

**Brandon Select Board Meeting
November 24, 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, Jeff Stewart, Richard Baker, Chris Brickell, Delores Furnari, Arlen Bloodworth, Dick Kirby, Erin Mansfield, Lee Kahrs, Judi Bunde

1. Call to order

The meeting was called to order by Maria Ammatuna at 7:23PM.

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

Under Fiscal 15/16 – discussion of Community Service Organization Funding Request Policy

Under Town Office Project – discussion of Common Stairwell Agreement

Under Fiscal – addition of Warrant for \$134.00

Under Town Manager’s Report – Brandon Gap National Forest discussion

3. Consent Agenda

a) Select Board Meeting Minutes – November 10, 2014

Motion by Dave Atherton/Devon Fuller to approve the minutes of the November 10, 2014 Select Board meeting. **The motion passed unanimously - 4 to zero.**

A) Special Select Board Meeting Minutes – November 10, 2014

Motion by Devon Fuller/Dave Atherton to approve the minutes of the November 10, 2014 Special Select Board meeting with a correction under Budget Committee Selection names to read Seth Hopkins and Carol Bertrand. **The motion passed unanimously – 4 to zero.**

4. Public Comments for Items not on the Agenda

Wayne Rausenberger requested a status on the rise in the sidewalk near the town office on Center Street and whether it can be rectified. Robin Bennett stated it is an unknown issue and the Town was advised that unless it is prepared to face the problems underneath, it should not be dug up yet. Dave Atherton stated when the

sidewalk plow goes through the first time; the cover may not be there anymore. Robin Bennett will discuss this matter with Peter again to see if the problem can be resolved.

5. Town Manager's Report

Robin Bennett reported \$230,673.56 or 31.9% of delinquent taxes and \$108,214.15 or 27.5% of delinquent sewer taxes have been collected. The list has been turned over to the attorney and they are preparing the letters to be sent Wednesday of this week. There was about \$3,000.00 in taxes and \$1,000.00 in sewer taxes that have been collected since the last report. Once the letters are sent, the property owners will have a 30-day deadline to reply. The property sales will take place in March or April 2015. The attorney will be assessing a 15% fee. The current year's taxes are at about a 7% uncollected rate that include some properties on the list. The Town Manager will have a Delinquent Tax policy for the Board's review at the next meeting.

The advertisement for a Public Works Director has been placed, with resumes due December 12th. Ethan Swift stated there was discussion of subcontracting for the Wastewater Department. Robin Bennett stated there has been discussion of contracting with someone who could provide expertise to the Wastewater Department with the Public Works Director providing more overall guidance and working on the projects the Town has. Ms. Bennett will contact the consultant and discuss specifics of the proposal with Mr. O'Grady. Ms. Bennett stated the first round of interviews should take place by the end of the year, with a hiring at the beginning of next year.

Glenna Pound continues to work on preparing the financial statements and will coordinate with the auditors to begin the audit once she has completed them. The final report is to be received by the end of January and Ms. Bennett will try to better this date. Ms. Bennett stated audit bids will go out after the first of the year. Maria Ammatuna requested the unaudited, estimated fund balances be available for the budget process for discussion purposes.

The town office will be closed this Thursday and Friday in observance of the Thanksgiving holiday.

Ms. Bennett reported the Brookdale Pump station has required the services of A-1 for three days in a row due to baby wipes, as they do not dissolve properly and are clogging up the pump. There is a notice going into the papers and additional notification to the customers in the surrounding area requesting these are not flushed, as this could lead to a backup into someone's house and increased costs for processing. Ms. Bennett reported the Waste Water Department is requesting quotes for the replacement of the Ford F550 truck, as the current truck is 14 years old. This item was budgeted and in the Capital Improvement Plan. Maria Ammatuna suggested warrants for the Waste Water Department be reviewed by the Sewer Commissioners.

Ms. Bennett advised that on December 8th beginning at 6PM there will be a Local Concerns meeting regarding Bridge 114, followed by a regular Select Board meeting.

Maria Ammatuna stated Carl Fjeld was present to discuss a National Forest request. Mr. Fjeld had information about the potential for backcountry skiing in the Brandon Gap area. Mr. Fjeld suggested it would be good for the Town to offer a statement of support to the Green Mountain National Forest endorsing this project in providing economic and recreational opportunities to the region. Maria Ammatuna will provide the Town Manager information about this project.

6. Speed limit Request: Todd Thornton

Todd Thornton of 2579 Forestdale Road was present to request the Select Board assist with getting the speed limit reduced in the area of his home. He noted the speed limit changes from 35mph to 50 mph just after his house. His house is on a bend and there are three other outlets that are driveways and there have been many close calls getting out of his driveway. He would like to have the speed limit lowered and the installation of signs indicating blind drives. Robin Bennett stated Mr. Thornton is looking for support from the Select Board to submit to the state in requesting these changes. Mr. O'Grady and Chief Brickell had indicated the speed should be 35mph, but the Town does not have the authority to change the speed limit. The Agency of Transportation has indicated an email from the Select Board would suffice. Chris Brickell stated there are several concerns with the 50 mph speed limit and it would make sense to have a 35 mph speed limit beyond Ray Forest Drive. Mr. Thornton stated the vehicles do increase speed through this area.

Motion by Devon Fuller/Doug Bailey to request the Town Manager send a letter to VTrans in support of changing the speed limit and suggesting the change to 50 mph be past the eastern outlet to Ray Forrest Drive. **The motion passed unanimously – 4 to zero.**

6. FY15/16 Budget

Robin Bennett stated there was a discussion at the last meeting about the budget, but there was not a direction provide such as an overall cap or specific guidance on operational expense. Devon Fuller stated the Board has a financial duty to maintain the town. The Board needs to take the information that was compiled on the roads, culverts, sidewalks, etc. and determine what is going to be done above the contractual business expenses, as infrastructure is very important. Mr. Fuller does not think that a budget above a 3% increase will pass. Ethan Swift stated the Capital Improvement Plan had recommended what the needs are and the Town is the recipient of grant awards that have cost share percentages and the Board needs to determine what is required to fund the projects. Dave Atherton also did not think the budget could go above a 3% increase in operating costs. With the bonds being separated, they went through because people saw where the money was going. Doug Bailey thought that a budget above a 3% increase would not pass and thought that everyone has to come prepared with a tight budget knowing there has been difficulty getting budgets approved. There have been moves made in taking out the Library and the Senior Center for clarity. Maria Ammatuna

would like to see level funding with projects noted separately. There may be the need for an infrastructure bond that could be spread out over the long-term rather than increasing the operational budget and the union agreement is not known. Doug Bailey stated there should have been some favorable savings due to some vacant positions and one of the driving increases was fuel prices, which were down this year. Ms. Ammatuna stated this year and last year have been austere and in doing a level fund, it will be clearer what will have to be chosen. It was recommended that the Town fund one or two projects in a year. Ms. Ammatuna suggested the repair of the poor sidewalks and Ms. Bennett reported she has been speaking with Mr. O'Grady and he has some ideas for solutions for the highest risk areas. He has been reviewing the reports and he will come up with some fixes to reduce liabilities. Robin Bennett stated there are a number of opportunities in the works that need to be taken care of, if possible, to allow the projects to be done with financial assistance. Janet Coolidge stated it is important to have the lists of all the things to be done and it is important to see how old some of the equipment is. It was requested to have the lists available for the budget discussions. Carl Fjeld asked about the paving of Route 73 and whether there is the possibility for the state to take the roads over. Devon Fuller stated Route 73 is on the slate to be paved to the village limits, however, the state is not willing to take the roads over in the village. Ms. Bennett stated there have been multiple phone calls regarding what the state is going to do and the town is continuing to work this issue. The state is going to pave the center of the road on Park Street. Dave Atherton stated the area of Route 7 near Champlain Street is another area that needs to be repaired. Ethan Swift stated that Green Streets is a grant opportunity to assist in funding the repair of Park Street. It was questioned who has staked out the drainage areas on Park Street. Judi Bunde stated the town cleaned the storm drain near her home. She questioned whether the state intends to bring down the level of Park Street if they are going to pave the central portion of Park Street. Robin Bennett stated that street will have to be leveled down.

Community Service Organization Funding Request Policy:

Robin Bennett stated there has been discussion about organizations that ask for appropriations and she drafted a Community Service Organization Funding Request policy. If funding has previously been received, a petition would not have to be done for four years as long as additional funds are not requested. A letter indicating the services provided and a report to go into the Town's Annual Report providing information on services will be required. Dave Atherton noted this is what was discussed at the last meeting. Ethan Swift stated there was also discussion of requesting the entities to submit a budget to indicate what their operating expenses are. It was noted the Town Manager maintains all information and budgets provided by the organizations who have requested appropriations. The budgets would only be requested at the time of application and not every year, unless additional funding is requested. Ms. Bennett stated none of the organizations had submitted a budget and most have submitted a letter requesting funding. Mr. Atherton stated the Town should not be in the loop for the budgets for the appropriation and he would hope that if they are petitioning for money, they would have a professional product to submit for the town report. It was requested that a summary of services and a budget summary be provided by the applicants for

appropriations that could be made available at the town office. Richard Baker stated it would provide the appropriations a right to circulate a petition, and they might ask for more money. Mr. Baker stated it is only fair to the Library and the Senior Center for everyone to be required to apply again this year. Robin Bennett stated there have been a number of letters already received for appropriations that have previously been on the ballot. It was suggested all appropriations be required to apply this year with the approval of a policy. Robin Bennett suggested a revision of the policy and adoption at the next meeting.

7. Deputy Town Health Officer

A recommendation was made to appoint Delores Furnari as Deputy Health Officer for the Town. Maria Ammatuna questioned whether Ms. Furnari would also be willing to do code enforcement as part of this appointment. Ms. Furnari noted she has assisted Anna Scheck with some code enforcement and would be agreeable to doing this.

Motion by Devon Fuller/Dave Atherton to approve the appointment of Delores Furnari as the Deputy Town Health Officer. **The motion passed with one abstention – Doug Bailey.**

8. Local Option Tax

Robin Bennett reported the document provided to the Board has prompted multiple phone calls for clarification. The letter that came from the Secretary of State indicated legislative approval was an option, however, information from Peter Griffin indicates that option is not available and it would require the Town to adopt a charter to enable a local sales option tax. In trying to get clarification from VLCT, Ms. Bennett talked to the Secretary of State's office and they thought the Town could do this without a charter, which is conflicting information and there has been no definitive clarification at this point. The Town Manager can get a rendered opinion from the VLCT. Devon Fuller stated a charter would have to be passed by the residents of Brandon. Ethan Swift noted there are advantages to being a charter town. Robin Bennett stated Representative Carr had inquired and the information she received indicated a charter is needed. Mr. Fuller suggested sending the letter that Mr. Stewart had received about this subject to Mr. Carr. Ms. Bennett noted to do a proper charter would be a lengthy process. Maria Ammatuna asked how much of a priority this would get in the legislative session and representative Carr thought it could be done in a matter of several weeks. Ms. Bennett will contact Attorney Carroll concerning this matter. Mr. Fuller suggested contacting the Deputy Secretary of State to inquiry as to what has to be done to make this happen. Judi Bunde asked if this can go on the ballot in March, since it would require voter approval and it was noted that clarification is required prior to the vote. Ms. Ammatuna was advised by Representative Shaw that Pittsford had a village tax and she suggested it would be good to know what a village tax would mean for Brandon. Dave Atherton stated the village and town of Essex have not had success with this type of tax.

9. Town Office Project

Robin Bennett reported the application was submitted and a request for additional information was received. This information will be provided tomorrow. Ms. Bennett distributed the Common Stairwell Agreement to the Board that had been resolved today. There are two components, a perpetual agreement and the construction agreement. The documents have been reviewed by the Town's attorney and he recommended it would be a good agreement to enter into. Maria Ammatuna questioned one of the where-as paragraphs regarding the Town's intention to install a lift. Ms. Ammatuna stated the town intends to install a lift in the stairwell, but expressed concern if the grant is not received. Ms. Bennett stated this would be a requirement that the second floor is ADA accessible and it would not be realistic for people to get between the floors from the back of the building since the property is not owned by the town and it would require a long ramp. The agreement indicates if the construction agreement is not completed within a specified time; the agreement becomes null and void. It was noted the lift will always remain the sole responsibility of the Town. Ethan Swift stated the Town is expecting to hear from the CDBG grant by mid-December, but questioned how quickly the funds would be released. Robin Bennett stated the funding would be drawn down and is fairly accessible. Mr. Swift was concerned with the strict requirement limiting contractor parking along Center Street. He stated during the construction of the stairwell, this would be the only access and could be a logistical hassle. He suggested there could be times of day or something agreement upon that would not ultimately restrict the contractor from parking to allow a vehicle to be in close proximity. Dave Atherton stated this needs to be reworded, to allow for a vehicle that has specialized equipment. Devon Fuller did not think that was the intent of the statement, but agreed it should be clarified.

Motion by Devon Fuller/Dave Atherton to approve the Common Stairwell agreement as presented. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Dave Atherton to approve the Construction and Maintenance agreement, subject to a request for a wording change in the section noting contractor parking on Center Street. **The motion passed with one no vote – Maria Ammatuna.**

10. Segment 6/Bridge 114 Projects

Robin Bennett stated VHB provided a report regarding Segment 6 and Bridge 114. The right of way plans have been submitted to VTrans and the Town is working on the remaining waivers to get them submitted. There has been some feedback on the appraisal prices for the right of way process. Ms. Bennett will provide additional information on this subject at the next meeting. Dave Atherton expressed concern with the statement that VSE would be charging \$50.00 per release to complete forms and if the Town decides to do the releases, they could redo them later at this rate. Robin Bennett stated they could possibly do that, as they will be checking them again. Maria Ammatuna questioned what input was required from the Town regarding the ASR 9 that had been submitted for design. Ms. Bennett stated these are changes the Town asked for earlier and the cost will need to be included if the Town wants the changes

implemented. Ms. Bennett noted the conference call had been canceled for this week. With regard to the Waterline, the contract has been approved, but the amendments have not been executed and it is hoped to have this item at the next Board meeting. There was a conference call regarding Bridge 114 to discuss and schedule the Public Concerns meeting for December 8th. Wayne Rausenberger questioned what VTrans involvement is, since the bridge is owned by the Town. Mr. Rausenberger knows the money allotted for the bridge comes through VTrans, but questioned what other input VTrans has with the bridge. Robin Bennett stated they are paying the majority of the bill, but there was no discussion about the design. Scott Robertson reminded the Town that it is a rehab project and not a full bridge replacement. Mr. Rausenberger expressed concern that things keep getting changed and he is confused about the project. Robin Bennett stated the Local Concerns meeting is part of the process and is a requirement. Mr. Rausenberger knows this is a rehab and he would like discuss with the VTrans representative what his idea of the rehab is since there are two bridges.

HMPG Culvert Application:

Robin Bennett has not received the paperwork from the state on this item and she does not have what the next steps will be. Ms. Bennett will follow-up with the state, as she had expected to receive those prior to this meeting and the exact match is not known. Ethan Swift stated an RFP will have to be sent out for the design and engineering work. Ms. Bennett stated there will be discussion on how this is to be coordinated as this will be going through an area that is being designed. Mr. Swift advised the Act 250 coordinator stated he did not see that this would be a change, but would need to be kept in the loop. Mr. Swift also talked with the River Management person and there needs to be a discussion about the base elevation, as this could affect the Segment 6 project. Richard Baker stated only Phase 1 of the grant has been approved.

11. FEMA Projects

Ms. Bennett reported the projects are moving forward from the approvals given. The proposed design approvals for Green Park are still pending approval from FEMA.

15. Fiscal

a) General Fund Warrant – November 24, 2014 - \$641,483.18

Motion by Ethan Swift/Dave Atherton to approve the General Fund warrant of November 24, 2014 in the amount of \$641,483.18. **The motion passed unanimously – 4 to zero.**

Maria Ammatuna questioned whether the warrant for Ron's Plumbing and Heating was coming out of the Operating budget or the Friends of Town Hall and it was confirmed it will be paid from the Operating budget.

Richard Baker stated normally both schools are funded on the same warrant and questioned why OV's warrant was not included. Ms. Bennett stated it will be included in the warrants for the next Select Board meeting.

Ethan Swift questioned the different entities used for car repairs and Ms. Bennett reported there were vehicles that had to be serviced at specialty shops.

Devon Fuller asked whether the warrant for the Vermont offenders work mowing was the end of season payment and Ms. Bennett confirmed that was the case.

b) Wastewater Fund Warrant – November 124, 2014 - \$13,898.72

Motion by Devon Fuller/Dave Atherton to approve the Wastewater Fund warrant of November 24, 2014 in the amount of \$13,898.72. **The motion passed unanimously – 4 to zero.**

Devon Fuller asked for clarification of the Casella Waste Management warrant as to whether it was for dumpster rental or sludge disposal, since there was also a warrant for sludge disposal from Mike's Trucking. Ms. Bennett confirmed Casella's was for dumpster rental.

c) General Fund Warrant – November 243, 2014 - \$134.00

Motion by Dave Atherton/Devon Fuller to approve the General Fund warrant of November 24, 2014 in the amount of \$134.00. **The motion passed unanimously – 4 to zero.**

Devon Fuller read the following email received by the Town Manager:

"Hi Robin,

This morning I discovered I had made a large mistake when I came to pay my tax bill this past Monday. I wanted to tell you that Sue Gage and the other ladies in the office helped me fix that problem in no time at all. It added extra work to their day, but they were so sweet about everything, telling me not to worry. They were just awesome and turned a bad morning into a great afternoon. Please know how much I appreciate all their effort.

We always hear when things are not going great; it's nice to hear when our peers go above and beyond to help the tax payers. Be well.

Best,

Kimberly M. Gurney"

Motion by Devon Fuller/Dave Atherton for the Select Board to enter into executive session at 9:23PM for the evaluation of a public officer or employee pursuant to Title 1 Section 313(3)(a)(3) 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(3)(a)(3) – Evaluation of the Town Manager

Motion by Devon Fuller/Dave Atherton to come out of executive session at 10:34PM. **The motion passed unanimously – 4 to zero.**

There was no action required.

18. Adjournment

Motion by Dave Atherton/Ethan Swift to adjourn the Select Board meeting at 10:35PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary