

**Brandon Select Board Meeting
January 12, 2015**

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

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

Also in Attendance: Robin Bennett, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Erin Mansfield, Lee Kahrs, Phyllis Reed, Dennis Reisenweaver, Dick Kirby, Chris Brickell, Jeff Stewart, Tracy Wyman, Anna Scheck, Doug Sawyer, Sam Glaser, Steve Cjika, Carol Bertrand, Seth Hopkins, Sue Gage, Janet Coolidge, Jeff Guevin

1. Call to order

The meeting was called to order by Dave Atherton at 7:01PM.

a) Agenda Adoption – Motion by Devon Fuller/Doug Bailey to adopt the agenda as amended. **The motion passed unanimously – 3 to zero.**

Add a discussion of the local option tax after the Town Manager's report.
Add an additional executive session for personnel at the end of the meeting.
Add a discussion of the Union Street project under Item 10 – Segment 6/Bridge 114 Projects.

Motion by Devon Fuller/Ethan Swift to enter into executive session, including the Town Manager, at 7:10PM to discuss a contract as 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 – 3 to zero.**

2. Executive Session – 1V.S.A. 313(a)(1) – Union Contract

Motion by Ethan Swift/Doug Bailey to come out of executive session at 7:26PM. **The motion passed unanimously – 3 to zero.**

There was no action required.

Dave Atherton read the following letter of resignation dated 1/12/15 from Maria Ammatuna:

“Dear Mr. Atherton,

As the VP of the Brandon Select Board, I submit this letter of resignation to you effective immediately.

I have become aware of some serious personal medical issues that I need to focus my time and attention to.

I thank my board colleagues for the collaborations thus far and the progress we have made. I thank the taxpayers we serve for putting their trust in me to serve on their behalf.

I look forward to the positive outcomes of the Select Board's current plans.

If I may, I would endorse Seth Hopkins for an appointment to my open seat until the March election. This is based upon the letter of interest he sent for Blaine's seat and for his contributions to the current Taxpayer's Budget Committee.

Respectfully submitted,

Maria Rose Ammatuna"

3. Consent Agenda

a) Select Board Meeting Minutes – December 8, 2014

Motion by Devon Fuller/Ethan Swift to approve the minutes of the December 8, 2014 Select Board meeting. **The motion passed unanimously - 3 to zero.**

b) Select Board Workshop Minutes – December 15, 2014

Motion by Devon Fuller/Ethan Swift to approve the minutes of the December 8, 2014 Select Board meeting. **The motion passed unanimously - 3 to zero.**

4. Public Comments for Items not on the Agenda

Sam Glaser asked whether there is any action being taken on the reconstruction of Park Street and whether any formal request from AOT was made to request their assistance. Robin Bennett stated various phone calls were made to AOT in an effort to coordinate with the Segment 6 project, but no firm answer has been received. Mr. Glaser spoke with Susan Scribner of AOT and was advised that it would take a letter from the Town officially requesting assistance on Park Street. Ms. Scribner had indicated there would be a quick response, but she did not guarantee it could be done. Ms. Bennett stated the Director of Public Works did speak with Ms. Scribner. Ms. Bennett will follow up with a letter. Ethan Swift stated this project was added to the Regional Project list to be vetted through the AOT. This step has been taken and there have been discussions with the

AOT Project Manager. Mr. Glaser stated getting the project on the agenda is just one step in the process and AOT can decide to take the project on their own. Mr. Glaser was involved in the discussion during the initial meetings on Segment 6 and a statement was made that a side agreement could be added. He also learned that engineering is separate from AOT. Mr. Glaser would appreciate the Town Manager sending a letter to AOT. Mr. Glaser noted there may or may not be money for this project and the board should consider bonding a municipal project, as there is no way that all of the repairs could be handled through the operating budget.

Wayne Rausenberger provided the Board a picture of the flag in the downtown that is tattered and noted he finds this flag offensive. Mr. Rausenberger and his wife offered to purchase a flag to replace this flag and requested that all the flags on the pole be removed until they have purchased the appropriate size and also offered to properly dispose of the flag. Richard Baker believes the town has additional flags. Ms. Bennett will have the staff locate the flags and replace the tattered one.

Dennis Reisenweaver stated the town was to receive a strategic plan from Darwin Dynamic Solutions prior to their contract ending 12/31/14. He talked to the Town Manager and was advised there has been no report submitted. Mr. Reisenweaver asked if anything was paid to this organization since the town did not get the deliverable for this contract and questioned if a contract extension has been signed. Robin Bennett stated there has been no money paid and a decision was made at the board level concerning the contract extension due to the budget votes. Ms. Bennett has been in touch with the vendor and a report is expected within a couple of weeks.

5. Town Manager's Report

Robin Bennett reported as of January 9th there has been \$296,347.00 or 41% collected in delinquent taxes and \$130,541.00 or 33.2% collected in delinquent sewer taxes. The town's attorney will begin procedures for putting past due accounts to tax sale this week. The staff has reviewed payment arrangements and those that are not up to date will be turned over to the town attorney.

Ms. Bennett reported the town office will be closed January 19th for Martin Luther King holiday. There have been four workshops where the Select Board and Budget Committee have been working on the FY15/16 budget. Ms. Bennett attended ICS 100 training at the Vermont Police Academy. The town has received the full \$500,000.00 grant for the rehabilitation of the town office. The #2 pump was replaced at the Champlain pump station and the waste water plant has been doing ongoing cleaning. The reports for the town's annual report are due and the Select Board needs to decide on the dedication for the report. Upcoming meetings will include the VTrans/Select Board meeting on January 28th and Ms. Bennett has just received notice that the next VERI Community Forum will be held on April 6th at 7:00PM.

Robin Bennett reported she has been working with Paul Giuliani, an attorney who does municipal work, on the local option tax. He advised the town does have an original

charter of the founding days of the town that could be amended. The legislature could take action and grant the ability to have a local option tax. Ms. Bennett has also spoken with the local representatives and they would like to see this in the form of a charter amendment. Public hearings will be required and the next election that this could be voted on would be in November, prior to it going to the legislature for approval of the charter. Mr. Giuliani is looking for the direction that the Select Board would like to move in. He stated there could be a very simple charter done. The Board requested a copy of the current charter. Devon Fuller felt the shorter route would be more advantageous. Dave Atherton stated if an original charter exists, it is likely the best way to go through the amendment process. It was a consensus of the Board to go the charter amendment route. Jeff Stewart stated when he spoke to Jim Condos; he was advised that the state does not think the town has a charter. Ethan Swift stated there needs to be further investigation of the current charter prior to moving forward with the next step. Robin Bennett will request the information that Mr. Giuliani is referring to as far as a charter. Dave Atherton suggested postponing the action on this item until the charter is validated prior to taking further action.

6. FY 15-16 Budget

Motion by Devon Fuller/Ethan Swift to table the budget discussion until after the January 20th meeting regarding the union negotiation contract to enable that information to be included in the budget and to schedule another work session with the Budget Committee. **The motion passed unanimously – 3 to zero.**

7. RRPC – Municipal Plan Update

Robin Bennett stated there is an agreement between the Rutland Regional Planning Commission (RRPC) and Town of Brandon for planning services provided by Ed Bove and his staff to assist with the update the Town Plan. Jeff Guevin stated the local Planning Commission is doing the drafting and the RRPC will be organizing the Plan. Dave Atherton asked if the RRPC does this update, how long will the Plan be good and Mr. Guevin advised it would be good for 5 years. Jeff Guevin stated after this update, the Plan should be able to be updated in-house. Ethan Swift stated the last plan update process was done by the local Planning Commission, with the assistance of a couple of town forums. At the time of the last update, there was only the 2000 Census data available.

Motion by Ethan Swift/Devon Fuller to approve the Rutland Region Planning Commission contract for an amount not to exceed \$3,620.00 for assistance with updating the Town Plan. **The motion passed unanimously – 3 to zero.**

The contract term is January 1st through July 1st. Jeff Guevin stated this will be adequate time to complete the task. Mr. Reisenweaver questioned why the final 50% of the payment is paid upon receipt of the draft plan, as usually payment is not made until the final plan is received. Ethan Swift stated typically when hiring a consultant, that is often times the case, but the Regional Planning Commission operates in this manner

and the payment of this contact is with grant funds. Jeff Guevin stated the sections have been prioritized and the RRPC will focus on those areas first that include Energy, Future Land Use and Flood Hazard Mitigation.

8. Highway Mileage Certificate

Robin Bennett reported this is an annual certificate that requires approval and there have been no changes made this year.

Motion by Devon Fuller/Ethan Swift to approve the Certificate of Highway mileage with a total of 70.989 miles.

Ethan Swift stated this is an annual report that needs to approve the previously stated mileage for Class 1, 2, 3 and 4 roads, legal trails and state highway roads. Robin Bennett advised there have been no changes in mileage in the classifications.

The motion passed unanimously – 3 to zero.

9. Town Office Project

Robin Bennett stated the town just received the official award letter and a checklist of items that are required to secure funding. A number of these items have already been done and Ms. Bennett will be working with the committee to get this done. The committee is working on the final plans and it is estimated to complete the list by the end of the month. Ms. Bennett will be meeting with the committee next week.

10. Segment 6/Bridge 114 Projects

Robin Bennett stated it has been a number of weeks since there has been a conference call due to the holidays. A meeting is scheduled for this Thursday. The appraisals are moving forward for Segment 6. Scott Robertson would like to meet with the Board regarding Bridge 114. Dave Atherton asked if a quarterly timeline could be done to see where the project stands. Ethan Swift stated a general summary of the status would be good in the process for planning, engineering, implementation, funding and inclusion in the town report would be very helpful. Mr. Swift thanked Mr. Sawyer for the information he put together. Robin Bennett questioned whether the Board could meet with Scott Robinson on January 28th. It was confirmed the Board could meet on that date, with a time to be determined. Wayne Rausenberger stated he would also like to attend the meeting. Ethan Swift stated the RFP's need to be accelerated for the Union Street project.

Motion by Ethan Swift/Devon Fuller to hire an engineer to put together the Union Street Project.

Robin Bennett stated there is a less expensive solution for this project. Ms. Bennett has been working with a consulting group that will be assisting with projects at a rate in the

range of \$50.00 to \$80.00/hour. She will be working with them on Public Works items and they could also start working on this after January 20th. Mr. Swift questioned whether the firm could do the scope of work and engineering design for the Union Street and Wheeler Road Bridge projects and Ms. Bennett believes they could do this.

The motion passed unanimously – 3 to zero.

11. FEMA Projects

Robin Bennett reported the Town could potentially receive a response from FEMA by February regarding Green Park. An inspection of Kennedy Park has been done and recommendations will be provided next week on this repair with regard to the sewer line. Ms. Bennett reported there were issues with the videotaping. Ethan Swift stated CLD was revising the approach and asked if they had modified the design. Ms. Bennett stated they are trying to come up with a low cost solution and she is not sure which way they will go. The offer of \$130,000.00 was accepted for the project and the town will not receive additional monies. One of the engineers at the meeting with FEMA indicated it was more complicated than thought. Ms. Bennett reported Cobb Hill cost scenarios are being developed and Briggs Lane is ready to go out to bid, which will be done in the near future.

12. Fiscal

a) 2014 Municipal Loan Repayment – December 22, 2014 - \$22,416.03

Motion by Devon Fuller/Ethan Swift to approve the 2014 Municipal Loan repayment in the amount of \$22,416.03. **The motion passed unanimously – 3 to zero.**

b) General Fund Warrant – December 22, 2014 - \$71,788.73

Motion by Devon Fuller/Ethan Swift to approve the General Fund warrant of December 22, 2014 in amount of \$71,788.73. **The motion passed unanimously – 3 to zero.**

b) Wastewater Fund Warrant – December 22, 2014 - \$25,314.56

Motion by Devon Fuller/Ethan Swift to approve the Wastewater Fund warrant of December 22, 2014 in the amount of \$25,314.56. **The motion passed unanimously – 3 to zero.**

Ethan Swift questioned the invoice for Northeast Fluid Controls. It was noted the invoice is for the new collection tanks. Steve Cjika advised the collection tanks have solved the problem that they were having.

c) General Fund Warrant – January 12, 2015 - \$37,928.23

Motion by Devon Fuller/Ethan Swift to approve the General Fund warrant of January 12, 2015 in the amount of \$37,928.23. **The motion passed unanimously – 3 to zero.**

Ethan Swift questioned whether the two invoices for A & E for the waterline project is related to the ASR8 waterline replacement project or are they separate and specific to Segment 6. Robin Bennett confirmed they are ASR8 waterline related invoices. Mr. Swift asked if they final invoices for that project and Ms. Bennett believes these likely close it out. Dave Atherton requested Ms. Bennett obtain a completion report from the vendor. Ethan Swift also asked if the Weston & Sampson invoice was for the leaky tank. Ms. Bennett advised that an environmental assessment was done to be eligible for the CDBG grant. Ethan Swift suggested doing whatever needs to be done to close out the remaining issue with the oil tank.

d) Wastewater Fund Warrant – January 12, 2015 - \$14,420.84

Motion by Devon Fuller/Ethan Swift to approve the Wastewater Fund warrant of January 12, 2015 in the amount of \$14,420.84. **The motion passed unanimously – 3 to zero.**

The Select Board recessed at 8:29PM for the purpose of reconvening as the Board of Sewer Commissioners.

The Select Board reconvened at 8:36PM.

Motion by Ethan Swift/Doug Bailey to enter into executive session at 8:37PM to discuss the appointment or employment of an employee under the provision of Title 1 Section 313(3)(a)(3) of the Vermont Statutes to include the Town Manager and members of the Planning Commission. **The motion passed unanimously – 3 to zero.**

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

Motion by Devon Fuller/Ethan Swift to come out of executive session at 8:57PM. **The motion passed unanimously – 3 to zero.**

There was no action required.

Motion by Devon Fuller/Doug Bailey to enter into executive session at 8:58PM to discuss the evaluation of an employee under the provision of Title 1 Section 313(3)(a)(3) of the Vermont Statutes to include the Town Manager. **The motion passed unanimously – 3 to zero.**

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

Motion by Devon Fuller/Doug Bailey to come out of executive session at 9:28PM. **The motion passed unanimously – 3 to zero.**

There was no action required.

15. Adjournment

Motion by Devon Fuller/Doug Bailey to adjourn the Select Board meeting at 9:29PM.
The motion passed unanimously - 3 to zero.

Respectfully submitted,

Charlene Bryant
Recording Secretary