

**Brandon Select Board Meeting
September 8, 2014**

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

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

Also in Attendance: Robin Bennett, Kathy Rausenberger, Wayne Rausenberger, Janet Coolidge, Jeff Stewart, Richard Baker, Lee Kahrs, Chris Brickell, Arlen Bloodworth, Joe Ammatuna, Priscilla McKeighan, Cindy Bell, Dick Kirby, Delores Furnari, Doug Bailey, Tracy Wyman, Sue Gage, Lisa Kenyon, Jessie Burhans, Allan Leavitt

1. Call to order

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

a) Agenda Adoption – Motion by Blaine Cliver/Ethan Swift to adopt the agenda as presented. **The motion passed unanimously – 4 to zero.**

2. Consent Agenda

a) Select Board Meeting Minutes – August 25, 2014

Motion by Devon Fuller/Ethan Swift to approve the minutes of the August 25, 2014 Select Board meeting. **The motion passed unanimously – 4 to zero.**

b) Select Board Meeting Minutes – August 27, 2014

Motion by Dave Atherton/Blaine Cliver to approve the minutes of the August 27, 2014 Select Board meeting. **The motion passed unanimously – 4 to zero.**

3. Public Comments for Items not on the Agenda

Cindy Bell thanked the Select Board, Public Works and the Sewer Department for fixing her sewer problem.

Priscilla McKeighan requested the holes in the sidewalk from the Town Hall walking towards the gas station be repaired. The Town Manager took note and will discuss this item with the interim Public Works overseer.

Janet Coolidge stated Scott Helmer, the national recording artist, has cancelled his performance due to a recent accident. It is hoped that his performance can be rescheduled sometime between May and October of next year. Ms. Coolidge stated the performance was to be the

major fundraiser for the Town Hall, as the town had cut \$5,000.00 from the Town Hall's budget for this fiscal year. If anyone wishes to donate to the Town Hall projects, it would be greatly appreciated. Ms. Coolidge also noted the Brandon Has Talent event will take place on September 20th and she encouraged people to purchase their tickets early for that event.

4. Town Manager's Report

Robin Bennett reported the town has not drawn down any more on the current expense note. The final notices were mailed to the delinquent tax and sewer customers and they have until October 3rd to either pay their accounts or make payment arrangements. At that time, the accounts will be turned over to the town's attorney for tax sale and a 15% penalty will be assessed. To date, \$145,725.70 or 20.2% of delinquent taxes and \$54,799.95 or 13.9% of delinquent sewer fees have been paid. Ms. Bennett stated there was a lot of traffic today in the town office and likely as the October 3rd date gets close, she hopes that more people will be in contact with the office. There are currently 28 arrangements that are pending approval. Ms. Bennett stated once an arrangement has been made, a letter is signed by both the town and the property owner. There are deadlines set and the property owner will have to pay what was agreed to and if a payment is missed, the account will go into default. There will be a tax sale for those properties that have not paid or made arrangements. As of October 3rd, the list will be turned over to the attorney's office and once they begin working on an account, the 15% penalty on top of what they owe now will be added. The attorney will send the property owners a letter providing them 30 days to pay, before the tax sale process starts. The 15% penalty is in addition to the 8% penalty that was already assessed in May. A list of non-payments will continue to be posted on the website and will be updated once a month, with an asterisk added for those who have made arrangements. When going to the website, the listing will be under Documents and a sub-listing under Reports. Maria Ammatuna stated 83% of the delinquent tax accounts have not been paid nor have made a payment plan at this point. Ms. Ammatuna noted since it has been a number of years since there has been a 100% tax collection; the town has provided the property owners more opportunity this year to get caught up. Ms. Bennett advised that next year will be a more expedited process, with the delinquent tax notices being sent the first part of June and turned over to the attorney in July. Mr. Fuller stated it is important to create a policy to be consistent with this process. Ms. Bennett reported the collected taxes do not affect the budget, but will replenish the accounts that are in the negative and build up the fund balance. The accounts are now seen as a receivable, but there has been a cash flow issue. The funds have been accounted for as if the town had already received the taxes, and this will catch things up. It was noted there are 14 accounts that are in bankruptcy and Ms. Bennett will provide the Board additional information on these properties. With an expeditious process, when parcels go into bankruptcy the town could potentially be in the queue for payment.

Ms. Bennett reported Phase 1 of the environmental study is done for the Town Office project, with the final report consisting of 299 pages. There will be a public hearing scheduled in the next few weeks and Tom Barden will be visiting Thursday to revise the construction estimate. The Town Office Committee met to go over staff needs and did some reconfiguration. The

Recreation Department now has an OV intern who will be working three days per week for 1.5 hours each morning. The Public Works Department has moved the warming shack to Estabrook Park and will become winter storage and a concession stand in the spring. Peter O'Grady, the Interim Public Works Director, will be working with staff to streamline operations, prioritize work and assist Ms. Bennett in developing the new role of the Public Works Director. Blaine Cliver requested the receptacles in Kennedy Park be emptied. Devon Fuller stated the receptacles in Kennedy Park were an effort by the Downtown organization and have been maintained by the organization. Mr. Cliver suggested the town should take this over. The Town Manager will look into this item. Ms. Bennett reported the Town has applied for extensions for the Public Assistance projects and A & E will be coordinating with VHB and CLD on the Briggs Lane projects. A conference call is scheduled for this week. The hydraulic/hydrologic analysis is being performed on the Cobb Hill Project and the analysis on the alternate repairs for the Kennedy Park Sewer project is being determined. The remaining repairs will be worked on once a sewer solution has been determined. The boundary work for Green Park is complete and A & E will reevaluate the park to determine a cost estimate to submit to FEMA. This could take up to 6 months for approval. It is anticipated there will be a larger cost for the town once this is done. Mr. Cliver questioned why VHB is involved in the Briggs Lane Project and expressed concern of overlapping services. Ms. Bennett stated they want to make sure it will come together properly in connection with the Segment 6 project. Ms. Ammatuna requested the Union Street project and the Wheeler Road Bridge project be added to the timeline for future updates.

5. Set FY14-15 Tax Rate

Maria Ammatuna stated Sue Gage has provided a supplemental tax rate now that the budget has passed for the Board's consideration. Ms. Gage stated the Board had approved an interim rate and she has done a final combined total and an approval of \$.0057 for the supplemental rate is needed. The supplemental rate will not amount to a big change; on a \$400,000.00 property, it will be an extra \$26.00 per year. Ms. Ammatuna thanked Ms. Gage for the work she did on estimating the taxes; noting the change is actually one half of one cent. Ms. Gage reported the billing will have all of the information and there will be a letter of explanation. Ms. Ammatuna noted there is a pass-through fee for paying with a credit card. Ms. Gage stated there is a 2.5% fee for people paying by credit card, a \$3.95 flat fee for paying with a debit card and a \$1.75 flat fee for those paying with e-checks. It was noted the mailing will go out the week after next and the final combined rate is .7226, which is 4 cents over last year for the town's portion.

Motion by Ethan Swift/Blaine Cliver to set the supplemental FY14-15 tax rate at .0057. **The motion passed unanimously – 4 to zero.**

6. Interim Zoning Administrator Appointment

Maria Ammatuna reported the Select Board has received a letter from the Planning Commission requesting approval of the appointment of an Interim Zoning Administrator. Tracy

Wyman advised the Planning Commission had approved Dave Atherton as an Interim Zoning Administrator. Dave Atherton stated this will be a temporary position. The Town Manager recommended a nominal amount be paid for the appointment to assure that Mr. Atherton is an employee of the town. Ms. Bennett has discussed this appointment with VLCT and she was advised there is no statutory reason why he could not be an Interim Zoning Administrator while also serving on the Select Board. Mr. Atherton stated there are permits that are reaching the 30-day period. It was noted the Town Plan requires a Zoning Administrator be in place to enable the town to apply for grants.

Motion by Devon Fuller/Blaine Cliver to appoint Dave Atherton as the temporary Interim Zoning Administrator at a determined compensation. **The motion passed with one abstention – Dave Atherton.**

Devon Fuller stated no one applied for this position and he appreciates Mr. Atherton offering to temporarily fill this position due to the 30-day grace period for permit applications. Mr. Fuller noted the town needs people to help fill the open positions.

7. Cell Tower Permit

Robin Bennett reported the deadline has passed for comments to be submitted on the application for the cell tower on Franklin Street that the Public Service Board had publicly warned.

8. October 13, 2014 Meeting

Robin Bennett stated the October 13th Select Board meeting falls on a federal holiday. It was the consensus of the Board to move the Select Board meeting to Tuesday, October 14th at 7PM at the Town Hall.

9. Town Office Project

This subject was covered during the Town Manager's report. Robin Bennett advised that Weston & Sampson have asked if they can submit a quote and they are prepared to start immediately. KAS was in the queue because they were involved in the original tank removal. Ms. Bennett advised them that she will accept a quote; however, it will be based on receipt of the quote, as she is planning to take action on this item this week.

10. Segment 6/Bridge 114 Projects

a. VSE Contract

Robin Bennett reported bi-weekly conference calls for Segment 6 will begin with all parties coming together to keep everyone on track and on task. She will report back to the Select Board on the meetings. Cindy Bell was told weeks ago that the letters were ready to be mailed

to the homeowners affected by Segment 6. Blaine Cliver questioned if anything has been done to resolve the scope of the contract for CLD. Robin Bennett stated this is with CLD and Mr. Cliver noted this should be VHB's job. It was noted that VHB was required to coordinate for the rights of way. The Town Manager stated VHB was awarded to be the local project manager. Devon Fuller agreed that it is VHB's responsibility to make the movement happen with CLD.

Maria Ammatuna read the following from the Scott Robertson of VTrans:

"In looking at this proposal, the 127.83% is non-negotiable by the Town and is standard in Vermont. The only elements that are negotiable are the 100 hours or the \$30.00/hour fixed fee, which appear to be realistic. The "direct labor" amount will always be less than half of the "total estimate" due to the standard overhead rate. This proposal looks reasonable. I would encourage the Brandon Select Board accept this proposal and move forward quickly in hopes that this project is not pushed out another construction season."

Richard Baker stated the deeds have been completed and approved by the attorney and VTrans. Except for a change in ownership, the work has been done and approved and he expressed concern this will add a delay factor. Ethan Swift stated the vendor recognizes the work conducted in 2010 and they are aware the files will be reviewed for purpose of updating them. Cindy Bell questioned since there is a new overseer if all the letters have to be rewritten. Ms. Bennett stated the letters have to be revised and she does not have a timeframe when the letters will be complete. It was her understanding that the letters were ready to be sent, but this update now needs to be done.

Motion by Devon Fuller/Ethan Swift to approve the VSC proposal with an expected completion date of September 30, 2014 and to authorize the Town Manager to sign the contract. **The motion passed unanimously – 4 to zero.**

Blaine Cliver stated prior to renovation and demolition of the Town Office building, a lead abatement contractor should be obtained. He questioned if A & E is a lead or asbestos abatement contractor. Ms. Bennett will check with A & E about this item. It was noted there is the possibility that there is asbestos and lead and that would need to be included in the bid document. Dave Atherton asked if there had been lead and asbestos found initially and the Town Manager stated they look at the entire area, not just the town's parcel and it is a much more comprehensive investigation than was initially done.

11. Other Business

Ethan Swift reported the Vermont Economic Resiliency Initiative will be meeting with area businesses and others interested in learning more about this initiative on October 16th. The intent of the meeting is to obtain more information from businesses and other entities in an effort to develop a response plan that will allow businesses to get back on their feet faster in the event of another disaster. More information on the meeting will be provided and it will also be posted on the website.

Dave Atherton attended the Open Meeting Workshop at OV. Mr. Atherton stated there are some good points in creating the Select Board agenda that he will review with the Board. The new laws also apply to any town committee, such as the Fire Department, DBA, etc. Mr. Atherton noted the extra telephone poles on North Street are being removed and questioned if the Town Manager knows when the project will be complete. The Town Manager has not received any further information on this item.

Maria Ammatuna reported a current staff member has volunteered to temporarily work on the Code Enforcement list and she requested the Town Manager follow-up with the staff member and provide an update at the next Select Board meeting.

Maria Ammatuna provided information to the Town Manager regarding potential grant opportunities.

11. Fiscal

a) Postage Warrant – September 5, 2014

Motion by Devon Fuller/Dave Atherton to approve the Postage warrant in the amount of \$1,000.00. **The motion passed unanimously – 4 to zero.**

b) Mosquito Control District Warrant – September 7, 2014 - \$7,375.00

Motion by Ethan Swift/Devon Fuller to approve the Mosquito Control District warrant of September 7, 2014 in the amount of \$7,375.00. **The motion passed unanimously – 4 to zero.**

c) General Fund Warrant – September 8, 2014 - \$1,070,426.61

Motion by Devon Fuller/Blaine Cliver to approve the General Fund warrant of September 8, 2014 in the amount of \$1,070,426.61. **The motion passed unanimously – 4 to zero.**

d) Wastewater Fund Warrant – September 8, 2014 - \$4,367.03

Motion by Blaine Cliver/Dave Atherton to approve the Wastewater Fund warrant of September 8, 2014 in the amount of \$4,367.03. **The motion passed unanimously – 4 to zero.**

e) Wastewater Fund Warrant – September 8, 2014 - \$781.20

It was noted that a separate wastewater warrant was inadvertently omitted from the agenda.

Motion by Dave Atherton/Ethan Swift to approve the Wastewater Fund Warrant in the amount of \$781.20. **The motion passed unanimously – 4 to zero.**

Priscilla McKeighan questioned if the Select Board's meeting agenda could be posted in The Reporter. It would not be possible to submit the agenda due to the timing of when the paper is printed. Sue Gage noted people contact the Town Office to request agendas be emailed to them. There was a recommendation to possibly post the agendas at the Transfer Station. There will be follow-up discussion on this request.

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

There was no executive session held.

16. Adjournment

Motion by Devon Fuller/Ethan Swift to adjourn the Select Board meeting at 8:10PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary