

## **Brandon Select Board Meeting May 11, 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, Tracy Wyman

**Also in Attendance:** Dave Atherton, Kathy Rausenberger, Richard Baker, Daryl Burlett, Arlen Bloodworth, Bernie Carr, Dick Kirby, Anna Scheck, Steve Bisette, Robert Jones, Judy Bunde, Carol Bertrand, Shannon Bertrand

### **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 – 4 to zero.**

- . Item 14 – executive session to discuss the appointment or evaluation of a public employee in accordance with  
1VSA313(a)(3)
- . Item 3A – to discuss notice of discontinuance or layout of a town road
- . Item 15 – executive session to discuss the negotiation of securing a real estate purchase in accordance with 1VSA313(a)(2)
- . Item 16 – executive session to discuss a pending litigation which the public body (Town) as a party in accordance with  
1VSA313(a)(1)

### **2. Consent Agenda**

#### **a) Select Board Meeting Minutes – April 27, 2015**

**Motion** by Seth Hopkins/Ethan Swift to approve the minutes of the April 27, 2015 Select Board meeting, as amended. **The motion passed unanimously – 4 to zero.**

- . Page 2 – Notice of April 24<sup>th</sup> – correction to abbreviation - HVAC
- . Page 4 – DRB abbreviation should be spelled out to read Development Review Board
- . Page 5 – BLSG abbreviation should be spelled out to read Brandon, Leicester, Sudbury, Goshen

#### **b) Special Select Board Meeting Minutes – May 4, 2015**

**Motion** by Seth Hopkins/Devon Fuller to approve the minutes of the May 4, 2015 Select Board meeting, as amended. **The motion passed unanimously - 4 to zero.**

In the motion to adopt the agenda, correction to read Ethan Swift motioned and Seth Hopkins seconded.

### **3. Town Manager's Report**

Dave Atherton reported Jacolyn Savela has been hired as the part-time bookkeeper. Ms. Savela is a local resident and has worked at Lake Sunapee Bank for the last 10 years. The RFP for Green Park has gone out and bids are due by May 22<sup>nd</sup>, with a project completion date on or before July 20<sup>th</sup>. The RFP for the annual audit was sent out on May 7<sup>th</sup> with a May 25<sup>th</sup> deadline for receiving proposals. The Levy/Warrant and Notice of Tax Sale has been received by the town clerk. Street sweeping started last week and will continue through this week. There are options being considered for the Kennedy Park retainer wall repair and staircase to the parking lot. VTrans has advised the Town that Pearl Street cannot be included with the paving for the Union Street project and the funds will have to be reallocated for something else. The Town has received the draft contract from Dubois & King for design only for the overflow culvert that will be reviewed and a final contract in place by the next Select Board meeting. A meeting has been scheduled with VHB for tomorrow at 3:00PM to discuss future plans. Mr. Atherton requested representation from the Select Board for this meeting. Ethan Swift and Doug Bailey will attend the meeting on behalf of the Board. Mr. Atherton met with Dennis Marden and Ideal Construction Roofers regarding the town hall roof that was damaged during a hail storm last year. A report will be generated by the vendor to submit a claim to the insurance company. The Union Street culvert work will begin on Wednesday and road closure notices will be advertised in The Reporter. Paving will begin upon completion of that work. The eroded embankment on Wheeler Road has been repaired. The gazebo in Central Park will be repaired and painted by Devon Fuller. Stonework will be done by some students to avoid issues with rotting and the stone work will also be done around the picnic tables in the park.

Seth Hopkins questioned whether the Town Manager had suggestions for spending limits for the department heads. Dave Atherton stated the Public Works Director has a \$1,000.00 limit and Town Manager has a \$5,000.00 limit. Mr. Atherton stated the limits were set 12 years ago and costs have increased significantly. Anna Scheck stated if the limits are changed, it would require an update to the Purchasing Policy. Dave Atherton and Anna Scheck will revisit the Purchasing Policy and provide recommended changes at the next meeting.

Kathy Rausenberger recommended placing the road closure signs for the Union Street culvert project at the intersections of High Pond Road and Maple Street. Daryl Burlett advised the current signs are just for notification and the other signs will be placed at the intersections.

#### **a) Notice of Discontinuance**

Doug Bailey advised the Select Board had previously met concerning the discontinuance of a portion of Old Brandon Road.

**Motion** by Seth Hopkins/Ethan Swift to discontinue Daley Road, a portion Town Highway #44 (Old Brandon Road), located between its intersection of Town Highway #42 (Carver Street) and Town Highway #43 (Nickerson Road) with the land to be conveyed to the underlying landowners. **The motion passed unanimously – 4 to zero.**

Daryl Burlett reported there is no water line on that section of the road. Robert Jones asked what will be done with the land that is to be thrown up. Doug Bailey stated with the discontinuance, the road would be split down the center with half to go to Mr. Jones and half to the Bertrands. Mr. Jones had no objections to the road being discontinued. Daryl Burlett questioned if there is a specified amount of time for appeals. Ethan Swift stated testimony has been given and there has been a 30-day notice already given. All requirements and conditions have been met and notification will be given via certified mail to the abutters and the change will be recorded in the deeds.

#### **4. Public Comments for Items not on the Agenda**

Bernie Carr questioned the status of the Town's employee contract. Devon Fuller reported the negotiators for the union have been let go and they have had to hire new people. They will review the contract and get back to the Town. Dave Atherton reported a meeting has been scheduled for May 27<sup>th</sup>. The Town's attorney has advised that there is nothing further the Board can do. Mr. Atherton stated in order for a change, half of the union employees plus one could petition to change the union or get out of the union. Nonunion people cannot have any say in it and it has to be discussed by union members themselves.

Devon Fuller asked Bernie Carr about the Memory Tree lights in Central Park. Mr. Carr advised they have been shut off, but the plan is to leave the bulbs on the tree until Segment 6 is done and at that time there will be another tree planted.

Steve Bissette stated there is an issue with the paving that was done last summer on Barlow Avenue. The Town removed a piece near his property and the water is now running on to his lawn. Daryl Burlett stated this is new paving that was done prior to his arrival and noted that the entire Barlow paving project was not done the right way initially. He will take a look at it tomorrow to see what might be done and will advise the Board. Mr. Bissette stated the dirt portion also needs to be graded. Doug Bailey noted Public Works is understaffed as there are a couple of people out on disability and there is a backlog of work.

#### **5. Appointments**

##### ***. Rutland Regional Planning Commissioner***

Dave Atherton reported there is a vacancy to the Rutland Regional Planning Commission and Anna Scheck has volunteered to be the representative and Mr. Atherton agreed to serve as the Alternate.

**Motion** by Ethan Swift/Seth Hopkins to appoint Anna Scheck as the Representative and Dave Atherton as Alternate to the Rutland Regional Planning Commission. **The motion passed unanimously – 4 to zero.**

***. Rutland Region Transportation Council***

Dave Atherton advised that Richard Baker has volunteered to continue as the Representative to the Rutland Region Transportation Council and Mr. Atherton agreed to be the Alternate.

**Motion** by Ethan Swift/Seth Hopkins to reappoint Richard Baker as the Representative and Dave Atherton as Alternate to the Rutland Region Transportation Council. **The motion passed unanimously – 4 to zero.**

It was noted that Richard Baker is the Chair of the Rutland Region Transportation Council.

**6. Town Charter – Local Option Tax**

Ethan Swift stated for the record that despite what the weekly paper of record is suggesting in that he was bringing the discussion to a halt, he is very much in favor of the local option tax. A lot of energy has gone into crafting the language and he is supportive of moving it forward. He understands that some of his colleagues were not part of the Board and he was bringing to their attention other aspects a charter could provide. Mr. Swift noted towns by nature are largely governed by the state and when it is thought of town government providing local control, they are held accountable through state statutes. There are other opportunities that can be explored down the road, but at this time those options do not seem to be of great board importance and the charter can be amended at a later date. Mr. Swift thought it is important to move the local option tax along with the crafted town charter.

Devon Fuller stated there are some things that are worth-while investigating, such as providing the Select Board the ability to lease, sell and purchase property to assist with those instances when the Board needs to deal with a piece of property in an expeditious manner. Mr. Fuller noted the Board has the authority to purchase high-priced equipment, but cannot purchase an inexpensive piece of property, such as dilapidated properties that appear to be abandoned. He stated there is also the possibility of providing the authority for the Select Board to transfer appropriated funds to other projects to alleviate the necessity to hold special elections.

Seth Hopkins asked if it is the intent to do it all at once or move forward and amend at a later date after consideration. Devon Fuller asked if a June election is being considered for the local option tax or will it be considered for next year. Doug Bailey stated there are a couple of issues that could possibly require a meeting now. He believes that people are feeling that the Board is doing okay and the voters would like to have the

local options tax and he is concerned if too much is put into the charter it may get voted down. He stated it may be better to get the initial charter for the local option tax. Mr. Fuller understood that people want the local options tax, but it may be reasonable to add a couple more items to the charter. Seth Hopkins stated the straw poll was to have the local options tax and he feels that other items may not enjoy such a landslide support, such as the Select Board authorizing the transfer of appropriations. Mr. Bailey stated with the abandoned buildings, he feels that those may be a safety hazard and perhaps the zoning laws could be adjusted to assure that those types of issues are handled.

Bernie Carr stated there are other items that could be piggy-backed with the voting in June on the local options tax and perhaps in 2016, other items could be proposed during the election to be added to the charter. Ethan Swift stated the vote for the re-appropriation for the paving is a critical item that needs to be voted on and the reallocation of the funds could also be used for the FEMA match. Daryl Burlett stated he is in a hold pattern for the Union Street extra paving until this reallocation is done. The pre-RFP meeting is this Thursday for Green Park and that also needs match money. Mr. Hopkins stated there would need to be 10 days before the first hearing could be held and an additional hearing would be required within 30 days, which would mean the earliest a vote could take place would be June 21<sup>st</sup>. Tracy Wyman noted that though he is not that familiar with the charter, he is concerned in taking away the power of the voters regarding transferring appropriations and purchasing land. Mr. Hopkins would prefer not to have the good of the 1% tax being held hostage to the other items that are being considered.

Bernie Carr suggested appointing a Charter Committee with the proposed suggestions. Dave Atherton stated one reason to go forward with the local option tax was based on the straw poll and he suggested this could be the process used for future proposed changes, as providing the input from the public means a lot to everyone in town. Tracy Wyman felt that people need to have more information about the other items being considered. Doug Bailey thought the 1% could go a long way with helping the infrastructure and providing a steady cash flow that the Public Works Department could base their work on. It would keep road and sidewalk projects moving forward. Judy Bunde stated she thought the 1% has to be earmarked for specifics, but she did not think it could just go into the General Fund. What is being proposed is for voter-approved capital projects within the Town of Brandon. Anna Scheck stated the 1% would go into a separate fund and would then be allocated from the voter approval. Judy Bunde asked if it would include the repairs to the sewer treatment plant, as she was appalled to learn that there have not been any improvements to the plant. It was noted that the Wastewater Department is a separate entity, but there has been an increase in the sewer rates to be used for improvements. Dave Atherton stated it was discussed it would be for infrastructure that should cover roads, buildings, sidewalks, sewer, etc. Seth Hopkins stated any improvements would go before the voters and the way it was written is to make the money available to the town as a whole. Bernie Carr asked if it has to be voter approved capital projects as he thought this would restrict the Select Board's work and would cause delays. Mr. Swift stated this would provide

transparency and there would be plenty of projects in mind to vet to the public. Judy Bunde stated with the confidence from the town growing, she agreed with Mr. Carr that this would take away the authority of the Select Board. Mr. Hopkins stated it will be up to the Select Board to make a case for all projects proposed. Daryl Burlett expressed concern when putting a project into an article and bids come in at a lesser amount than what was allocated, it ties up the funds until another vote can be done. Mr. Carr noted the townspeople have voted the Select Board to do a job and he would rather not restrict their work and recommended removing the wording "voter-approved" in the charter.

**Motion** by Seth Hopkins/Ethan Swift for the Select Board to adopt the Town Charter as previously prepared with the deletion of the wording "voter-approved" in Item 2c. **The motion passed unanimously – 4 to zero.**

The Charter will be presented to the voters for approval. It was noted that a Notice of Public Hearings and Special Meeting will be required and will need to be published in either the Reporter or the Rutland Herald. Additional items for public vote include the re-appropriation of funds and the Select Board vacancy. The first hearing will be for the Town Charter only. On or before May 30<sup>th</sup>, there will have to be a notice for petition for the vacant Select Board seat. Dave Atherton will take care of the notification to the newspapers.

**Motion** by Seth Hopkins/Tracy Wyman to hold a hearing to propose a Town Charter to the voters on Tuesday, May 26<sup>th</sup> at 7:00PM at the Town Hall and hold a second hearing that will also be a special town meeting on Monday, June 29<sup>th</sup> at 7:00PM at the Neshobe School, with voting by Australian ballot on Tuesday, June 30<sup>th</sup>. **The motion passed unanimously – 4 to zero.**

## **7. FEMA Projects**

### **. Green Park**

Dave Atherton stated the RFP has gone out for Green Park and the bid deadline is May 22<sup>nd</sup>, with a completion on or before July 20<sup>th</sup>. There will be a meeting regarding Green Park this Thursday at 10AM with some people from the state. Daryl Burlett stated the general part of the park is scheduled to be open for July 4<sup>th</sup>. Seth Hopkins stated there is a warrant for Aldridge and Elliott for \$3,500.00 and he asked if any of this invoice can be put towards an in-kind match. Mr. Burlett will look into this being a possibility. Mr. Burlett noted this warrant was factored into the total cost and the portion that is not reimbursable could potentially be put towards the match. Ethan Swift asked if there was clarification by the state regarding the slope. Mr. Burlett stated a representative from the state will be present at the meeting for discussion of this item. Doug Bailey suggested the Town advise the landowners who were kind enough to deed the Town the land for the park, as they may want to contact the same contractor to repair their portion in an effort to save them money. Dave Atherton will reach out to the landowners. Doug Bailey

questioned the status of the paving in front of the town hall. Mr. Burlett will talk to the representative about that issue as well.

## **8. Segment 6**

Dave Atherton reported there will be a meeting tomorrow with VHB to discuss the future with this group. All evaluations and waivers have been completed and Richard Baker is working with the appraisal company. Mr. Robertson is very happy that the evaluations are all done. Seth Hopkins stated the deadline was successfully met and the Board would like to thank Mr. Baker for his efforts in completing the evaluation.

## **9. Town Office Project**

Devon Fuller reported that weekly meetings are taking place and they are down to one outstanding requirement; a letter from a third party. He has received a letter that has been forwarded along and it is hoped that this will satisfy the requirements. Seth Hopkins stated there is a warrant for 49 Center Street and asked if this is something that gets covered through the grant. Mr. Fuller stated this is for a permit that is required for occupancy and it can be covered under the grant. Mr. Fuller expressed the Board's gratitude to Robert Black for printing of the plans and placing his seal on the prints.

## **10. Bridge 114**

Dave Atherton reported there is a meeting scheduled for May 27<sup>th</sup> at 10:30AM with the state's Historic Preservation department, CLD and possibly VTrans to finalize the rail design for the bridge. There have been some designs proposed and Mr. Atherton is confident that a design will be determined. Devon Fuller expressed concern that VTrans has to approve the final design and it would be important that they are involved in the meeting to obtain their approval. Mr. Atherton noted all parties are in communication and he is confident the final design will be agreed upon.

## **11. Tax Sale Update**

### ***. Sign Resolution***

Dave Atherton advised that the Town's attorney has provided a resolution noting that Dave Atherton, as the new Town Manager, also allows him to be the Delinquent Tax Collector.

**Motion** by Devon Fuller/Seth Hopkins to approve the Tax Sale resolution that allows Dave Atherton to be the Delinquent Tax Collector and authorizes him to bid at the tax sales in an amount equal to all delinquent taxes, interest, penalties and fees owed at the time of the sale as allowed by law. **The motion passed unanimously – 4 to zero.**

### ***. Updated Time Line***

Mr. Atherton reported he has an updated tax sale timeline and that they are on to the next deadline of mailing registered letters. The sale is scheduled for 9:00AM on June 22nd. There was a question of whether to place the Levy/Warrant on the website and Mr. Bailey noted that in doing so, the Town Manager should be sure that the list is up to date.

## **12. Fiscal**

### ***a) Postage Warrant – April 27, 2015 - \$1,000.00***

**Motion** by Devon Fuller/Seth Hopkins to approve the Postage warrant of April 27, 2015 in the amount of \$1,000.00. **The motion passed unanimously – 4 to zero.**

### ***b) General Fund Warrant – May 11, 2015 - \$62,182.71***

**Motion** by Ethan Swift/Seth Hopkins to approve the General Fund warrant of May 11, 2015 in the amount of \$62,182.71. **The motion passed unanimously – 4 to zero.**

Ethan Swift stated the quarterly appropriation for the BLSG (Brandon, Leicester, Sudbury, Goshen) Insect Control District is in the warrant. He asked if there will be regular updates provided for the district. Wayne Rausenberger stated things will be different from last year.

### ***c) Wastewater Fund Warrant – May 11, 2015 - \$6,433.73***

**Motion** by Ethan Swift/Seth Hopkins to approve the Wastewater Fund warrant of May 11, 2015 in the amount of \$6,433.73. **The motion passed unanimously – 4 to zero.**

Dave Atherton stated these invoices are part of the General Fund and if the Board wants to do these as the Board of Sewer Commissioners he can change it going forward. It was agreed that the invoices can continue to be approved in this manner.

### ***d) Bond Warrant – May 15, 2015 - \$51,695.08***

**Motion** by Ethan Swift/Seth Hopkins to approve the Bond warrant of May 15, 2015 in the amount of \$51,695.08. **The motion passed unanimously – 4 to zero.**

**Motion** by Seth Hopkins/Devon Fuller to recess the Select Board meeting at 8:48PM. **The motion passed unanimously – 4 to zero.**

**The Select Board reconvened at 8:52PM.**

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 8:53PM for the purpose of discussing the appointment or evaluation of a public employee in accordance with 1VSA313(a)(3). **The motion passed unanimously – 4 to zero.**



### 13. Executive Session

The Board came out of Executive session at 9:00PM. There were no actions required.

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 9:01PM for the purpose of discussing the appointment or evaluation of a public employee in accordance with 1VSA313(a)(3). **The motion passed unanimously – 4 to zero.**

### 14. Executive Session

The Board came out of Executive session at 9:18PM. There were no actions required.

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 9:19PM for the purpose of discussing the negotiation of securing a real estate purchase in accordance with 1VSA313(a)(2). **The motion passed unanimously – 4 to zero.**

### 15. Executive Session

The Board came out of Executive session at 9:33PM. There were no actions required.

**Motion** by Devon Fuller/Ethan Swift to enter into executive session at 9:34PM for the purpose of discussing a pending litigation which the public body (Town) is a party in accordance with 1VSA313(a)(1). **The motion passed unanimously – 4 to zero.**

### 16. Executive Session

The Board came out of Executive session at 9:43PM. There were no actions required.

**Motion** by Devon Fuller/Ethan Swift to change the next regular Select Board meeting to Tuesday, May 26<sup>th</sup>. **The motion passed unanimously – 4 to zero.**

### 17. Adjournment

**Motion** by Devon Fuller/Ethan Swift to adjourn the Select Board meeting at 9:44PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary