

**BRANDON SELECT BOARD MEETING
JUNE 22, 2015**

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

In Attendance: Tracy Wyman, Seth Hopkins, Devon Fuller, Ethan Swift (7:06 pm)

Also in Attendance: Dave Atherton, Kathy Rausenberger, Wayne Rausenberger, Stephen Cijka, Norm Milot, Bernie Carr, Dick Kirby, Chris Brickell, Richard Baker, Mary Bagley, Lee Kahrs, Sue Gage, Karl Fjeld, Janet Coolidge, Jeff Stewart, Steve Bisette, Anna Scheck, Jackie Savela

1. Call to Order - The meeting was called to order by Seth Hopkins, Vice Chair, at 7:02 pm.

a) Agenda Adoption - Motion by Wyman / Fuller to adopt the agenda with the following addition to be numbered Section 14A: Add executive session 1 VSA § 313(a)(1) to discuss the union contract. **The motion passed unanimously on a vote of 3-0.**

2. Approval of Minutes - Select Board Minutes - June 8, 2015

a) Motion by Fuller / Wyman to approve the minutes of the June 8, 2015 Select Board meeting as submitted. **Motion passed unanimously on a vote of 3-0.**

3) Town Manager's Report

- Mr. Atherton met with the new auditor. There should be a completed audit by November 1, 2015.
- Marble St. and the Town Hall parking area have been paved.
- Cost estimates for resurfacing asphalt sidewalks have been received.
- There was a union negotiating meeting on June 10 and another one upcoming. This will be discussed further in executive session.
- Kennedy Park retaining wall has been repaired and other work is being done.
- Atherton met with Darren Windham, the executive development consultant, to discuss the status of his report and recommendations. They looked at some things and Bill Moore has been working with him. It is hoped to have the report before the end of the month.
- Atherton met with Jamie Stewart from REDC to see what they can do for us and to let them know "Brandon is Open for Business."
- Atherton met with Susan Schreiber from RRPC regarding the the Maple St / Union St sidewalk grant. The grant is due by July 8.
- There was a meeting with Dubois & King to talk about the overflow culvert design

Ethan Swift arrived at 7:06 pm

- Tax sales were held this morning. Six properties were sold. They are going for next steps. The process for next year's tax sale is already beginning to get on track and set a precedent. Atherton said last week there was a large list and a lot of money came in during the week. The list is dwindling. Of the six properties, the town won the bid on three of them and three were won by other bidders.
- Tracy Wyman said he had a call from a resident thanking the town for getting up the crosswalk signs.

4) Comments for Items not on the Agenda

- Wayne Rausenberger asked if the town was going to show a surplus or deficit this year. He also asked where the town stands on the tax collections for the year. Atherton said this will be discussed later in the meeting.
- Kathy Rausenberger asked what is happening with the parking lot behind the Mobil gas station. Hopkins said the town meeting asking voters to approve the purchase is next week.
- Dick Kirby said he has heard a lot of favorable comments and congratulated the board and the Town Manager on a fine job. "Keep up the good work."

5) Approval of Tax Anticipation Note

Sue Gage, Town Treasurer, asked for bids from three banks. National Bank of Middlebury was the low bidder and she is recommending the Town sign the note with them. Gage said we also had a note last year and we did not use it. However, it is good to know it is available if needed, to help with cash flow. There are no fees associated with having the note.

Motion by Fuller / Wyman to approve the Town borrowing an amount not to exceed \$600,000 from the National Bank of Middlebury for a tax anticipation note at a rate of .95% interest.

Motion passed unanimously.

6) Presentation of Financial Management Questionnaire

Sue Gage said this is required by state statute. It talks about the policies in place and internal controls. She said she fills out the questionnaire and files it in the town records. Devon Fuller said this is something done annually. For example, one question asks who handles town records and talks about making sure that there is not just one person handling all the funds and checking all the records. Gage said it is required annually by the state treasurer. There were no objections and Hopkins said the board will take it under advisement and he will sign it.

7) Churchill Road Signs

Seth Hopkins recused himself from discussion on this item and left the board table. Ethan Swift chaired this portion of the agenda.

Dave Atherton said there has been some concern about the signs at the top of Churchill Rd. He said there is parking there. There have been requests to move the sign to the bridge and not the road. It is the town's access to Leicester Hollow and the end of Fay Rd. He said he believes the board decided a while back to put the signs up. There was discussion by board members and the public.

- Swift asked if the DPW director had a recommendation. Atherton said the town was going to take down the signs but then decided to bring it to the board. He said one consideration is to move the "bridge closed" sign to the bridge. There is parking and the lot can fit three cars.
- Fuller asked if Daryl Burlett can increase the parking. Atherton said they talked about waiting on the grant for that. The grant is in the review process.
- Wyman asked about the turn-around when you get to the bridge. Atherton said the spots are up from the bridge. Vehicles can turn and stay within the right of way. Wyman said he doesn't have an issue moving it. It should be marked.
- Atherton said he thinks the "no parking" sign should be moved to the entrance of the bridge and that we make a "parking area" sign.

- Swift said if people are used to seeing the "bridge closed" sign, they may have a false sense that it is open. He would be concerned that we might be sending traffic there who think they might be able to get over the bridge. He said perhaps we should leave the "bridge closed" sign and leave up the "no parking" sign.
- Wyman asked about liabilities with the bridge closed as far as letting people walk across it. Atherton said it was replanked years ago. A car can't cross it but it is safe for walkers and bikers.
- Karl Fjeld said the road appears to be closed to the public. It has gone into disuse. He attributed that to the signs that say "road closed" and "bridge closed." It is unwelcoming. The town crew went up and put in a good turnaround. There is plenty of room for parking. Cars had always parked there until the signs showed up. It is a town road and the townspeople should have access to the Moosalamoo National Recreation Area. Brandon has no other access to the forest. Fjeld said it would behoove the town to move the bridge sign down and for people to park there. If we put a "bridge closed" sign on the bridge, people won't be crashing down the barriers. Swift asked if there is no longer a "bridge closed" sign at the road, if it is a liability. Fjeld suggested a "bridge closed" sign on the bridge and to keep up the barrier. Swift said he doesn't see removing the "bridge closed" sign from the road -- it would create a false allusion if the bridge isn't open.
- Fjeld said the trail has gone out of favor. People don't dare to go in there because they think it is someone's driveway. The Chamber discussed it and hope the town will address this. It is an important part of the community that has been ignored. We have closed our gateway to the Green Mountains. To say you can park up on the corner and walk along the guardrails is not safe. It is better to park down there in the limited parking. Fjeld said he would like the "bridge closed" sign down on the bridge.
- Police Chief Chris Brickell asked for further discussion before a decision is made, with the public works director and the town manager. He said perhaps a sign that says "closed to motorized vehicles" would be appropriate. He said if the parking area is full and people start to park on the traveled portion, his department will get calls. He recommended waiting before a decision is made.
- Bernie Carr said there have been issues with dogs there. He asked that signage be posted in the parking area, explicitly stating what the area is for and where not to park. Maybe a sign stating: "If the lot is full, do not park in this area."
- Fuller said this has been going on for far too long. He believes the town needs to set it up so it will work. He recommended bringing Mr. Burlett into the discussion about parking and the turn-around access. He agrees with the Chief; we need to figure out better signage, parking and turn-around. He recommended the board put up a timeframe to figure this out. Wyman asked for ideas from Burlett by the next meeting.
- Fuller said last year the bush was so thick you couldn't get around. Atherton said the road crew has been down there and there is a turn around. It looks good.
- Fuller said it has to be set up right. If four cars are parked there, the first car can't get out.
- There were lots of ideas suggested for what signs could say: "You can park here." "Three parking spaces here." "Recreation trail." It was also suggested that parking spaces be delineated.
- Fjeld said he has parked there for years before he got a ticket for parking there, from the town. His car has never once been trapped in and he has never seen someone trapped in. People are polite. Carr suggested involving the neighbors in the discussion. Atherton said they did speak with the landowner last week and there was a good conversation. They are aware of what can happen if we get a new bridge.

- Swift said he does not agree with removing the sign that says "bridge closed" but he thinks there can be a better compromise. The board asked the Town Manager with the Public Works Director and Police Chief to take care of the situation and report at the next meeting.
- Dick Kirby said he hates to see the town held hostage on property they own and can rightfully use. Swift said the DPW already created the turnaround and we are working toward improvements. He said he hopes it is resolved once and for all.

Mr. Hopkins rejoined the board table and resumed chairing the meeting.

8) Zoning Fees - Dave Atherton said there has been talk for a while that our zoning fees are quite low, especially compared to neighboring towns. This is a way to raise revenue, although by a small amount. Zoning Administrator Anna Scheck looked at other towns and costs. Scheck said fees haven't been raised in years. The proposed fees puts us in the average of neighboring towns' fees.

Seth Hopkins said the fee scheduled is divided into three sections: land use, development review board (DRB), and public works. He said the public works fees are not proposed to change. The land use section fees increased a small percentage. There was discussion that there are additional items in this section that seem to require fees but it was clarified they are not new items, just articulated on the fee schedule. Hopkins said the DRB fees are increasing significantly. He said in the current fee schedule, it is noted that appeal fees are refundable. They are proposed to increase from \$134 to \$250. Scheck said she can add wording in the new schedule that says that the appeals fee is refundable.

There was further discussion on the proposed fee schedule and the wording.

- Atherton said the jump for DRB applications reflects the costs involved. There is more work from the Zoning Administrator, hearing costs such as mailings, advertising, etc.
- Swift said landfill and mining activities are regulated by the state. Swift said if something is going to Act 250 it has to go to the state. But we also have local review for three Act 250 criteria. Are we double billing if it has to go to the state also? Scheck said there is an between step. There are thresholds for mining or excavation when an application doesn't have to go to the state. She said it could be better outlined on the fee schedule. Swift said it would be good for the schedule to be consistent with the Brandon Land Use Ordinance (BLUO). There was discussion also on the definition about "development in a hazard area." Should there be more clarity?
- Fuller said 6' high fence costs \$48 currently but the new schedule has them at \$40. Also razing a building. It was decided that no fees should decrease. Those two items will remain at \$48.
- Dick Kirby asked who has the authority to enforce violations. He said in the past, there have been instances where people were issued notices of violation and then there was no follow up. Atherton said the Zoning Administrator is the enforcement person. He said they can't fix what was done in the past but they are moving ahead. He is the Assistant Zoning Administrator.
- Chief Brickell said this discussion is about the fee schedule. However, talking about Mr. Kirby's concerns about enforcement, Brickell recommended changing the language in BLUO to "shall be" instead of "can be" or "will be". Scheck said the Planning Commission has to make changes to BLUO. Swift asked that the Planning Commission review this and make sure it is consistent with BLUO.

- Wyman said if the board is just addressing fees, he does not think it has to go back. Swift said the town has the power to set the fees but it is in the board's best interest to make sure the fee structure is in line with what the town can regulate. He would like to see clarity with some of those line items that look like they should be revised.
- Atherton said the landfill mining excavations are addressed in the public works section. It can be removed from the land use operations section. Swift said that is a solution. There was discussion about the section entitled excavation. In the public works section, that is about creating roads. Hopkins said perhaps the mining and excavation in the top section has nothing to do with public works but rather a gravel pit on someone's property.
- Atherton said he and Anna Scheck will work together on the changes. Board members said they do not have a problem with the fee structure; there just needs to be clarification on some items to ensure consistency.

Motion by Swift / Fuller to approve the proposed land use application and fees as submitted in the packet with the noted changes to keep the current fees in line with the proposed where they were reduced.

Fuller noted the wording changes regarding excavation and mining are for clarity.

Motion passed unanimously.

9) FEMA Projects - Dave Atherton reviewed the following:

- Work has started on Green Park. The hole is getting smaller! Work is being done on the retaining wall in the back with stone.
- We received the approval for the sewer line repair money for Kennedy Park. We cleaned the lines so we can send down a camera. It possibly came apart. The back part of Kennedy Park was paid for from the original FEMA money from a few years ago. The retaining wall is repaired. They are cleaning it up and it is looking good. They will then clean up the rest of the park.
- Nothing new on Cob Hill. There were doing borings. No updates.
- On Briggs Lane, they are working on the sewer boxes and pipes. Weather permitting, they will soon pave.

10) Segment 6 - Dave Atherton said there nothing much right now -- they are working on paperwork. He is in daily contact with VTtrans and CLD. Regarding Bridge 114, there will be a sonar study, a GPR, done on July 8. We received communication from Vtrans last week on the rail design. There was discussion on the sign they submitted. The local group reviewed it and everyone likes it. Atherton said we might be responsible for some of the cost of the railing, depending on how much it will cost. Need to crunch some numbers. Atherton said the state came up with a bridge design. Bernie Carr said the cement bridge has been there for almost one 100 years. We might be looking at the next bridge for 100 years. He said even if it costs the town something, it should be attractive.

11) Town Office Project - Devon Fuller said the grants program was off line for two weeks and so we couldn't get further approval. It was back on line today and he spent a lot of time updating the environmental review information. Once we hear back from them and get approved, there is a 16 day public comment period. Then it goes back to the state for 15 days. Hopefully we can go out to bid at the end of July.

12) Bridge 114 - Discussion was included in Section #10, above.

13) Fiscal

a) Motion by Fuller / Wyman to approve the General Fund Warrant - June 22, 2015 - \$265,590.10. **Passed unanimously.**

b) Motion by Fuller / Swift to approve the Wastewater Fund Warrant - June 22, 2015 - \$66,379.73. **Passed unanimously.**

c) Motion by Fuller / Swift to approve the FY 15/16 General Fund Warrant - \$13,548.06. **Passed unanimously.**

d) Motion by Fuller / Wyman to approve the FY 15/16 Wastewater Fund Warrant - \$3,000. **Passed unanimously.**

e) End of Year Reserves / Encumbrances

There was discussion and review of the end of year reserves and encumbrances. Some items are statutory. Hopkins clarified that the items for encumbrances are those in which there is money in the current budget which was not expended, but that we would like carried over for those purposes.

Motion by Fuller / Wyman to reserve \$6,000 for Officer's salary for 15/16; \$1000 for new vehicle equipment; \$2,000 for building maintenance all for the Police Department. And to reserve \$500 for postage and \$500 for public outreach for the Planning Commission. **Passed unanimously.**

Motion by Swift / Fuller to reserve \$7,312.54 for Historic Preservation Grant Match and \$750 for open PO #11805 both for Town Hall. **Amendment** by Swift / Fuller to remove the \$750 for the open PO \$11805 from the motion. **Amended motion passed unanimously.**

Motion by Swift / Fuller to reserve \$750 for open PO #11805 for the Town Hall and to encumber PO #51873 in the amount of \$1,723 for liquid chloride for Highway and to encumber PO #44231 in the amount of \$1,980 for Hydrovac thru A1 Sewer & Drain for Highway. **Passed unanimously.**

Motion by Swift / Fuller to carry over donations received from an estate to be used for recreation and wastewater projects, previously reserved, no funds used. Donation received for the Brandon Ski Club that was previously reserved, no funds used. **Passed unanimously.**

Motion by Swift / Wyman to carry over the Recreation Department Program fees collected before June 30 to be used for programs which will be held after June 30. **Passed unanimously.**

Mr. Rausenberger asked where we stand with tax collections for the year. Will we run a deficit? Sue Gage said it may be a little tight but she does not think we will run a deficit. We do not have firm numbers. Delinquent tax collections seem to be the same as in previous years. It is a consistent number; between 3-4% of our total tax bills. We had tax sales and got in a lot of payments. That is why we need to continue doing that and keep collection efforts in place. Atherton said with the tax sale, more people are coming in to set up payment plans.

Hopkins asked about the Union Street remaining funds. Atherton said the project is just about finished. Hopkins said at the special town meeting next week, we are asking the voters for us to

spend unused money from projects. Atherton said the total looks like it will be about \$112,000. The funds are from \$96,000 unspent from Union Street and \$16,000 from Kennedy Park. We will need \$36,000 for FEMA project 5% match. Atherton said the board could decide to pay for the parking lot from this money, if approved. That would still retain \$36,000 for other infrastructure projects.

Kathy Rausenberger asked if there will be some surepack added on Union St. in one area and Atherton said they will look into it.

Hopkins said he thinks the board should have a plan regarding how the town plans to finance the purchase of the parking lot, if approved. Atherton said he is looking to the board for a recommendation. He is showing that there are funds available to pay for it. Hopkins said Doug Bailey had a conversation with one of the Trustees of Public Funds. Atherton said it is up to the board if they would like to ask them. He believes there is money in house that should be utilized and retain Public Funds monies for other requests.

Hopkins said he thinks there should be a consensus from the board when talking with voters next week. Hopkins credited Public Works Director Daryl Burlett for saving the town more than \$100,000 on these projects while doing even more work than was originally intended. Swift said part of the vote is to allow the town to utilize those funds from Union St. It is outstanding to have the leftover funds. It would show that we wouldn't have an additional cost to the taxpayers. There was discussion on whether or not the parking lot acquisition could be considered public works. There was discussion on the potential for financing and Atherton said the current lot owner said they could arrange for financing. Wyman said when we do segment 6, we need the lot for parking and staging. It should be considered public works. Hopkins said he would like the board to take action stating a preferred funding option. Fuller said we will own the parking lot for decades. He doesn't have a hard time borrowing money and then do more with the \$40,000 for other projects. What type of interest rate might there be for financing from the sellers or a bank? Atherton said he will look into it. Fuller said we should have a plan. Swift said he thinks it would be more economical to pay for it, rather than paying over time. Wyman said he would rather see it paid for with money already there rather than acquiring more debt.

There was discussion about the plans the parking lot owner has for their business improvements. The proposal is for them to sell a right of way and the parking lot in the back to the Town. Atherton said the Town is hoping to use it for general public parking, for town hall, employees of town office, taxpayers, general shoppers, and staging for construction. It is +/- a half-acre. Hopkins said the town is not planning on paving the lot. Fuller said we will be asked how we will maintain the lot. Swift said we are asking the taxpayers if we should purchase it. He said showing how the DPW Director has created this surplus will demonstrate good efficiencies achieved and how it could be funded. We have the funds, if we wanted to do it that way.

Recess for Sewer Commissioners Meeting

Motion by Fuller / Swift at 8:41 pm to recess the Select Board meeting at 8:41 pm. **Passed unanimously.**

The Select Board reconvened at 8:56 pm

14) Executive Session

Motion by Swift / Fuller to enter into executive session at 9:00 pm for the purpose of the Appointment or Employment or Evaluation of a Public Officer or Employee / Contracts in accordance with section 1 VSA § 313(a)(3). **Passed unanimously.**

The board came out of executive session at 9:12 pm. No action was taken.

a) Motion by Swift / Fuller to enter into executive session at 9:15 pm for the purpose of the discussion on union in accordance with section 1 VSA § 313(a)(1). **Passed unanimously.**

The board came out of executive session at 9:40 pm. No action was taken.

15) Adjournment

The meeting adjourned at 9:41 pm.

Respectfully submitted,

Janet Mondlak