

**Brandon Select Board Meeting
November 10, 2014**

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

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

Also in Attendance: Robin Bennett, Kathy Rausenberger, Wayne Rausenberger, Delores Furnari, Richard Baker, Doug Bailey, Allan Leavitt, Sue Gage, Bernie Carr, Cindy Bell, Linda Stewart, Jeff Stewart, Lee Kahrs, Chris Brickell, Dick Kirby, Blaine Cliver, Joe Ammatuna, Seth Hopkins, Janet Coolidge, Arlen Bloodworth, Jim Leary, Doug Sawyer, Erin Mansfield, Phyllis Reed, Judi Bunde

1. Call to order

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

a) Agenda Adoption – Motion Ethan Swift/Dave Atherton to adopt the agenda with the modification to swear in the new Select Board member prior to the consent agenda. **The motion passed unanimously – 3 to zero.**

2. Swearing in of Select Board Member

Maria Ammatuna reported the Select Board interviewed three of four candidates who had submitted letters of interest in serving on the Select Board. The Board has selected Doug Bailey to be the 5th panel member. Mr. Swift noted it was not an easy decision as all candidates had special skills and the Board greatly appreciated the candidates' interest in serving.

Sue Gage swore Doug Bailey in as the new Select Board member. Ms. Gage noted that when someone serves in office, there are two oaths that they must take; the Vermont Oath of Allegiance and the Oath of Office.

3. Consent Agenda

a) Select Board Meeting Minutes – October 27, 2014

Motion by Devon Fuller/Dave Atherton to approve the minutes of the October 27, 2014 Select Board meeting, as amended. **The motion passed with one abstention – Doug Bailey.**

Page 7, Item 9 – Education Funding Reform Resolution- second to the last line...the Governor decided to utilize the Teacher's Pension fund elsewhere. In the same section, sixth line from the end, The Governor has given a bye to the Teacher's Union.

Page 8. Item 12 – FEMA Projects – second line – Option 2 using recycled asphalt as their recommended option.

4. Public Comments for Items not on the Agenda

Linda Stewart asked if Ms. Bennett has been able to complete the report to the state to enable the Planning Commission to make a draw down request for the Municipal Planning Grant funds. Ms. Bennett reported she will be completing this on Wednesday.

Blaine Cliver stated there is an unsafe situation with a crosswalk in front of Nancy Leary's business as there is a sign that indicates there is a crosswalk. The crosswalk was temporary and the sign should be removed. Robin Bennett reported this has been identified and will be taken care of.

Wayne Rausenberger asked if the Select Board has considered where the town will get the matching funds for the overflow culvert now that the go-ahead has been given for Bridge 114, Segment 6 and Cobb Hill. It was noted that Segment 6 and Cobb Hill have not been discussed. The MPG grant will be discussed later in the agenda during the Town Manager's report.

A representative from Boy Scout Pack 123 was present to request the Select Board meet with the Boy Scouts. Devon Fuller questioned whether the meeting required the entire Board, suggesting that two people could meet and not require the posting for an open meeting of the Select Board. It was noted the Webelos meet Sunday afternoons from 3:00 to 5:00PM at the Wesleyan Church. Devon Fuller and Ethan Swift volunteered to attend one of the meetings and it was recommended to contact Mr. Fuller and Mr. Swift to schedule a time to meet with the boy scouts.

5. Town Manager's Report

Robin Bennett reported the delinquent taxes collected as of November 7th was \$227,991.77 or 31.5% and \$104,148.33 or 26.4% of the delinquent sewer accounts. The list has been turned over to the town's attorney, but the letters have not gone out. There will be a conference call with the attorney to discuss this matter. This amount represents 114 tax accounts and 112 sewer accounts and there are 66 payment arrangements that have been made. The attorney has indicated the letters will go out by next week and the owners will be given 30 days from that point to settle the accounts before the properties go to tax sale.

Ms. Bennett reported the interim Public Works Director and she have drafted a job description and the position will be advertised next week. It is hoped to have someone hired by the first of the year. There will be assistance from a consultant for the sewer projects and the person hired will coordinate with personnel on the town projects. Mr. O'Grady thinks that a consultant would be a good fit to assign tasks directly related to the sewer system.

Ms. Bennett stated Glenna Pound is preparing the financial statements and will coordinate with the auditors. At this time, there is not an estimated date for the audit to be done.

Ms. Bennett stated the Wheeler Road Bridge and Union Street grant RFP's have not gone out yet due to a scheduling conflict, but an extension has been given for the Wheeler Road project. Ms. Bennett advised the town is ready for a snow event. Maria Ammatuna asked about snow removal for Briggs Lane and Ms. Bennett stated at this point, it will be the same as last year with no snow removal. Judi Bunde asked if there is going to be a sidewalk plow and Ms. Bennett advised that is still in the plan. Maria Ammatuna suggested something be done to avoid hitting the marble steps and it was suggested to have some type of markings installed to avoid breaking them.

Ms. Bennett reported the Youth Football Program raffle raised \$4,385.00 and the money was used to purchase 38 new helmets and pads that replaced the old equipment and will also allow the Recreation Department to start a 3rd and 4th grade flag program next year. This year 180 children participated in the football and soccer programs. It was noted there are still tickets available for the Celtics bus trip on January 16th and if someone is interested in attending, they should contact Bill Moore for further information. Ms. Bennett also provided a reminder the town office would be closed the next day in observance of Veteran's Day.

Dave Atherton asked about the beaver dam. Ms. Bennett reported Ethan Swift and she visited the location. Ethan Swift stated the town would get involved if it was threatening public infrastructure, but it does not appear there is localized property damage occurring or flooding. They had a conversation with the land owner and suggested there are individuals who trap beavers and this option could be pursued.

Mr. Atherton questioned the status of the Churchill Road issue. Ms. Bennett reported this site was visited and there was a truck blocking the road that was removed. There were no other blockages that hinder people from crossing the bridge. There appeared to be some tree limbs that were moved, but nothing that blocked the roadway and there was a piece of farm equipment in the right of way that was asked to be removed. The brush is in the right of way, but not in the traveled way and is not a blockage. They did observe some damage to the bridge and the Public Works department fixed it.

Mr. Atherton questioned how the Economic Development contract is working and Ms. Bennett reported the contracted individual has been in town and he has had contact with several different projects that are in the works. There has been positive feedback and there are a couple of different projects ready to be moved forward.

Doug Bailey asked if the old parking lot near the Churchill Road Bridge was viewed during the recent visit, noting this area also needs to be watched, as there are livestock fences that are being left open and the livestock are running into the road.

Maria Ammatuna questioned whether the Briggs Lane contract has been signed and Ms. Bennett reported there will be an RFP drafted for the project and it will probably be turned around within a couple of weeks. Ms. Bennett noted this project is for the next construction season.

Robin Bennett reported the town received approval for the Phase 1 funding for the Overflow Culvert grant for \$205,000.00 for the engineering and design of the project. The project was split into two phases to catch it up with the Segment 6 project; 1) design and 2) construction. Ms. Bennett has not received the official paperwork as yet. There was an invitation to apply for the construction grant. Ethan Swift suggested checking what the local cost share will be for that project, as the town is eligible for the Enhancement grant and the town did meet most of the requirements. The town will owe for a portion of the project, but its burden would not be as high due to the Enhancement grant. Wayne Rausenberger stated there are many projects that need to be funded and there needs to be a plan in coming up with the matching funds. It was noted that some of the cost-share percentage for the Wheeler Road Bridge and Union Street project were funded by having separate appropriations and this could be a consideration for other projects. Devon Fuller stated these are projects that could potentially be funded through a bond vote as they are projects that are going to last for several years. Ms. Bennett will be keeping a close eye on this project to be sure it is done in conjunction with Segment 6. Mr. Rausenberger questioned whether the town will proceed with the design and engineering of the overflow culvert now that the grant is received, without the matching funds. Ethan Swift stated once the paperwork is received, it will be clearer what the town's match will be and the town will need to determine how to come up with the cost share. Given the efficiency and what is known about the Segment 6 project, the Board would not want to jeopardize the schedule of Segment 6. Mr. Rausenberger stated the town doesn't have matching funds for other projects and some of this could be a hard sell.

6. Local Options Tax

Ms. Bennett provided information from the Department of Taxation website. Ms. Bennett also took the last five years of taxes collected for the Town of Brandon for retail, meals and rooms. A calculation was done for 70% of a 1% option and it equated to \$89,964.81 for retail, \$31,403.02 for meals and \$7,589.54 for rooms. Maria Ammatuna questioned if it is possible to reserve the funds from a local options tax for a specific purpose. Robin Bennett stated the funds could be specified for a purpose or be part of the revenue stream. It was questioned if it is known what the timeframe would be for the legislature to consider a request from the town. Robin Bennett has not contacted the local legislators, but it requires the local representatives bring it forward to the legislature. Ms. Bennett will be contacting the tax office to determine what needs to be done for implementation. This would have to go to vote at town meeting first before going before the legislature. Ethan Swift asked if it has been determined whether chartering or petitioning the legislature would be the best way to go. Robin Bennett is not sure how many towns have a charter as opposed to petitioning the legislature, though she thought the legislature would be the fastest. Maria Ammatuna stated the wording for the

warning would need to be determined prior to printing of the annual report. Doug Bailey stated this would be good for funding projects like Segment 6 and the Overflow project and could potentially be the source of payment for a bond. Kathy Rausenberger questioned whether the state could supply a list of the businesses that have contributed to the state tax, as there has been indication that some businesses do not contribute. It was noted a listing of the businesses was not supplied by the state.

Motion by Devon Fuller/Dave Atherton to further investigate the Local Options Tax to find out what the process is and what the wording for the town warning would be. **The motion passed unanimously – 4 to zero.**

7. Budget Committee Selection

Maria Ammatuna noted there are several people that have requested to be part of this year's Budget Committee. The Board took into consideration the resumes, prior experience and the previous Budget Committee's recommendations and has determined that it will be a four-person Budget Committee. It was decided that the Board would set up the guidelines and format and then invite the Budget Committee to work jointly with them. The Committee members will be tasked with being ambassadors of the budget and the Committee members will be asked to come back and review the budget performance throughout the year. The Budget Committee members will be Janet Coolidge, Doug Sawyer, Carol Bertram and Scott Hopkins. Due to the length of time the Committee members will be serving, it is likely an alternate will not be needed.

8. FY15-16 Budget

a. Schedule

Ms. Bennett noted it needs to be determined how the Board would like to meet with the Budget Committee prior to setting up a meeting schedule. Dave Atherton asked when a draft budget will be ready and Ms. Bennett thinks that by mid-December a budget shell could be prepared. Devon Fuller thought that four nights in a row worked well last year and at some point the Board should meet separate initially for one night and then meet with the Budget Committee the remainder of the nights. Robin Bennett recommended the Select Board first view the budget shell and do a first pass and discuss any changes at the December 22nd meeting, followed by meetings with the Budget Committee January 5th through the 8th. The Select Board/Budget Committee meetings will be scheduled to begin at 6:00PM. It was thought the budget could be turned over to the Budget Committee after changes have been made from the December 22nd meeting. The meetings will be publicly warned and the deadline for the budget to be warned is January 30th. Ms. Ammatuna stated the format will include actuals, salary sheets and anything that back up a number.

b. Appropriations

There was a discussion to determine whether the Brandon Free Library and the Brandon Senior Center will remain in the town's operating budget or petition for funding separately. To get on the ballot, they need to petition as soon as possible.

Motion by Devon Fuller/Ethan Swift to include the Brandon Free Public Library in the Town of Brandon operation budget. **The motion failed.**

Blaine Cliver stated this is a sad vote, as Brandon loses if the library appropriation fails. The town should have a library supported by the town as a lot of people do use the library. It was noted the library has been included in the operating budget for many years and there have been questions as to why, as they are a non-governmental entity. During the last budget season, the Board cut a percentage of the funding. Doug Bailey stated they could do as well standing alone in the appropriations field and it might be advantageous for them to review what funding is needed for their appropriation. The success ratio with appropriations is fairly high and the library would then not be involved in budget cuts. Devon Fuller agreed that the library would do well as an appropriation, noting the Wheeler Road Bridge and the Union Street appropriations went through without issues and there is backing for the Senior Center and the library. The decision needs to be made soon to allow them to get the petition signed and it will require both entities to make their operating budgets public. Mr. Fuller stated the town is not taxing people for these areas and the town does not govern them. The community has always been interested in funding these two entities in the past. Dave Atherton agreed and stated if the library had been separate, they would not have lost 5% of their funding this year. These entities may decide to increase their appropriation and it could benefit them. Linda Stewart expressed concern that the library appropriation would be large at \$85,000.00 and the Senior Center would be around \$25,000.00 and she agreed with Mr. Cliver that it is a mistake to take them out of the budget. Blaine Cliver suggested the town should fund the entities by 50% and have them submit a 50% appropriation.

Motion by Devon Fuller/Dave Atherton to not include the Brandon Senior Center in the Brandon operating budget.
The motion passed unanimously – 4 to zero.

Richard Baker stated there is another \$76,165.00 of voter approved appropriations and it is time to require that these organizations circulate petitions. It was noted that past practice was if the entity did not ask for more money, the appropriation is automatically put on the ballot. Berne Carr disagreed with this request as this is a huge waste of time for the volunteers and once an appropriation is on the ballot, the voters can determine what to do with the appropriation. Robin Bennett stated this is at the discretion of the Select Board, but she did agree with Mr. Carr if they are not asking for any more money and have been funded in the past that it is up to the voters. Ethan Swift suggested petitions should be sought on a periodic basis, but not necessarily on an annual basis. He stated it is helpful for them to provide a breakdown of their services to justify the ask to the community. Mr. Fuller questioned whether there is a policy and agreed with Mr. Swift that there needs to be a process. Maria Ammatuna stated there have been voters who have asked about the budgets for the appropriations and it was noted that

individuals can request budgets from the organizations. Robin Bennett will clarify the policy for appropriations. Mr. Carr stated every organization is struggling to determine where their funds are coming from and it would force volunteers to do busy work. Mr. Swift noted it would help to reaffirm the level of services. Ms. Bennett will provide the Board the Appropriations policy at the next Board meeting. Cindy Bell thought it would be a good idea for the public to understand the appropriations, as many residents do not know what they are gaining in services for some of them. Janet Coolidge stated now that money is getting tighter, more consideration will be given to the appropriations. She also requested the Select Board change the timeframe from five years to two years for tax exceptions, as this has a significant impact on the budget. Seth Hopkins stated it is not a good idea to set something on auto pilot and he agreed with petitioning for the appropriations, noting he would look at as participatory democracy. Wayne Rausenberger asked if the Mosquito District will be in the budget or an appropriation, as the District has only one meeting between now and when the petition needs to be in. Ethan Swift stated the Board decided that mosquito control was a public safety and health issue and will be included in the operating budget.

d. Annual Town Report

Maria Ammatuna reported the annual reports will still be printed this year; however, people have expressed concern with the content. Dave Atherton suggested due to the aggressive delinquent tax issue, this should be included in the report again. Mr. Fuller noted it had previously been removed to save on printing costs. It was decided the names and a total figure owed will be included in the report that will include taxes and fees for both property and sewer delinquencies. It was suggested to include a notation for those accounts that have a payment plan in place. Phyllis Reed suggested a list of the actual figures as of December 31st and the projected figures out be included in the report.

Motion by Dave Atherton/Doug Bailey to include the delinquent amounts for sewer and taxes in the town report and include a delinquent tax collectors report with the accounts on payment plans notated with an asterisk. **The motion passed unanimously – 4 to zero.**

9. Errors and Omissions

Maria Ammatuna stated the Board is to consider an error and omission for Parcel 0085-1746 that has an incomplete camp for current use. Ms. Furnari reported the property will increase next year, but it is now an unfinished camp.

Motion by Devon Fuller/Dave Atherton to approve the error and omission for Parcel 0085-1746. **The motion passed unanimously – 4 to zero.**

10. Sexual Harassment Policy

Robin Bennett reported the Sexual Harassment policy for the Board's consideration comes from a model policy from VLCT that was slightly modified.

Motion by Devon Fuller/Dave Atherton to approve the Brandon's Sexual Harassment policy for purpose of discussion.

Devon Fuller requested the legal definition of sexual harassment be added to the policy as he did not think that this would constitute a one-time event and the legal definition needs to be included. Dave Atherton noted if it is sexual harassment, it is not likely that one incident is acceptable. Ethan Swift stated it could be a one-time occurrence. Mr. Fuller stated harassment is something that happens continually.

Ethan Swift suggested a friendly amendment to include a secondary contact that could include the Select Board Chair in the event the Town Manager is out of town.

The motion passed with the friendly amendment with one abstention - Devon Fuller.

11. Expense Reimbursements

The Board Chair had requested information on the Expense Reimbursement procedure as there had been some pricey expense reports submitted and Ms. Ammatuna suggested the Board review the content of the expense reports of the Town Manager for transparency purposes for those with a high dollar amount. It was noted the Town Manager has authorization to approve up to \$5,000.00 for the direct reports. Devon Fuller stated all expense reports have to be approved by the supervisor and the Town Manager's reports are in the warrants that are approved by the Select Board. Dave Atherton thought it would be good for transparency purposes to review the expense reports in those instances. It was noted the Town Manager's expenses are contractual and expenses are incurred on behalf of the town. Robin Bennett stated there is always back-up provided and during audits the Town Manager's expense reports are always pulled and reviewed. There is a policy in place and protocols to be followed.

12. Town Office Project

Robin Bennett reported the application is complete. One final check will be done and submission of the application will take place tomorrow. It was noted the application is for the renovation of the Town Office, but does not specify a length of time for occupancy. Devon Fuller thanked Blaine Cliver, Jeff Stewart, Wayne Rausenberger and Robert Black for getting this project done to this point, noting the Town is fortunate to have people that are willing to work on a project to push it through.

13. Segment 6/Bridge 114 Projects

The Board was provided notes from the recent VHB/CLD conference call. Robin Bennett stated the right of way plans are moving forward and will be submitted today to

the state. CLD was given approval for the scope of work for Bridge 114 and there will be a kick-off meeting scheduled sometime next week and will likely be a conference call. Wayne Rausenberger questioned the statement regarding coordination between Segment 6, Bridge 114 and the HMPG project as he does not see how this will happen, as there will not be a scope of work or design of the bridge until April. Ms. Bennett stated coordination can be a couple of things and doing certain aspects of the project at different times can be done. The overflow project has always been part of the conversation and they have taken this into account and adjustments will have to be made. Devon Fuller questioned if VHB has been given notice of the appraisals as it is noted in Item 5(b) that additional work will be done. Ms. Bennett advised these are parcels that have confusion that she thought were resolved and she will confirm with VHB. Mr. Fuller also questioned the design item regarding parking spaces at West Seminary Street. It was noted that CLD was able to comply with one ADA spot and the Town needs to verify they want one space incorporated in the design. This does not have a proper parking space with today's standards. Mr. Fuller also questioned what the As-builts means and Ms. Bennett reported this refers to the As-builts from the waterline project. Dave Atherton questioned the amendments with regard to the waterline and Ms. Bennett stated the scope of work change was previously approved due to the ledge issue. Ms. Bennett reported she now has a model to go by for the mortgage releases and advised CLD submitted the right of way plans today. Ms. Bennett also reported VSE has everything they need. Maria Ammatuna asked if there was a cost overrun and Ms. Bennett stated she did not believe there was one and will confirm this item.

14. FEMA Projects

a. Cobb Hill

Robin Bennett advised there was a report from A & E regarding the culvert project and a recommendation was made to use the aluminum culvert design.

Motion by Devon Fuller/Ethan Swift to approve the aluminum culvert design. **The motion passed unanimously – 4 to zero.**

Ms. Bennett reported this is an estimate for the culvert itself and does not include the installation or any of the site work and footing excavation will be additional. The Town will have to apply for a grant for the actual construction. It was noted this is the only access to those homes in that area.

Maria Ammatuna stated Richard Baker, as the representative to the Regional Transportation Committee, provided a report from the Regional Committee that highlights Brandon's projects. The next Regional Transportation meeting is scheduled for December 4th that will be a legislative update.

15. Fiscal

a) General Fund Warrant – November 10, 2014 - \$55,938.99

Motion by Devon Fuller/Dave Atherton to approve the General Fund warrant of November 10, 2014 in the amount of \$55,938.99. **The motion passed unanimously – 4 to zero.**

b) Wastewater Fund Warrant – November 10, 2014 - \$4,761.14

Motion by Devon Fuller/Dave Atherton to approve the Wastewater Fund warrant of November 10, 2014 in the amount of \$4,761.14. **The motion passed unanimously – 4 to zero.**

c) Consider P.O. 51801 to Cargill, Inc. for Road Salt - \$50,000.00

Motion by Ethan Swift/Dave Atherton to approve P.O. 51801 to Cargill, Inc. for road salt for an amount not to exceed \$50,000.00. **The motion passed unanimously – 4 to zero.**

Ethan Swift asked if there has been a strategy developed to mix more sand. Robin Bennett stated Peter has been giving instruction on how the mix will be done since the budgeted \$50,000.00 will buy less product due to the 20% increase in price.

Motion by Ethan Swift/Devon Fuller that the 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 passed unanimously – 4 to zero.**

Motion by Ethan Swift/Devon Fuller for the Select Board to enter into executive session at 9:14PM to discuss the Town of Brandon's Contract with AFSCME under the provision of Title 1, Section 313(a)(1) of the Vermont Statutes with the session to include the Town Manager. **The motion passed unanimously – 4 to zero.**

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

Motion by Ethan Swift/Dave Atherton to come out of executive session at 9:35PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

Motion by Devon Fuller/Ethan Swift to enter into executive session at 9:36PM for the negotiating or securing a real estate purchase or lease option. **The motion passed unanimously – 4 to zero.**

17. Executive Session

Motion by Devon Fuller/Ethan Swift to come out of executive session at 9:45PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

18. Adjournment

Motion by Dave Atherton/Devon Fuller to adjourn the Select Board meeting at 9:46PM.
The motion passed unanimously - 4 to zero.

Respectfully submitted,

Charlene Bryant
Recording Secretary