

Brandon Select Board Meeting
June 8, 2015
7:00 p.m.

The Brandon Select Board will meet Monday, Jun 8, 2015 at 7:00 p.m. at the Brandon Town Hall located at 1 Conant Square expecting to consider the items noted on this agenda. Agendas shall be posted on the community bulletin board located in the front window of the Town Office at 49 Center Street, on the community bulletin board located between Dave's Grocery and the Forest Dale Post Office and the bulletin board at Lake Sunapee Bank. The Select Board reserves the right to add additional items, if necessary, at the beginning of the meeting.

- 1) Call to Order
 - a) Agenda Adoption
- 2) Consent Agenda
 - a) Select Board Minutes – May 26, 2015
 - b) Select Board Local Options Tax Hearing Minutes – May 26, 2015
- 3) Town Managers Report
- 4) Comments for Items not on the Agenda
- 5) Reappointment to Planning Commission
- 6) Brandon Independence Day Celebration Committee – Road Closure Request
- 7) Route 73 Speed Limit
- 8) Approve Request for Reimbursement for Union Street Culverts
- 9) Purchasing Policy
- 10) Tax Stabilization Policy
- 11) Darwin Dynamic Solutions
- 12) FEMA Projects
- 13) Segment 6
- 14) Town Office Project
- 15) Bridge 114
 - a) CLD Contract
- 16) Fiscal
 - a) General Fund Warrant – June 8, 2015 - \$130,020.56
 - b) Wastewater Fund Warrant – June 8, 2015 - \$6,056.20

Executive Session – 1 VSA § 313(a)(3):

**The Appointment or Employment or Evaluation of a Public Officer or Employee /
Labor Relations Agreements with Employees**

- 17) Adjournment

**Brandon Select Board Meeting
May 26, 2015**

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

In Attendance: Doug Bailey, Seth Hopkins, Ethan Swift, Tracy Wyman

Also in Attendance: Dave Atherton, Kathy Rausenberger, Wayne Rausenberger, Richard Baker, Mike Frankiewicz, Arlen Bloodworth, Bernie Carr, Chris Brickell, Dolores Furnari, Dick Kirby, Brent Buehler, Raymond Jobst, Bill Claessens, Judy Bunde

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:53PM.

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

Item 3a – Prepare a warning for the special town meeting and voting

Item 11 – Move Purchasing Policy discussion prior to Item 6: FEMA Projects

Item 15 – An Executive Session for the purpose of discussing real estate per 1VSA313(a)(2)

2. Consent Agenda

a) Select Board Meeting Minutes – May 11, 2015

Motion by Seth Hopkins/Tracy Wyman to approve the minutes of the May 11, 2015 Select Board meeting, as amended. **The motion passed unanimously – 3 to zero.**

Under Notice of Discontinuance – 2nd paragraph – sentence beginning with Doug Bailey stated with the discontinuance, the road would be split down the center.... Mr. Bailey clarified the Town is not conveying the road to property owners but is throwing up the road and it will be determined by the landowners concerning what to do with the property.

Under Town Manager's Report – 1st paragraph - a correction to read Kennedy Park retaining wall.

3. Town Manager's Report

Dave Atherton reported there was a meeting with VHB on May 12th to discuss future business and more details would be provided during the Segment 6 discussion. Interviews were done for the Department of Public Works (DPW) position and it is hoped to hire someone this week to assist the road crew. Mr. Atherton met with Jason

Booth from Aldridge and Elliott (A & E) regarding Green Park pre-bid work to be done. A bid recommendation will be provided during the FEMA Projects discussion. Mr. Atherton met with the Briggs Lane owners regarding the paving project. Mr. Atherton also discussed with Aldridge and Elliott the Kennedy Park potential repairs of the steps, decking, tree removal and retaining wall. Mr. Atherton will also discuss a proposal later in the meeting for this project. The Union Street culverts have been replaced and reclaimed and should be paved by June 1st. It is anticipated the vendor will continue with Champlain Street and Marble Street. The repairs to the Central Park gazebo are complete and the OV football team put stones around the tables and steps. Flowers have also been planted. Mr. Atherton wished to thank everyone involved in the park improvements. There was an issue with the pump in the Central Park fountain and repairs will be done and the fountain should be up and running soon. Mr. Atherton attended a Tax Collector seminar last Wednesday in Randolph that was hosted by VLCT.

Doug Bailey questioned the status of the RFP for the annual audit. Dave Atherton stated the bids were due today and there were three proposals received. Sue Gage and he would like to contact the three vendors prior to making a recommendation.

Doug Bailey questioned whether Steve Bisette had been contacted concerning the issue he had with water coming on this land. Dave Atherton noted he has had a discussion with Mr. Burlett regarding ways of remedying the issue, but he is not certain if Mr. Burlett has had a conversation with Mr. Bisette.

Wayne Rausenberger wished to compliment the Public Works Director on the Union Street project. The vendor who did the culverts did an outstanding job. It was noted that Mr. Burlett should also be commended in getting the scope of work changed for that project. Dave Atherton stated there will be an extra 1.3 miles paved from what was originally planned for the project. Mr. Atherton reported the vendor was Harvey's Excavating from Rochester.

3a) Warning for Special Town Meeting- June 29, 2015

Seth Hopkins read the following proposed warning for the special town meeting of June 29, 2015:

"The legal voters of the Town of Brandon, Vermont, are hereby notified and warned to meet at the Neshobe Elementary School at 17 Neshobe Circle on Monday, June 29, 2015, at 7:00 PM to transact the following business:

- 1. To hear a presentation by the Select Board regarding appropriated but unspent funds from three previously- approved public works articles.*
- 2. To hear a presentation by the Select Board proposing the Town of Brandon adopt a governance charter pursuant to its action at the May 11, 2015 Select*

Board meeting, and hold a public hearing on the same.

3. To hear a presentation by the Select Board proposing the Town of Brandon adopt a 1% local option tax on sales, meals and rooms, and alcohol, per 17 VSA §2645, subject to the proposed charter being approved by the voters and by the Legislature.

4. To hear a presentation by the Select Board proposing the Town of Brandon to negotiate and purchase a portion of property located at 9 Conant Square, being .464 acres +/-.

5. To transact any other business proper to be done when met.

The meeting shall then be recessed to Tuesday, June 30th The polls will be open from 7:00 AM to 7:00 PM at the Neshobe School located at 17 Neshobe Circle, to vote on the remaining articles by Australian Ballot.

1. To elect a Selectman for two years and nine months (remainder of three-year term).

2. To see if the voters of the Town of Brandon will authorize the Select Board to expend appropriated but unspent funds from three previously-approved public works articles:

a. Remaining unspent funds from Article #18 from the March 4, 2014 Australian ballot vote of \$125,000 for Union Street

b. Remaining unspent funds from Article #15 from the March 3, 2015 Australian ballot vote of \$24,545 for Marble Street

c. Remaining unspent funds from Article #16 from the March 3, 2015 Australian ballot vote of \$18,295 for Champlain Street

The unspent funds to be transferred and used by the Select Board for other Brandon public works projects including but not limited to the Town's match for the federal (FEMA) funding of the Irene projects.

1. To see if the voters of the Town of Brandon will adopt a town governance charter as proposed by the Select Board by motion at its regular meeting of May 11, 2015.

2. To see if the voters of the Town of Brandon will levy a 1% local option tax on

sales, meals and rooms, and alcohol, per 17 VSA §2645, subject to the proposed charter being approved by the voters and by the Legislature.

3. *To see if the voters of the Town of Brandon will approve the purchase of a portion of property located at 9 Conant Square, being .464 acres +/-, in the amount of \$40,000.00."*

Motion by Ethan Swift/Tracy Wyman to approve the warning for the special town meeting as written and read by Seth Hopkins. **The motion passed unanimously – 3 to zero.**

The property at 9 Conant Square would be the parking lot behind the Mobile Station. The Town has been using this lot for 30+ years and has been approached by the owners to offer the purchase of the property. The town would purchase the property for a town parking and to be used as needed for a staging area during the Segment 6 and Bridge 114 construction projects. The purchase of the property requires action by the town voters. Dave Atherton advised the Town has entered into a negotiation process, but has not signed a purchase agreement. For the staging area, there would be a temporary easement for Segment 6 and Bridge 114. The property is a little more than .64 acres. Doug Bailey stated there have been discussions going on for a while and there will be an environmental study done. It is at the point where the Town either moves forward or not. Ethan Swift stated it was identified as a priority action in the Town Plan to increase the parking availability in the downtown. It is the intent of the owners to tear down the current building and put up a new one. There would be a permanent easement to get in and out of the lot. Raymond Jobst asked if it needs to be graded and graveled and Mr. Bailey stated it is not in bad condition now, as it has been used for years by the Town. There is currently one light in back that is owned by Heritage Credit Union and it is anticipated the lighting could be improved.

Seth Hopkins stated he is leaning towards voting the local tax as a package for sales, room & meals and alcohol. With regard to unspent funds remaining from FEMA projects, Mr. Bailey stated it is not known how they will be used, however, a list should be prepared. Mr. Hopkins stated by the end of the month more exact details should be known.

4. Public Comments for Items not on the Agenda

Wayne Rausenberger requested status on the contract negotiations. Dave Atherton stated there is a meeting scheduled for Thursday. The union has changed reps and it is hoped that progress can be made. Mr. Rausenberger questioned if Vermont Railways was contacted regarding Union Street and Mr. Atherton advised that Mr. Burlett and he have discussed this item and he will follow-up with Mr. Burlett.

Judy Bunde reported the Main Street program will be putting out flower pots in the business district. Pinewood Gardens have volunteered their expertise in choosing what

to plant and provided a price break on the materials. Dave Atherton stated they were also very helpful with the flowers for the parks. Mr. Jobst requested a status on the delinquent tax collection. Dave Atherton stated there have been many people contacting the attorney and the number of properties in arrears is decreasing. At the point the letters went out, the attorney also notified the lien holders and the banks are also getting involved. Additional revenues should be coming in and the list will be much shorter on tax sale day. The town will also be contacting the lenders regarding the delinquent property taxes for this year.

5. Appointments

. Appointment to Planning Commission

Motion by Ethan Swift/Seth Hopkins to appoint Frank Bump to the Brandon Planning Commission with a term ending June 30, 2016. **The motion passed unanimously – 3 to zero.**

. Reappointment to the Planning Commission

Motion by Ethan Swift/Seth Hopkins to reappoint Jeff Guevin to the Brandon Planning Commission with a term ending June 30, 2018. **The motion passed unanimously – 3 to zero.**

. Appointment to the Historic Preservation Committee

Motion by Seth Hopkins/Tracy Wyman to appoint Blaine Cliver to the Brandon Historic Preservation Committee with a term ending June 30, 2018. **The motion passed unanimously – 4 to zero.**

11. Purchasing Policy

Dave Atherton noted the Purchasing Policy was last updated in 1998. Mr. Atherton drafted a policy based on recommendations from the Vermont League of Cities and Towns (VLCT). Previously there was a limit of \$1,000.00 for department heads and \$5,000.00 for the town manager. Based on other towns, it is recommended that incidental purchases be increased to \$2,000.00, \$5,000.00 for regular purchases and \$10,000.00 for major purchases requiring a bidding process for department heads, with approval from the town manager required for anything above the \$2,000.00 limit. It was noted that for major purchases, the formal bid process is not governed by state statute and there are instances where money can be saved in going with vendors who are currently in town doing work. Mr. Atherton would suggest doing a trial run of this process. Seth Hopkins stated with the first level of purchase, the town manager should still have to approve. Mr. Atherton stated anytime there are purchases to be made, there is discussion between the town manager and the department heads. In giving more flexibility to hire vendors, it would allow the department heads the opportunity to

act fast. Doug Bailey noted during the time that Seth Hopkins and he were assisting in the town office, there were multiple times when they were required to approve purchases and suggested that perhaps the department heads could be provided an amount up to \$5,000.00, rather than the \$2,000.00. Chris Brickell stated there are daily discussions regarding purchases and giving the department heads a \$5,000.00 limit would be ideal. Mr. Bailey stated in changing the department heads to purchase of up to a \$5,000.00 limit and having the town manager involved in purchase from \$5,000.00 to \$10,000.00 with RFP's required over \$10,000.00, it would provide the departments the ability to make purchases, keeping in mind the departments' budgets. Seth Hopkins suggested the rewrite should include the statement: It is the responsibility of the person placing the order to be absolutely certain that the budget in question has adequate unencumbered funds to accommodate the purchase. Mr. Hopkins also questioned the third exception with regard to lawyers, as singling them out implies that other people in business are not held to as high a degree. Mr. Atherton noted there have been cases when immediate action is required. Mr. Hopkins noted Exception #2 would cover if an attorney is needed and Mr. Atherton suggested combining the two exceptions into one. Mr. Atherton noted he will take suggestions prior to the next meeting, revise the document and bring it back for consideration. Mr. Bailey thought that there is also merit to shopping local and would like to allow for this opportunity. Mr. Atherton suggested the Board could visit the policy during budget season to determine if it is working. Mr. Hopkins suggested under Item #4 - Vendor Selection, the word equal could be changed to comparable, to allow for local vendors who may have a slightly higher bid.

Motion by Seth Hopkins/Tracy Wyman to waive the town's purchasing policy for the public works projects for the rest of calendar year 2015.

Mr. Hopkins stated the motion is based on the fact that there are several public works projects and the DPW Director has been able to change specs on bids and the town has realized cost efficiencies for projects that are to be done this summer. Ethan Swift understands the intent of the motion, but thought the revision for the purchasing policy could be turned around relatively fast. He sees merit in having a bidding process in place for certain types of projects. Mr. Hopkins stated this would be for major purchases and the proposed policy suggests a formal bidding process unless waived by the Board. His motion comes from conversations with the DPW Director regarding his history in achieving cost savings and the fact that his performance has proven he is entirely capable of saving the town a lot of money. There are an overwhelming number of projects in this construction season with the two parks, a number of roads being paved and reclaimed and he is looking for latitude to be able to get the best prices. Tracy Wyman felt the DPW Director needs to be given every advantage. Mr. Bailey sees the benefit, but noted the DPW Director was not involved in the total preparation of the budget and he needs to stay within the budget passed. This would not apply to the federally funded projects. Mr. Atherton stated the contracts will still need Board approval. Mr. Bailey would prefer the Town Manager rewrite the Purchasing Policy to be considered at the next meeting.

Seth Hopkins withdrew the motion on the floor.

Mr. Atherton requested the Board members provide any suggestions they have with regard to the rewrite.

6. FEMA Projects

Dave Atherton stated there is an older FEMA project that had been approved for three years for the retaining wall, decking and stairs of Kennedy Park. Daryl Burlett had contacted a vendor and has come up with a 30% savings to do the project that includes additional work. The contractor could be lined up this week to get the trees removed, retaining wall repaired, decking on the stairs and a deck at the top overlooking the falls using pressure-treated material. This is more than the scope of work from three years ago at a significantly less cost. Seth Hopkins noted this is an example of Mr. Burlett's connections. Mr. Atherton asked the Board to give the DPW Director and the Town Manager an opportunity to see what they can accomplish through the construction season. Mr. Claessens found this process odd, as it might exclude a contractor that may be cheaper. Bernie Carr stated he could envision that a current contractor doing a job in town could potentially do another project at a much less cost while on-site. Mr. Atherton stated many of the jobs should have been bid last November or December for this construction season and many contractors are now booked. Mr. Atherton stated these projects will be awarded on a case by case basis. Mr. Claessens asked if the DPW Director had conversations with several vendors and Mr. Atherton advised that he does contact multiple vendors to obtain the best pricing. Mr. Hopkins stated competitive solicitation could be the wording to be sure that multiple vendors are contacted. Ethan Swift suggested suspending the bid process for a specific timeframe until the approved revision to the purchasing policy is received.

Motion by Seth Hopkins/Ethan Swift to waive the bid process for public works projects until the next Select Board meeting as long as competitive solicitation is practiced and the Town Manager approves the purchases. **The motion passed unanimously – 3 to zero.**

Dave Atherton stated the DPW Director received a quote for Kennedy Park to remove the trees, repair the retaining wall, repair the stairs and build an observation deck for \$30,853.00. Mr. Atherton noted there are FEMA funds available to pay for the repairs.

Motion by Seth Hopkins/Ethan Swift to accept the proposal from Frank Taggart & Sons for an amount not to exceed \$30,853.00 for Kennedy Park repairs. **The motion passed unanimously – 3 to zero.**

Mr. Atherton reported the bids for Green Park were opened last Friday and Harvey's Excavating was the lowest bid. The figure was significantly less than anticipated and there is the possibility of doing a change order to add the brick walkway to the job.

Motion by Ethan Swift/Tracy Wyman to award the contract to Harvey's Excavating to do the restoration work in Green Park for an amount not to exceed \$49,753.00. **The motion passed unanimously – 3 to zero.**

Dave Atherton stated a certain portion will be done by July 4th and he has spoken to the adjoining landowners and they are hoping to utilize the vendor for the south side of the park as well. Mr. Atherton will be speaking with Warren Kimble regarding the bricks, as there is an opportunity to put them back. Ethan Swift cautioned that there was a specific hearing with A & E (Aldrich & Elliott) and that may alter the nature of the project. The Town has to do a floodway determination and it may require an alteration. Judy Bunde stated immediately after Irene, Warren Kimble also sold additional bricks to be put in the park and there are considerable funds in the bank to purchase and inscribe the bricks. Mr. Atherton will contact the state to determine if this is possible to do prior to discussing with Mr. Kimble. Mr. Atherton stated if the Board feels the bricks should not be put down, they will move forward with the repair without the bricks. Mr. Atherton will determine if this can be done and what the options will be. There are no extra FEMA funds remaining for Green Park. With regard to Kennedy Park, the funds would have to go to another public works project for use in the vicinity of where the funds were provided.

Mr. Atherton reported borings were done at Cobb Hill in connection with the culvert replacement. This is a devastated area and it appears it may change the scope of the project. Mr. Atherton has asked for an extension as Aldridge and Elliott does not think this project can be done by September 1st.

Ethan Swift stated the one outstanding project is Newton Road. Mr. Atherton stated this is an HMPG grant and they had put Newton Road on the back burner due to the overflow culvert project. Mr. Atherton will reach out to them again regarding this grant.

Doug Bailey questioned the status of the Churchill Bridge. Mr. Atherton stated the Federal Lands Act had requested a letter from the Forest Service, which has been emailed to them indicating the bridge needs to be repaired. The town is now waiting for a reply from the grant.

7. Segment 6

Dave Atherton reported there was a meeting regarding Segment 6 and the town now has an amended contract. There are concerns with the totals, as they do not correspond to what was discussed in the meeting. He has been talking with VHB and advised the Board not to sign the authorization until the discrepancies are worked out. Mr. Atherton stated both CLD and VHB have to work with the number that was discussed. Ethan Swift stated there was also discussion about the timeframe of tasks and work plan of getting to construction within the budget available. Mr. Atherton will have further discussions with VHB and VTrans to determine how to resolve this issue. Seth Hopkins noted concerns about several items proposed that included Item #6 regarding the review of project invoices for correctness, completeness and

reasonableness prior to forwarding to VTrans. Mr. Hopkins suggested inserting that VHB will be responsible for this task. He also noted that VHB has indicated they are assisting the town and questioned who they will be assisting, whether it is CLD or a town staff member. On Page 4, with regard to the Summary of Cost Estimate, it was recommended to note the names for the LPM (local project manager) and the assistant LPM. Doug Bailey stated VHB also did not have an answer for being five times the budget, but indicated they would have communication with VTrans and the federal government to determine if there is more money in the project. Mr. Atherton noted there is no additional money and if the town goes over budget, it has to be determined if the town will have to pay or if VTrans will pay. Mr. Atherton has not received an answer yet. Mr. Atherton stated the scope of work was approved for the redesign of the downtown. Ethan Swift stated there was a small amount of money awarded for some of the proposed changes and there were many items that could not be included, as it would have changed the right of way determination and permitting. Mr. Atherton recommended working out the issues and the Board not taking action on the contract at this time. Seth Hopkins requested clarification of the amendments that have been sent as there had been two amendments previously sent that had totaled over \$240,000.00 and now the figure is \$127,000.00. Mr. Atherton noted the \$127,000.00 amendment is the first one that has been provided to him. It was also noted that VHB is recommending the DPW Director provide administration instead of VHB. Mr. Atherton suggested having further discussions with VHB for clarification. No action was taken at this time and this item was tabled for discussion at the next meeting.

8. Town Office Project

Dave Atherton stated the scope of service for the Phase 1 environmental site assessment will be done soon. They have met with a few contractors to narrow down the scope of work for the heating system. Devon Fuller had advised the town is in a waiting mode. The fire safety permit was received from the state. Wayne Rausenberger reported there is a meeting scheduled for tomorrow.

9. Bridge 114

Dave Atherton reported the meeting for Bridge 114 has been rescheduled to June 8th @ 10:30AM. It is hoped that Scott from VTrans will be able to make that meeting.

10. Brandon Leicester Salisbury Goshen (BLSG) Insect Control District

Dave Atherton read the following letter submitted by Wayne Rausenberger on behalf of the BLSG District:

"5/26/2015

Mr. Chairman & Select Board Members,

I would like to give you an update regarding the BLSG operations.

On Friday, May 15, 2015, an e-mail was sent at 4:30 pm by our adulticide coordinator, stating we were restricted to the public right-of-way for all adult mosquito treatments (no private roads/drives, long driveways, no school grounds.

After many phone calls to State officials on Wednesday, May 20, 2015 we received a letter from Cary Giguere, Agrichemical Program Manager VT Agency of Agriculture. (Attachment 1 to the minutes)

On Wednesday, May 20, 2015 the company, BLSG, applied for a commercial Pesticide applicator company license, along with 6 applicator licenses, one had applied himself.

On Thursday, May 21, 2015 the Ag. Dept. sent someone to pick-up a check in Brandon. That same day the licenses were granted. Thanks to the Ag. Dept. for expediting this. The next part of the puzzle is insurance.

On Thursday, May 21, 2015 was spent on the phone with our Carrier in Florida getting a liability application for commercial pest control. The company was made aware of our problem and on Friday, May 22, 2015 I was notified that we had coverage and could resume as we had in the past.

In addition I would like to add that a huge part of our problem is the inability of the District to adequately control larva before they hatch.

We are working on a \$70,000 grant with the Ag dept. that runs July 1, 2014 to June 30, 2015. As of today May 26, 2015 we have only been able to utilize \$2,531.15.

We have had larva and have been hand treating where possible by hip boots and an ATV in swamps. This is not efficient. Since Lemon Fair sold their plane we have no one that can treat under 1,000 acres. There are two possible solutions:

- 1. There is a completely organic product called Natural R30. This product is good for 30 days wet or dry. We have been asking for at least 3 years to use this product. It has to be approved for use by VPAC (Vermont Pesticide Advisory Commission). I would ask the Select Board to direct the Town Manager to write VPAC and ask that they move faster on approving this product; at the very least on a trial basis.*
- 2. We have asked that under the Grant we be given permission to buy an Argo (amphibious vehicle) so we can treat with an attached boom to get at areas not accessible with ATV. Cost approximately \$25,000.*

Respectfully,

Wayne Rausenberger

Treasurer/BLSG

Wayne Rausenberger stated the legislature has appropriated \$70,000.00 that has been put into a grant for the BLSG District. The District has enough product to do 1400 acres and the grant allows treating 3000 acres per year. They have asked to purchase the additional product and were okayed for 600 acres and have only enough to do 2000 acres. The BLSG Board is getting buried in paperwork and they have 400 to 500 acres to do, but they do not have the means to do it as the Lemon Fair District has sold their plane that was previously used. There are vendors that are not willing to do under 1000 acres. The Lemon Fair District is hand-treating now. He stated there were 8 spots that they used to check for larvae and now there are 30 spots. He does not know how to combat the issue any better than what they are doing. They were notified after 35 years of operation that they have been non-compliant. The District is no longer allowed to spray on private roads. They have received a commercial license and can spray on public roads. Ethan Swift asked if the state is going to supplement the mosquito districts similar to when there was the EEE issue. Mr. Rausenberger stated they are no longer supplementing the districts. The BLSG District has 6 drivers and two part-time employees. There has been resistance from some people who do not want anyone to be sprayed. Mr. Rausenberger advised the District is down one truck so there are only three sprayers and if anyone has a truck to contribute they could contact him. It was suggested the Town Manager write a letter to VPAC requesting authority to use the product outlined in Mr. Rausenberger's letter. Mr. Rausenberger also noted he has been in contact with Representative Carr.

12. Old Brandon Road Discontinuance

Dave Atherton stated there is Board action required on the Order of Discontinuance for throwing up a portion of Old Brandon Road that had been discussed at the last meeting.

Motion by Ethan Swift/Tracy Wyman to approve the Order of Discontinuance as written with the modification regarding the discontinuance of Old Brandon Road, formerly known as Daley Road, between Town Highway #42 (Carver Street) and Town Highway #43 (Nickerson Road). **The motion passed unanimously – 3 to zero.**

13. Fiscal

a) Consider P.O. 23321 to Watch Guard for Wearable Cameras - \$6,349.00

Motion by Ethan Swift/Seth Hopkins to approve P.O. 23321 to Watch Guard for wearable cameras for an amount not to exceed \$6,349.00. **The motion passed unanimously – 3 to zero.**

Chris Brickell stated there is a grant application for \$7,278.00 for the purchase of 7 cameras that has a 50% match for \$3,639.00. These will be a wise investment for law enforcement. In addition to the in-car cameras that are costly to maintain, the body cameras will protect the officers and the cost is minimal to outfit the department. Bill

Claessens asked how long the tapes are kept and Mr. Brickell advised there is a retention list that is dependent upon the type of offense.

b) Consider P.O. 51873 to All States Asphalt, Inc. for Calcium Chloride - \$10,000.00

Motion by Ethan Swift/Seth Hopkins to approve P.O. 51873 to All States Asphalt, Inc. for Calcium Chloride for an amount not to exceed \$10,000.00. **The motion passed unanimously – 4 to zero.**

Ethan Swift questioned if this purchase is within the budgeted amount and Dave Atherton stated there were comparisons done with other companies and it is within the budgeted amount.

c) Postage Warrant – May 20, 2015 - \$2,000.00

Motion by Ethan Swift/Tracy Wyman to approve the Postage warrant of May 20, 2015 in the amount of \$2,000.00. **The motion passed unanimously – 4 to zero.**

d) General Fund Warrant – May 26, 2015 - \$956,427.27

Motion by Ethan Swift/Tracy Wyman to approve the General Fund warrant of May 26, 2015 in the amount of \$956,427.27. **The motion passed unanimously – 4 to zero.**

Ethan Swift noted this warrant includes the quarterly payments to the school districts.

e) Wastewater Fund Warrant – May 26, 2015 - \$76,829.30

Motion by Ethan Swift/Tracy Wyman to approve the Wastewater Fund warrant of May 26, 2015 in the amount of \$76,829.30. **The motion passed unanimously – 3 to zero.**

Motion by Seth Hopkins/Ethan Swift to recess the Select Board to reconvene as the Board of Liquor Commissioners at 10:22PM. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 10:26PM.

Motion by Tracy Wyman/Ethan Swift to enter into executive session at 10:30PM 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.**

14. Executive Session

Motion by Tracy Wyman/Ethan Swift to come out of Executive session at 10:39PM. **The motion passed unanimously – 3 to zero.**

There were no actions required.

Motion by Tracy Wyman/Ethan Swift to enter into executive session at 10:40PM for the purpose of discussing the negotiation of securing a real estate purchase in accordance with 1VSA313(a)(2). **The motion passed unanimously – 3 to zero.**

15. Executive Session

Motion by Tracy Wyman/Ethan Swift to come out of Executive session at 11:05PM.
The motion passed unanimously – 3 to zero.

There were no actions required.

16. Adjournment

Motion by Tracy Wyman/Ethan Swift to adjourn the Select Board meeting at 11:06PM.
The motion passed unanimously - 4 to zero.

Respectfully submitted,

Charlene Bryant
Recording Secretary

**Brandon Select Board
Town Charter for a Local Options Tax Hearing
May 26, 2015**

Select Board Members Present: Doug Bailey, Seth Hopkins, Ethan Swift, Tracy Wyman

Others present: Dave Atherton, Kathy Rausenberger, Wayne Rausenberger, Richard Baker, Mike Frankiewicz, Arlen Bloodworth, Bernie Carr, Chris Brickell, Dolores Furnari, Dick Kirby, Brent Buehler, Raymond Jobst, Bill Claessens

Call to Order:

Doug Bailey opened the Select Board's 1st Town Charter for a Local Options Tax hearing at 7:04PM.

Mr. Bailey read the following notice of public hearing:

"Notice is hereby given that the Town of Brandon Select Board will hold a Public Hearing on May 26, 2015 at 7:00PM at the Brandon Town Hall, 1st Floor Conference Room, located at 1 Conant Square, Brandon, Vermont and a second Public Hearing on June 29, 2015 at 7:00PM at the Neshobe School located at 17 Neshobe Circle, Brandon Vermont to take public comments on and to consider adopting a Town Charter specifically for a Local Option Tax. The full text of the Town Charter is available for public review at the Town Office and the on web at: <http://www.townofbrandon.com>."

The Mr. Bailey read the proposed Town Charter:

"FORM OF CHARTER PROPOSED BY BRANDON SELECTBOARD FOR ADOPTION BY BRANDON VOTERS (17 V.S.A. § 2645) CHAPTER 150. TOWN OF BRANDON § 1. GENERAL LAW: APPLICATION

The Town of Brandon shall have all of the powers granted to towns and municipal corporations by the Constitution and laws of this State and this charter, together with all of the implied powers necessary to carry into execution all the powers therein granted.

§2. LOCAL OPTION TAX

(a) Upon resolution of the Select Board of the Town of Brandon, or upon receipt of a petition signed by five percent of the registered voters of the Town of Brandon, at an annual or special meeting warned for the purpose, by a majority of those present and voting, the voters of the Town of Brandon may vote to assess any or all of the following:

(1) a one percent sales tax;

- (2) a one percent rooms tax;
- (3) a one percent meals and alcoholic beverage tax.

(b) Any local option tax imposed under the authority of this section shall be collected and administered and may be rescinded as provided by the general laws of this State.

(c) Revenues received through the imposition of a tax imposed under this section shall be used for capital projects within the Town of Brandon.

§ 3. EFFECTIVE DATE

This act shall take effect upon passage."

Public Comments:

William Jobst questioned how the funds will be allocated once collected. Doug Bailey stated the money will be used for the town's infrastructure such as roads, sidewalks and parks and will not be deposited directly into the General Fund. It will help solve the problem of the deteriorating roads. Mr. Jobst questioned which option has the greatest revenue source and Mr. Bailey noted the greatest source will be to collect from all three options, with the largest share to be the sales tax. This would realize about \$100,000.00 net to the town after the state collects 1/3 for administrative fees. The process will include a vote to adopt the town charter and if approved, it would be forwarded to the legislature to act upon. If passed by the legislature, it could then go into effect, which would most likely begin July 1, 2016. The warning will be created for the special town meeting this evening and consideration can be given to proposing all three tax options, or they could be split into separate questions. It was questioned whether the capital projects have been defined. Mr. Bailey stated there is not a separate definition of capital projects, but at the last meeting it was deemed that the projects could be determined by the Select Board. Ethan Swift stated infrastructure has a great need and the intent is not to augment the General Fund, so salaries will not qualify for the funding. It was questioned if there is an accounting policy to give guidance. Seth Hopkins stated he is unaware of one, but during the last discussion, the Town Accountant advised that specific items are under the capital projects. Mr. Swift stated there are identified needs that the Select Board has discussed. The mechanics of the tax collection and how the funds will be dispersed was discussed. Mr. Hopkins stated a business in town would remit the funds monthly to the State of Vermont. When the town businesses send in their sales tax return, there would be another line added for the 1% and the state would collect the funds, charge an administrative fee and return the remainder to the town on a quarterly basis. It would then be put into a separate fund that would be used for capital purchases and projects. It was asked if any of the current 6% state sales tax comes back to the town and it was noted that the state contributes a portion of money to maintain the state's roads through the State Transportation Fund.

Mr. Bailey stated this town owns the roads in and around the town, which is an unusual situation. The state will be paving from the top of Brandon Gap to the Brandon Police Station next year and the voters have approved paving up to that point from town. Mr. Bailey sees the road problems as a continual issue and this is a necessary step. Mr. Claessens agreed but he encouraged that there is more to life than raising taxes. He has invested in a home in this town and he would like to see the value increase to get a good return on his investment. He has concerns with putting a tax in, as businesses do not normally come to areas that have increased taxes. He encouraged an overall plan of attack and he understands the budget issues, but he hopes if property values increase the town would consider discontinuing the additional tax. If the town could get back to the 2010 property values, it would bring in \$150,000.00. He hopes that will be the long-term solution as he is concerned with the impact to the economy with attracting businesses to the area. Mr. Claessens suggested putting a term on the option tax and questioned if the voters could get rid of the tax once imposed. Ethan Swift advised the Town has obtained a lot of input from towns that have the local options tax and by in large, it does not affect their shopping. He thinks that it would not turn away business from the market analysis that was done. There are many different ways to increase taxes and there are different ways to change the dynamics, but part of the issue is that there are declining revenues. The average homeowner in Brandon is below the average income level for the State of Vermont and if the Town invests in the community, it is thought that more people will move to Brandon. Mr. Claessens encouraged the Board to have a long-range plan. He likes to support the local businesses and he hopes that the Board received feedback from the Chamber.

Wayne Rausenberger stated that Brandon will be using the taxes for specific purposes and Middlebury has had the local option tax for a while and there have been no decisions to eliminate the tax. He does not see where the town will ever come to a point that the tax will not be needed. Mr. Claessens wants the effort to be successful, but he will lobby for it to be removed if it has succeeded in its intent. Bernie Carr has not done a Chamber poll of the businesses, but he has not heard of anyone having issue with it. He has had a business for 37 years in town and he is fully in favor of it. He has watched too much degradation of the town and \$100,000.00 is a small amount for infrastructure upgrades. Mr. Carr stated Segment 6 will be a tremendous boon for the town, but it will be good to know that there will be money available for infrastructure going forward. Mr. Jobst stated there have been tax increases and if it is slow enough and respectful, it should be accepted. Once people are adjusted to the tax and it is known that it has a good purpose, people will understand. Mr. Bailey stated during the March town meeting, the #1 complaint was the roads and that they were affecting property values. Chris Brickell stated he has lived in different towns and he does not know of any towns that have the 1% local tax that have given it up, as it is the only tax that the local towns have the opportunity to control. Mr. Claessens hopes the local tax is successful and could eventually assist with lowering property taxes. Mr. Carr stated it might be surprising how many people do not know the towns that have the local tax. Mr. Claessens encouraged the Select Board to promote growth and to advise the people of

Brandon about what the Select Board is doing to promote the town. Mr. Bailey stated in the last 8 to 10 years, starting new businesses have been difficult but it is hoped that the Industrial Park will bring in new business. Seth Hopkins stated the town has a draft Tax Stabilization Plan that will be used as a tool to attract new businesses and is a part of a larger strategic report. A consultant will be identifying strengths and weaknesses to do a more coordinated approach to the economic development. He noted the consultant has indicated that the first step is to improve the infrastructure. Mr. Swift stated there has been other market analyses done that indicate the town has lost some market to Rutland and Middlebury and the town will continue to implement some of the strategies from the reports to improve the economy. Kathy Rausenberger stated the V-DAT report is available at the Public Library. Dave Atherton advised there has been an ad in a nationwide publication that caters to businesses that need water for their businesses advertising Brandon's good water. Mr. Atherton stated the Board does a good job of covering the business of the town. Mr. Buehler thought the local option tax will be possible because of the new leadership in the town and he applauded the Select Board's effort. Mr. Jobst asked if there are facilities in place to accommodate growth and Mr. Swift stated there is a fair amount of unused capacity. Mr. Carr stated the Industrial Park has upgraded the water line and has 3-phase power and sewer also available.

Adjournment:

The hearing was closed at 7:52PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary

Town Manager Report for the weeks of May 25th and June 1st, 2015

Received proposals for the annual Audit Jeff Bradley out of Mendon was the low bidder. We will be meeting with him on June 9th.

Grove Street, Champlain Street were paved. Union street paving started on June 5th. Union will be completed early next week as well as Marble Street and Town Hall parking area.

Hired John Capen, from Forestdale for Public Works. This position was needed as we are currently working with a two man crew.

Received letter from AOT concerning the speed limit request on Route 73. Their recommendation is to move the sign .12 miles uphill. This is being forwarded to the VT Traffic Committee for their next hearing on June 26th.

Hosted a luncheon with Rutland Regional Transportation Counsel at the Town Hall of June 3rd. The topic was instream emergency protection measures.

Union negotiation meeting on May 28th. Next meeting June 10th.

Attended DRB for Green Park on June 4th. Will discuss under FEMA projects.

Other items will be covered in the agenda items.

David Atherton

From: Bob Clark <misterclark09@yahoo.com>
Sent: Tuesday, June 2, 2015 9:58 AM
To: datherton@townofbrandon.com
Subject: DRB

Hi Dave,

I'll accept appointment for another term on the DRB.

Let me know if you have any questions.

Bob Clark

RECEIVED

JUN - 4 2015



TOWN OF BRANDON

State of Vermont
AOT - Traffic Operations
1 National Life Drive
Montpelier VT 05633-5001
www.aot.state.vt.us

[phone] 802-828-1055
[fax] 802-828-2437
[ttd] 800-253-0191

Agency of Transportation

June 2, 2015

David Atherton, Manager
Town of Brandon
49 Center St.
Brandon, VT 05733

RE: Speed Limit Request, VT 73 Brandon

Dear Ms. Bennett:

This letter is in response to your January 12, 2015 e-mail to Bruce Nyquist to consider reducing the speed limit on VT 73 in Brandon east of the intersection with State Numbered Town Highway 53, in the vicinity of the Thornton residence at 2579 Forest Dale Road.

The Traffic Operations Unit has conducted an engineering study, and found in the general vicinity of the requested speed reduction that the 85th percentile speed in the existing 35 mph zone is 45 mph and in the 50 mph zone is 53 mph. There have been no reported crashes in the past 5 years in the study area. However, due to the vertical and horizontal curves and the roadside character, we recommend moving the speed limit transition easterly (uphill) approximately 0.12 miles, near the existing historic marker.

We will forward this recommendation to the Vermont Traffic Committee, who makes the final decisions. This topic will be on the agenda of the next Traffic Committee meeting on Friday June 26, 2015 at 1:00 pm in the VTrans Board Room on the 5th floor of the National Life Building in Montpelier. Please attend if you wish to present testimony on behalf of the town. If you or members of the public are unable to attend but would still like to participate, please let me know and we can arrange a telephone connection. We encourage the town to notify local stakeholders of the opportunity to participate in this meeting.

Please do not hesitate to contact me at (802) 828-1055 or at amy.gamble@state.vt.us if you have any questions or require additional information.

Sincerely,


Amy L. Gamble, PE
Traffic Operations Engineer

cc: District 3, DTA Rob Faley (via email: rob.faley@state.vt.us)
Susan Schreiber, Rutland Regional Planning Commission (via email: susan@rutlandrpc.org)





VERMONT

TA 65

AGENCY OF TRANSPORTATION

Request for Reimbursement

MUNICIPALITY	DISTRICT NO.	EA & Contract NO.	TOWN NO.
BRANDON	3	THS30014 BC1470	

CHOOSE ONE BELOW:		% of Work Completed: <u>100 %</u>	Amount Previously Paid Town: \$ 0.00
<input checked="" type="checkbox"/> Final Claim	<input type="checkbox"/> Partial Claim		

Name and address of claimant: Daryl Burlett Brandon DPW DIRECTOR town of Brandon 49 Center street 05733 Brandon VT 05733	Emergency Fund Grant <input type="checkbox"/> Structures Grant <input checked="" type="checkbox"/> Class 2 Roadway Grant <input type="checkbox"/> Other (specify) <input type="checkbox"/>
--	---

I (WE) SWEAR TO THE CORRECTNESS OF THE STATEMENTS MADE IN THIS CLAIM AND THAT: <ol style="list-style-type: none"> THE WORK IS COMPLETE AND HAS BEEN ACCEPTED BY THE MUNICIPALITY. THE WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE GRANT AGREEMENT WITH THE VERMONT AGENCY OF TRANSPORTATION FOR THIS PROJECT. THE TOWN HAS PAID FOR THE EXPENSES SHOWN HEREON (LABOR, EQUIPMENT, AND MATERIALS). _____ (sign) _____ (sign) _____ (sign) _____ (sign) _____ (sign)	Grant amount: \$ 10,803.20 Amendments: \$ 0.00 Total state funds awarded: \$ 10,803.20 <hr/> PROJECT COSTS: Total project costs to date: \$ 15,523.40 Minus previous payments: \$ 0.00 Minus municipality portion: \$ 4,720.20 Amount of payment: \$ 10,803.20 _____ District Transportation Administrator (sign) Approved Date _____
---	--

Harveys Plumbing and Excavating LLC

P. O. Box 128
Rochester, VT 05767

GRANT

Invoice

Date	Invoice #
5/21/2015	35811

BILL TO
Town of Brandon 2417 Franklin Street Brandon, VT 05733

RECEIVED

MAY 22 2015

TOWN OF BRANDON

Terms
Net 15

SERVICE DATE	QUANTITY	U/M	DESCRIPTION	RATE	AMOUNT
			Union Street Culvert Installation Component #1 - Structure Grant (48" culvert) Culvert number 566		
			Contract Price	14,336.40	14,336.40
			Contract Price for cost of tree and stump removal at the site	1,187.00	1,187.00
Terms: Cash - A service charge of 1 1/2% per month will be charged on unpaid balance after 30 days.				Sales Tax	\$0.00
				Total	\$15,523.40

Taxable items are noted (T). Creditor agrees in the event balance is given for collection, s/he will pay all costs of collection including reasonable attorney's fees.

Phone #	Fax #	E-mail
802-767-3241	802-767-3318	harveye@sover.net

\$ 10,803.20 grant

\$ 4,720.20

**Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory**

We, the Legislative Body of the Municipality of Brandon certify that we have reviewed, understand and comply with the Town Road and Bridge Standards / Public Works Specifications and Standards passed and adopted by the Selectboard / City Council / Village Board of Trustees on June 8, 2015.

We further certify that our adopted standards do do not meet or exceed the minimum requirements included in the January 23, 2013 VTrans template.

We further certify that we do do not have an up-to-date highway network inventory which identifies location, size, deficiencies/condition of roads, bridges, causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town highways, and estimated cost of repair.

(Duly Authorized Administrator)

Date: _____

For a summary of your community's road and bridge information please visit: tinyurl.com/rdsinfo

PURCHASING POLICY

PURPOSE: The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Brandon at the lowest possible price, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function, to allow fair and equal opportunity among qualified suppliers, and to provide for increased public confidence in the procedures followed in public purchasing.

DEFINITIONS:

1. Department Head: This includes the Public Works Director, Chief of Police and Recreation Director.
2. Incidental Purchases: Those purchases calling for the delivery of goods and/or services in an amount up to \$3,000.

Purchases made in this category may be made without a formal bid or quotes. However, it is still the intention of this policy to encourage competitive prices be solicited whenever such would be an efficient use of staff time relative to possible savings. Purchases in this category must stay within the department's budget.

3. Regular Purchases: Those purchases calling for the delivery of goods and/or services in the amount of \$3,000 to \$10,000.

Purchases made in this category will be made in accordance with a purchase order procedure. Such purchases should be made through competitive solicitation such as bids, written quotes or verbal quotes from two or more vendors. Purchase orders will be issued by the Department Heads and must be approved by the Town Manager or their designee, prior to items being ordered. The purchase order requirements shall apply to all credit card purchases made in this category.

4. Major Purchases: Those purchases calling for delivery of goods or services in the amount of \$10,000 or greater.

All purchases over \$10,000 shall be subject to the approval by the SelectBoard and will require a formal bid process unless such process is waived by the Board.

The formal bid process will be overseen by the Town Manager who may delegate responsibility for specific purchases to an appropriate department head. Formal bidding means a publicly advertised invitation to bid, written bid specifications and/or description of performance standards, a public bid opening, with an award of contract made by the Selectboard. These requirements may be varied according to the nature of a specific purchase subject to the Selectboard's review and approval of the process followed.

The formal bid process can be waived by the Selectboard in certain cases where the Town Manager and Department Heads have determined that the best interests of the Town are met by a vendor based on costs, quality of goods and/or services, capacity, skill and ability to provide future maintenance if necessary.

VENDOR SELECTION:

It is the intention of the Selectboard that vendors will be selected on a competitive basis. Purchases shall be awarded to the lowest, best qualified and responsible bidder. The following may be considered in selecting vendors.

1. The ability, capacity and skill of the vendor to perform the contract or provide the material or service required, and meet the specifications and other terms and conditions of the solicitation, and to do so promptly or within the time specified.
2. The character, integrity, reputation, experience, financial resources and past performance of the vendor.
3. The quality, availability and adaptability of the service or product being purchased and the ability of the vendor to provide future maintenance if necessary.
4. Purchases will be made through local vendors if all other parameters are substantially equal.
5. The Selectboard reserves the right, at its sole discretion, to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to reopen the bid process, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's interest.

EXCEPTIONS:

1. Sole Source Purchases: The Selectboard may authorize a sole source purchase in cases where it determines that there is only one reasonable source for a proposed purchase and may waive the bid process.
2. Emergency Purchases: The Town may award contracts and make purchases for the purpose of meeting a public emergency without following the above procedures. Emergency purchases will be made under the direction of the Town Manager in consultation with the Selectboard. Emergency purchases may include immediate repair or maintenance of Town property, vehicles, or equipment if the delay in such repair or maintenance would endanger persons or property or result in substantial impairment of the delivery of important Town services.
3. Professional Services: The bid process is not required, however it is suggested, in the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, engineering, risk management and insurance services. The Selectboard, in its sole discretion, shall determine when purchase of such services shall be subject to a request for proposal process and when to forego such process.
4. General Exceptions: Items such as but not limited to equipment repairs, utility services (phone, electricity, internet), service contracts, and ongoing repetitive purchases, as determined from time to time by the Selectboard and Town Manager shall be exempt from the competitive purchasing guidelines above.

This foregoing Policy is hereby adopted by the Selectboard of the Town of Brandon, Vermont, this 8th day of June, 2015 and is effective as of this date until amended or repealed.

Doug Bailey

Devon Fuller

Seth Hopkins

Ethan Swift

Tracy Wyman

Town of Brandon, Vermont
Tax Stabilization Policy

I. Statement of Purpose

The Town of Brandon is committed to encouraging sustainable commercial growth and intends to employ tax stabilization as an instrument to fulfill this endeavor.

II. Authority

Pursuant to Vermont State Law Title 24 Section 2741, on March 6, 1962 the Town voters ratified the ability of the Town of Brandon Select Board to enter into tax stabilization contracts.

III. Criteria

It is the objective of the Town of Brandon to incentivize new commercial investment by stabilizing real property taxes within the Town. Property tax stabilization will occur in the form of a Tax Stabilization Agreement (TSA) between the Town and a qualifying business or property owner. Real property tax stabilization will be available to businesses and property owners that are making tangible new financial investment in their facility and property.

IV. Eligibility

All commercial and industrial development will be considered eligible. Residential enterprises, such as apartment complexes and other ventures that are residential in nature, will not be considered eligible. Determination of eligibility will be based on the recommendation of the Town Assessor and Town Manager and subject to the approval of the Select Board.

IV. Tax Stabilization Agreement terms

Level of stabilization will be 100% of the municipal portion of the Applicant's taxes with length of contract determined by the amount of provable investment into the project.

Applicants must provide documentation that shows:

- Current tax assessed value
- Site plan showing existing property lines and buildings
- Scale of all proposed construction detailing the square foot area, building height, number of stories, proposed use of all space and any other pertinent data
- Estimate of construction costs provided by a qualified contractor

TSA length shall be for a specific number of years based on the amount of provable investment not to exceed 10 years. Provable investment must include written contractor receipts at the completion of the project even if the qualified contractor is the property owner. Determination regarding proof of investment is at the sole discretion of the Brandon Town Select Board and their decision is final. Applicants must agree to these terms before the Town will award a stabilization contract.

TSA length parameters determined by amount of provable new investment/improvements shall be as such:

- 1 year for \$25K - \$50K
- 2 years for \$50K - \$75K
- 3 years for \$75K - \$100K
- 4 years for \$100K - \$150K
- 5 years for \$150K - \$200K

- 6 years for \$200 - \$300K
- 7 years for \$300 - \$500K
- 8 years for \$500K - \$1 million
- 9 years for \$1 million - \$2 million
- 10 years for \$2 million+

If during the effective period a qualifying business will be making additional investment they should feel encouraged to re-apply for a new or extended TSA to accommodate this additional investment.

Brandon Town will work with qualifying businesses, if it is deemed beneficial, to apply through the Vermont Economic Progress Council for additional real property tax stabilization from the State Education Tax.

The Town of Brandon may also enter into tax stabilization agreements which provide for terms different set forth herein if it is determined to be in the interest of the Town.

V. Non-compliance/Termination

The TSA shall be in writing and shall include all terms necessary to assure the Town of the benefits that are the basis for tax stabilization of the project. Should the terms of the agreement not be executed in full the Town may choose to terminate the TSA and choose to recapture the foregone tax for the period during which there was a breach in terms.

If a project is subject to recapture of taxes the amount due shall be the total amount of the tax which would have been due if no tax stabilization agreement had been in force plus interest from the date at which the tax was due. The property shall be subject to a tax lien for all unpaid amounts due under this provision.

In the event the qualifying business is sold during the effective period, the TSA may be transferred to the new owner of any property subject to the agreement.

Transfer of TSA will require the re-signing of an amended agreement between Brandon Town and the new property owner. Failure to transfer the contract to the new owner will terminate the original TSA.

Upon completion of the project, the property must be fully compliant with all building and commercial codes.

VI. Application Process

All applications are to be made in writing to the Town Manager and must be signed by all owners of the property. Applications will be available via the Town of Brandon website or at Brandon Town Hall.

In the event an Applicant wants a TSA to go into effect on July 1 of the upcoming fiscal year, a written application must be filed on or before April 1 in order to finalize the TSA by June 1. Applications will be accepted at any time during the year.

All Applicants should be aware that TSAs are subject to public process and all meetings and all information requested in the application becomes public information.

The Town Manager shall place the application and proposed TSA on the Select Board agenda within 30 days of receipt of a completed application. The Town Manager shall determine application completeness within 5 working days of receipt.

The Applicant, Town Manager, and Town Assessor shall make a formal presentation to the Brandon Town Select Board at a publicly warned, scheduled Select Board meeting for consideration of the TSA. The Town Manager and Town Assessor will make public recommendations regarding the proposed TSA. The Select Board will consider the application and shall take action to approve or deny the application or request more information to be presented at a subsequent meeting. 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.

Administration of all TSAs shall be the responsibility of the Town Manager.

Applications must be received and approved before construction can commence on the property.

This foregoing Policy is hereby adopted by the Selectboard of the Town of Brandon, Vermont, this 8th day of June, 2015 and is effective as of this date until amended or repealed.

Doug Bailey

Devon Fuller

Seth Hopkins

Ethan Swift

Tracy Wyman

David Atherton

From: darren@darwindynamicsolutions.com
Sent: Wednesday, June 3, 2015 10:36 AM
To: datherton@townofbrandon.com
Cc: Seth Hopkins; Bill Moore
Subject: EDSP update

Holy Guacamole! So sorry to you all. I was working on the EDSP for Brandon and just looked through the contract and realized the due date is THIS FRIDAY! Total mess up on my part as I thought it was due the first week of July. I haven't engaged anywhere near enough to have it done - or at least done well - by then. If we can talk about a two-week extension, I can do a MUCH better job than I could otherwise. Again, so sorry - I know you've had to deal with deadline issues and I'm loathe to be a part of that ilk.

If I can get until June 19 to finalize the EDSP, I can come up there on Monday, June 15 to do a few more things that are needed to round out my work. Also, I've had no luck getting a response from the Eliniki camp. Have any of you heard from them?

Thanks very much and please let me know how to proceed.

Darren

AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement effective as of May 26, 2015 ("Effective Date") between Town of Brandon, VT ("OWNER") and CLD Consulting Engineers, Inc. ("ENGINEER").

OWNER retains ENGINEER to perform professional services in connection with the Scoping Study for the Brandon Bridge No. 114 in Brandon, Vermont (Project).

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree as follows:

I. ENGINEERING SERVICES

See attached Scope of Work and Fee Proposal dated May 26, 2015.

II. COMPENSATION AMOUNTS

- The original compensation paid by the OWNER to the ENGINEER shall not exceed \$60,760.00 (Sixty Thousand Seven Hundred Sixty Dollars and No Cents), including subconsultants and expenses, without written approval of the OWNER.
- Amendment No. 1 increased the original contract amount by \$36,996 (Thirty-Six Thousand Nine Hundred and Ninety-Six Dollars and No Cents), bringing the Total Revised Not-to-Exceed Contract Amount to \$97,756 (Ninety-Seven Thousand Seven Hundred and Fifty-Six Dollars and No Cents).
- This Amendment No. 2 increases the original and amended contract amount by \$86,265 (Eighty-Six Thousand Two Hundred and Sixty-Five Dollars and No Cents), bringing the Total Revised Not-to-Exceed Contract Amount to \$184,021 (One Hundred Eighty-Four Thousand Twenty-One Dollars and No Cents).
- OWNER shall pay ENGINEER for services rendered under this Agreement as follows:
 - An amount equal to the cumulative hours charged to the Assignment by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class on the assignment detailed in the attached proposal dated May 26, 2015.
 - The amounts billed for ENGINEER's services will be based on the cumulative hours charged to the Assignment during the billing period by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class, a percentage of Fixed Fee based on actual progress, plus Reimbursable Expenses and ENGINEER's Consultants' charges, if any, incurred during the billing period.

- Estimated Compensation Amounts
 - ENGINEER's estimate of the amounts that will become payable are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to ENGINEER under the Agreement.
 - When estimated compensation amounts have been stated herein and it subsequently becomes apparent to ENGINEER that a compensation amount thus estimated will be exceeded, ENGINEER shall give OWNER written notice thereof. Promptly thereafter OWNER and ENGINEER shall review the matter of services remaining to be performed and compensation for such services. OWNER shall either agree to such compensation exceeding said estimated amount or OWNER and ENGINEER shall agree to a reduction in the remaining services to be rendered by ENGINEER, so that total compensation for such services will not exceed said estimated amount when such services are completed.
- Reimbursable Expenses. Reimbursable Expenses means the actual expenses incurred by ENGINEER or ENGINEER's Consultants directly in connection with the Assignment.
- For Additional Services. OWNER shall pay ENGINEER for all services not included in the scope of this Agreement on the basis agreed to in writing by the parties at the time such services are authorized by OWNER.

III. STANDARD TERMS AND CONDITIONS

- The ENGINEER shall use the same care and skill ordinarily used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality.
- ENGINEER is an independent contractor.
- Invoices are due and payable within 60 days after receipt of ENGINEER's invoice; therefore, the amounts due ENGINEER will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said sixtieth day. ENGINEER may after 7 days' notice to OWNER suspend services until ENGINEER has been paid in full for all amounts due for services.
- It is further agreed that the maximum liability of the ENGINEER for services performed under this Agreement shall be \$250,000.
- Dispute Resolution - All questions in dispute under this Agreement shall be submitted to non-binding mediation. On the written notice of either party to the other of the election to submit any dispute under this Agreement to mediation, each party shall designate their representative and shall meet within twenty (20) days after the service of the notice. The parties themselves shall then attempt to resolve the dispute within twenty (20) days of meeting. Should the parties themselves be unable to agree on a resolution of the dispute, then the parties shall proceed with mediation in accordance with the mediation rules of the American Arbitration Association. The cost of mediation shall be borne equally by both parties. This process shall be considered as a condition precedent to moving to a more formal or judicial process.
- ENGINEER agrees to carry the following insurance during the term of this Agreement:
 - Workmen's Compensation and Employer's Liability Insurance in compliance with statutory limits.
 - Comprehensive General Liability Insurance including Products Completed, Contractual, Property, and Personal Injury coverage with combined single limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

- Professional Liability Insurance with a limit of \$1,000,000 per claim and in the aggregate.
 - Automobile Liability Insurance including non-owned and hired automobiles with a combined single limit of \$1,000,000 per occurrence.
 - Certificates of insurance will be furnished to the Client.
- Hazardous Environmental Conditions – It is acknowledged by both parties that ENGINEER’s scope of services does not include any services related to a "Hazardous Environmental Condition," i.e. the presence at the site of asbestos, PCBs, petroleum, hazardous waste, or radioactive materials in such quantities or circumstances that may present a substantial danger to persons or property exposed thereto in connection with the Assignment. In the event ENGINEER or any other party encounters a Hazardous Environmental Condition, ENGINEER may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Assignment affected thereby until OWNER, in the opinion of the ENGINEER, has rectified the situation.
 - To the fullest extent permitted by Law, OWNER and ENGINEER shall indemnify and hold harmless each other’s officers, directors, partners, and employees from costs, losses, and damages etc. caused solely by their own negligent acts or omissions. Each entities liability shall be limited by the percentage share that each bears to the total negligence and all other negligent entities.
 - Termination of Contract - Either party may at any time, upon seven days prior written notice to the other party, terminate this Agreement. Upon such termination, OWNER shall pay to ENGINEER all amounts owing to ENGINEER under this Agreement, for all work performed up to the effective date of termination, plus reasonable termination costs.
 - Force Majeure – ENGINEER shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this Agreement resulting from any cause beyond ENGINEER’s reasonable control.
 - Documents prepared or furnished by ENGINEER under this Agreement are not suitable for reuse. ENGINEER shall retain an ownership interest therein. Any reuse of these documents is at the sole risk of OWNER or reusing party.

This Agreement shall be governed and construed in accordance with the laws of the State of Vermont.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

TOWN OF BRANDON, VT

By: _____

Printed Name: _____

Title: _____

Date Signed: _____

ENGINEER:

CLD CONSULTING ENGINEERS, INC.

For the Firm: *Christoph E. Bean*

Printed Name: Christoph E. Bean

Title: President

Date Signed: 5/26/15

Address for giving notices:

49 Center Street

Brandon, VT 05733

Address for giving notices:

540 Commercial Street

Manchester, NH 03101

Manually Selected For Check Acct 01(10 General Fund) 06/08/2015 To 06/08/2015

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
100015	ALLEN ENGINEERING & CHEMICAL C 11250104901	pump for fountain	299.99	0.00	299.99	40540	06/08/15
100015	ALLEN ENGINEERING & CHEMICAL C 11250105601	shaft seals for pump	50.00	0.00	50.00	40540	06/08/15
100598	AUBUCHON CO - BRANDON - STORE 469470	keys, spray paint	28.96	0.00	28.96	40541	06/08/15
100598	AUBUCHON CO - BRANDON - STORE 469522	car wash	9.94	0.00	9.94	40542	06/08/15
301054	BENDIG PAVING & SEALING 205138	sweeping of roadways	4400.00	0.00	4400.00	40543	06/08/15
100255	BRANDON FIRE DISTRICT #1 JUNE 2015	APPROPRIATION	58607.75	0.00	58607.75	40544	06/08/15
100275	BRANDON FREE PUBLIC LIBRARY JUNE 2015	APPROPRIATION	7125.00	0.00	7125.00	40545	06/08/15
100280	BRANDON LUMBER & MILLWORK CO. 4-21-15	BARN RAISING	125.00	0.00	125.00	40546	06/08/15
100280	BRANDON LUMBER & MILLWORK CO. 492222/3	plug	5.99	0.00	5.99	40546	06/08/15
100280	BRANDON LUMBER & MILLWORK CO. 492296/3	air conditioner	119.99	0.00	119.99	40546	06/08/15
100280	BRANDON LUMBER & MILLWORK CO. 492304/3	striping paint	6.49	0.00	6.49	40546	06/08/15
100310	BRANDON SENIOR CITIZENS CENTER JUNE 2015	APPROPRIATION	1068.75	0.00	1068.75	40547	06/08/15
310390	BTS, INC 11038	program lobby phone at P	65.00	0.00	65.00	40548	06/08/15
310390	BTS, INC 11039	town manager phone set u	65.00	0.00	65.00	40548	06/08/15
310501	BURLETT, DARYL MAY 2015	MILEAGE WW TRUCK/VLCT	138.58	0.00	138.58	40549	06/08/15
310376	CATERPILLAR FINANCIAL SERVICES 16363615	LEASE PAYMENT	7056.21	0.00	7056.21	40550	06/08/15
100592	CHAMPLAIN OIL COMPANY INC CL161776	gas	183.48	0.00	183.48	40551	06/08/15
100592	CHAMPLAIN OIL COMPANY INC CL161779	gas	1323.17	0.00	1323.17	40551	06/08/15
310097	COMCAST TO JUNE 2015	phone & internet	527.59	0.00	527.59	40553	06/08/15
310177	COTT SYSTEMS, INC. 103505	MAY HOST FEES	200.00	0.00	200.00	40555	06/08/15
330426	CVC PAGING 10307955	highway pagers	11.95	0.00	11.95	40556	06/08/15
310432	DIDO'S TRUCKING, INC. 2269	top soil	125.00	0.00	125.00	40557	06/08/15
310037	FAIRPOINT COMMUNICATIONS 5-6-15	ED PHONE MAY	43.91	0.00	43.91	40559	06/08/15
100925	FOLEY SERVICES INC 28844	uniforms	42.05	0.00	42.05	40561	06/08/15
100925	FOLEY SERVICES INC 30163	uniforms	42.05	0.00	42.05	40561	06/08/15
310288	G.H. BERLIN WINDWARD 5536576	misc vehicle supplies	279.66	0.00	279.66	40562	06/08/15
100480	GOSHEN, TOWN OF 2	plowing of Fay Road	1000.00	0.00	1000.00	40563	06/08/15
100725	GREEN MOUNTAIN GARAGE 069917	hitchpins, plug	14.13	0.00	14.13	40565	06/08/15
101017	HARVEY'S PLUMBING & EXCAVATING 35811	Union st culvert	15523.40	0.00	15523.40	40566	06/08/15
101017	HARVEY'S PLUMBING & EXCAVATING 35812	culvert installation	12938.00	0.00	12938.00	40566	06/08/15
100588	MARKOWSKI EXCAVATING, INC. V-15608	gravel	223.65	0.00	223.65	40568	06/08/15
310304	MIKE'S FUELS, LLC 382189	diesel fuel @ HWY	331.52	0.00	331.52	40569	06/08/15
310304	MIKE'S FUELS, LLC 382244	heating fuel @ HWY	65.76	0.00	65.76	40569	06/08/15
100788	NEW ENGLAND MUNICIPAL RESOURCE 34502	june assessment	1333.33	0.00	1333.33	40570	06/08/15
100908	PITTSFORD SMALL ENGINE REPAIR, 48656	chainsaw parts	69.00	0.00	69.00	40571	06/08/15
100005	RUTLAND COUNTY SOLID WASTE DIS 21698	APRIL SURCHARGE	557.25	0.00	557.25	40573	06/08/15
100491	RUTLAND HERALD 1711227	DBR AD	124.03	0.00	124.03	40574	06/08/15
100493	RUTLAND REGIONAL PLANNING COMM 2826	BALANCE OF CONTRACT	483.00	0.00	483.00	40575	06/08/15
100493	RUTLAND REGIONAL PLANNING COMM 2828	CONTRACT	2292.99	0.00	2292.99	40575	06/08/15
310418	SILLOWAY NETWORKS INC 20159806	town managers email	27.50	0.00	27.50	40577	06/08/15
200292	STAPLES CREDIT PLAN 1309502181	HP Pavilion PC	859.98	0.00	859.98	40578	06/08/15
200292	STAPLES CREDIT PLAN 5219	computer for TM	663.97	0.00	663.97	40578	06/08/15
100242	TENCO NEW ENGLAND 4919446-RI	grader blades	2063.25	0.00	2063.25	40579	06/08/15
200277	THUNDER TOWING & AUTO RECOVERY 3621		29.95	0.00	29.95	40580	06/08/15
200277	THUNDER TOWING & AUTO RECOVERY 3627		134.70	0.00	134.70	40580	06/08/15
200277	THUNDER TOWING & AUTO RECOVERY 3632		213.47	0.00	213.47	40580	06/08/15
300969	TRACTOR SUPPLY CREDIT PLAN 200417753	parts for chloride tank	127.94	0.00	127.94	40581	06/08/15
300652	UNIVERSITY PRODUCTS, INC. 100830-00	ARCHIVAL TAPE	39.10	0.00	39.10	40582	06/08/15
330348	VERIZON WIRELESS 9746108902		160.04	0.00	160.04	40584	06/08/15
330348	VERIZON WIRELESS JUNE 2015	JUNE CELLS	206.31	0.00	206.31	40584	06/08/15

TOWN OF BRANDON Accounts Payable
Check Warrant Report # 0608 Current Prior Next FY Invoices
Manually Selected For Check Acct 01(10 General Fund) 06/08/2015 To 06/08/2015

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
300024	VERMONT DIGITAL	9926 set up Anna & Jackie	157.50	0.00	157.50	40585	06/08/15
310046	W.B. MASON CO INC	I25783742 toner, trash bags	157.97	0.00	157.97	40586	06/08/15
310046	W.B. MASON CO INC	I25836852 toner	169.99	0.00	169.99	40586	06/08/15
301026	WATCHGUARD VIDEO	05292015A cameras	6349.00	0.00	6349.00	40587	06/08/15
101052	WEST CENTRAL VERMONT LUMBER	5044-19 mulch	150.00	0.00	150.00	40588	06/08/15
330427	WINNING IMAGE GRAPHIX	8912 WYMAN NAMEPLATE	12.50	0.00	12.50	40589	06/08/15
310415	ZALINGER CAMERON & LAMBEK, P.C	58240 COLLECTIVE BARGAINING	1589.82	0.00	1589.82	40590	06/08/15
Report Total			130,020.56	0.00	130,020.56		

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To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ***130,020.56
Let this be your order for the payments of these amounts.

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
100015	05/22/15	ALLEN ENGINEERING & CHEMI chlorine 11450063201	20-5-55-50120 Chlorine	523.05	40540	06/08/15
300799	05/11/15	CHAMPLIN ASSOCIATES INC parts to rebuild pumps 9824	20-5-55-43160 Maint. Supplies - General	1637.93	40552	06/08/15
310097	06/04/15	COMCAST phone & internet WWJUNE 2015	20-5-55-42100 Wastewater Telephone	116.43	40554	06/08/15
330426	06/05/15	CVC PAGING ww pagers WW JUNE 2015	20-5-55-42100 Wastewater Telephone	11.95	40556	06/08/15
100494	05/22/15	ENDYNE INC testing 172825	20-5-55-22120 Testing	22.00	40558	06/08/15
100494	05/22/15	ENDYNE INC testing 172873	20-5-55-22120 Testing	68.00	40558	06/08/15
100494	05/26/15	ENDYNE INC testing 172946	20-5-55-22120 Testing	260.00	40558	06/08/15
100494	05/29/15	ENDYNE INC testing 173279	20-5-55-22120 Testing	22.00	40558	06/08/15
330422	05/22/15	FERGUSON WATERWORKS #590 riser 0378550-1	20-5-55-51310 Collection Systems	147.39	40560	06/08/15
100925	05/26/15	FOLEY SERVICES INC uniforms 30162	20-5-55-10320 Clothing Allowance	18.57	40561	06/08/15
100925	06/02/15	FOLEY SERVICES INC uniforms 31500	20-5-55-10320 Clothing Allowance	18.57	40561	06/08/15
101053	05/29/15	GRANITE CITY ELECTRIC SUP heater 85414802.002	20-5-55-51230 Outside Equip. - Pump St.	363.05	40564	06/08/15
300726	06/01/15	MAHER CORPORATION parts to rebuild pump 23003	20-5-55-43160 Maint. Supplies - General	2263.91	40567	06/08/15
310304	05/26/15	MIKE'S FUELS, LLC diesel fuel @ WW 382190	20-5-55-41130 Fuel - Vehicles	31.36	40569	06/08/15
100318	05/21/15	Q.C. SERVICES, INC. repair of furnace 47377	20-5-55-20240 Contractors	347.83	40572	06/08/15
101054	05/26/15	SETON IDENTIFICATION PRO signs 9327816048	20-5-55-43160 Maint. Supplies - General	130.75	40576	06/08/15
100682	05/26/15	USA BLUE BOOK check valve 653399	20-5-55-43160 Maint. Supplies - General	37.26	40583	06/08/15
330348	06/05/15	VERIZON WIRELESS WW CELLS JUNE WW JUNE 2015	20-5-55-42100 Wastewater Telephone	36.15	40584	06/08/15

06/05/15
12:47 pm

TOWN OF BRANDON Accounts Payable
Check Warrant Report # 0608 Current Prior Next FY Invoices For Fund (20 Sewer Fund)
For Check Acct 01(10 General Fund) All check #s 06/08/15 To 06/08/15 & Fund 20

Page 2 of 2
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Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
Report Total				6056.20		

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To the Treasurer of TOWN OF BRANDON, We Hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ *****6,056.20
Let this be your order for the payments of these amounts.

BRANDON – 2015 TAX SALE TIMELINE

- 11/25/14 Initial 30-day letters sent to property owners to pay by 1/05/15
- 11/26/14 Letter re representation and billing sent to Robin Bennett
- 1/09/15 Initial 30-day letters sent to “bankruptcy” property owners to pay by 2/05/15
- 1/13/15 Letter with Warrant sent to Robin Bennett
- 1/13/15 Begin title work in Brandon
- 5/1/15 Update title; Record Resolution with Warrant, Levy and Extension of Warrant and Notice of Sale; Post Notice of Sale; and Select Board certification of “disability” and appointment of person as delinquent tax collector
- 5/13/15 Deadline for registered letters mailed to resident and non-resident taxpayers and lienholders
- 5/13/15 Deadline for Notice to Brandon/Pittsford Reporter for publication of Notice on 5/20/15; 5/27/15; 6/03/15 (check paper each day);
- 6/22/15 Tax Sale (9:00 am at Town Offices)
- 7/22/15 Deadline for recording Report of Sale in Land Records; file discharge of tax lien if taxes paid;
- 6/22/16 Issue Tax Collector’s Deed if not redeemed; if redeemed, make sure discharge of tax lien is filed.