

**Brandon Select Board Meeting
August 24, 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, Devon Fuller

Also in Attendance: Dave Atherton, Wayne Rausenberger, Richard Baker, Bernie Carr, Anna Scheck, Lee Kahrs, Arlen Bloodworth, Chris Brickell, Ray Jobst

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:00PM.

a) Agenda Adoption – Motion by Seth Hopkins/Devon Fuller to adopt the agenda. **The motion passed unanimously – 4 to zero.**

2. Consent Agenda

a) Select Board Meeting Minutes – August 10, 2015

Motion by Devon Fuller/Tracy Wyman to approve the minutes of the August 10, 2015 Select Board meeting, as amended. **The motion passed unanimously – 4 to zero.**

At the top of Page 3, a typographical correction: should be Fay Road, not Bay Road.

3. Town Manager's Report

Dave Atherton reported the Town is preparing the FEMA closeout packets for Green Park, Kennedy Park, Kennedy Park Sewer and Briggs Lane, with the Green Park packet submitted in full today. The Purchase and Sales agreement for the parking lot behind the Mobile Station was signed and the permitting process will begin. Two of the roofs on the garages at the Wastewater plant have been completed and the third one may be done this week. Mr. Atherton attended the Planning Commission's Town Plan hearing and the first 40 pages of the Plan were reviewed. Mr. Atherton will be meeting with the Planning Commission Chair to continue review of the proposed Plan. The Select Board will be required to hold two hearings on the proposed Plan. Devon Fuller asked if there will be changes and Mr. Atherton advised there were some issues with census material that needed to be fixed. Ethan Swift will send the Town Manager and Planning Commission Chair his comments from his review of the Plan. Mr. Atherton will provide the Board members with a copy of the proposed Plan and will add a review of the Plan to a future Select Board agenda, prior to the Select Board's first hearing. Doug Bailey received a letter from Citizen's for Property Rights from Underhill. The letter expresses concerns of Town Plans that include mapping that can later become detrimental. Mr.

Bailey provided the Town Manager the letter to discuss with the Planning Commission. Dave Atherton reported there will be a grand re-opening for Green Park and Kennedy Park that will include a dedication of the Kennedy Park deck in honor of the Thomas'. The road grading continues with Wheeler Road, Town Farm, Richmond, Long Swamp, Short Swamp, Steinberg and Syndicate roads complete. Two culverts have been replaced at the south end of Birch Hill where there were some drainage issues. The Rec Department's Corn Hole Tournament was held on August 19th, with Bill Moore's team as the tournament winners. The Brandon Fire District will be hosting a fund-raising Corn Hole tournament on September 26th at Wyman's field. The Soccer and Football programs have started. The Wheeler Road Park has been brush hogged and will be prepped for a skating rink this winter. Bernie Carr asked if cars could be parked behind the Mobile station for the coming weekend's event. Mr. Atherton will mention this to the Mobile Station owners. Bill Moore stated Brandon will be hosting the first of a series of downtown get-together with Middlebury, Rutland and Poultney. A site is yet to be determined and it is anticipated the event will take place mid to late September. Mr. Moore will provide this information to the Board members and encouraged their attendance. Dave Atherton reported he is still waiting for a response on Cobb Hill. Mary Andes does not foresee any problems, but is waiting for information from FEMA. Mr. Atherton noted the engineering work and culverts have been done. Mr. Atherton also has heard nothing regarding Newton Road and advised that the Town may want to look at other potential options. Ethan Swift stated there may be a grant the Town can apply for relating to flood resiliency. Doug Bailey stated he had a discussion with the Town Manager today regarding the Budget Committee. Mr. Bailey suggested holding a brief September meeting with department heads to discuss the vision for the next couple of years. Dave Atherton advised that he met with three department heads to discuss starting the budget process and had suggested they provide information to him within a month.

4. Public Comments for Items not on the Agenda

Dick Kirby questioned if his next door neighbor has a permit for a junkyard. Anna Scheck stated this has been an ongoing issue and she is currently working with the owner to resolve this issue. Two cars have been removed from behind the fence and they are working on registering most of the other vehicles. Ms. Scheck advised that legally they can have three unregistered cars on their property. The state has visited the property and has had discussions with the owner. Ms. Scheck noted there is only so much the town can do and she is working with the property owner. Mr. Kirby noted that as of today, there are 14 cars in back of the house and 7 cars in the driveway. Mr. Kirby presented the Town Manager with a letter dated 8/16/05 relating to this same issue. Mr. Kirby noted the letter indicated there would be a daily fine if this issue was not cleared up and questioned how much the town has collected from this property owner. Devon Fuller stated his understanding is if the vehicles are registered, they can be there. Ms. Scheck reiterated they have the right to have the vehicles as long as they are registered, with a maximum of three unregistered vehicles. Mr. Atherton noted they also have to be inspected. Ms. Scheck noted this has been an on-going issue, but they have been in compliance at times. Mr. Kirby stated there are also many parts that are piled up behind the house. He expressed concern that he keeps his house looking nice and he has also received comments from other

neighbors concerning this issue. Ms. Scheck advised the state has accepted the owner's plan and will be checking back with them. In the past, Ms. Scheck has obtained the assistance from the Police Department and she can make an appointment with the owner to walk the premise. Doug Bailey requested Ms. Scheck provide the Board with a copy of the plan. Mr. Atherton stated the property can be compliant by registering the vehicles; however, the Town has no jurisdiction over requiring a property owner to keep their lawn clean. It was questioned whether there is a business being run at this location and Ms. Scheck stated the owners have advised the state that it is not a business, but is a hobby. Ray Jobst stated asked if EPA has been there to do soil samples, as there could be concerns in this area. Seth Hopkins suggested if neighboring property values are being adversely affected by this situation, the property owners could grieve their property assessments. Doug Bailey asked the Town Manager to follow up with Ms. Scheck regarding this issue. Mr. Atherton advised that Ms. Scheck is in contact with the landowners at least once a week and is having discussions with the state, however, the Town cannot tell the owners to clean up their yard. He noted it is a fine line and Ms. Scheck has been doing a good job in working with them. Chief Brickell stated this has been an ongoing problem, but he does not believe it is a business. Mr. Brickell suggested the Police Department could have a conversation with the owners and advise that they need to become compliant, or they will receive a notice of violation and fine from the Zoning Administrator. Mr. Fuller also suggested the zoning could be changed. Ms. Scheck noted that state statutes have to be considered. Mr. Atherton agreed with Mr. Kirby that enforcement has not been very good in the past. Ms. Scheck stated she has not issued a notice of violation and she is hoping that she can bring this to a resolution in a peaceful manner. The Select Board asked that the Town Manager work with the Police and Zoning to resolve this issue.

Wayne Rausenberger asked if Earth Waste Systems has "zero-sort" for the transfer station and questioned if that is the case, why do the private citizens have to sort their recycling. Ethan Swift stated the "zero-sort" is being provided by private contractors that have the employees to do that but he is not sure that the transfer stations have to do that. Mr. Swift noted there are markets for certain items, if sorted. Tracy Wyman stated when doing the "zero-sort", there is machinery that will sort it. He believes that the transfer station in Middlebury is a "zero-sort". Bill Moore stated there are private contractors, such as Denton & Son, that do provide "zero-sort". Richard Baker noted the Town has a contract with Earth Waste Systems that could provide clarification on this matter. Ethan Swift noted there is a new management recycling law. Mr. Atherton stated in regards to the new law, the Town is looking into options for the public receptacles that require a receptacle for recycling.

Richard Baker stated last Saturday night, the Town Hall hosted a Pro-wrestling Tournament that was very interesting. A new window vendor stated today for the Town Hall. On Saturday, August 29th, there will be a talent show at the Town Hall beginning at 7PM.

5. DRB Clerk Advertisement

Dave Atherton stated Janet Mondlak will be done in a couple of months as the DRB clerk. If anyone is interested in doing minutes for the DRB, please let him know.

6. FEMA Projects

Dave Atherton stated the closeout is being done on the FEMA projects that are downtown and he is awaiting the extension for Cobb Hill. Doug Bailey noted Green Park and Kennedy Park look very good. It was noted that Bill Moore and Dave Atherton mowed Green Park last week. Seth Hopkins asked about the location for the “doggy” receptacle. Mr. Atherton stated the receptacle will be reinstalled, likely at Estabrook Park. Bernie Carr suggested with the installation of the new receptacles for trash and recycling, a box could be attached containing dog bags as a way to make the receptacles more user-friendly. Mr. Carr will discuss the possibility of funding the bags with the Chamber.

7. Segment 6

Dave Atherton reported he had a good conference call with Scott and Bruce regarding the Segment 6 right of ways. Mr. Atherton will be doing the right of ways and there is concern that the Town will need some assistance with this work. There has been discussion of who may be able to assist with the project and they will be visiting the town. The Town is at the stage where these need to be completed and there may be some that need to go to the next step. Bernie Carr stated it is important to get the information out to the businesses and the citizens. Mr. Atherton stated the project should be ready to go out to bid next year. There are 142 properties that are involved in the process, which will also provide a good opportunity to discuss owners’ concerns. There was also discussion about the properties that will be affected by the bridge project. It is hoped to tie in the bridge and the culvert projects. Mr. Atherton anticipates receiving the report from Dubois and King regarding the culvert in the near future. The bridge project is caught up to Segment 6 except for the railing design. CLD has come up with the design and has presented it to VTrans to be crash tested.

8. Town Office Project

Devon Fuller reported the grant agreement was signed two weeks ago. The Committee has met with all financial people from the state with regard to requisitioning the funds. An advertisement was placed to obtain qualified bidders, as it will be a requirement for the bidders to have worked with federal funds and historical properties, which was a recommendation from the state. At this point, the Town has received interest from 6 qualified bidders. Once the team has reviewed the qualifications, plans and specs will be sent to the bidders. There will be a mandatory walk-through on Friday. It is hoped to have the project complete by the end of the year.

9. Bridge 114

Dave Atherton stated this project will tie in with Segment 6 and suggested combining these items into one agenda item for future meeting discussions.

10. Fiscal

a) P. O. 51891 to Cargill, Incorporated for Deicer Salt - \$49,965.10

Motion by Seth Hopkins/Devon Fuller to approve P. O. 51891 to Cargill, Incorporated for deicer salt for an amount not to exceed \$49,965.10. **The motion passed unanimously – 4 to zero.**

Ethan Swift stated salt prices increased substantially and asked if this is what had been budgeted. Dave Atherton stated it did increase slightly, but not as much salt was needed as anticipated. Public Works is going to try to use less salt and more sand; and are mixing it at a different ratio.

b) FY 15/16 General Fund Warrant – August 24, 2015 - \$1,080,130.23

Motion by Seth Hopkins/ Devon Fuller to approve the FY15/16 General Fund warrant of August 24, 2015 in the amount of \$1,080,130.23. **The motion passed unanimously – 4 to zero.**

The warrant included many appropriations that were voted on and the school tax was the largest payment.

c) FY 15/16 Wastewater Fund Warrant – August 24, 2105 - \$12,391.33

Motion by Seth Hopkins/Tracy Wyman to approve the FY15/16 Wastewater Fund warrant of August 24, 2015 in the amount of \$12,391.33. **The motion passed unanimously – 4 to zero.**

18. Adjournment

Motion by Ethan Swift/Devon Fuller to adjourn the Select Board meeting at 8:00PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary