

## Town of Brandon Select Board Meeting October 14, 2014 **DRAFT**

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

**In Attendance:** Devon Fuller (7:05 PM), Blaine Cliver, Ethan Swift, Dave Atherton (7:05 PM), and Maria Ammatuna

**Also in Attendance:** Dolores Furnari, Cindy Bell, Kathy Rausenberger, Wayne Rausenberger, Dick Kirby, William Tracy Carris, Richard Baker, Linda Stewart, Joe Ammatuna, Judy Bunde, Dennis Reisenweiver, Priscilla McKeighan, Doug Bailey, Bernie Carr, Peg Flory, Sue Gage, Janet Coolidge, Jeff Stewart, Carol Bertrand, Karl Fjeld, and Robin Bennett (7:11 PM).

The meeting was called to order by Maria Ammatuna at 7:00 PM.

### **1. Agenda Adoption**

Motion by B. Cliver and seconded by E. Swift to adopt the agenda as stated. E. Swift indicated an addition to the Executive Session to include Personnel Concerns, if necessary. Ms. McKeighan stated that the agenda was not seen. M. Ammatuna explained that the agenda had been posted in the usual places and that the Town Manager would be arriving with the extra agendas. M. Ammatuna read the agenda as it was posted. M. Ammatuna stated that there could possibly be some items that were moved around, due to the tardiness of the Town Manager due to another meeting conflict. M. Ammatuna stated that with the addition that E. Swift made, the agenda would read 14) Executive Session – Personnel Concerns; 15) Adjournment. **Motion passed unanimously 3 – 0.**

### **2. Consent Agenda**

Motion by E. Swift and seconded by B. Cliver to accept the Select Board Meeting Minutes of September 22, 2014 as presented. **Motion passed unanimously 3 – 0.**

Motion by B. Cliver and seconded by E. Swift to accept the Special Select Board Meeting Minutes of September 29, 2014 as presented. **Motion passed unanimously 3 – 0.**

### **3. Public Comment for Items Not on the Agenda**

Janet Coolidge stated that the Friends of the Town Hall has asked the Highway Department personnel on a number of occasions to repair the shed at the exit of the Town Hall with no success. The Board Members of the Friends of the Town Hall repaired the shed, with the help of Mr. Furnari and other local residents.

Mrs. Stewart stated that the Planning Commission will be sponsoring an Energy Social on November 1, 2014 at the Town Hall at 9:00 AM. There will also be information with regard to the revised Town Plan in the near future.

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

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R. Bennett stated that the Expense note has been paid; 28.4% of the delinquent property taxes have been received; 22.5% of the delinquent sewer taxes have been paid; there are currently 131 property tax delinquencies and 141 delinquent sewer customers, of which there are 63 arrangements made. D. Fuller inquired if there was an anticipated tax sale in the near future. R. Bennett stated that the attorney would be contacted in the next week to send a letter giving the property owners 30 days to make arrangements, and if no arrangements are made, a sale is likely to occur in December.

R. Bennett reported that the Phase 2 Environmental information with regard to the Town Office on Center Street has been received and over all looks good with 1 small finding that is not likely to cause a larger issue. There will be a Public Hearing on October 20, 2014 with regard to the Bond Grant. Vermont Digital has assessed the needs for technology at the site and the asbestos testing has occurred. The draft revised budget has been received and will accompany the grant application.

R Bennett reported that she will seek an extension with regard to the Wheeler Road Bridge grant. E. Swift inquired the reason for the extension. R. Bennett stated that this was for the report from the engineers. B. Cliver inquired if A & E could do the work. R. Bennett stated that this was for the engineer bid and there is \$117,000 in grant funding and the town share is \$24,000. M. Ammatuna requested the spec samples be available for the October 20, 2014 meeting.

R. Bennett stated that the Union Street grant project will be ready to go to bid for construction for the 2015 construction season and that the grant expires at the end of 2015. This a Public Assistance Grant and recommendations will be received.

R. Bennett attended the VLCT Town Fair with Police Chief Brickell.

R. Bennett outlined the upcoming meetings of interest, which are: October 16 – Barre Economic Forum; October 20 – CVBG Grant Public Hearing; October 27 – Select Board Meeting; November 3, 2014 – Special Town Meeting; November 4, 2014 – Voting.

P. McKeighan inquired if the general public had any input as to the Town Office status. R. Bennett indicated that there was a Public Opinion Poll taken at Town Meeting as residents entered to vote.

### **5. William Tracy Carris**

Mr. Carris was present to discuss his platform in the campaign for Rutland County Senate. Mr. Carris stated that he is on a “listening tour”. Mr. Carris stated that his concerns for Rutland County include: Economic Redevelopment; Drug Issues/Concerns and Property Tax increases.

P. McKeighan inquired Mr. Carris’ stand on paying for jail terms. Mr. Carris stated that he feels that the Attorney General’s Office and the Federal Government should be involved to pay for these sentences.

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Mrs. Stewart inquired Mr. Carris' thoughts on the proposed natural gas pipeline. Mr. Carris stated that he is in favor of this proposal, however has no specifics on hook-up credentials.

J. Coolidge stated that there needs to be improvement in local infrastructure and roads in the area. Mr. Carris stated that he feels that there should be bargaining with New York State, especially with the potential of the natural gas pipeline being available to International Paper Company. J. Coolidge stated that the state keeps "pushing Brandon projects back" and that the highway funds are being used by other organizations instead of the intentions to repair the highways. Senator Flory stated that the highway fund has not been "tapped" in about 6 years and that the State Police patrolling of the highways is the main expense. The ticket revenues also go back to this fund.

Mr. Carris also stated that Act 250 is also "problematic" and discussed his idea to have 5 or so "smaller" boards throughout the state to ensure equal decisions.

### **6. FY 14 – 15 Tax Anticipation Note**

Sue Gage presented information for review. Lake Sunapee Bank bid on the anticipation at 1.75% and National Bank of Middlebury bid 1.40%. The anticipation is based on previous years' budget and an additional 5%.

M. Ammatuna inquired if this proposal was for a line of credit. S. Gage stated that this was for a line of credit and proposal is based on historical data.

D. Fuller inquired when this would be required. S. Gage stated that in the past year, May was when it was required as some property owners pay their property taxes in their entirety immediately upon receipt of their bills and there was a higher delinquency rate last year.

M. Ammatuna inquired if the information that was presented was based on not having a tax sale. S. Gage stated that there was no tax sale included in the proposal.

Motion by D. Fuller and seconded by B. Cliver to allow a tax anticipation note not to exceed \$504,907.00 from the National Bank of Middlebury at a rate of 1.40%. Motion passed 5 – 0. R. Bennett stated that a tax anticipation is an annual request.

### **7. Select Board Vacancy**

Select Board Member Cliver has resigned his position effective October 31, 2014.

R. Bennett stated that the State Statute states that the current Select Board can fill the position in any manner. Following discussion, the Select Board will conduct a meeting prior to the Town Meeting on November 3, 2014 at 6:30 PM to discuss this position.

M. Ammatuna stated that there have been 3 letters of interest received and the newspaper articles have indicated that the letters will be accepted until October 31, 2014.

**8) Fall Select Board Institute**

The Select Board members received information on this conference and were asked to contact the Town Manager on October 15, 2014 so reservations can be made.

**9) Historical Preservation Commission**

B. Cliver explained history of this Commission. Currently, Brandon is considered a 'CLG' (Certified Local Government), which is requires a Historical Preservation Commission. B. Cliver indicated that there are currently 14 CLG's in Vermont and the Federal Government will give the State funds to operate.

B. Cliver stated that there are currently at least 3 residents interested in serving on this Commission.

R. Bennett stated that there is currently some residents appointed to serve on the Historical Preservation Commission.

D. Fuller thanked Mr. Cliver for his service on the Select Board and wished him the best as he rejuvenates the Historical Preservation Commission.

**10) Town Office Project**

R. Bennett stated that the information is included in the packets for review and the project remains on track. The Grant Request application should be submitted by early November with review in early December, The Public Informational meeting is scheduled for Monday, October 20, 2014 at 7:00 PM at Neshobe School Gym.

**11) Segment 6 / Bridge 114 Project**

R. Bennett reported that the project is continuing with the obtaining of Right of Way plans. The letters to the property owners will be going out in the next few days.

A new scope of work from CLD was recommended by the State and was reviewed. B. Cliver indicated that he feels that this letter was the same letter as was sent to VHB on June 20, however, many conversations have occurred in the interim and not addressed in the letter. There have been inspections of the structure under the road and grass near the town office and it is best for the engineers to inspect both areas as there was some rusting noted below the surface.

Motion by B. Cliver and seconded by D. Fuller to fire VHB and use "on call" engineers A & E. D. Fuller read a section in the contract and discussed "out of scope" sections. Following discussions, it was discussed that the contract needs to be checked.

R. Bennett stated that the comments were incorporated in the communications between VHB and CLD in their "back and forth" discussions in pushing for the contract. The Select Board members would like direction for clarification from VHB in writing prior to the next meeting.

Motion failed 1 – 4.

Motion by D. Fuller and seconded by E. Swift to accept the scope of the project from CLD with the modification that the slab and structure under the building be inspected. The motion was rescinded.

D. Fuller recommended continuing the discussion regarding the Town Office at the Public Hearing to keep the project moving along without further delay.

W. Rausenberger inquired the completion dates. M. Ammatuna stated that the end date projected for the engineering is April 9, 2015.

M. Ammatuna inquired the funding for the project. R. Bennett stated that the pricing has been part of the “back and forth” and is based on the final design choice, however, there is currently money in a fund for the project.

Mr. Rausenberger inquired the funding for the project. D. Fuller explained the process and the VTRANS and Federal requirements. CDL may not be the final engineers for the bridge project, it is all bid dependent.

D. Reisneweiver inquired if there was a “fixed price”, “time and material” or “fixed fee plus cost” included in the bid pricing and recommended that the Town should specify “fixed price” to avoid any issues.

Senator Flory was present to discuss the Segment 6 section. Currently, Brandon is “different” than Pittsford with regard to the Route 7 project as Brandon “owns” Route 7 through town. Sen. Flory stated that at the beginning of the project, the state met quarterly. The Select Board would like to invite the State Representatives and Senators to a meeting to discuss Segment 6 as the project is expected to go to construction in 2016. Sen. Flory will facilitate the meeting. D. Fuller would like the State to be clear on the needs of Brandon and would like to recommend that the quarterly meetings occur again.

Mr. Rausenberger recommended that the “upper” management officials attend.

R. Bennett stated that a “rehab” project may be on the mind of VTRANS instead of a build project.

C. Bell inquired when the letters would be sent out. R. Bennett stated that the letters would be sent to the affected property owners and would come from the Town Mangers’ Office. M. Ammatuna inquired if the Bell Property would be included on the Connect/Disconnect list. C. Bell explained her impression of the project when she purchased the property.

**12. Fiscal**

a) Motion by D. Fuller and seconded by B. Cliver to accept the FY 13/14 Warrant in the amount of \$131,662.03 with no discussion. Motion passed unanimously 5 – 0.

b) Motion by D. Fuller and seconded by E. Swift to accept the General Fund Warrant in the amount of \$64,293.69 with no discussion. Motion passed unanimously 5 – 0.

c) Motion by D. Fuller and seconded by D. Atherton to accept the Wastewater Fund Warrant in the amount of \$8,214.42 with no discussion. Motion passed unanimously 5 – 0.

### **13. Executive Session**

Prior to Executive Session, M. Ammatuna stated that Old/Other Business should be included on the published agenda. R. Bennett will include the request in the e-mail that is sent to the Select Board members prior to the agenda publishing.

E. Swift would like to discuss the VT Gas letter as the letter states a deadline of October 17, 2014 with intent to participate or decline.

M. Ammatuna would like to add the inclusion of the possibility of a town 1% sales tax on the next agenda. Also to be included on the next agenda is to discuss the VT DEC site payments.

Motion by E. Swift to move to find that premature general public knowledge of the pending AFSCME Contract will clearly place the Town of Brandon at a substantial disadvantage by disclosing its negotiation strategy. The motion was seconded by D. Fuller to enter into Executive Session at 8:40 PM . Motion passed unanimously 5 – 0.

Motion by D. Fuller to move that the Select Board enter executive session to discuss the Town of Brandon's contract with AFSCME under the provision of Title 1, Section 313 (a)(1) of the Vermont Statutes to include the Town Manager. Motion passed unanimously 5 – 0.

No action taken.

Motion by D. Atherton to come out of Executive Session at 9:11 PM. The motion was seconded by D. Fuller. Motion passed unanimously 5-0/

Motion by B. Cliver to adjourn. Motion seconded by E. Swift to adjourn at 9:12 PM.

Respectfully submitted

Kelly Giard  
Recording Secretary