rausenberger, Bernie Carr, Tecari Shuman, Bruce Edwards, Allan Leavitt, Arlun Bloodworth, Jack Fillioe, Brian Coolidge, Bill Moore, Raymond Jobst, Lisa Kenyon, Mrs. Douglas, Steve Bissette, Robert Kinchen, Pam Douglas, Susan Stone, William Orth, Bob Clark, Missy Thompson

**1. Call to order**

The meeting was called to order by Maria Ammatuna at 7:02PM.

**a) Agenda Adoption – Motion** by Dave Atherton/Ethan Swift to adopt the agenda. **The motion passed unanimously – 3 to zero.**

**2. Consent Agenda**

**a) Select Board Meeting Minutes – July 28, 2014**

**Motion** by Dave Atherton/Ethan Swift to approve the minutes of the July 28, 2014 Select Board meeting. **The motion passed unanimously – 3 to zero.**

**3. Public Comments for Items not on the Agenda**

Bernie Carr thanked the town for completing the removal of the rock pile on Newton Road and questioned if something will be done with the buildings across from Carl Fjeld's building. Robin Bennett reported there has been no decision on the grants that will be used for that project.

Allan Leavitt reiterated the issue with the road vibration on Conant Square; noting it continues and is worsening. He understands there is a response in writing coming from the town. Mr. Leavitt suggested a town policy be developed disallowing individuals who are behind in payment of their property taxes to serve on any type of municipal board. Maria Ammatuna acknowledged the letter Mr. Leavitt submitted resigning from the DRB and thanked him for his past service. It was noted this will create a need for an appointment for this vacancy. Ethan Swift stated there are alternates that can serve on this Board. Robin Bennett stated there are two people that could potentially fill the position. Ms. Bennett advised Mr. Leavitt's letter has been drafted, but not sent yet.

Janet Coolidge advised on behalf of the Friends of Town Hall that the town has been awarded a \$9,000.00 Arts Council Facilities grant that has a \$4,500.00 match. This will cover items such as upgrades to the sound and lighting. There will be a fundraiser on September 12<sup>th</sup> featuring Scott Helmer and it is hoped to raise \$5,000.00 to make up for the amount reduced from the town. Maria Ammatuna thanked Mr. Kinchen for writing the grant and thanked the Friends of the Town Hall for their work.

Cindy Bell stated several months ago there were three people who had inspected the issue of the raw sewage that is flowing on her property and to this point she has not heard anything from anyone. It has been determined that it is not coming from her home. Ethan Swift talked to the Environmental Enforcement officer who is under the impression that since she had done due diligence that putting a stopper on the pipe would be the next step. Mr. Swift agrees that this would be the best solution, since it seems it is not from her system. Mr. Swift stated based on the conversations, it appears that the town cannot assist in this matter and short of digging up the pipe, a stopper is the best solution. Someone is illicitly discharging and this is an environmental issue and they are in error in continuing to allow this chronic discharge. If someone has willingly disconnected from the town's sewer system, that person could be fined. Robin Bennett stated it does not come to the town's line and does not connect at all to the town line. Ms. Bell stated originally she was told by the Public Works Director that they had to hire someone to snake the line and they did 120 feet and they found the clay pipe had broken. For about a year after that it was fine, but it is now worse than ever. There was dye put in her toilets and they are 100% positive that it is not her issue. The next house over also placed dye in their main house, but they also have two apartments. Mr. Swift stated there is not a Code Enforcement person right now, but there will soon be a temporary Health Officer. Ms. Bell advised Rod Pulsifer had looked at this situation and thought the town should be responsible for this. Dave Atherton stated since it is in the jurisdiction of the town sewer, the Public Works Department should put a cap on the pipe. A recommendation was made to do dye testing of the houses nearby. Ms. Bennett will request Mr. Sanderson look into putting a cap on the pipe and she will do a site visit with Mr. Sanderson.

Kathy Rausenberger requested the Select Board propose an ordinance that anyone who owes property, sewer or water taxes cannot sit on a board, committee or run for public office. Maria Ammatuna advised she contacted the lawyer at the Municipal Assistance Center of VLCT and he told her that there is no statute or ordinance relating to this subject. She does not agree with it, but there is nothing legally that can be done.

Allan Leavitt read a segment from the Board of Civil Authority by-laws that indicated in the appeals process board members must exclude themselves from appeals regarding relatives, former business partners, friends or enemies. Mr. Leavitt questioned how someone can owe taxes to the town and sit in judgment of others.

#### **4. Town Manager's Report**

Robin Bennett reported the current expense note has been drawn down \$350,000.00 to date. The sewer fees for delinquent taxes will be billed and the matter will be turned over to the attorney, which could be an additional 15%. To date, \$98,000.00 has been collected in delinquent taxes. The Recreation Department has had a volunteer working with this department, but that person's program will be coming to an end. The Rec Department's football program sign-ups will be starting this week and soccer start next week. The engineers were in town for the Phase 1 environmental study for the town office and the repost is expected to be complete next week. The Police Department's speed cart has been delivered and placed around town once it has been registered. Ms. Bennett noted this item was not purchased with municipal tax dollars. Maria Ammatuna questioned the time period for the past due bills and Ms. Bennett reported it is for all years.

## 5. FY 14/15 Budget

Maria Ammatuna stated during the Select Board's budget workshop, proposals were reviewed and the following changes have been recommended that would result in an amount to be raised by taxes for the FY14/15 budget of \$2,388,125.00.

Following is the breakdown of changes:

- . Economic development officer savings \$5,952.29
- . Personnel recruit increase - \$500.00
- . Economic development decrease - \$500.00
- . Increase in Clerks to pay for the software changes to receive two separate tax bills - \$5,000.00
- . Code Enforcement Services – due to the unfilled vacancy in the Police Department, funds will be required in Code Enforcement to hire a person - \$12,645.00
- . Professional Development decrease - \$750.00
- . Police Department contingent offer has been rescinded that will result in a total of 7 police officers that includes the police chief and results in a decrease - \$69,905.00
- . Change in benefits for a staff member in the Police Department that resulted in a decrease - \$16,775.00
- . Public Works Director decrease to ½ time - \$21,405.00
- . Recalling road crew worker to full time - \$23,725.00
- . Buildings/Ground/Parks maintenance decrease - \$2,000.00
- . Rec Department Director decrease by ¼ time - \$17,331.71 (including benefits)
- . Rec Director to assume ¼ Economic Development duties
- . Rec Department Office supplies decrease - \$100.00
- . Rec Department Travel decrease - \$100.00
- . Rec Department Software increase to enable on-line registration and payments - \$3,000.00
- . Library allotment 5% decrease - \$4,500.00
- . REDC Fees decrease - \$500.00

TOTAL reduction: \$105,870.00

Ms. Bennett clarified the increase of \$23,725.00 is bringing only one person back to full time in Public Works. The Department would then have a foreman, plus two full time workers. Ms. Bennett stated there is an independent tax payer that is willing to help 5 to 10 hours per week on a volunteer basis.

**Motion** by Ethan Swift/Devon Fuller to approve a municipal budget in the amount of \$2,992,800.00, with \$2,388,125.00 to be raised by taxes, which equates to a decrease of \$154,823.00 in spending over the prior year budget. **The motion passed unanimously – 4 to zero.**

Devon Fuller stated this budget is going to barely get the town through the year and the Select Board is not thrilled about it and feel that it will do the town a disservice in the long run, but is likely a budget that will pass.

Maria Ammatuna does not agree with the budget and she hopes that the phones will not ring about the loss of services. The voting will take place on August 26<sup>th</sup>. Ms. Ammatuna stated the budget is only \$17,000.00 higher than what was spent over the previous year and is almost a level funded budget.

## **6. Town Meeting and Informational Meeting Warning**

Motion by Ethan Swift/Dave Atherton to table the approval of the town meeting and informational meeting warning. **The motion passed unanimously – 3 to zero.**

## **7. Gymkhana Resolution**

There was testimony from both parties at the last Select Board meeting. Ethan Swift stated there was discussion of how to minimize the noise level and there were a couple of recommendations made. There was a suggestion to have speakers placed in a lower location and turning the volume down after 10:00PM. Mr. Swift hoped that if Gymkhana continues past 10:00PM that they come into compliance. Maria Ammatuna stated over 62 decibels the neighbors have a right to call the police. Mr. Swift noted Gymkhana had indicated they have brought the noise level down to 50 decibels. Brian Coolidge stated the noise level has been no different the last two Friday nights. Mr. Swift noted Jon Andrews had indicated there was no zoning ordinance that addresses this issue. Mr. Swift stated when the rewrite of the Land Use Ordinance was done; they went to performance-based standards and are somewhat subjective. Ms. Ammatuna stated there could be a measure of the decibels and asked Mr. Coolidge if he would be willing to do a reading. Ethan Swift stated perhaps someone from Gymkhana could do the reading at Mr. Coolidge's house. Brian Coolidge stated they have compromised and it is not felt that Gymkhana needs to broadcast after 10:00PM. Raymond Jobst stated the speakers were very loud and suggested a change in announcers, as the person who does the announcing has a very strong voice. Mr. Jobst also noted the size of the speakers is too large. Devon Fuller suggested the Town Manager send a letter to

Gymkhana to advise that what they have done is not working and they need to do something to change the loudness to avoid being shut down at 10:00PM. Mr. Jobst suggested a group of municipal people attend to observe. Maria Ammatuna will contact Ms. Hathaway to discuss this matter.

## **8. Annual Audit Contract**

The annual audit contract was provided to the Select Board for their consideration.

**Motion** by Devon Fuller/Dave Atherton to accept the annual audit contract of Mudgett, Jennett & Krogh-Wisner, P.C. for an amount not to exceed \$27,000.00. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna hoped that next year the town goes out to bid for this service.

## **9. Zoning/LHO/Rental Code Vacancy**

Robin Bennett advised that Anna Scheck has been the alternate for the Town Health Office and there is a recommendation to remove Mr. Pulsifer as the Health Officer and appoint Anna Scheck as the interim Health Office. It was questioned what the training costs would be and the Town Manager advised it is not so much the cost, as the fact that the training is offered infrequently. The Rental Code position will be put on the list until it is filled. Dave Atherton suggested combining Rental Code and Health Officer positions, as there are people that do multiple towns for the Zoning and that could likely be filled on a part-time basis. It would make a tighter enforcement with combining the Health Officer and Rental Code as they often go hand in hand.

**Motion** by Devon Fuller/Dave Atherton to authorize the Town Manager to submit the form to the state for Anna Scheck to be the Health Officer, pending the resignation of the current Rental Code officer. **The motion passed unanimously - 4 to zero.**

Devon Fuller stated this will be a temporary fix for this item. Dave Atherton stated the Zoning position needs to be filled. Robin Bennett stated everything in zoning is currently caught up to date. Ms. Bennett has been in contact with neighboring zoning administrators regarding an interim person. Mr. Atherton suggested starting the position at 16 hours as there is not a lot of development going on and it would be mostly enforcement at this point. He thinks there are many people that are doing multiple towns and he will provide the Town Manager with a list of names.

Ms. Bennett reported the Rental Code vacancy was advertised with no response received. Ms. Bennett stated rental code is not done in every community and she is not aware of anyone locally who does it. This position was budgeted for 16 hours per week and there is some catch up to do and some organizational things to be done. Ms. Bennett stated the Health Officer and Rental Code positions have always been combined together and tonight's motion is a temporary fix. Mr. Atherton suggested advertising the Zoning Administrator and Rental Code vacancies immediately. Mr. Fuller

suggested running the ad again and if no response is received, there should be consideration in combining some of the positions to one job. Mr. Jobst questioned if there has been an inquiry to the state to potentially find someone retired from this position who may be interested in part-time work. Maria Ammatuna stated there are 6 to 12 potential violations currently. Ms. Ammatuna noted it was a good situation for the Police Department to handle the Rental Code and Health Officer positions.

## **10. Town Office Project**

Robin Bennett stated the site visit for the Phase 1 Environmental Review went well and the report should be received next week. This report is required prior to beginning Phase 2, which will more in-depth testing.

## **11. Segment 6/Bridge 114 Project**

### ***a. VSE Contract***

Richard Baker stated the town's attorney has reviewed all of the deeds and VTrans has approved the deeds. It is his understanding this is to update where the titles have changed hands. Maria Ammatuna stated title updates for the 150 parcels was done in 2009/2010. Mr. Baker noted they were done in-house and Jim Carroll has reviewed every deed and VTrans had approved them about a year ago. Dave Atherton stated there would need to be possible modifications for easements or remortgaging of homes. Mr. Baker is concerned this is going to open things up again and other than updating the titles, he reiterated that everything is done. Ms. Ammatuna stated if the files are in order, they should go quickly. Devon Fuller stated title updates need to be verified and he agrees that \$8,000.00 is excessive, as he does not think there would be that many changes over the last couple of years. Mr. Fuller suggested the Town Manager have a conversation with VSE. Mr. Atherton stated the data is only two years old and could likely take only a day. He feels the rate is good, but questions the overhead cost. Ms. Bennett will return the contract to determine the scope of work and change to an hourly rate. Mr. Baker also noted there was no performance period noted in the contract.

Cindy Bell stated they were told 6 weeks ago the letters were ready to be mailed. Ms. Bennett advised some of the letters are ready to go and she will make sure that they go out as soon as possible.

## **12. Other Business**

Robin Bennett reported the town has responded to CLD regarding Bridge 114, but has not received a response back. There was a conference call between VHB and the town. Maria Ammatuna requested the Town Manager provide an update at the next meeting of what is pending for the Bridge 114 project. Wayne Rausenberger had a conversation with the head of VTrans to obtain clarification and was advised that the town owns the bridge and the town should tell VHB what the town would like to do. Mr. Rausenberger would like to know where they are with the additional engineering. He knows there has

been some engineering done on the bridge. Mr. Rausenberger suggested having Ms. Bennett get in touch with VHB and request an update every 2 weeks. Maria Ammatuna asked if the funding will include the historic bridge. Ms. Bennett stated they are trying to determine what the design of the end project will be and are trying to resolve with CLD what the state wants and is willing to pay for.

Ethan Swift was contacted by Rutland Regional Planning Commission regarding a grant called the Vermont Economic Resiliency Initiative for the towns that experienced damage from tropical storm Irene. The intent is to develop a strategic plan to build contingencies for future events. Brattleboro, Wilmington, Barre and Brandon were chosen to participate and there is a kick off meeting scheduled for August 18<sup>th</sup> at 2:30PM at the Stephen Douglas House. Mr. Swift will report back on the results of this meeting.

Dave Atherton asked if traffic strips were done on Steinberg Road. Ms. Bennett reported there has been an inquiry about obtaining them and she will follow-up and report back. Mr. Atherton requested a status on the grading of the dirt roads. Ms. Bennett will provide an update on this subject at the next meeting.

### **13. Fiscal**

#### ***a) FY 14/15 Postage Warrant – August 5, 2014 - \$1,000.00***

**Motion** by Ethan Swift/Dave Atherton to approve the Postage warrant of August 5, 2014 in the amount of \$1,000.00. **The motion passed unanimously – 3 to zero.**

#### ***b) FY 13/14 General Fund Warrant – August 11, 2014 - \$5,014.92***

**Motion** by Devon Fuller/Ethan Swift to approve the FY 13/14 General Fund warrant of August 11, 2014 in the amount of \$5,014.92. **The motion passed unanimously – 3 to zero.**

Wayne Rausenberger questioned the status of the Mosquito District warrant, stating it has always been a quarterly appropriation. Robin Bennett will look into the warrant.

#### ***c) FY14/15 General Fund Warrant – August 11, 2014 - \$16,794.33***

**Motion** by Ethan Swift/Devon Fuller to approve the FY 14/15 General Fund warrant in the amount of \$16,794.33. **The motion passed unanimously – 3 to zero.**

#### ***d) Wastewater Fund Warrant – August 11, 2014 - \$1,230.82***

**Motion** by Devon Fuller/Dave Atherton to approve the Wastewater Fund warrant in the amount of \$1,230.82. **The motion passed unanimously – 3 to zero.**

**e) Consider P.O. 51755 to Markowski Excavating, Inc. for gravel – not to exceed \$25,000.00**

**Motion** by Ethan Swift/Dave Atherton to approve P.O. 51755 to Markowski Excavating, Inc. for gravel with a not-to-exceed figure of \$25,000.00. **The motion passed with one no vote – Maria Ammatuna.**

**f) Consider P.O. 51756 to Florence Crushed Stone for Winter Sand - \$12,500.00**

**Motion** by Ethan Swift/Dave Atherton to approve P.O. 51756 to Florence Crushed Stone for winter sand in the amount of \$12,500.00. **The motion passed with one no vote – Maria Ammatuna.**

**g. Consider P.O. 51757 to Markowski Excavating, Inc. for Winter Sand - \$11,360.00**

**Motion** by Devon Fuller/Dave Atherton to approve P.O. 51757 to Markowski Excavating, Inc. for winter sand in the amount of \$11,360.00. **The motion passed with one no vote – Maria Ammatuna.**

**Motion** by Devon Fuller/Dave Atherton to recess the Select Board at 8:42PM to convene as the Board of Liquor Commissioners. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 8:46PM.

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 8:47PM for a personnel discussion. **The motion passed unanimously – 3 to zero.**

#### **14. Executive Session 1 V.S.A.313 (a) (1) –Personnel**

**Motion** by Dave Atherton/Devon Fuller to come out of executive session at 10:30PM. **The motion passed unanimously – 3 to zero.**

There were no actions required.

#### **20. Adjournment**

**Motion** by Devon Fuller/Dave Atherton to adjourn the Select Board meeting at 10:32PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary