

## **Brandon Select Board Meeting September 14, 2015**

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

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

**Also in Attendance:** Dave Atherton, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Bernie Carr, Lee Kahrs, Arlen Bloodworth, Chris Brickell, Ray Jobst, Daryl Burlett, Jeff Stewart, Jim Leary, Bill Moore, Dick Kirby, Janet Coolidge, James Olsen

### **1. Call to order**

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

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

Add Item 11(d) – Blanket warrant for Route 7, Segment 6 right of way negotiations for an amount not to exceed \$100,000.00, with 95% of the total expenses to be reimbursed.

Add Item 12 – Executive session to discuss a clear and imminent peril to public safety pursuant to Title 1, Section 313(a)(5) of the Vermont Statutes.

### **2. Consent Agenda**

#### **a) Select Board Meeting Minutes – August 24, 2015**

**Motion** by Devon Fuller/Tracy Wyman to approve the minutes of the August 24, 2015 Select Board meeting. **The motion passed unanimously – 3 to zero.**

### **3. Town Manager's Report**

Dave Atherton reported he met with Jeff Guevin, Chair of the Planning Commission, to discuss the Town Plan. A few changes were made to the Plan and it was sent to the Rutland Regional Planning Commission for their review. It is the intent to have one of the two Select Board hearings for the Town Plan during the next meeting. Mr. Atherton met with M & T Associates to discuss the plans for the Mobil Station and how the new tax stabilization will work for them. Mr. Atherton also met with three local solar groups – Sun Common, Green Lantern and McKernon Group to discuss the possibility of solar arrays on town land. The Right of Way letters for Segment 6 were sent out last week and meetings with landowners will begin this week. Mr. Atherton and a representative from VTrans met with one of the property owners and the meeting went well. It is

thought this project can be handled in-house. The Union contract was ratified and signed last week. Work will begin at Estabrook Park to make better use of the space. It is planned to level the southern portion to build a soccer field and another baseball field. The Kennedy Park dedication and celebration on Briggs Lane were well attended. The unveiling of a piece from the World Trade Center took place on September 11<sup>th</sup>. Mr. Atherton is starting to get budget numbers together from all departments and a meeting will be scheduled next week. With regard to the Recreation Department, Mr. Moore advised a new slate of youth programming will be released next week that will include Fall Lego Club, Clay Club with Mr. B, a Theater Production of Snow White and the Seven Dwarfs with a December performance at OV, and a 6-week X-Country Running program. Adult programming for September/October will include NIA Dance, Kripalu Yoga, Boot Camp, Spanish Lessons, Volley Ball, Pick-up Basketball, Glass Fusion and the Brandon Bags and Brews League will continue during the winter at the Town Hall. On Halloween night, there will be an event – Spooksville – that will provide space for people outside of town to hand out candy in the park. There will be a haunted gazebo, activities for younger children at the Congregational Church Hall and a 5<sup>th</sup>/6<sup>th</sup> grade dance at the Town Hall. There will also be an adult costume party at the American Legion featuring Jam Man Entertainment that will include prizes and a photo booth. This program will be a fundraiser for the Estabrook/Brandon Toy Project.

#### **4. Public Comments for Items not on the Agenda**

Doug Bailey thanked Ray Jobst who volunteered his efforts in completing the World Trade Center project at the Police Station. Chris Brickell stated he has a list of ongoing projects for Mr. Jobst when he returns in the spring.

Bill Moore stated Spooksville will be a large Halloween production and requested the Select Board consider closing the top of Carver Street from the Congregational Church to Union Street, similar to the closure during the July 4<sup>th</sup> Street Dance on October 31<sup>st</sup> from 5:30PM to 8:30PM. He noted there are people in the rural areas who want the opportunity to hand out candy to the children and it is thought it would be safer to close this area for people to set up. Chris Brickell stated it would not be an issue for the Police Department.

**Motion** by Devon Fuller/Tracy Wyman to close the section of Carver Street from Union Street to Route 7 between 5:30PM and 8:30PM on October 31<sup>st</sup>. **The motion passed with one abstention – Seth Hopkins.**

Janet Coolidge questioned what will be discussed at the budget meeting next week. Doug Bailey advised he had asked Mr. Atherton to schedule the meeting to get the Budget Committee together with the Select Board to discuss what the department heads foresee for the next one to three years and to discuss a vision for the Town. Dave Atherton stated his only concern is one of the budget members will not be able to attend and thinks that with a small committee, it is important that all four members are present. Mr. Atherton has requested the department heads have their numbers ready by month-end. The town office staff will also start putting numbers together, but the Town

is still in the process of closing out this year. Ms. Coolidge suggested the meetings begin once the books are closed. Mr. Atherton noted the auditors are starting this week and Ms. Gage will be very busy with them.

Jim Leary stated Kennedy Park looks fantastic and is a job well-done.

## **5. Maple Street/Union Street Sidewalk Project**

Dave Atherton advised that Mr. Olsen is present to express concerns about the Maple Street/Union Street Sidewalk project. James Olsen expressed concern with the lack of notification to the property owners in that area. He is uncertain what is going to happen and questioned what the appeal process would be. Doug Bailey stated the Union Street/Maple Street Sidewalk project precedes the hurricane damage and the Town had accepted state and federal funds for this project. The new Select Board has been advised by the state that the Town has to either continue with the project or return the funding. From the Board's standpoint, it would be nice to connect downtown Brandon via Union Street and Maple Street to provide the youth safe passage to the community center and throughout town. The project is at a point in the process of determining if it will be feasible. Daryl Burlett advised the Town has applied for a bike path grant in the amount of \$900,000.00, but it has not been confirmed that this will be received. The project would include the sidewalk and the bridge on Union Street. Mr. Olsen has 165 feet of road frontage and is concerned that with the addition of a sidewalk, he will have 3.3 feet from the front of his house to the sidewalk. Mr. Burlett advised the feasibility study was completed 11 years ago that included the bridge design. It was noted there are many variables in that spot, but the Town is only in the engineering phase. Dave Atherton stated with Segment 6, that project had been in the books for 15 years and the right of way letters were just sent last week. When the scope of work is completed for this project, letters will be sent to the property owners and there will be hearings scheduled for individuals to provide comments. Mr. Fuller noted this Select Board is a new group of players who are working on this project and suggested it would be nice to give this Board the benefit of the doubt. Mr. Bailey stated the landowners' concerns will be taken into consideration, but currently this project is in the beginning stage. Mr. Olsen stated there are many sidewalks in town that are in terrible shape and he did not think starting at Maple and Union Street makes sense. Mr. Bailey advised that the Town is working to repair a number of sidewalks, with some to be repaved this fall. There have also been discussions of building bike paths to get the youth to and from Forestdale as well. Mr. Bailey stated the Board members would be more than glad to meet with Mr. Olsen to discuss this matter.

## **6. Community Service Organization Funding Request Policy**

Dave Atherton stated this policy was approved by the Select Board last December. The Town Clerk has suggested adding some wording to make it clearer when groups are applying for an appropriation.

**Motion** by Devon Fuller/Seth Hopkins to add the following clarifying statements to the Community Service Organization Funding Request policy as noted below:

1. If funding was not approved by voters in the prior year, or your appropriation request is not the same as the voter approved request from the prior year:
2. If funding was approved by voters in the prior year, and the appropriation request is the same as the voter approved request in the prior year:

**The motion passed unanimously – 3 to zero.**

Doug Bailey clarified that if an organization is requesting a different amount of funding, the organization would have to again obtain 5% of the registered voters. It was noted this is what has been done in the past.

## **7. FEMA Projects**

Dave Atherton provided the Select Board an updated Project Tracker report. Most of the FEMA projects are complete with exception of paperwork for some of the projects. The Town has received an extension for the Cobb Hill project. Devon Fuller thanked Mr. Burlett for all of his efforts in getting the projects completed. Bernie Carr questioned the status of Newton Road. Mr. Atherton advised the Town has looked into other options, but it was determined they are not going to work and the Town will have to wait for the FEMA determination. Bill Moore stated there will be a meeting with Commissioner McKay and this item could be brought up. Richard Baker suggested either the Board Chair or Town Manager write a letter to Congressman Welch or Senator Leahy regarding this issue. Mr. Atherton has talked with Ray Dougherty and was advised that there are other towns that are also awaiting responses from FEMA. The extension for Cobb Hill is a one-year extension. Daryl Burlett stated the funding approval has not been received and this is another FEMA issue.

## **8. Segment 6**

Dave Atherton reported the right of way process began today. There is a warrant that will be considered this evening in connection with this process. VTrans has indicated the Town is ahead of schedule and it is hoped to have this process completed before December 1<sup>st</sup>.

## **9. Town Office Project**

Devon Fuller reported the project has gone out to bid and the bid opening will take place this Friday at 4:00PM.

## **10. Bridge 114**

Dave Atherton reported there is a meeting scheduled for September 28<sup>th</sup> at 11AM with VTrans, Hayward Baker and CLD. Mr. Atherton will warn the meeting to allow for the Select Board members to attend. With regard to the railing issue, Mr. Atherton believes the Town now has a design. There was concern whether to bolt or weld it and there has to be certain criteria met. It is hoped to finalize this item at the Bridge 114 meeting and if there is a Select Board quorum present, a vote could be taken at that time. If there is not a Select Board quorum, it could be discussed at the Select Board meeting that night. Wayne Rausenberger stated there was an email that said there is a National Transportation guideline that indicates concrete can be up to 27 inches and a rail to the height of 42 inches. VTrans is now saying that 32 inches of concrete is required and 10 inches of metal. Mr. Rausenberger stated when the Design Committee was recommending changes, VTrans had indicated that federal guidelines have to be followed, however, there is now a change that would meet federal guidelines and VTrans is imposing their own requirement. Devon Fuller noted he would like to see the federal guidelines. Daryl Burlett advised that there are bridge standards, but the guidelines change when a sidewalk is added. Dave Atherton stated VTrans' funding is for concrete, but not the steel rail and the Town will ultimately be paying for the steel rail. Mr. Burlett stated there is only so much allowed for the railing and once the Town exceeds that cost, the Town will be responsible for the amount above what Vtrans has authorized. Mr. Atherton noted the Town will have a better idea of the cost once the project gets closer, as it is still in the design phase and the cost is not known at this point.

## **11. Fiscal**

### ***a) FY 15/16 General Fund Warrant – September 14, 2015 - \$47,965.17***

**Motion** by Seth Hopkins/Devon Fuller to approve the FY14/15 General Fund warrant of September 14, 2015 in the amount of \$47,965.17. **The motion passed unanimously – 3 to zero.**

### ***b) FY 15/16 General Fund Warrant – September 14, 2015 - \$60,497.52***

**Motion** by Seth Hopkins/Devon Fuller to approve the FY15/16 General Fund warrant of September 14, 2015 in the amount of \$60,497.52. **The motion passed unanimously – 3 to zero.**

### ***c) FY 15/16 Wastewater Fund Warrant – September 14, 2015 - \$26,104.75***

**Motion** by Seth Hopkins/Devon Fuller to approve the FY15/16 Wastewater Fund warrant of September 14, 2015 in the amount of \$26,104.75. **The motion passed unanimously – 3 to zero.**

### ***d) Blanket Warrant for Route 7, Segment 6 Right of Way Negotiations – Not to Exceed \$100,000.00***

**Motion** by Seth Hopkins/Tracy Wyman to approve a blanket warrant for Route 7, Segment 6 right of way negotiations for an amount not to exceed \$100,000.00, of which 95% of the total expenses to be reimbursed. **The motion passed unanimously – 3 to zero.**

**Motion** by Seth Hopkins/Devon Fuller to recess the Select Board at 7:53PM to convene as the Board of Liquor Commissioners. **The motion passed unanimously – 3 to zero.**

The Select Board reconvened at 8:09PM.

**Motion** by Seth Hopkins/Tracy Wyman to enter into executive session at 8:10PM for the purpose of discussing a clear and imminent peril to the public safety pursuant to Title 1, Section 313(a)(5) of the Vermont Statutes. **The motion passed unanimously – 3 to zero.**

## **12. Executive Session**

**Motion** by Seth Hopkins/Tracy Wyman to come out of executive session at 8:20PM. **The motion passed unanimously – 3 to zero.**

There was no action required.

## **12. Adjournment**

**Motion** by Seth Hopkins/Tracy Wyman to adjourn the Select Board meeting at 8:22PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary