

**Brandon Select Board Meeting
February 9, 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, Seth Hopkins

Also in Attendance: Robin Bennett, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Lee Kahrs, Steve Cjika, Janet Coolidge, Blaine Cliver, Anna Scheck, Chris Brickell, Doug Sawyer

1. Call to order

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

a) Agenda Adoption – Motion by Devon Fuller/Seth Hopkins to adopt the agenda as presented. **The motion passed unanimously – 4 to zero.**

2. Consent Agenda

a) Select Board Meeting Minutes – January 26, 2015

Motion by Ethan Swift/Devon Fuller to approve the minutes of the January 26, 2015 Select Board meeting. **The motion passed unanimously - 4 to zero.**

3. Public Comments for Items not on the Agenda

Richard Baker requested a status of the audit report. Robin Bennett reported the audit was begun this week and the completion date is currently unknown at this point.

Kathy Rausenberger requested a status of Union Street. Robin Bennett reported the RFP is being worked on and should be completed by the end of the week. It will be submitted to the Select Board at the next regular meeting.

4. Town Manager's Report

Robin Bennett reported as of Friday \$317,020.24 or 43.87% of delinquent taxes and \$158,445.77 or 40.21% of delinquent sewer accounts have been collected. The town office will be closed Monday, February 16th in observance of Presidents' Day. The annual audit work began this week. Ms. Bennett has been working with the Municipal Public Works consultant with regard to writing the RFP's for the Union Street project and other possible items. She has also had discussions with a possible candidate for the half-time Public Works Director position. There have been a number of personnel issues and union contract negotiations and preparations. Some upcoming meetings include a Bridge 114 alternatives report presentation on February 23rd @ 5:30PM prior to the regular Select Board meeting and the annual town meeting scheduled for

March 2nd, with voting on March 3rd. The VERI community forum is scheduled for April 6th. Robin Bennett provided the Board a project tracker that provides a one-page at-a-glance format of all the town's projects that outlines the status of each project. All, with the exception of one, are public works related projects and have various degrees of grants or other funding. There are only a couple of items that require 100% town funding that are on the ballot this year. Doug Bailey questioned the status of the Wheeler Road Bridge Design replacement. Ms. Bennett reported this grant expired at the end of December and was not renewed and the town will need to reapply to VTrans with a full grant reapplication. The appropriation approved last year will be held, as this can only be used for this item. Mr. Bailey noted that at the November 10th meeting, there was indication that an extension would be given for this grant. Ms. Bennett was advised two weeks ago that the grant would not be extended and the town would have to reapply. Ms. Bennett stated conversations with the state prior to this time were positive and she was surprised that the town did not receive an extension. There was a lack of personnel available to get the RFP's out and it was not until the budget passed in September that funds were available. Ms. Bennett stated at the time the grant was approved, the Public Works Director was out on medical leave. Mr. Bailey noted concern that the approval was in March and taxpayers will question that something that was approved last year progressed slowly. It was felt that the project tracker will assist the Board in keeping a closer eye on the progress of the projects going forward. Ms. Bennett stated this was a grant received in 2009 and was extended several times at the request of the town. Mr. Bailey requested the sidewalk project for Union Street also be added to the report as the state has advanced \$60,000.00 that the town has spent and the town is now in the position of getting this finalized. Dave Atherton also suggested including when the next deadline is due for each project. Devon Fuller stated the tracker report is important as the Board was surprised at last Friday's meeting to learn there are two more projects to keep track of. Ethan Swift noted there is an urgency to fill the Public Works position as soon as possible due to the numerous public works related projects to assure that they move along as planned. Doug Sawyer questioned the best case scenario regarding the Wheeler Road Bridge project. Robin Bennett stated the grant money was for engineering and all indications are if the town applies for the grant it will get it reinstated and it will likely be favorable that the town will get the construction grant. The best case scenario is the engineering grant will be received during FY16/17, with construction the following year. Doug Bailey requested clarification of the RFP process and Robin Bennett advised it depends on the project and can be relatively simple or very complicated. It involves determining the specifics of what is needed for the project. Ethan Swift noted concern with some of the timeframes for the Union Street project as it has a deadline of 12/31/15 and there is a lot that needs to happen to make this construction season. Mr. Bailey questioned whether the Town Manager has received a copy of the town charter. Ms. Bennett stated she has received an illegible copy and is in the process of trying to locate one that is more legible.

5. DRB and Planning Commission Appointments

Dave Atherton stated it was brought to the Board's attention that two of the DRB appointments expired last summer and it is necessary to reappoint Sam Stone and Eric LaRock. Mr. Atherton has received letters from Mr. LaRock and Ms. Stone requesting to be reappointed.

Motion by Ethan Swift/Seth Hopkins to reappoint Sam Stone and Eric LaRock to the Brandon Development Review Board until June 30, 2017. **The motion passed unanimously - 4 to zero.**

6. 2015 VT Gran Fondo

Robin Bennett reported this group is seeking permission for the event to go through Brandon. Ms. Bennett has spoken with the Police Chief and there were no issues with the event last year.

Motion by Devon Fuller/Doug Bailey to approve the use of the roads in Brandon for the 2015 VT Gran Fondo. **The motion passed unanimously – 4 to zero.**

Devon Fuller suggested obtaining a copy of this group's certificate of insurance for the town's file.

7. 2015 Road Postings

Robin Bennett requested the Board's action concerning the annual list of road postings.

Motion by Devon Fuller/Doug Bailey to approve the 2015 Road Posting notice for class 1 roads, with a friendly amendment from Ethan Swift to add Class 2 and 3 roads. **The motion passed unanimously – 4 to zero.**

8. Spring Select Board Institute

Robin Bennett requested any board member wishing to attend the March 21st spring Select Board Institute advise her so that she can register them.

9. 2015 Town Meeting Preparation

Dave Atherton requested comments or concerns from the board members to make the town meeting go smoother. Doug Bailey was in favor of the narrative that Devon Fuller wrote. Mr. Bailey also suggested using one of the monetary scenarios that was provided by Sue Gage. Mr. Bailey also suggested being prepared to discuss what people's tax bills could be when removing or adding items to the current proposed budget. Currently on a \$100,000.00 home, the proposed budget equates to a \$46.00 increase in the tax bill. Devon Fuller stated the board also needs to discuss the 18 projects that are outstanding and the need for a Public Works Director to manage them. Ethan Swift suggested in assisting taxpayers in determining their tax bill, an outline of the different appropriations and what is at stake for some of them is very important. There are also several areas in the budget to outline such as how the budget reflects the change with Casella and the change of the library and senior center to appropriations. Mr. Bailey noted an increase of \$25,000.00 in a budget spread over the grand list is a very small increase for the taxpayers. The town does not have control over the school taxes and last year the education portion was 60% of the taxpayer's bill. Mr. Bailey stated the Select Board and the Budget Committee worked many hours on the proposed budget. Janet Coolidge suggested wording the changes in a positive manner. Dave Atherton thanked Mr. Fuller for developing the narrative and suggested this information be the basis for the town meeting. It was suggested to include the narrative in the

town report and have the information available at the town meeting. Devon Fuller noted part of the narrative was done by Sue Gage. Ethan Swift suggested providing a separate handout explaining the separation of the library and senior center appropriations. Doug Sawyer suggested there should be a clear explanation about the library, senior center and the Casella Waste Management. Seth Hopkins suggested having voters submit questions prior to the meeting to enable the Board to have explanations available at town meeting. Mr. Hopkins stated the Budget Committee and the Select Board could develop some commonly asked questions and answers prior to the meeting. Mr. Hopkins noted concern the town operating budget appears to be increasing more than it actually is, as the figure includes all appropriations if approved. Devon Fuller stated the taxpayers will want to know what the total tax bill will be including the town, the appropriations and the school. A suggestion was made to provide an explanation of the base town budget, the appropriations and the education tax. It was questioned why the education tax is included with the information and it was explained that people will want to know what the bottom line will be on the tax rate. It was noted the school figures will not be finalized until around June. Ethan Swift suggested the school portion be better qualified as it is good to give a ballpark figure. Mr. Swift suggested having one more meeting with the Budget Committee to develop a clear narrative of the points the Select Board would like to make. Robin Bennett suggested emailing potential questions to her for compilation and noted the insert will need to be completed soon, as the town reports will be mailed by mid-February and will be placed on the website at the same time. A Select Board/Budget Committee meeting was set for Monday, February 16th at 6PM at the town hall. Devon Fuller suggested the increase be an exact figure with no rounding. Mr. Fuller questioned if there will be any voting from the floor and Ms. Bennett advised there is currently nothing planned to be voted from the floor. Ms. Bennett questioned if there could be a straw poll done concerning Option 1. Ethan Swift stated there had also been a question about the town report being available electronically and Mr. Atherton advised he has contacted other towns regarding this item and it is the consensus that people prefer their town reports to be mailed.

10. Appointment of Zoning Administrator

Robin Bennett stated Anna Scheck is on a part-time limited basis for zoning permits and recommended she be appointed as Zoning Administrator. The bookkeeper's position has been advertised and Ms. Bennett noted there is a fair amount of work in helping with the auditors, but the town end has been completed. Dave Atherton asked if the town is waiting before making the transition 100% and Ms. Bennett advised this is reorganization and it should be able to be done, as very little has been spent in the zoning budget.

Motion by Ethan Swift/Doug Bailey to appoint Anna Scheck as the Brandon Zoning Administrator until June 30, 2018 . **The motion passed unanimously - 4 to zero.**

11. Town Office Project

Robin Bennett reported a meeting was held last week. Robert Black has developed a timeline for the project. Ms. Bennett stated she will be doing the confirmation of grant requirements this week. Blaine Cliver and Robert Black will be completing the bid documents by March 2nd for contacting potential bidders. Plans will be submitted to VTrans by February 23rd and a

mandatory on-site visit by the bidders will take place on March 9th, with post bidding negotiations to be completed by April 6th. Construction will take place April through July with a project close out by the end of July and the town offices back in the building by July-end. Dave Atherton asked how the bidding will be done and whether it will be a not-to exceed figure. Blaine Cliver stated the bidding will be based on the lowest bidder. There will be some deduct items included, in the event the bidding is over budget. Robin Bennett spoke to a contractor who expressed interest several years ago and it was suggested that it is noted the town does have the funding available. Ms. Bennett has been in contact with the CDBG regarding a grant opportunity for another project. Ms. Bennett noted there are a couple of things that need to be done before going out to bid. Blaine Cliver advised there is discussion taking place with a structural engineer regarding a couple of issues that need clarification. Robin Bennett questioned what the extent of debris there is underneath the building. Mr. Cliver reported there is one tree stump that may be 10 feet long and 2 feet in diameter and some beams. Dave Atherton stated it is hoped this project will stay on schedule to be completed by the end of the summer. Ms. Bennett stated the team has indicated it is an aggressive schedule and it is hoped the Board recognizes that. Mr. Cliver stated under code, the rafters do not meet modern code, however, they have been there for 185 years and there is no distress. Mr. Cliver will suggest these be grandfathered. Ethan Swift suggested contacting Historic Preservation regarding this item.

12. Segment 6/Bridge 114 Projects

Robin Bennett stated there was a meeting on Friday regarding Bridge 114 that also touched on Segment 6. Ms. Bennett stated there is also the Overflow Culvert project that she is working to obtain a qualified engineer to get the project caught up with Segment 6. Ms. Bennett advised the town is working with FEMA and VTrans on this project. Ethan Swift stated this project is contingent on passing of the appropriation for the cost-share.

With regard to the Kennedy Park sewer project, Ms. Bennett has discussed with CLD the design of the Howe Block and how the sewer is going to be dealt with during Segment 6. The town needs to rethink what to do with the Kennedy Park sewer. Ms. Bennett has had a discussion with Jason from A & E on what the town should do, since whatever is done now will not be a long-term investment. Ms. Bennett is in favor of doing nothing as long as it is addressed with the overflow culvert and the sewer is brought out to Route 7. Jason has indicated he could recommend this, as long as there is a plan to address it during Segment 6. Devon Fuller stated the town will be doing engineering design and a plan will be developed to address this issue two years from now. Ms. Bennett stated there are no known existing problems and no sewage going into the river and the town will take precautions and do regular inspections to assure that this is the case. There would be a daily routine of inspecting this site, if this option is the way the town is going. Jason also recommended fixing the segment of pipe that is crushed from the manhole to the park and once this is done, it could be viewed with a camera. During the last meeting, there was discussion of doing option 3 in bringing it out to Route 7. Dave Atherton noted concern in waiting for the overflow structure that the town is not sure will happen. Ms. Bennett thinks the overflow structure is going to happen, as it is integral to other projects the town is doing. The community realizes this is on the ballot for a match and she is optimistic that this will pass. Devon Fuller stated even if the overflow is not put in, there will be a new sewer line coming down Route 7. The other piece that was discussed is the pipe that runs underneath the building

and there is no manhole on the south side of the building so there is no other side to work from. Ethan Swift stated the Kennedy Park line will connect to the new sewer line to Route 7 and as he understands it, the line that was crushed was servicing the old BHOP location. Robin Bennett stated the line services the Howe Block, but it is crushed between the park and the Watershed Tavern. Mr. Swift stated part of the issue was how to design the line to accommodate the west side of Route 7 with the overflow structure. Ms. Bennett stated because the link is the culvert project, that project will pay for the design to make it all work. Steve Cjika stated there is a problem with the flushing machine because of the size of the pipes from the old video store up through Cafe Provence. If they decide not to connect to bring out to the front, there would have to be a manhole above and below, which would then allowing for videoing. One item discussed during the Friday meeting was that the town has a responsibility to move on the waiver evaluations and there is a need to find a consultant to do that work. It is something that can be done in-house by the assessor and Ms. Bennett approached the assessor to discuss this item. She stated there could be a possibility of getting the assessor's agent to get this portion done as fast as possible, which will lower the cost with doing it in-house. She will discuss this with NEMRC tomorrow. VHB was looking at where they could assist with this item as well. There are about 90 evaluations that need to be conducted and there are 150 properties in the project. Ethan Swift stated there were several options proposed for the sewer project. With the current understanding of the issue that has been in existence since Irene; the town will continue to monitor and survey the site to assure there is no leakage from the crushed pipe. Mr. Swift volunteered to assist in this effort and he will work with the Wastewater Department staff. He stated in the interest of time and scope of work in addressing this prior to the Segment 6 project, it seems to be in the best interest to do the "do nothing" approach.

Motion by Ethan Swift/Devon Fuller to continue to monitor and survey conditions of the Kennedy Park sewer.

Devon Fuller stated the "do-nothing" approach will actually be starting the engineering and designing of the Kennedy Park sewer line to be done when the Segment 6 project is done, however, the town will continue to monitor and survey this area. Seth Hopkins questioned whether the funding will come from FEMA or Segment 6 and Ms. Bennett reported it will be from the overflow culvert grant. Robin Bennett stated in addition to the original motion, Jason from A & E stated it would be with the caveat to replace the cracked pipe in the park. Dave Atherton suggested obtaining a written report from Jason outlining what to do prior to acting on this item.

Ethan Swift withdrew the previous motion made until a formal recommendation is obtained.

Robin Bennett advised she has talked at length with Jason and is comfortable that this is the best short and long-term solution to this problem. This area will be torn up in two years and the town wants to do diligence and be responsible with the funding.

Robin Bennett reported the next step for the Bridge 114 project is the alternatives meeting that is scheduled for February 23rd and the Select Board will have to give input after that meeting on how to proceed. Ms. Bennett suggested the Board officially accept the Purpose and Needs statement for Bridge 114 that was developed by CLD for VTrans.

Motion by Ethan Swift/Doug Bailey to accept the purpose and needs statement as submitted by CLD for VTrans for Bridge 114. **The motion passed unanimously - 4 to zero.**

Doug Sawyer asked when Segment 6 will begin. Ethan Swift advised that at Friday's meeting, there was discussion that it would start during FY17, which begins July 2016. Mr. Hopkins thought it had been indicated the bidding would go out FY17 with the construction starting FY17/18. Ms. Bennett will contact VTrans to clarify the date for this project. Richard Baker stated it would be contingent upon having the right of ways completed and the project may start during FY17 outside the downtown area and during FY18 in the downtown area. Mr. Swift stated the project has to go out to bid and the contractor could dictate the process. Mr. Atherton stated the waiver evaluations are key to this project. Mr. Baker thought the meeting was very productive and encouraged the same group of people meet every couple of months.

13. FEMA Projects

Robin Bennett advised all projects except the previously discussed sewer project remain the same.

14. Fiscal

a) General Fund Warrant – February 9, 2015 - \$135,029.22

Motion by Devon Fuller/Ethan Swift to approve the General Fund warrant of February 9, 2015 in the amount of \$135,029.22. **The motion passed unanimously – 4 to zero.**

Doug Bailey questioned the Bridge 114 bills totaling \$13,000.00. Robin Bennett advised the invoices are for VHB, the project manager for this project. Ms. Bennett noted the town does get reimbursed 95% of the invoices.

c) Wastewater Fund Warrant – February 9, 2015- \$3,606.46

Motion by Devon Fuller/Ethan Swift to approve the Wastewater Fund warrant of February 9, 2015 in the amount of \$3,606.46. **The motion passed unanimously – 4 to zero.**

Ethan Swift questioned the invoice for the kit to rebuild a pump. Steve Cjika advised both Brookdale pumps were replaced; however, the pump at Champlain Street was rebuilt.

Motion by Devon Fuller/Ethan Swift to recess as the Select Board to convene as the Board of Liquor Commissioners at 8:45PM. **The motion passed unanimously – 4 to zero.**

The Select Board reconvened at 8:51PM

Motion by Devon Fuller/Seth Hopkins to enter into executive session at 8:52PM to discuss the negotiating or securing real estate purchase or lease options under the provision of Title 1

Section 213(a)(2) of the Vermont Statutes to include the Town Manager. **The motion passed unanimously – 4 to zero.**

15. Executive Session – 1V.S.A. 213(a)(2) – Negotiating or Securing real Estate Purchase or Lease Options

Motion by Devon Fuller/Ethan Swift to come out of executive session at 9:25PM. **The motion passed unanimously – 4 to zero.** There was no action required.

Motion by Doug Bailey/Devon Fuller that the premature general public knowledge of the discussion of the Revolving Loan Fund contract with Sheri Sullivan 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 Doug Bailey/Devon Fuller to enter into executive session at 9:26PM to discuss the Town of Brandon’s RLF contract with Sheri Sullivan 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) – Contract

Motion by Dave Atherton/Ethan Swift to come out of executive session at 9:30PM. **The motion passed unanimously – 4 to zero.** There was no action required.

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 to enter into executive session at 9:31PM 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.**

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

Motion by Devon Fuller/Seth Hopkins to come out of executive session at 9:44PM. **The motion passed unanimously – 4 to zero.** There was no action required.

Motion by Ethan Swift/Seth Hopkins to enter into executive session at 9:45PM to discuss the evaluation of the Town Manager under the provision of Title 1 Section 313(3)(a)(3) of the Vermont Statutes to include the Town Manager. **The motion passed unanimously – 4 to zero.**

18. Executive Session – 1V.S.A. 313(3)(a)(3) – Appointment of Employment or Evaluating a Public Officer or Employee

Motion by Devon Fuller/Ethan Swift to come out of executive session at 10:15PM. **The motion passed unanimously – 4 to zero.** There was no action required.

19. Adjournment

Motion by Ethan Swift/Seth Hopkins to adjourn the Select Board meeting at 10:16PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary