

**Brandon Select Board Meeting  
December 8, 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, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Erin Mansfield, Lee Kahrs, Judy Bunde, Blaine Cliver, Jeff Stewart, Kaitlin O'Shea, Judith Ehrlich, Bernie Carr, Janet Coolidge, Carl Phelps, Delores Furnari, Beth Carr, Sam Kenney, Janet Mondlak, June Bohler, Melissa Thompson, Molly Kennedy, Gary Meffe, Lynn Wilson, Kevin Smith, John Byatt, Mike Servetas, Scott Robertson, Ms. McDow

**1. Call to order**

The meeting was called to order by Maria Ammatuna at 7:08PM.

**a) Agenda Adoption – Motion** Dave Atherton/Devon Fuller to adopt the agenda with the following additions. **The motion passed unanimously – 4 to zero.**

Segment 6/Bridge 114 Projects be moved to Item 2

Executive session added for a contract discussion – Item 12

Change adjournment to Item 13

**2. Segment 6/Bridge 114 Projects**

Representatives from VHB and VTrans were present to address questions regarding the Segment 6 and Bridge 114 projects.

Mike Servetas, VHB Project Manager for Segment 6 reported the final requests for waivers were submitted to VTrans and were approved. CLD will be revising the plans and providing further comments and submitting plans to the real estate appraiser for the selected properties with easements over \$10,000.00. The town will be preparing waiver evaluations. There are currently waivers for the parcels with only discontent and connect for water lines and VTrans has indicated they can be executed. There is a template for the waiver evaluations that will be submitted for review and approval by VTrans. The waivers should be completed in February and the negotiations can begin in April to obtain easements for the project. It was suggested the Bridge 114 project should be fast-tracked to coincide with Segment 6 if it is doable. Mr. Servetas stated they can work with CLD to see what they have regarding the design and it will depend on the ultimate improvement to be done. Minor improvements to upgrade the structure would not impact the road construction. The sidewalk work would be done outside the roadway and the two lanes of traffic could still be maintained. The critical path is to work with CLD and come back with alternatives to provide options of what the improvements could be and what they would cost.

There was a question of the slab under the roadway and what that would mean with reinforcing the roadway. Ethan Swift asked at what point that becomes the major point in the bridge repair and at what point does widening the bridge become a more viable option. John Byatt would like to find out the condition of the slab as it is not in the current scope and there could be a cost estimate done for its removal. The exact limits would be more for final design, but he could give an idea of what it would cost to remove it or to drill through and cement below. It would be good to know what the condition is and if it is solid, it may not be a concern. The scoping study should be done and then a review of the slab after that. Ethan Swift stated there would be a lot of cost efficiencies in combining the projects and he imagines it would make sense to align the projects. Scott Robertson stated VTrans does not want to extend the Segment 6 project and they are very close to being out of money. If the bridge project catches the roadway project, it would be great, but the state is concerned with the roadway part of the project. Devon Fuller stated there was also discussion of a using membrane that would protect the bridge and the mortar. John Byatt advised that the other option, a mortar injection, should be as good an option as the membrane and that would allow to fast-track the project. Devon Fuller does not know how the town has slowed down the waiver project, but the design changes that were done were not supposed to slow it down. Scott Robertson stated changes had to stop in 2008 when the Request for Waiver process began. Blaine Cliver stated most of the design changes would not affect the right of way. Mr. Robertson stated at the time it was not known, but there were other items that could have affected other processes and it was difficult to keep this moving forward. Mr. Robertson stated the right of way plans and the warranty deeds have been submitted to VTrans and he thinks the project is still on track for 2016. It is the state's desire to have it advertised by 2016. Dave Atherton stated the town does not want to push this out any further and the Board is ready to assist in any way to get it done faster. Scott Robertson stated it is all about appraisals and waiver evaluations at this time. Robin Bennett stated the negotiated ones will take more time than the ones that are routine. CLD will be providing the information for the appraisal work to start. The waiver evaluations of less than \$10,000.00 can be started by the town at any point with the template that has been created. Maria Ammatuna asked if the town needs to create a change order to the contract. Robin Bennett stated in order to get them accomplished, she would like to contract with someone to do them. There will be a conference call with CLD, VTrans and VHB. It was noted that VSC could possibly do the work as they did the deed work. As with the easement language, a cost will be discussed during Thursday's meeting. Mr. Robertson stated VSE used the lowest rate possible with the last project and the cost was realistic. Wayne Rausenberger asked about the overflow culvert and how that will be handled. At this time, the town has been approved for Phase 1 of the overflow culvert. This will be part of the conversation for Thursday's meeting of what will need to be done to have this happen. FEMA was asked to break up the project into phases and there will be discussion of who will do the design work. Mr. Rausenberger asked if VTrans sees this as a problem if there is not a contractor to do this. Mr. Robertson stated VTrans' focus will be to complete Segment 6, but if there is a way to coordinate the projects, they will try. There is a possibility of having to redo the road with the overflow project. Robin Bennett stated the sewer portion of the project will be part of the design project as it makes sense to get this portion coordinated with Segment 6. Devon Fuller

asked John Byatt if the bridge could be caught up to Segment 6. Mr. Byatt stated if there are no right of way issues; but if it is widened too much, there could be an issue. If everyone does their part, he thinks it might be possible. Mr. Byatt does not think the design will be complex and if a solution is agreed upon, he does not see the plans will be difficult to be put together. The alternatives the town is looking at are to rebuild, repair, widen the structure and rebuild the stone arches. Scott Robertson stated this could be an expensive option. Blaine Cliver questioned if the town has done anything about acquiring the land. Robin Bennett stated this has to be part of the Phase 1. Richard Baker asked how soon can there be a purpose and needs statement. John Byatt stated it could be a couple of weeks and VTrans will then have to approve the purpose and needs statement. Devon Fuller stated it is important to VTrans that they complete a bridge that vehicles and pedestrians can get across and it is the town's responsibility to pay for a historical bridge. Blaine Cliver stated VTrans should do it in the context of a historical bridge.

### **3. Consent Agenda**

#### ***a) Select Board Meeting Minutes – November 24, 2014***

**Motion** by Ethan Swift/Dave Atherton to approve the minutes of the November 24, 2014 Select Board meeting. **The motion passed unanimously - 4 to zero.**

### **4. Public Comments for Items not on the Agenda**

Kevin Smith, resident of 70 Carver Street, was present to discuss the taxes for his property at 72 Carver Street. Mr. Smith stated that in August the total for his outstanding property taxes was \$8,893.00 and he advised Anna Scheck and Robin Bennett that he was going to get a loan. In October, he was advised that his payment would be \$800.00 per month. He has paid the current year's taxes and at the end of November he received a letter from the town's attorney. Mr. Smith stated 72 Carver Street is a rental property and he has a mobile home on it. The rent will be \$650.00 per month and he can pay \$400.00 per month on the taxes. Melissa Thompson stated she understands that her brother is behind in taxes, but what he owes in comparison to others is not a large and \$800.00 per month is a lot of money. She stated he is making an honest effort to pay the delinquent taxes. The property has been in the family for four generations and they do not want to lose it. It was noted there are two separate tax bills because the town is taxing the mobile home separate from the property. Maria Ammatuna stated since the legal process is already in motion, Mr. Smith has to go through the attorney, as once it is turned over to the attorney it is out of the town's hands. The town cannot negotiate once it has been turned over to the attorney, but the attorney has the option to come back to the town manager to discuss options. Ms. Ammatuna encouraged Mr. Smith to contact the attorney with his proposal.

Wayne Rausenberger questioned when the Union Street reconstruction will go out to bid. Robin Bennett stated they will be working to put that together. Mr. Rausenberger stated there are four pot holes on Union Street and the town filled only one. Ms. Bennett stated will follow-

up on that item. Mr. Rausenberger questioned if the stop sign at the bottom of High Street is going to be put back. Ms. Bennett stated the reason it was removed was that it was not in compliance with the standards. Mr. Rausenberger expressed concern that it is a dangerous area to not have a stop sign. Richard Baker stated there is a traffic ordinance that indicates a stop sign should be there.

Judy Bunde requested the slides that were shown during this evening's special meeting be placed on the website.

Richard Baker provided the Board the Regional Transportation Committee's project prioritization list. Mr. Baker stated there is a value assigned for each of the projects listed and the list will go to the state to develop their fiscal 2016 budget. Mr. Baker stated if the notation indicates "New", it is not in the front of the book yet. If it is in the front of the book, the project has been approved. Dave Atherton stated it is a good sign that Brandon has 7 projects on the listing.

Richard Baker questioned the status of the health insurance for the town staff, as their current plan runs from January 1<sup>st</sup> to December 31<sup>st</sup> and the insurance ends unless the Select Board approves an extension and for the last 3 years the Select Board has approved the health insurance plan. Robin Bennett stated both parties have expressed interest in the negotiations and the current contract stays in place until a new contract is approved, and the health insurance also stays in effect.

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

Robin Bennett reported \$243,995.52 or 33.8% of the delinquent taxes and \$110,163.12 or 28% of the delinquent sewer taxes have been collected. Since the attorney letters were sent, it has prompted numerous calls and payment arrangements. The Public Works job advertisement has been placed. Glenna Pound has been preparing financial statements and the anticipated completion date will be by the end of December. There will be an Employee Appreciation Luncheon held on December 19<sup>th</sup> and the town office will be closed December 25<sup>th</sup> and 26<sup>th</sup>, with employees using a floating holiday or vacation day for the 26<sup>th</sup>. The FY 15/16 budget meeting schedule has been submitted to the Select Board and Budget Committee. With regard to the Center Street/West Seminary intersection, the town would like Mr. O'Grady present when the sidewalk is dug up to document the condition and determine the necessary repairs. The HMPG grant paperwork has not been received, but it has been verified the town's match is 25%. The town may apply to the CDBG program for the additional match once the information is received. Ms. Bennett provide the Executive Summary from the Wastewater Revolving Loan fund that outlines the original project, what A & E was engaged to do and the recommendations for the next phase. The December 15<sup>th</sup> budget workshop meeting will be held at the Brandon Rescue Squad building.

## **6. Brandon Free Public Library Appropriations**

Beth Carr, a member of the Brandon Board of Library Trustees, read the following excerpt from a letter submitted to the Brandon Select Board on behalf of the Library Board of Trustees:

“The Library Board of Trustees respectfully request that you return the Library appropriation back into the proposed budget for FY16 at the level-funded amount of \$84,500.00 We have always been appreciative of the support of the Brandon taxpayers. The Library is an integral part of the community and provides traditional benefits as well as humanitarian services beyond the traditional scope of library work. Providing voters the “chance” to vote on this appropriation independently could have a devastating effect on the organization, if it failed at the ballot box.”

Ms. Carr questioned if the library is a separate item and voted down, will there be an opportunity to have it revoted if it is separate from the main budget of the town. Robin Bennett stated there could be a special election called within 30 days, or go on the ballot for the next special election. Maria Ammatuna requested clarification if a special election could be done for the library appropriation. It was noted the reason the library was removed from the budget and placed under appropriations is because it is a non-profit and not a department of the town. The town does not have jurisdiction over the library nor does it own the building. Maria Ammatuna stated it was not appropriate for it to be in the budget and many people did not realize that the senior center and the library were being funded by the town. The mosquito district was kept in the budget due to the public health issue in the state. Robin Bennett stated it is common that a library is a separate appropriation in many communities. Gary Meffe was concerned there is misinformation in the public and people may see this as a new appropriation without realizing that they have been paying for it in the past. Mr. Meffe thought it should be left in the budget if it is possible to do this legally. Dave Atherton stated there were significant cuts made last year for the town’s infrastructure and changes need to be made to be able to maintain the town and assure it is fully functioning. Ms. Ammatuna stated people who want the library will get out and vote for it. Janet Mondlak stated a broad majority of libraries have major funding from their towns and Brandon has one of the lowest percentages from their town. Ms. Mondlak could obtain more statistics if the Select Board is open to considering a change. Though the town has no governance over the library, its Board of Trustees is voted by the town voters. Robin Bennett stated whether it is by appropriation or the general fund, the library is being supported by the taxpayers in Brandon. Devon Fuller stated when it is put back into the general fund; the town has the option of reducing the amount paid to the library. Ethan Swift stated the Board supports and believes in the library and it is helpful to have the information that has been provided. Doug Bailey thought the library would be better off standing on its own, due to the town going through so many votes. Cindy Bell asked if this request comes from a petition or how the library can request to be added back into the budget. Ms. Ammatuna stated the public has the right to come forward to make requests and petitions are not required. Karl Phelps disagreed the library is better off on its own. He noted the library is a very professional library and serves the town by having computers for people that don’t own computers and many children use the library. Ms. Ammatuna asked if there is money from other towns in the library’s budget and it was noted there are two towns that each provide \$2,000.00 to the library. The charges are per capita and if other people want to use the library there is a fee.

Dave Atherton asked why the library could not also be an appropriation with not only Brandon, but also Sudbury and Leicester. It was noted that Sudbury and Leicester includes the library in their town budgets. Ethan Swift stated the big ticket items that were voted separately did pass last year. If the voters believe in the items they will vote them in and he thinks that this is the case with the library. Janet Coolidge suggested the letter be placed on the town's website for people to access information about the library. Maria Ammatuna stated there was discussion of putting this type of information on the town's website rather than in the town report. Ms. McDow thought the library was a government function and stated the library is the heart of the community. Beth Carr stated the library had to have been owned by the town at some point. Blaine Cliver stated there were several libraries in town in the past and the buildings had been owned by personal property owners. The library was formed in 1902 and did not own the building until later. Doug Bailey stated the Board is trying to streamline what the people are looking at in regards to the town budget by what is owned and overseen and personnel. The town does not have control over the library and the Select Board thinks the library on its own would do better. He does not see this item being voted down. Mr. Phelps stated the library has asked for level funding and questioned if the town believes that they will not pass another budget. Janet Mondlak stated if this is removed from the budget this year, it likely would not be making its way back in the future and there will be stress in worrying about a budget every year. Ms. Ammatuna stated the town could determine the amount they could fund the library is considerably less than what they are asking for, if it is added back into the budget.

**Motion** by Devon Fuller/Doug Bailey to return the library appropriations back into the FY2016 budget.

Devon Fuller sees the library as a function of the town that a cross section of everyone from young children to the elderly uses and he thought this should be included in the town budget. It is an economic driver for a town that has a vibrant police department, library, etc. that helps to increase the tax base. He also thought it is poor timing, as there is mistrust in the Select Board and he is concerned the public may not make the decision to vote the library in. Doug Bailey stated it is imperative the library provides the town a budget to substantiate the funds and the Select Board needs to get the information to the people. Dave Atherton stated the library is not run as a town entity and perhaps it could become part of the municipality. He noted concerned with having to cut the budget if the vote does not pass. Ethan Swift believed the Select Board supports the library, but he does not see it as an intergovernmental function. He stated there could be other non-governmental agencies that could come to the board requesting to be added into the budget.

A vote was called for the motion. **The motion failed.**

**The Board called a recess at 9:00PM and the meeting resumed at 9:12PM.**

## **7. CSO Policy**

Ms. Bennett provided a draft of the Community Service Organization Funding Request Policy for the Board's approval.

**Motion** by Ethan Swift/Dave Atherton to approve the Community Service Organization policy. **The motion passed unanimously – 4 to zero.**

The Town Manager will be sending a letter to all current appropriations explaining the policy.

## **8. Local Options Tax**

Maria Ammatuna stated the Board has a copy of an email from the Secretary of State regarding a Local Option tax. She has also had conversations with the local state legislators regarding the St. Albans Charter that was previously discussed. She was advised the Charter had started out much larger, but they were advised the legislature was only approving the local options tax. She noted gas would be protected but the tax could cover sales, rooms and meals and liquor. Ms. Ammatuna stated there has been a recommendation that the next step would be to hire a tax attorney that specializes in municipal taxes, as they will know charter language. Once the document is prepared, Representatives Carr and Shaw can submit the request during this legislative session. Representative Carr recommended having a referendum for the March vote, as the legislators can bring it forward, but it does require voter approval. The tax attorney would also be able to assist with the warning. Ms. Ammatuna stated Representative Carr has advised the town can earmark the funds for whatever is decided upon. Devon Fuller suggested contacting the St. Albans Town Manager to find out who they used for an attorney.

**Motion** by Ethan Swift/Dave Atherton to authorize the Town Manager to create a referendum for the March town meeting ballot. **The motion passed unanimously – 4 to zero.**

## **9. Town Office Project**

Robin Bennett stated there was clarification requested by the Community Development Program, which has been provided. This will be on the Review Board's agenda this month and Ms. Bennett will have more information at the next meeting regarding the application.

## **10. FEMA Projects**

Robin Bennett has had a discussion with A & E regarding the Kennedy Park sewer and it was decided to hire a vendor who has more specialized equipment to video tape the sewer line to pinpoint the issue and perhaps use slip lining in the area or determine if more extensive repair is necessary. This will be done within 3 weeks and once the problem is known recommendations will be made. All FEMA projects that are open are moving forward at the best rate.

## **11. Fiscal**

**a) General Fund Warrant – December 8, 2014 - \$457,066.85**

**Motion** by Ethan Swift/Devon Fuller to approve the General Fund warrant of December 8, 2014 in the amount of \$457,066.85. **The motion passed unanimously – 4 to zero.**

Dave Atherton questioned what the Brandon Rescue Squad invoice was for and Ms. Bennett advised it is for medical supplies for the Recreation Department. There was a question concerning the mowing of the landfill and Ms. Bennett stated this is required to be done twice per year.

**b) Wastewater Fund Warrant – December 8, 2014 - \$3,364.59**

**Motion** by Devon Fuller/Dave Atherton to approve the Wastewater Fund warrant of December 8, 2014 in the amount of \$3,364.59. **The motion passed unanimously – 4 to zero.**

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 9:25PM for the negotiating or securing a real estate purchase or lease option to include the Town Manager. **The motion passed unanimously – 4 to zero.**

**12. Executive Session – 1V.S.A. 313(a)(2) – Real Estate**

**Motion** by Dave Atherton/Ethan Swift to come out of executive session at 9:55PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

**13. Adjournment**

**Motion** by Dave Atherton/Ethan Swift to adjourn the Select Board meeting at 9:56PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary