

**Brandon Select Board Meeting
June 8, 2015**

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

In Attendance: Doug Bailey, Seth Hopkins, Tracy Wyman, Devon Fuller

Also in Attendance: Dave Atherton, Kathy Rausenberger, Wayne Rausenberger, Richard Baker, Anthony Paduto, Steve Bisette, Lee Kahrs, Arlen Bloodworth, Richard Kirby, Chris Brickell, Steve Cjika, Debbie Boyce, Janet Coolidge

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:04PM.

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

Add Item 6a – Brandon Independence Day Committee Use of Parks Request

Add Item 7a – Certification of Compliance for Town Road and Bridge Standards and Network Inventory

Add Item 8a – Consider Request for Payment of Union Street Paving

Correction to Item 5 – Reappointment to DRB not Planning Commission

2. Consent Agenda

a) Select Board Meeting Minutes – May 26, 2015

Motion by Tracy Wyman/Seth Hopkins to approve the minutes of the May 26, 2015 Select Board meeting, as amended. **The motion passed with one abstention – Devon Fuller.**

Page 2 – a correction to the spelling of Aldrich and Elliott

Page 4 – a correction to 9 Conant Square property amount from .64 acres to a little more than .464 acres

Page 11 – 1st Paragraph – a correction of sentence to read: They have received a commercial license and can spray on private roads.

b) Select Board Local Options Tax Hearing Minutes – May 26, 2015

Motion by Seth Hopkins/Tracy Wyman to approve the minutes of the May 26, 2015 Select Board Local Options Tax hearing. **The motion passed with one abstention – Devon Fuller.**

3. Town Manager’s Report

Dave Atherton reported that proposals were received for the annual audit and Jeff Bradley of Mendon was the low bidder. There is a meeting scheduled with him tomorrow. Grove Street and Champlain Street were paved. Union Street paving is hoped to be done this week and Marble Street and the town hall parking area will be paved by next week. John Capen of Forestdale was hired to fill the Public Works position. The Department was down to two people due to a medical issue of one person who will be out for the year. The Rutland Regional Transportation Counsel hosted a luncheon at the town hall with the topic of discussion concerning in-stream emergency protection measures. There were several road commissions in attendance. There was a Union negotiation meeting on May 28th and the next meeting is scheduled for June 10th. There was a DRB hearing for Green Park on June 4th. Tracy Wyman was asked if the Town could assist with signage for Park Village, noting he did visit the location and it is difficult to find businesses in that area. He was also asked if the signs used to be in the crosswalks could be placed back. Mr. Atherton will look into these requests. Mr. Wyman was also asked if the section of Country Club Road that was asphalt at one point and is now dirt will be paved again and whether it will go back to a four-way stop near the Masonic building. Richard Baker stated to his knowledge, there was not an intention to put it back to tar. Dave Atherton advised the addition of the stop signs would require a traffic study and he will contact the Rutland Regional Transportation Group Counsel to see if they can do the study. Mr. Atherton noted he could obtain a quote for the cost to pave the section of Country Club Road in question. Doug Bailey stated Mr. Burlett has indicated the paving on Champlain Street is only a skim coat, as it is known that it will be dug up again next summer when the water lines go in. This is only half of a repair but it makes it much better than it was. Devon Fuller suggested the Town should host more luncheons similar to the recent Regional Transportation luncheon as there are many of these types of meetings held in the state and it would be good for Brandon to host some of the meetings. It was suggested that the Economic Development Director could look into this. Richard Kirby stated with regard to the stop signs near the Masonic building, there are signs going up and down the hill and the only hazard he sees is the height of the grass in the field that makes it difficult to see traffic. Mr. Wyman also noted that it is difficult coming off Basin Road on to McConnell Road as the foliage is too thick. Mr. Atherton will ask the Public Works Director to look into these items.

4. Public Comments for Items not on the Agenda

Kathy Rausenberger provided the Board and Town Manager a letter from the Friends of the Town Hall requesting the balance of their funds in this fiscal year be held in reserve for the next fiscal year to avoid it being transferred to the General Fund.

Wayne Rausenberger requested a status on the tax collection for this year. Dave Atherton reported letters have been sent regarding delinquent accounts and some people have contacted the Town to set up payment plans. He noted the Town will be more aggressive with delinquencies going forward than in the past. Mr. Rausenberger questioned whether the Town will have a surplus or deficit this year. Mr. Atherton will have a more details at the next Select Board meeting.

Janet Coolidge questioned whether one could view the list of delinquencies. Mr. Atherton advised it had been placed in The Reporter and can also be viewed on the Town's website.

Seth Hopkins requested a discussion concerning the use of a Consent Agenda, as it is designed to handle all non-controversial items such as approval of minutes, appointments and fiscal items. The intent is to approve all items with one motion and if further discussion is needed, an item could be pulled out of the Consent Agenda for discussion. Mr. Hopkins noted if the Consent Agenda is not done in this manner, the Board should consider removing the term and addressing each item as a separate agenda item.

5. Appointments

. Reappoint to the DRB

Motion by Seth Hopkins/Tracy Wyman to reappoint Bob Clark to the Development Review Board (DRB) with a term ending June 30, 2018. **The motion passed unanimously – 3 to zero.**

6. Brandon Independence Day Celebration Committee – Road Closure Request

6a) Brandon Independence Day Committee Use of Parks Request

Debbie Boyce, representing the Brandon Independence Day Celebration Committee, was present to request the road closure in front of the Congregational Church and park for the Independence Day celebration. She noted the Fire District has all information of when to install and take down the signs. This year there will be additional family activities behind the Brandon Inn and there will be many people crossing from the park to the Inn and it was suggested that either cones or barrels could be placed in this area to slow traffic going through town on that day. Ms. Boyce advised there will be parking available at the American Legion and transportation provided into town, however, there is limited handicap accessible parking for the event and it was suggested four additional handicap parking spaces near Ben Lawton's building could be noted with signage. Brandon Lumber will be allowing traffic to move around their building and the Committee is working with the Brandon Police Department to get people diverted around town to assist with traffic flow. Chris Brickell stated there is a routine done every year, however, staffing is an issue and it is uncertain if a part-time person will be available. He does not have someone to do crosswalks, but he will speak with Daryl Burlett about setting out cones. With regard to handicap signs, he will also talk with Mr. Burlett to figure out an option for those signs. Debbie Boyce will also speak with ADA to determine if they can provide signs for the handicap parking. There will also be enforcement of no smoking during the dance for the safety of the children. Doug Bailey stated in the past the Town had provided permission for the Brandon Independence Day Celebration Committee to use the park, as well as the road closure. It was noted all requests are outlined in the letter.

Motion by Devon Fuller/Seth Hopkins to approve the letter of request from the Brandon Independence Day Celebration Committee concerning the road closure and use of the parks as described in the letter. **The motion passed unanimously – 3 to zero.**

7. Route 73 Speed Limit

Dave Atherton reported the town had sent a request to the state concerning a change in the speed limit on Route 73 East beyond Route 53. The Agency of Transportation (AOT) has recommended the 35 mph sign be moved up hill .12 miles. The AOT will bring this request to the Vermont Traffic Committee on 6/26/15 for approval.

7a) Certification of Compliance for Town Road and Bridge Standards and Network Inventory

Motion by Seth Hopkins/Devon Fuller to sign the Certificate of Compliance for Town Road and Bridge Standards and Network Inventory. **The motion passed unanimously - 3 to zero.**

8. Approve Request for Reimbursement for Union Street Culverts

Motion by Devon Fuller/Seth Hopkins to approve the request for reimbursement for the Union Street culverts. **The motion passed unanimously – 3 to zero.**

8a) Request for Payment of Union Street Paving

Motion by Seth Hopkins/Tracy Wyman to approve the request for payment of the Union Street paving. **The motion passed unanimously – 3 to zero.**

Devon Fuller asked if the work is complete and approved by the municipality. It was noted the request could be approved this evening and released once the work is complete and approved.

9. Purchasing Policy

Dave Atherton reported he has made the changes to the document from input received from the Board members. It was noted there are a lot of purchases that require Select Board approval and the policy was changed to provide more spending authority for day to day items. The Departments are authorized for incidental purchases from \$1,000.00 to \$3,000.00, regular purchases from \$3,000.00 to \$10,000.00 would require the signature of the Department Head and approval from the Town Manager and purchases greater than \$10,000.00 would require a bidding process and approval by the Select Board. Mr. Atherton stated the Town would like to have the ability to waive the bid process, with Board approval, as there may be instances when sending an item out to bid may not be the most cost-effective process. Mr. Atherton noted there was discussion of possibly waiving the bid process to the end of the construction season this year for the Public Works Department. This year the Town is in a situation where there are many vendors in town and if work can be done while they are here, it would avoid travel expense. The Public Works Director would still obtain proposals from other companies prior to awarding jobs. Seth Hopkins noted concern with Exception #3 and he would prefer to approve the policy without that section. Mr. Atherton noted that a sentence was added to this section that indicates the Select Board would have the discretion of determining whether a request for proposal process would either be required or whether to forego the process. Devon Fuller noted concern that with professional services, with a bidding process the town would have to go with the lowest bidder, which may not be the best service provider. The Town is trying to be more proactive in hiring a people who will provide a higher quality of work. Mr. Fuller stated the final sentence does clarify the situation, as it is sometimes to the town's advantage to use or not use the bidding

process. Mr. Atherton stated the Town has strong Department Heads and a Town Manager who is thrifty and the Board needs to be comfortable with the recommendations of whether to go out to bid or not. He stated there may be instances when there is no time to request bids. Seth Hopkins suggested striking the words “that are characterized by a high degree of professional judgment and discretion including” and replacing it with “such as”. The Board was in agreement with the change.

Motion by Seth Hopkins/Devon Fuller to adopt the Purchasing Policy, with an amendment to Exception #3 as noted above. **The motion passed unanimously – 3 to zero.**

Dave Atherton suggested the Board could wait until after the special town meeting to waive the bidding for Public Works, as it will be known where the Town stands financially with the constructions projects. Seth Hopkins stated perhaps it should be waived through the end of this fiscal year to allow the Public Works Director the ability to best leverage that Department’s funds for the Town.

Motion by Seth Hopkins/Tracy Wyman, pursuant to the new purchasing policy, to waive the formal bid process for the Public Works Department through the end of the fiscal year ending June 30, 2015. **The motion passed unanimously - 3 to zero.**

10. Tax Stabilization Policy

Dave Atherton stated Mr. Windham provided a proposed Tax Stabilization policy for the Board’s consideration to adopt for future economic development. Seth Hopkins stated there had been prior discussion regarding residential apartment complexes and his understanding was that in the designated downtown the Town would allow for residential apartment buildings. Dave Atherton stated he did not believe any changes were made. Doug Bailey stated there was a discussion that renovating the old school and the Aubuchon building for rentals would be a plus for the town. It was suggested to change the wording in Section 4, second sentence: Residential enterprises, such as apartment complexes and other ventures that are residential in nature, will not be considered eligible, except in the designated downtown. Dave Atherton noted the Town is trying to establish two more village areas and questioned if this exception could be considered for Park Village and Forestdale Village as well. Devon Fuller was in agreement as it offers the opportunity to take dilapidated buildings and make improvements to them. Seth Hopkins stated he would not be opposed to the wording “applicable enterprises”. Mr. Fuller stated this should be a living document that is easy to use and understand, and it may require some tweaking. He thinks it is a good document and he does recall talking about apartments in the downtown. Mr. Fuller stated in Section 5 it should be noted that the stabilization does not include school or fire district tax and a clarification that it is a stabilization of 100% of the incremental improvements, but the current tax would be assessed. Seth Hopkins stated there is no definition of tax stabilization and should be noted. On the final page, Seth Hopkins noted concern with the sentence, “The Select Board shall only do the latter in rare instances; all efforts shall be made by the Town Administration and its Elected Officials to move TSAs forward in a timely manner”, as he does not like to bind future select boards. Mr. Hopkins thought the sentence after the semi-colon is all that is needed to be said and omitting the wording from the beginning of the sentence to the semi colon. Devon Fuller questioned in the same paragraph the wording “Town Assessor” and Mr. Atherton

suggested using “Economic Development Director rather than Town Assessor. It was recommended that the Town Manager make the suggested changes and bring the document before the Board at the next meeting. Mr. Atherton advised he will be bringing many policies for the Board’s consideration after he reviews the town policies and brings them up to current standards.

11. Darwin Dynamic Solutions

Dave Atherton reported Mr. Windham will be in town on Thursday, June 11th for most of the day and any Select Board members who wish to speak to him can contact the town office. The Economic Development Plan was due on June 15th; however, it is likely that it will not be received until June 30th.

12. FEMA Projects

Dave Atherton stated there was a DRB hearing on Green Park, but the results have not been received to date. The DRB hearing was held due to concern from the state’s flood plain manager regarding the amount of fill to be used because the park is in a flood plain. The temporary fix will actually be using more wrap and a retainer wall rather than fill. The DRB is in a position to make a decision and they are aware that the Town is not changing the scope. Mr. Atherton stated the Town needs to do this right and this is one of the required steps. The contractor is ready to go and Mr. Atherton is sure that everything will be acceptable. Devon Fuller is hopeful that the DRB will be in the Town’s favor and it was noted that there were no objections made at the hearing. Mr. Atherton stated this is a good learning experience since the flood as there are a lot of steps, and projects will require more planning going forward. Doug Bailey questioned the status of Newton Road. Mr. Atherton has talked with Ray Dougherty at the state regarding Newton Road and was advised that this project is on the HMGP list. Mr. Atherton suggested a letter from the Select Board addressing safety would possibly help move this project along. The landowner has spoken with another state department regarding the possibility of a fishing access in this area. Mr. Swift had previously indicated a foundation from one of the buildings could cause a backup in the river. Seth Hopkins asked about the grant extension on the Cobb Hill project. Mr. Atherton stated more paperwork has to be submitted, but it was strongly recommended to push this project out.

13. Segment 6

Dave Atherton provided the Board an amendment to the VHB contract and recommended approval of the contract. VTrans was in town today and Scott Robertson has reviewed the contract and is in agreement with it. Seth Hopkins asked if there are any substantive changes compared to the prior contract and Mr. Atherton advised that all accounting has been added to the document and this amendment will bring the project up to the construction phase. Mr. Atherton stated this project is too far along to make a change in vendors and the project needs to get done. There have been many changes made and every time there are changes, it costs the town money. The Town is in contact with CLD, VHB and VTrans daily and Scott Robertson has indicated the Town should not change the firm at this point.

Motion by Devon Fuller/Seth Hopkins to approve the VHB contract dated 6/4/2015 for an amount not to exceed \$366,295.12.

Doug Bailey asked if this is more cost to the town. Dave Atherton stated this is paying 5% of the project and there will be something owed by the Town. This contract is only for pre-construction engineering. Mr. Bailey stated CLD was going to talk with VTrans to determine if there are additional funds. It was noted that was a separate contract. Mr. Atherton stated only the itemized accounting that was requested has been added and Items 1 through 22 have no changes. Mr. Atherton stated if the Town wants to get this project done it is going to cost more money. This has been changed and redesigned and costs have increased and every time there is a meeting or additional engineering work done, it is going to cost the Town more money. Mr. Atherton recommended the Board approve the contract to enable moving forward with the bid process. Seth Hopkins questioned the conflicting figures for contract advertisements and the funds for preliminary engineering and right of way. Mr. Atherton advised work has been done on the figures and a proposal has been sent to the state for review. It has been requested to take out the right of way portion. Mr. Atherton stated the Town needs to come up with the cost for the preliminary engineering portion, as that is where they were overrunning. It was noted that once one phase is complete, other funds apply to the project. Richard Baker suggested that Scott Robertson is likely talking about an amendment to the Cooperative Agreement, which will increase the amount of funding. If there is the assumption that the state is going to amend the Cooperative Agreement that will change the funding of the project. Mr. Baker stated it is likely a Cooperative Agreement change will not be received until August. Mr. Atherton stated Mr. Robertson from VTrans was pleased with the numbers on this contract. Devon Fuller stated the decision was made to go with VHB and the Board needs to trust the Town Manager and VTrans that they will be looking out for the Town's best interest. The project is at a point where another option would cost the Town more money and the project needs to move forward. Seth Hopkins asked if there is an informal agreement from VTrans that will cover this change and it was noted that they will cover 95% of it.

The motion passed unanimously – 3 to zero.

Doug Bailey thanked the Town Manager for providing more information. Mr. Atherton stated the Town will need to give VHB some direction to keep them on track.

14. Town Office Project

Devon Fuller reported as of June 4th all grant requirements have been submitted to the state and will now be reviewed by the Environmental Review Officer. The Town received a draft agreement from the state that has also been sent back. There have been meetings to work out the details on the heating and mechanical items. The spec sheet is looking good, but the bids cannot go out until receipt of the environmental review approval. After receipt of the approval there is a 15-day public comment period and the state will then have another 15 days to review the public comments. This project will not have to go through the DRB. The grant agreement indicates completion by November 2015 and the project will likely go to bid sometime in July. The state computer system is currently being upgraded over the next two weeks and this has put the project

on hold. The Board Chair thanked Blaine Cliver, Robert Black, Devon Fuller and Wayne Rausenberger for the time and effort they have spent on this project.

15. Bridge 114

a) CLD Contract

Dave Atherton reported it was a very good meeting with VTrans and CLD regarding the railing design for Bridge 114. Historic Preservation will provide design information to VTrans for crash testing. Mr. Atherton provided the Board CLD's contract for engineering services for this project.

Motion by Devon Fuller/Seth Hopkins to approve the contract between the Town of Brandon and CLD dated 5/26/2015 for engineering services for the Bridge 114 scoping study.

It was noted the total revised contract is for \$184,021.00. Seth Hopkins asked if it is customary that the maximum liability for a project of this size is \$250,000.00, as it seems low. Dave Atherton noted CLD will be hiring another firm to do the testing, who will likely have a much higher liability insurance. Mr. Hopkins noted concern that the town continues to sign contracts that are created by the vendors and questioned if this had been passed by legal counsel. Devon Fuller suggested during the next budget session that more funds are added for legal services to allow the town to have its attorney draft future contracts. Dave Atherton advised these vendors have to be approved with VTrans and they are not going to hire a firm that is not qualified. Mr. Atherton will update the Board on the rail design at the next meeting.

The motion passed unanimously – 3 to zero.

16. Fiscal

a) General Fund Warrant – June 8, 2015 - \$130,020.56

Motion by Devon Fuller/Seth Hopkins to approve the General Fund warrant of June 8, 2015 in the amount of \$130,020.56. **The motion passed unanimously – 3 to zero.**

Doug Bailey questioned the \$125.00 expense for the Barn Raising and it was noted that this was a payment to Robert Black for supplies. Dave Atherton will request a correction in the coding of the invoice. Mr. Bailey requested clarification of the three invoices for Thunder Towing and it was noted that the charges were repairs to Police Department vehicles.

b) Wastewater Fund Warrant – June 8, 2015 - \$6,056.20

Motion by Devon Fuller/Tracy Wyman to approve the Wastewater Fund warrant of June 8, 2015 in the amount of \$6,056.20. **The motion passed unanimously – 3 to zero.**

Motion by Seth Hopkins/Devon Fuller to recess the Select Board to reconvene as the Board of Sewer Commissioners at 8:50PM. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 9:04PM.

Motion by Seth Hopkins/Devon Fuller to enter into executive session at 9:05PM for the purpose of discussing the appointment or employment or evaluation of a public officer or employee/labor relations agreements with employees in accordance with 1VSA313(a)(3). **The motion passed unanimously – 3 to zero.**

17. Executive Session

Motion by Seth Hopkins/Devon Fuller to come out of Executive session at 9:31PM. **The motion passed unanimously – 3 to zero.**

There were no actions required.

18. Adjournment

Motion by Seth Hopkins/Devon Fuller to adjourn the Select Board meeting at 9:32PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary