

**Brandon Select Board Meeting
April 27, 2015**

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

In Attendance: Devon Fuller, Doug Bailey, Seth Hopkins, Ethan Swift

Also in Attendance: Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Arlen Bloodworth, Lee Kahrs, Chris Brickell, Steve Bissette, Bernie Carr, Anthony Paduto, Jeff Stewart, Tracy Wyman, Darren Winham, Janet Coolidge, Dick Kirby, Bill Moore, Judy Bunde

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:05PM.

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

- . Item 11a – discussion of town charter proposal
- . Item 11b - Consider re-adherence to Title 19 and approval of culvert standards
- . Item 14a – Consider RFQ for overflow culvert
- . Item 14b – Consider 2015 paving projects
- . Item 19 – Add Executive session regarding the appointment or evaluation of a public employee 1VSA313(a)(3)

2. Consent Agenda

a) Special Select Board Meeting Minutes – April 9, 2015

Motion by Devon Fuller/Seth Hopkins to approve the minutes of the April 9, 2015 Select Board meeting. **The motion passed unanimously - 3 to zero.**

b) Select Board Meeting Minutes – April 13, 2015

Motion by Devon Fuller/Seth Hopkins to approve the minutes of the April 13, 2015 Select Board meeting. **The motion passed with one abstention (Ethan Swift).**

3. Town Manager’s Report

Doug Bailey advised the new Town Manager was unable to attend due to illness and read the following report submitted by Dave Atherton:

“April 20th – Prepared and submitted a Federal Land Access Grant application for the Churchill Road Bridge rehabilitation. Awarded paving bid for Champlain Street, Union

Street and Marble Street to Wilk Paving. Wilk will be starting as soon as weather permits. Also awarded Union Street Culvert replacement to Harvey Excavating. Posted Select Board vacancy having received one letter of interest so far and reposted the bookkeeper position. Worked on organizing the office.

April 21st – Meeting with Town Office Committee for status and followed up and set appointments with plumber for NVAC estimate and Royal Group for Fire/Security estimate. Also worked on organizing office.

April 22nd – Meetings with engineering firms for RFQ for the overflow culvert.

April 23rd – Office work all day.

April 24th – Met with plumber and engineer at 49 Center Street to spec HVAC system. Conducted interview with candidate for bookkeeping position.”

4. Public Comments for Items not on the Agenda

Doug Bailey thanked Wayne Rausenberger for the suggestion to move the Public Comments agenda item after the Town Manager’s report to avoid duplication of discussions.

Wayne Rausenberger stated he had suggested to the Town Manager that if Union Street is going to be paved from Hannaford to Otter Creek the town should notify the railroad to see if they can do something with the crossing. Seth Hopkins noted there are funds to do more distance on the project according to Mr. Burlett’s report.

Bernie Carr thanked the Town and Daryl Burlett for repairing the bus stop.

Janet Coolidge reported the first event in the Town Hall will be a silent movie this Saturday. Doug Bailey attended the Friends of the Town Hall meeting and there was discussion that the Town Hall has many uses and there is concern that the doors are left unlocked. Mr. Bailey recommended that anyone using the Town Hall should make sure the doors are locked.

Bill Moore thanked everyone who had helped with the field preparation. There has been a new batting cage installed and the league will start next week.

5. Darwin Enterprises

Doug Bailey introduced Darren Winham of Darwin Dynamic Solutions. The Town has received a draft of the Tax Stabilization Plan and the first draft of the Economic Development Strategic Plan for consideration. Mr. Winham stated the plan uses simplistic methods to get results and is the best one to do as it is very easy for developers to understand and market. The concept is to provide incentive to property owners and businesses to invest money in the town. It was noted Vermont is a difficult

place to do economic development as the way they incentivize business is state controlled. There is the ability to do tax stabilization. This is not just a tax break, but it takes in commercial situations and multi-family homes in the downtown district. If money is put into a commercial property, the owner will receive a tax break on the additional invested amount for a specified length of time. This does not include the education tax, just the municipal portion. Mr. Winham provided a breakdown of the investment ranges and the corresponding number of years that tax stabilization would be offered. Should the terms not be executed in full, the town can terminate the Tax Stabilization Agreement (TSA) and collect the total amount of taxes. This would go to legal counsel once the Select Board has approved the TSA. It was noted the Hill School is part of the downtown designation. Devon Fuller confirmed that the tax stabilization is for the additional invested amount over the original tax for a given property, so there will still be the tax base that currently exists. Mr. Winham noted if something is not working for the Town they can choose to customize it. Devon Fuller questioned if the incentives can be changed and Mr. Winham stated the Town can choose to change the tax stabilization regulations, if required. If a property owner is given tax stabilization and the property is sold, the new owners would be eligible for the tax stabilization. If more money is to be invested, the new owner can request an extension or terminate and start a new TSA.

Doug Bailey stated there was discussion about the Brandon Industrial Corporation that is separated out to attract industry. The loan modification was signed today with Tom Whittaker and Steve Carr. Darren Winham stated this property is one of the best assets the town has and in his conversations with Steve Carr, there was discussion of getting more people on the board to help market this property. Anyone interested in participating on this Board should contact Steve Carr.

6. Consider Annual VTrans Financial Plan

Seth Hopkins stated there is a VTrans Annual Financial Plan that provides information on the various classes of town roads and appropriations that requires action by the Board.

Motion by Seth Hopkins/Devon Fuller to approve the signing of the VTrans Annual Financial Plan for the town highways. **The motion passed unanimously – 3 to zero.**

7. Consider Payroll Services

Doug Bailey stated moving to this type of service can free up a lot of time. Sue Gage and Luanne Merkert investigated payroll services for the Town and received three bids; ADP - \$3,949.00, Paydata - \$4,000.00 and NEMRC - \$5000.00. Though NEMRC is not the lowest bid, it is the recommended to go with this company because they do quarterly and annual statements and the retirement system. It was noted that the bookkeeping position could then be hired for less hours.

Motion by Seth Hopkins/Devon Fuller to contract with NEMRC from Georgia, Vermont for \$5,000.00 per year for payroll services. **The motion passed unanimously – 3 to zero.**

Ethan Swift stated in restructuring the roles of the staff, it appears this will assist with this issue of filling the bookkeeper position. Doug Bailey stated the bookkeeping position has been advertised and the Town has been unsuccessful in finding a qualified candidate. It was the intent to hire a 32-hour per week employee that would trigger benefits, but there is consideration in restructuring the staff to have Luanne Merkert and Sue Gage do some of the work and hiring a lesser position. Seth Hopkins stated the Board received information from Ms. Gage, Ms. Merkert and the Town Manager noting the other firms would provide a lesser amount of service and he is comfortable with the recommendation from them. Mr. Hopkins stated the key benefit is that NEMRC would have the information available since they already do the Town's computer services and it would allow for integration with the payroll system.

The motion passed unanimously – 3 to zero.

8. Consider Municipal Planning Grant for Planning Commission

Motion by Devon Fuller/Ethan Swift to approve the Municipal Planning contract for the Planning Commission. **The motion passed unanimously – 3 to zero.**

This is a contract for services for the Planning Commission by Jim Donovan, dba Broadreach Planning and Design.

The motion passed unanimously – 3 to zero.

9. Consider Appointments

a) *Select Board Clerk*

Doug Bailey reported with the departure of Dave Atherton from the Select Board there is a vacancy for the Clerk of the Select Board for special meetings and executive sessions.

Motion by Ethan Swift/Seth Hopkins to appoint Devon Fuller as the Select Board Clerk. **The motion passed unanimously – 3 to zero.**

b) *DRB*

Doug Bailey stated at the last meeting, there was a request to clarify if an additional member is required for the DRB and it was noted an additional member can be added.

Motion by Seth Hopkins/Devon Fuller to appoint Tom Bohler to the DRB for a term to expire June 30, 2016. **The motion passed unanimously – 3 to zero.**

Ethan Swift stated there is still an alternate vacancy and the current alternate's term will expires in June and the Board is still looking for members to fill the spots.

c) *Reminder of Various Vacancies*

Doug Bailey stated there are additional vacancies that include:

- . BLSG Insect Control District Representative - Alternate
- . Two DRB Alternates
- . Three Members to the Historic Preservation Commission
- . Revolving Loan Fund Committee Member
- . Rutland County Solid Waste District Alternate
- . Rutland Region Transportation Council Representative - Alternate

It was noted there can be up to 9 members of the Planning Commission and there are currently 6 members. Mr. Bailey stated if there is anyone interested in filling one of the positions noted above, a letter of interest can be submitted to the Town Office.

Ethan Swift stated Chief Brickell was appointed the Emergency Management Coordinator and suggested appointing Mr. Atherton as the Coordinator now. Chief Brickell did not know if Mr. Atherton has received the training and this may be the reason it has not changed hands yet. Mr. Swift stated at least one member of the Select Board has to go through the ICS training and he is not sure if the Coordinator also has to go through the training. The Emergency Operations Plan is due on May 1st and the Plan will have to indicate Chief Brickell or Mr. Atherton. This will be discussed with the Town Manager.

10. Consider Audit RFL

Doug Bailey stated there was a request for an audit firm rebid to assure that the best price is obtained. Seth Hopkins stated the Board does not have an update at this point.

Motion by Seth Hopkins/Ethan Swift to direct the Town Manager to prepare and publish an RFQ for audit services. **The motion passed unanimously – 3 to zero.**

11. Consider Emergency Operations Plan

Doug Bailey stated this item was tabled from the last meeting. Ethan Swift stated he had attended a workshop to update the Plan. It was noted the deadline for submission of the Emergency Operations Plan is May 1st.

Motion by Seth Hopkins/Devon Fuller to approve the Emergency Operations Plan as signed by Mr. Swift. **The motion passed unanimously – 3 to zero.**

Mr. Swift advised the next item to be updated is the Hazard Mitigation Plan.

a. Town Charter Discussion

Seth Hopkins stated the Board received the proposed Town Charter from Representative Carr and Representative Shaw that they passed by the legislative counsel. Mr. Hopkins submitted the changes to the Town Manager and Select Board and it was noted this has been reviewed for any legal issues and is similar to other charters that the legislature has approved. Mr. Hopkins stated in moving forward two dates would need to be set for public hearings and then it would have to be brought to the public for a vote. One hearing must be 30 days before and one within the 30 days of the Australian ballot vote and it would be warned as a special town meeting. Doug Bailey stated it is not known when the special town meeting will take place, however, discussion had been to hold one in June as there are other items that include a vote on the surpluses that may be available in the paving projects, filling the vacancy on the Select Board and possibly one other item. Seth Hopkins suggested holding one of the meetings on June 15th, followed by the vote on June 16th. There was a suggestion the voting could take place either at Neshobe School or the Town Hall. Mr. Baker stated the Board of Civil Authority makes the decision on where the voting is to be held.

Motion by Devon Fuller/Seth Hopkins to schedule the first hearing on May 18th, with the second hearing to take place on June 22nd followed by voting on June 23rd.

Ethan Swift stated the proposed charter only speaks to the local option tax, but there is a lot more that a charter can do to provide local control. He stated there had been discussion of having a more detailed charter and he is concerned the town is limiting this effort and there could be opportunities missed. Seth Hopkins stated there is the option to amend the charter at any time and he was not aware that the Board wanted to set up the charter for a form of government, as there would need to be a charter committee. Mr. Swift did not realize that it was going to be solely for a local option tax and noted it could be moved forward, but he does not think it addresses all the opportunities that could be afforded to the town. Mr. Hopkins suggested asking the voters to adopt the limited charter and then a longer discussion could be done. Mr. Swift did not think it would take a lot more time to research the other options. Devon Fuller thought this was the biggest piece of having a charter and he does not know what other advantages would be missed, but agreed it should be done all at once. Mr. Swift stated the Board has looked at other models that towns and cities have done and there had been a discussion of having a town administrator as opposed to a town manager and a town charter could provide this option. Doug Bailey stated the only discussions that he was aware of for the town charter was the local options tax and each conversation since last October was a discussion of having the most basic charter. It was his instruction to the attorney to draft this type of charter and he was not privy to the discussions of the prior Select Board. Seth Hopkins noted concern about becoming a charter town is that any time there is a desired change it would take an act of the legislature.

Judy Bunde asked to clarify the charter, as the hearings are required and a ballot vote is required to have a local option tax. She suggested going through with the vote, as it is

the first step and if the voters do not approve the 1% local options tax, the Select Board may reconsider the development of a town charter. Doug Bailey stated the charter has to be in place first, prior to a public vote on the local option tax. Devon Fuller stated the charter would not be approved by the legislature until 2016 and the town could then move forward with the local option tax, if approved by the voters. Seth Hopkins is not opposed to having two special two meetings, as FEMA items have to be taken care of and the consensus of the Board on this subject is important to him.

Devon Fuller and Seth Hopkins withdrew the motion in order to look into other aspects of the charter. Doug Bailey suggested Ethan Swift, Devon Fuller and Dave Atherton provide information on what was previously discussed for the charter.

b) Consider Re-adherence to Title 19 and Approval of Culvert Standards

Ethan Swift stated this is an annual action. There is an annual financial plan for roadway expenditures and it is important to adhere to the road and bridge standards as specified in Title 19.

Motion by Ethan Swift/Devon Fuller to adhere to the requirements under Title 19 regarding road and highway management and re-adopt the A76 Road and Bridge Standards. **The motion passed unanimously – 3 to zero.**

12. Consider VHB Amendment

Doug Bailey stated there was a discussion about the VHB contract pertaining to their original contract and additional fees they are billing for now and there was a question as to whether to continue using VHB as a project consultant.

Motion by Seth Hopkins/Ethan Swift to approve the Amendment 2 of the Brandon Segment 6 Waterline Additional Services for the purpose of discussion.

Ethan Swift asked what the rationale was for approving the amendment. Seth Hopkins stated the work has already been done and they have outlined the reasons why the money should be paid. They claim to have budgeted 100 hours and provided 505 hours for the waterline and are billing for \$39,000.00. They say even with payment, the payment funded was under the MLA. Devon Fuller asked if the Fire District has responsibility for any payment, as this was taken out of Segment 6 for the Fire District's convenience. There is also breaking out of the contractors invoicing and Mr. Fuller asked why the contractors are not doing that instead of VHB. Mr. Hopkins did not think the Fire District had the responsibility for hiring VHB, which was that of the Town. Doug Bailey had a conversation with Tom Whittaker regarding VHB in his work on behalf of the Fire District and he expressed displeasure with the work from VHB as they did not add to meetings when attending.

Wayne Rausenberger stated there were charges with regard to work that should have been done by the design engineer, rather than VHB. It was recommended the Board schedule a meeting with the management of VHB to understand the work that has been

done. Mr. Fuller agreed that a meeting should take place with VHB to obtain an explanation of the billing prior to payment approval. He does not see the value of what they have been doing and perhaps an explanation from the management of VHB is necessary. He would also like to read the initial contract to determine where the Brandon Fire District sits with this project and whether they have any financial responsibility in the project.

Ethan Swift stated with the issues and awareness the Board has had with VHB's involvement, it was recommended the services with VHB be suspended until a meeting is held. Mr. Fuller agreed the Town cannot continue to work with them until clarification has been made. Mr. Swift questioned the amount of hours and money that is associated with the services as he does not feel that it adds up. Mr. Rausenberger stated at the last Select Board meeting, there was a question whether anything they had done belongs to them. Seth Hopkins stated there was information received that CLD actually has all of the production in hand. Richard Baker stated there would be no effect on the appraisals. Mr. Hopkins noted it appears this is the co-efficient of inefficiency in this project.

Seth Hopkins and Ethan Swift withdrew the motion and the Board will instruct the Town Manager to contact VHB to schedule a meeting.

13. FEMA Projects

a) Green Park

Seth Hopkins stated there is a letter from FEMA dated 4/30/15 and their official decision is that they are approving the work on Green Park. There was an email from Mary Andes giving the official green light to start the work on Green Park. Doug Bailey stated in cleaning out the town office, Sue Gage found a Brandon Reporter that was dated 6/27/12 that indicated the same things that the Select Board is dealing with as a result of Irene. He noted there are still some hurdles to cross, but the project is a lot closer to getting done. The Project Tracker report has been helpful in assisting to keep the town focused and headway is being made. September 1st is when FEMA wants to close out all projects. With Green Park, it has been identified that FEMA will be paying for only the part that is on the town property and it is Mr. Bailey's intention to discuss this with Mary Andes to try to get approval to go ahead with the plan for the front half of the park. Ethan Swift stated this is part of the process of going through federal and state bureaucracy and cautioned it is difficult to set deadlines, as there are issues that are not known with FEMA-related items.

14. Segment 6

Richard Baker reported he has started on the 97th waiver evaluation, which is the last one remaining. There are 16 properties on Carver Street that have to be considered and 9 that will require certificates filed with the Town Clerk.

a) Consider RFQ for Overflow Culvert

Motion by Devon Fuller/Seth Hopkins to approve DuBois and King as the design engineers for the Overflow Culvert Project.

Devon Fuller reported there was a meeting held to interview the three candidates who had submitted bids: Hoyle, CLD and Dubois and King. Mr. Fuller noted Dubois and King was the most innovative bid. Ethan Swift stated he did not recall that one consultant rose above the others and questioned the criteria used in the decision. Mr. Fuller stated Dubois and King was very creative in attacking the project. Mr. Swift noted there would be some efficiencies in having CLD continue as the design engineer as they are also doing the design for Segment 6 and Bridge 114 and there is a lot of inter-play between those projects. Richard Baker stated there was a weighed scoring method and Dubois and King scored high. The other point is that the contractors were told this was the customer's interview and CLD was told not to come with a presentation, but they came with a PowerPoint presentation and did not come prepared to answer questions from the customer. Seth Hopkins was not at the presentations, but he asked Mr. Burlett if CLD would be okay with a different designer and Mr. Burlett believes they will work together fine. Mr. Baker stated there is one more step with negotiating an acceptable cost proposal.

The motion passed unanimously – 3 to zero.

b) Consider the 2015 Paving Projects

Seth Hopkins reported that Mr. Atherton has advised the paving bids were opened for the Champlain Street, Union Street and Marble Street projects with Wilks Paving being the lowest bidder. There will be a surplus of \$13,771.00 from what was appropriated and the \$175,000.00 grant. A proposal was made to also pave Union Street from Hannaford at an additional cost of \$53,212.00 and Pearl Street from Sanderson's Bridge to the end of the paving at a cost of \$22,575.00. There will also be additional funds remaining.

Motion by Seth Hopkins/Devon Fuller to approve Wilk Paving as the paving contractor for the Marble Street, Union Street and Champlain Street projects in the amount of \$154,009.00. **The motion passed unanimously – 3 to zero.**

Motion by Seth Hopkins/Devon Fuller to award Wilk Paving the additional paving projects of Union Street from Hannford and the paving of Pearl Street as noted above at the same rate as the Union Street, Champlain Street and Marble Street bid. **The motion passed unanimously – 3 to zero.**

Seth Hopkins noted there will be a savings in doing the additional paving due to mobilization costs will be already absorbed. The road from the bridge where Long Swamp Road turns to dirt for Pearl Street is thought to be one of the Class 2 roads that is in the worst shape.

Doug Bailey requested confirmation that the grant money can be spent for other projects and Seth Hopkins advised that the Public Works Director has indicated the grant can be used for Class 2 roadways. Mr. Hopkins noted these are estimates, but there is still approximately \$100,000.00 remaining. This is the result of having a Public Works Director that is capable and qualified in knowing how to do the work. Mr. Hopkins stated the voters appropriated the money for Union Street and the Board will be asking the voters to approve the transfer of the surplus funds be used for funding items such as the 5% FEMA match for Briggs Lane, Kennedy Park, Cobb Hill and Green Park that would total \$39, 977.00. It is thought that the projects will be done in one timeframe.

With regard to the Union Street Culvert Project, the culverts will need to be purchased out of the funds and Harvey Excavating was awarded the excavating project. Doug Bailey noted there were several bidders for this project.

Motion by Seth Hopkins/Ethan Swift to award the Union Street Culvert Project to Harvey Excavating for \$28,461.40. **The motion passed unanimously – 3 to zero.**

Seth Hopkins stated the Public Works Director and Town Manager are concerned the spending authorization is too low for efficient work, with the limit being \$1,000.00 for Public Works and \$5,000.00 for the Town Manager. Chris Brickell finds the spending limits are an issue when time is of the essence and there are times when a \$5,000.00 limit would be more advantageous for his department. The Board will request the Town Manager provide a recommendation for department head authorization limits.

Ethan Swift questioned whether Belden Company was approved as the contractor for Briggs Lane. Seth Hopkins thought they were the only bidder, but this item was not voted on. Mr. Swift stated there were estimates for the road restoration and repair of the damaged sewer lines and this item can be discussed at the next meeting.

Bernie Carr reiterated that the Town Manager or Public Works Director should be in contact with the railroad due to the additional paving that will now be done.

15. Town Office

Devon Fuller reported the Environmental Review is being looked at this week and there will be a 31 day waiting period after the review. Mr. Fuller spoke with Kate Fournier and she needs more details on the restoration of the windows and the stonework, which will be sent to her tomorrow. The bidding process is scheduled for the end of May.

16. Bridge 114

Seth Hopkins reported CLD has an image of a railing they think will work that will be sent to the Historic Preservation people.

17. Tax Sale Update

There has been no additional update received from the Town Manager. Doug Bailey had notified Jim Carroll that things had been delayed due to the absence of a town manager. A new time line will be developed for the tax sale and letters will be going out to the property and lien holders.

18. Fiscal

a) General Fund Warrant – April 27, 2015 - \$35,354.35

Motion by Seth Hopkins/Devon Fuller to approve the General Fund warrant in the amount of \$35,354.35. **The motion passed unanimously – 3 to zero.**

b) Wastewater Fund Warrant – April 27, 2015 - \$19,010.08

Motion by Devon Fuller/Seth Hopkins to approve the Wastewater Fund warrant of April 27, 2015 in the amount of \$19,010.08. **The motion passed unanimously – 3 to zero.**

Motion by Seth Hopkins/Devon Fuller to recess as the Select Board to convene as the Board of Liquor Commissioners at 9:32PM. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 9:37PM.

Motion by Seth Hopkins/Devon Fuller to enter into executive session for the purpose of discussing the appointment or evaluation of a public employee in accordance with 1VSA313(a)(3). **The motion passed unanimously – 3 to zero.**

19. Executive Session

The Board came out of Executive session at 10:34PM. There were no actions required.

20. Adjournment

Motion by Devon Fuller/Seth Hopkins to adjourn the Select Board meeting at 10:35PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary