

Brandon Select Board Meeting

March 23, 2015

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

In Attendance: Ethan Swift, Dave Atherton, Doug Bailey, Seth Hopkins, Ethan Swift

Also in Attendance: Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Lee Kahrs, Steve Cjika, Bernie Carr, Dennis Reisenweaver, Doug Sawyer, Chris Brickell, Gary Meffe, Janet Coolidge, Robert Black, Dick Kirby, Steve Bissette, Anthony Paduto, Steve Beck, Daryl Burrett, Tecari Shuman, Tracy Wyman, Jim Leary, Sheila Dickerson, Phyllis Reed

1. Call to order

The meeting was called to order by Doug Bailey, Chair, at 7:02PM.

Doug Bailey read the following statement on behalf of the Brandon Select Board: *“Robin Bennett and the Brandon Select Board have reached an amicable agreement resulting in Ms. Bennett’s resignation as town manager. This agreement was for a figure significantly less than what was called for in her contract. At this morning’s warned meeting, a check was issued in the amount of \$12,578.52. Per our agreement and the advice of our attorney this is all we have to say.”*

a) Agenda Adoption – Motion by Devon Fuller/Ethan Swift to adopt the agenda, as amended. **The motion passed unanimously – 4 to zero.**

Combine Items 6 and 7 – FEMA Projects and the Project Tracker Report

Add a second Executive Session – 1V.S.A. 313(3)(a)(3) – Employment of a Public Officer or Employee

2. Consent Agenda

a) Select Board Meeting Minutes – March 9, 2015

Motion by Devon Fuller/Dave Atherton to approve the minutes of the March 9, 2015 Select Board meeting. **The motion passed unanimously - 4 to zero.**

b) Select Board Meeting Minutes – March 12, 2015

Motion by Devon Fuller/Dave Atherton to approve the minutes of the March 12, 2015 Select Board meeting. **The motion passed unanimously - 4 to zero.**

c) Select Board Meeting Minutes – March 16, 2015

Motion by Devon Fuller/Dave Atherton to approve the minutes of the March 16, 2015 Select Board meeting. **The motion passed unanimously - 4 to zero.**

d) Appointments

i) Tree Warden

ii) Fence Viewers (3)

iii) Inspector of Lumber, Shingles and Wood

iv) Weigher of Coal

v) BLSG Insect Control District

Motion by Devon Fuller/Dave Atherton to appoint Cindy Bell as Tree Warden.

Cindy Bell requested a change from appointment as the Tree Warden to a Fence Viewer. Devon Fuller retracted his motion.

Motion by Devon Fuller/Ethan Swift to appoint Wayne Kingsley as Tree Warden. **The motion passed unanimously – 4 to zero.**

Motion by Seth Hopkins/Devon Fuller to appoint Seth Clifford, Cindy Bell and Todd Nielson as Fence Viewers. **The motion passed unanimously – 4 to zero.**

Motion by Seth Hopkins/Devon Fuller to appoint John Reynolds as the Inspector of Lumber, Shingles and Wood. **The motion passed unanimously – 4 to zero.**

Motion by Ethan Swift/Devon Fuller to appoint Lou Faivre as the Weigher of Coal. **The motion passed unanimously – 4 to zero.**

Motion by Devon Fuller/Seth Hopkins to appoint Wayne Rausenberger as the Brandon Representative to the BLSG Insect Control District. **The motion passed unanimously – 4 to zero.**

Wayne Rausenberger stated there is another open Brandon BLSG Insect Control District Representative position and the prior delegate is interested in continuing, however, he did not get a letter of interest submitted. An Alternate position is also still open for the BLSG Insect Control District.

Motion by Dave Atherton/Seth Hopkins to appoint Jeremy MacLachlan as the second Brandon Representative to the BLSG Insect Control District. **The motion passed unanimously – 4 to zero.**

Motion by Seth Hopkins/Dave Atherton to appoint Gabe McGuigan as the Brandon Representative to the Solid Waste District. **The motion passed unanimously – 4 to zero.**

An Alternate position is still open for the Solid Waste District.

It was confirmed that Janet Coolidge, Doug Sawyer and Carol Bertrand wish to continue on the Budget Committee that will meet four times during the calendar year. There is an open position on the Budget Committee since Seth Hopkins is now a member of the Select Board.

Motion by Seth Hopkins/Ethan Swift to appoint Anthony Paduto to the Budget Committee. **The motion passed unanimously – 4 to zero.**

There are four committees – the Historic Preservation Committee, Brandon Development Review Board, Brandon Planning Commission and the Revolving Loan Fund Committee that received no responses regarding the openings. Devon Fuller stated if anyone is interested in serving on one of the committees, they should contact the Town Office. Dave Atherton stated the Fire Warden term has expired and action should be taken on this appointment. Anna Scheck will contact the Fire District to discuss this appointment.

3. Town Managers Report

Seth Hopkins and Doug Bailey have been working in the town office in an effort to keep projects moving forward during the town manager’s absence. Mr. Bailey read the following report:

“While our town manager was out on administrative leave before her resignation, the members of the Brandon Select Board have been working as unpaid volunteers to guide the day-to-day work of the town. Highlights of the last two weeks:

We hired a new director of public works, Mr. Daryl Burlett. Mr. Burlett comes to us from Benson where he held the road commissioner for 15 years.

Doug Bailey & Devon Fuller accompanied Wayne Rausenberger to Montpelier to accept the \$500,000 grant for the town office building. Mr. Fuller has taken on the role of completing the town’s administrative tasks related to completion of this grant. Our thanks again to Mr. Rausenberger, Blaine Cliver, and Robert Black for their ongoing contribution of their considerable talents and time.

Seth Hopkins, Ethan Swift, Daryl Burlett, and Richard Baker represented the town at a VTrans meeting regarding Brandon’s major projects of Segment Six, Bridge 114, and the overflow culvert, as well as two grants that have been open for many years, the Union Street & Maple Street sidewalk, and the Churchill Road bridge. The meeting was productive.

The Select Board has finalized the order for the new truck for the wastewater department which had been approved on January 12th but not brought to completion.

The Select Board has met with engineer Jason Booth regarding the FEMA projects and has spoken several times with Mary Andes of FEMA by telephone to bring these to completion this summer and meet the FEMA deadline of September 1st.

The Select Board has offered a contract to Darren Winham of Darwin Dynamic Solutions regarding the economic development report which had not previously been executed.

The Select Board has pursued an insurance claim relating to damage caused at the town office by an automobile in November.

The Select Board has posted the position of town manager and re-posted the position of part-time bookkeeper, and has followed up with the candidates who have submitted interest in the bookkeeper position to date.

The Select Board has contracted with Richard Baker to complete the waiver valuation process for Segment Six.”

Mr. Bailey thanked all Select Board members for the work they have done to keep the projects moving forward.

4. Public Comments for Items not on the Agenda

Robert Black thanked the Select Board for their efforts in working together for the Town. Mr. Black stated the second “Barn Raising” meeting is scheduled for this Thursday, which is a follow-up to the meeting held last month. The meeting will concentrate on communication and the development of a designated village for Forestdale.

Bernie Carr wished to thank the new Public Works Director who had provided an immediate response to a request from Mr. Carr this week.

5. Charter

Seth Hopkins spoke the attorney that Ms. Bennett had contacted regarding the town charter in connection with the discussions of a 1% local option tax. The Charter dates back to the original charter of the town and is not a specific governance charter, but is a colonial historic charter. It was recommended a charter could be developed similar to the 2013 St. Albans charter which would not require a full form charter. It was noted this type of charter had been approved by the legislature. Mr. Hopkins stated it would require a vote of the Town to move forward with this and it is uncertain how long it will take for the legislature to approve it. Doug Bailey stated there may be a couple of items that require town action and the Select Board is considering putting these items together for a vote of the public. It is hoped the town charter could be in front of the legislature next year.

6. FEMA Projects and Project Tracking Report

Seth Hopkins provided a handout of the Town’s projects. Doug Bailey wished to recognize Doug Sawyer for his help in developing the Project Tracking report as this will keep the projects going and will allow for input on the projects. The report will be in the Board packets going forward for review. Mr. Bailey provided the following overview of the projects:

Wheeler Road – the grant needs to be reinstated – Doug Bailey stated the grant was for the design of the bridges, not for the repair of the bridges. Ethan Swift stated the voters have approved the town’s cost share portion of the project.

Briggs Lane to restore after Irene – the RFP has been completed – the jersey barriers will not be removed until Segment 6. There is 60 feet of sewer line that will be replaced before the road is fixed. Bernie Carr asked why it is not being fixed with FEMA money. Chris Brickell stated the jersey barriers are a safety measure and until the Route 7 project is done, they have to remain in place. Ethan Swift stated this was another aspect of the project that got added because there is a box culvert that had collapsed and is integrated with the final fix of Segment 6. Mr. Carr stated if it is flood damage, FEMA should be paying to fix that and not wait until Segment 6, as this is an eye-sore. Doug Bailey stated Mr. Burlett and he will take a look at it and provide further input. Mr. Swift stated shoring up the Poirier building was a help with the safety issue. Robert Black suggested the town’s funding match be included on the report and the addition of a numeric column based on the project year would provide an easier sorting option. Seth Hopkin stated many are 95% federal and state funded with a 5% town match. He noted the 5% has not been appropriated or budgeted for some of the projects. Mr. Bailey stated the report provides a much better understanding of the outstanding projects.

Kennedy Park – this is a sewer project that A & E had provided four options for consideration. The Select Board had chosen Option 4 to dig it up and insert a sleeve in the pipe to be able to view it. The FEMA funds total \$133,000.00.

Cobb Hill Culvert – this project is designed and is in the hands of FEMA for their approval. Ethan Swift stated these are FEMA projects that have to be completed by September 1st and if there can be savings found in other areas, it could help with the matches.

Town Office Repair – to be discussed as a separate agenda item

Union Street Reclaim – Daryl Burlett rewrote the scope of work for Union Street to use the same material – the RFP should be about \$180,000.00 for the total project, with \$105,000.00 remaining from the town’s portion for Union Street. To reallocate the funds to another project would require a Town vote. Jim Leary questioned the Green Park project completion of December if the FEMA projects have to be completed by September 1st. Seth Hopkins stated FEMA was told that Green Park was the priority and it is the intent of FEMA to get the Green Park open early in the summer.

Union Street – an RFP has gone out for the project and the culvert. Seth Hopkins stated Daryl Burlett began work Tuesday morning and by lunchtime had a better solution for Union Street. Mr. Burlett called the state to initiate a change in the project. Mr. Hopkins commended Mr. Burlett for hitting the ground running and thanked the Town for hiring a full-time experienced public works director.

Marble Street/Champlain Street Overlays – two appropriations were just voted on and the RFP’s are out and connected with some other paving projects to save money

Union Street/Maple Street Sidewalk - In a meeting with VTrans, they were aware that the town had entered into a contract for a grant for sidewalks in mid-2005 and \$60,000.00 had been spent for the design work. The state has been contacted and it was expressed the town wants to get this project done and they have been receptive to the request. It will require some right of way work and hopefully the Town will be able to do that.

Churchill Bridge – Ethan Swift stated Mr. Burlett met with someone from the District Transportation office to discuss the consideration of a Bailey bridge for this project. The town is liable to pay back \$70,000.00 if this project is not done soon. Scott Robertson is currently reviewing this project.

It was noted that the Union Street and Churchill Street projects have been in the works for well over 10 years and they have not been followed-up on. It is important to have the project tracker to keep up with these projects. Wayne Rausenberger stated the Overflow Culvert project is seeking approval of qualifications based on engineering and the CDBG grant. Daryl Burlett stated this is a Hazard Mitigation grant and is separate from the FEMA grants and not subject to the September 1st deadline. Robert Black stated the Overflow Culvert and Segment 6 should be merged for time and cost to read as a unit. Doug Bailey stated the Town is trying to move those projects forward as one. Dave Atherton stated for three years the Select Board has been asking for this type of report and it is very exciting to have this type of update. Mr. Bailey stated the report is available on the Town's website and will be provided in the Select Board meeting packets. Mr. Fuller questioned Mr. Burlett about the budget for Green Park. Mr. Burlett stated it is in FEMA's hands and he is awaiting their feedback. Bernie Carr is glad that Daryl Burlett is moving forward with a Bailey bridge for the Churchill Bridge as this is an important natural and recreation resource for the Town and it is the best access for this area. Mr. Bailey stated the number of projects is excessive for a town of this size and it is hoped that by the end of the summer, they will be down to a more manageable number. The Select Board wants to be a board that gets things done and the project tracker will help move things forward.

Newton Road – this does not fall under the September 1st deadline, as this is a hazard mitigation grant, not a FEMA grant. The Newton Road project got pulled for the overflow culvert, as they are trying to match up the overflow culvert with the Segment 6 project.

8. Town Office Project

Devon Fuller stated there is a Town Office Project Committee in place. Mr. Fuller will be overseeing the project at the current time. He noted due to this being a HUD grant, the Board is required to take action to remove the town manager from the implementation grant.

Motion by Devon Fuller/Dave Atherton to remove Robin Bennett as the Director of the CDBG implementation grant. **The motion passed unanimously – 4 to zero.**

The Town received a certificate at a ceremony in Montpelier for the \$500,000.00 grant for the town office project. There is a lot of follow-up work to be done and Robert Black, a licensed architect for the State of Vermont, and Wayne Rausenberger will be working on this project. Blaine Cliver, historical architect, will also be assisting with the project. There was a productive

conference call with Claire Forbes at the state and her counterpart, Nathan Cleveland. The Overflow Culvert project has to be pursued at the same time, as the CDBG grant people do not want to give the money without being able to protect the project. It was noted that the \$68,000.00 match that has been approved by town voters that assists in showing the town does want to preserve this project. The environmental review has to be submitted to the state and that has been going well. There will be a grant agreement with the state once the environmental review is completed and the state is currently working on that. It is anticipated to have the bid packages go out early to mid-April. Robert Black provided an updated schedule and thanked Mr. Fuller for moving this project forward. He stated optimistically the drawings will be completed in April and by mid-April the bidders will be contacted. He is concerned that it is getting late in the construction season and that materials may increase in price. A bid window will be set from April 15th to May 8th, with contract review and post-bid negotiation to follow. On or about May 18th, would begin a 90-day construction period. On April 20th there would be a mandatory walk-through and a commission phase would take place at the end of the project to assure that everything is tested and works properly. It is hoped that the Town offices would be moved by September 1st.

9. Economic Development Report

Doug Bailey stated there have been numerous comments about what is going on with the report. In the last two weeks, it was determined that the contract was not executed between the Town and Darwin Dynamic Solutions. Mr. Winham has been working on the project. The contract is completed and will be signed this week. Mr. Winham will have the Tax Stabilization Plan completed and to the Town on April 3rd. The draft of Economic Development Strategic Plan will be received by April 24th, with the final of the document to be received by June 5th. The original contract that was not executed called for two payments, however, Mr. Winham has indicated payment will not be required until the contract is complete and documents are received by the Town. This contract was approved in last year's budget in the amount of \$10,000.00.

10. Tax Sale Update

Doug Bailey stated Jim Carroll, the town's attorney, has requested the timeline for the tax sale be postponed due to the departure of the town manager. The town manager is the delinquent tax collector and the process requires numerous documents to be signed for the town and the availability of the delinquent tax collector to bid on properties that no one bids on. The new timeline for a tax sale will be towards the end of May. This is an optimistic and aggressive time line of when the Select Board hopes to have a town manager in place.

Seth Hopkins stated there was a request from a landowner regarding the town throwing up a section of Town Road #44. The request came in writing and the Select Board should select a time and date for reviewing the road. The town highway in question is the northerly portion of Old Brandon Road, north of Nickerson Road and Carver Street. The Select Board would have to view the road first and then provide the proper notice prior to throwing up the road.

Motion by Seth Hopkins/Dave Atherton to set a hearing for Monday, May 11th at 6:00PM for a site visit of the northerly portion of Old Brandon Road, immediately followed by a hearing of

interested parties prior to the usual Select Board meeting. **The motion passed unanimously – 4 to zero.**

Carol Bertrand would like the process moved along as quickly as possible and hopes to work with their neighbors to get the road as their property. Doug Bailey stated in driving by the area, it is not thought the town would put a road in this area.

11. Fiscal

a) Postage Warrant

Motion by Devon Fuller/Dave Atherton to approve the postage warrant in the amount of \$1,000.00. **The motion passed unanimously – 4 to zero.**

b) General Fund Warrant – March 23, 2015 - \$83,390.40

Motion by Devon Fuller/Dave Atherton to approve the General Fund warrant of March 23, 2015 in the amount of \$83,390.40. **The motion passed unanimously – 4 to zero.**

c) Wastewater Fund Warrant – March 23, 2015- \$17,762.56

Motion by Devon Fuller/Seth Hopkins to approve the Wastewater Fund warrant of March 23, 2015 in the amount of \$17,762.56. **The motion passed unanimously – 4 to zero.**

d) March 9, 2015 General Fund Correction

Motion by Seth Hopkins/Devon Fuller to approve a warrant correction of 12 cents to the February 9, 2015 General Fund warrant. **The motion passed unanimously – 4 to zero.**

e) Consider P.O. 23309 to Thunder Towing for Repairs to 2010 Charger - \$1,234.05

Motion by Devon Fuller/Dave Atherton to approve P.O. 23309 to Thunder Towing for repairs to the 2010 Charger in the amount of \$1,234.05. **The motion passed unanimously – 4 to zero.**

Motion by Seth Hopkins/Devon Fuller to recess as the Select Board to convene as the Board of Liquor Commissioners at 8:22PM. **The motion passed unanimously – 4 to zero.**

The Select Board reconvened at 8:27PM.

Motion by Devon Fuller/Seth Hopkins to enter into executive session at 8:28PM to discuss the employment of a Public Officer or Employee under the provision of Title 1 Section 313(3)(a)(3) of the Vermont Statutes with the session to include Richard Baker. **The motion passed unanimously – 4 to zero.**

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

Motion by Devon Fuller/Seth Hopkins to come out of executive session at 9:15PM. **The motion passed unanimously – 4 to zero.** There was no action required.

Motion by Devon Fuller/Seth Hopkins to enter into executive session at 9:16PM to discuss the employment of a Public Officer or Employee under the provision of Title 1 Section 313(3)(a)(3) of the Vermont Statutes. **The motion passed unanimously – 4 to zero.**

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

Motion by Devon Fuller/Seth Hopkins to come out of executive session at 9:40 PM. **The motion passed unanimously – 4 to zero.** There was no action required.

14. Adjournment

Motion by Devon Fuller/Seth Hopkins to adjourn the Select Board meeting at 9:42 PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary