

**Brandon Select Board Meeting
August 10, 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, Louis Pattis, Sarah Pattis, Richard Kirby, Lee Kahrs, Kurt Thomas, Jeff, Stewart, Arlen Bloodworth, Chris Brickell, Ray Counter, Olya Hopkins, Janet Coolidge, Ray Jobst, Helyn Anderson, Steve Carr

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:01PM.

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

2. Consent Agenda

a) Select Board Meeting Minutes – July 27, 2015

Motion by Seth Hopkins/Ethan Swift to approve the minutes of the July 27, 2015 Select Board meeting, as presented. **The motion passed – Tracy Wyman recused as he was not present.**

3. Town Manager's Report

Dave Atherton reported Green Park is completed and Kennedy Park will be complete by mid-week. The closeout packets for FEMA are being prepared for Kennedy Park, Green Park and Briggs Lane. CLD completed the borings on the overflow culvert and Bridge 114. There was a delay in starting the project due to traffic control issues. The Town is still negotiating the Purchase and Sales agreement for the parking lot. The Town executed a corrective deed with Bob Read for a boundary issue behind the Town Office. The Town Manager attended an Efficiency Vermont meeting and discussed the advantages of installing LED's in the public buildings to save on energy. Roof replacement is being done on three garages at the Wastewater Plant. One of the garages will be used for the Recreation Department and the large four-bay garage will have new doors and windows installed and will be used for wastewater equipment storage. Mr. Atherton stated the garages have been severely neglected and will now be operable. Mr. Atherton reported he will be on vacation Friday and Monday.

Ethan Swift requested clarification of the boundary line adjustment for the Town Office. The Town Manager stated it is across the back porch and provides more of a clarification to show that the Town did not own that portion, but had maintained it in the past. Doug Bailey

questioned whether a contractor is doing the work on the garages and it was noted that Tim Shields is doing the job and there had been funds put aside to do this work. Mr. Bailey requested a copy of the FEMA closeout packets. Mr. Atherton stated the only outstanding project is Cobb Hill, as it is more of an extensive project than thought. Seth Hopkins questioned if the Town Manager had received a response from Mary Andes, as had been anticipated. Mr. Atherton stated she has been on vacation until tomorrow. Ethan Swift questioned the status of Wood Lane. Mr. Atherton stated the Town is seeking to repair it, but there has been no word from the State. The Town has approval to engineer it, but not the approval to build it.

4. Public Comments for Items not on the Agenda

Janet Coolidge wished to thank Ray Jobst for the work he did at the Town Hall. Mr. Jobst feels that the efforts of the Select Board are a motivation for the townspeople to take more pride and interest in the town and he congratulated the Select Board for the good job they are doing.

Seth Hopkins questioned if a Budget Committee meeting schedule has been determined. The Town Manager advised Sue Gage is still getting financials together for the auditor and suggested September would be a good starting time for the Committee. Doug Bailey suggested choosing a date and sending an email to the people involved.

5. Change Meeting Date from October 12 to October 13

Dave Atherton stated the first October meeting falls on Columbus Day. It was the consensus of the Board to change the first meeting of the month to Tuesday, October 13th.

6. Churchill Road

Seth Hopkins recused himself from conversation on this topic. Dave Atherton stated at the last meeting, it was discussed that the Town do something with the signs on Churchill Road. The road was graded and no parking signs were placed. There is a 2009 agreement that indicates a process is required and no parking signs have to present. Mr. Atherton has talked with the new owner of the Churchill House and they have agreed to allow the Town to use their parking lot at no charge for as long as they own the property. An agreement will be written up and the owners have asked that the Town maintain the parking lot. Mr. Atherton did let the property owner on Churchill Road know that it is the town's road and they will be maintaining it. Mr. Atherton advised the Town has applied for a federal land access bridge and have heard that the grant is in process, but have not received word whether it has been approved. There has also been discussion of doing a Bailey bridge, which would be at considerably less cost. He noted the need for heavy equipment to cross the bridge is not likely, as all of the logging has been done in this area. Ethan Swift asked if there is any legal or binding agreement for the type of bridge to be replaced, as he thought it was a condition of the agreement and the Town is responsible for the design for the bridge. Devon Fuller requested information on the weight capacity and cost of a Bailey bridge. Mr. Swift stated it would be good to review the settlement agreement to determine if this is an option. Mr. Fuller would like a comparison between paying the engineering fees and doing a Bailey bridge versus the current option being considered. Steve Carr stated original discussion centered on the capacity needed, as there was consideration concerning logging and it

was specked due to that issue, however, in the last two to three years, the logging goes up Bay Road, which lowers the capacity needed for Churchill Road. The goal of the Transportation Department is to be sure they get pedestrian uses for towns and Leicester Hollow is an important area to access with either a permanent or Bailey bridge. Mr. Carr wanted to convey that the Transportation Department has said they can give general support. Doug Bailey asked what the long range plan is. Mr. Atherton stated the original plan was to build a parking lot and repair the road. Mr. Bailey stated if the parking lot is just to the other side of the bridge, it would still be the same problem that currently exists. Olya Hopkins stated the problem has been on both sides of the bridge. Ethan Swift stated there is already a deeded easement to have a parking lot and once the Town has the bridge in place, there should be nothing that could restrict the Town from having a parking lot on the other side. Mr. Atherton stated there was a settlement agreement in 2011 and this is what the Town is going by. Tracy Wyman asked what shape the road is from Fay's to the existing bridge. Devon Fuller advised that one could drive the road in a truck. Mr. Wyman suggested putting money into fixing the road and getting to the parking lot from the Goshen side. Ethan Swift stated it would take a lot to upgrade the road to make it accessible and the Leicester Hollow access is the Town's gateway to the Moosalamoo region. Mr. Atherton advised there are also concerns that dogs are chase people on that road. Doug Bailey stated if the parking lot was further up the road; this would alleviate the problems with the landowners. Mr. Fuller noted the plan has been to replace the bridge and create a parking lot, which would satisfy what has been agreed to with the landowners. If there are then issues with dogs, that becomes an enforcement issue. Sarah Pattis stated they would likely not recommend the area to customers if the parking lot was just to the other side of the bridge. After review of the agreement, Mr. Atherton stated the agreement indicates that Brandon will install a parking lot within a reasonable time after the bridge construction, with no reference to the capacity of the bridge. Mr. Fuller stated this is the only access from the Town of Brandon and he would not like to give that up without enforcing the dog and livestock regulations. Louis Pattis appreciated the alternative to park at the Churchill House, but he has been attacked several times by the dogs and it is a hostile area to go through. In speaking from a hospitality standpoint, Moosalamoo is a place that cannot be used and cannot be promoted because of this issue. He stated the Minnie Baker Road is too steep and this road is flat and good and it is owned by the Town. Mr. Pattis does not recommend this area due to the issues and he hopes the bridge comes to fruition for the new generation of tourists who are interested in mountain biking and hiking. Doug Bailey noted he received a call from Doug Sawyer of the Lilac Inn and he has had many people come back to the Inn indicating they could not deal with this situation. Mrs. Hopkins stated it is ridiculous how one person has caused this issue for an entire town. Helyn Anderson stated the historical aspect of Leicester Hollow has been the trail of choice for children and it is a very gentle and welcoming area. She noted this is a public road and as a taxpayer she should have access to this area. Ms. Anderson also noted the Minnie Baker Trail is too steep. Bernie Carr stated as a result of the "Barn Raising" meetings, there is a major promotion of the gateways to Brandon, with mountain biking and hiking part of the effort. There has been a lot of time and money put into this promotion and it is very important to keep people on this side of the mountain. Chris Brickell stated this is a typical problem and any time there is a complaint made, the Police Department does take all legal actions that can be done. Janet Coolidge asked if it is legal to pepper spray a dog if it is chasing you and Chief Brickell noted there is no law against it. Bernie Carr stated there is also a leash law in Brandon. Doug Bailey suggested putting the parking lot further up the road once the bridge is done. Mr. Atherton stated the bridge has to get built first. There are other residents on

the other side of the bridge that the Town can discuss options with once this is done. Louis Pattis asked if legal advice was obtained for the agreement and if it is available for viewing. Mr. Atherton stated this was taken to court and it is public record and he can provide a copy to those who would like one.

7. 114 Wheeler Road Closeout

Dave Atherton reported this is the FEMA closeout for the Town to buyout the property on Wheeler Road that was flooded and damaged. This is showing that the Town agrees to not develop in this area because it is a flood plain, but it can be used for other activities. There is consideration to move the skating rink to this area this winter. There are public access permits and it is a boiler plate language for a non-development deed. The deed is available for viewing at the Town Office. Ethan Swift stated issues regarding recreation in flood plains does come up for discussion and the regulations are tightening because of lost infrastructure. Mr. Swift asked if there is a minimum set back or set distances to avoid. Mr. Atherton noted the Town will abide by the rules and restrictions, but it was thought that a garden in the summer and skating rink in the winter would not be a major issue. There could be parking placed in the area. Mr. Atherton noted the document does require signing by the Select Board.

8. Animal Control Officer

Dave Atherton reported the Town has hired Justin Cram as the Animal Control Officer. This is an on-call position and Mr. Cram has agreed to do training with the Humane Society. His telephone number will be placed on the Town's website and people can call him directly regarding animal issues.

9. FEMA Projects

Dave Atherton reported the borings were done last week for Bridge 114 and will were completed today for the overflow culvert. They hit ledge 6 feet across where the overflow would be. The parks have been completed and the FEMA projects are coming to an end, with exception of Cobb Hill. Devon Fuller stated an amazing job was done with Kennedy Park and Kevin Eagan has done a phenomenal job. Doug Bailey expressed concern about the issue with potential graffiti. The Town Manager stated now that it is bright and clean, it is hoped that this will deter those types of issues. Mr. Bailey noted it is great to see so many people using the parks. Bernie Carr stated there has been a suggestion to do a mural on the back wall of the music store by the OV Art Department. Mr. Jobst suggested placing a camera in the area.

10. Segment 6

Dave Atherton reported the Town has received all the waivers and appraisals from VTrans and it looks like the right of way negotiations will be done in-house by the Town Manager. Mr. Atherton hopes to start them within the next couple of weeks. There have been some measurements done on Route 7 near McDonough's gas station and it was noted that the current plan is not going to work. Mr. Atherton stated this will be dealt with before the project begins. Mr. Atherton stated the way the design is drawn, the sidewalk is too close to the road and there is

concern with safety issues. Devon Fuller expressed concern about who will be responsible for the payment for re-engineering.

11. Town Office Project

Devon Fuller reported the Town received a letter from the Department of Housing and Community Development concerning the CDBG grant and advised that the Select Board needs to adopt a resolution and return the document to the Department by August 15th. Mr. Fuller read the letter (see attached). Mr. Fuller stated it is a boiler plate agreement and the only change is that an independent 3rd party approves the ADA accessibility when completed. The ADA requirements have been determined and Town has been working with the Department of Independent Living. This is a new process being required and assures that the project considers people with disabilities. Mr. Fuller recommended the adoption of the agreement and authorizing Mr. Atherton and him as the designated overall administrative people, as two people are required. The 3rd party approval can be done by an architect, the Fire Department or the Vermont Department of Independent Living. Mr. Fuller wished to thank Blaine Cliver, Wayne Rausenberger, Jeff Stewart and Robert Black for all their efforts. Doug Bailey applauded the efforts of all the individuals who have worked on this project.

Motion by Seth Hopkins/Ethan Swift to adopt the PM1 Grant Agreement as presented and authorize Devon Fuller and Dave Atherton to sign on behalf of the Town. **The motion passed unanimously – 4 to zero.**

12. Bridge 114

The Town Manager reported the bridge rail had been sent to the State Historic Department for design, then to the engineers and now to VTrans for approval. The Town is in the last phase and John Byatt has advised that there needs to be assurance that the rail is safe. Mr. Atherton stated it is thought the rail is going to cost less than the concrete and if incorporated, it will be under the budgeted amount. Mr. Atherton advised that when the borings were done, they did hit some of the railroad tracks. Mr. Atherton noted the project is moving forward.

Doug Bailey asked if the Rutland Region Transportation Group is still planning to do Route 73 next summer. Richard Baker stated it should be a paving project for next year. They have started working on the telephone poles. Ray Counter spoke with Shawn Corbett, who is the engineer for the project, and they are anticipating construction in the spring. They were hoping early spring, but there are valves that the Water Department needs to replace first.

13. Fiscal

a) P. O. 23340 to Champlain Oil Company for Gasoline - \$24,000.00

Motion by Seth Hopkins/Tracy Wyman to approve P. O. 23340 to Champlain Oil Company for gasoline in the amount of \$24,000.00. **The motion passed unanimously – 4 to zero.**

b) FY 14/15 General Fund Warrant – August 10, 2015 - \$17,322.96

Motion by Seth Hopkins/Tracy Wyman to approve the FY14/15 General Fund warrant of August 10, 2015 in the amount of \$17,322.96. **The motion passed unanimously – 4 to zero.**

c) FY 15/16 General Fund Warrant – August 10, 2015 - \$50,446.19

Motion by Seth Hopkins/Tracy Wyman to approve the FY15/16 General Fund warrant of August 10, 2015 in the amount of \$50,446.19. **The motion passed unanimously – 4 to zero.**

Wayne Rausenberger asked if there will be a schedule for payment to the Mosquito District payments as previously discussed in an email sent to the Town Manager. Dave Atherton noted that he had not received an email from the Mosquito District and requested Mr. Rausenberger provide him an invoice that can be added to the warrants and a payment schedule set up.

d) FY 15/16 General Fund Warrant – August 10, 2015 - \$10,505.00

Motion by Seth Hopkins/Devon Fuller to approve the FY15/16 General Fund warrant of August 10, 2015 in the amount of \$10,505.00. **The motion passed unanimously – 4 to zero.**

d) FY 15/16 Wastewater Fund Warrant – August 10, 2015 - \$433.82

Motion by Seth Hopkins/Devon Fuller to approve the FY15/16 Wastewater Fund warrant of August 10, 2015 in the amount of \$433.82. **The motion passed unanimously – 4 to zero.**

18. Adjournment

Motion by Devon Fuller/Seth Hopkins to adjourn the Select Board meeting at 8:15PM. **The motion passed unanimously - 4 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

State of Vermont
Department of Housing and Community Development
Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

Agency of Commerce and
Community Development

August 6, 2015

Devon Fuller, Selectboard
Town of Brandon
49 Center Street
Brandon Vermont 05733

RE: Town of Brandon; 07110-DR-IG-2012-Brandon-00068
Grant Agreement Offer

Dear Mr. Fuller:

Enclosed for your consideration is the Grant Agreement between the Town of Brandon and this Agency. Please review the offer carefully. **Prior to signing the Grant Agreement your Legislative Body is required to adopt a resolution, Form PM-1 (enclosed). This form states the acceptance and responsibility of the terms and conditions of the Grant Agreement and designates the person with the overall responsibility and authority to execute all appropriate documents.** If it is satisfactory, please sign the cover page and return the original copy along with the original of the signed PM-1 form for processing by August 27, 2015. They should be mailed and not uploaded. The Commissioner will then sign it and a fully executed copy will be uploaded to the Agreement Documents node online. If you would like to revise your grant agreement, please contact me with your comments.

Before a request for funds can be processed, all requirements and special conditions as stated in the Grant Agreement must be satisfied. It is important to understand that some special conditions may have already been met, and if you have any questions in this regard please contact me. We recommend that you review the requirements set out in the Grants Management Guide, paying particular attention to **the chapter on Award Conditions and Executing Your Grant Agreement**, and that you review your Grant Agreement carefully for requirements that may not be in the checklist.

If you have any questions regarding the Grant Agreement please contact me by email Claire.Forbes@vermont.gov or by phone at 828-1256.

Sincerely,



Community Development Specialist

CF:cmb
Enclosures
cc:

