

**Brandon Select Board Meeting
December 14, 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, Devon Fuller, Tracy Wyman

Also in Attendance: Dave Atherton, Wayne Rausenberger, Richard Baker, Sue Gage, Anna Scheck, Lee Kahrs, Debbie Boyce, Jeff Stewart, Arlen Bloodworth, Phyllis Reed, Daryl Burlett, Chris Brickell, Steve Bissette, Bernie Carr, Doug Sawyer, Mark Kelley, Christine Morrison, Dick Kirby, Tim Kingston, Lisa Kenyon, Jeff Guevin, Phyllis Reed

1. Call to order

The meeting was called to order by Doug Bailey - Chair at 7:05PM.

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

Replace Item 7 – Ranger Solar with Green Lantern Solar

Add Item 14(d) – General Fund warrant dated 12/14/15 in the amount of \$113,962.00

Add two Executive Sessions just prior to adjournment for the purpose of discussing the appointment or employment or evaluation of a public officer or employee pursuant to Title 1, Section 313(a)(3) of the Vermont Statutes with the first session to include the Town Clerk and Town Manager.

2. Consent Agenda

a) Select Board Meeting Minutes – November 23, 2015

Motion by Seth Hopkins/Devon Fuller to approve the minutes of the November 23, 2015 Select Board meeting. **The motion passed with one abstention – Tracy Wyman.**

Under the Town Manager's report – a clarification by Ethan Swift regarding his question of whether there is consideration to use the bridge that was engineered as he thought the Town would have to modify this aspect of the settlement agreement. Dave Atherton suggested revisiting the agreement again, as his understanding was that the Town would need to consult with the adjourning landowners.

3. Town Manager's Report

Dave Atherton advised the Town has located a clock smith, Alan Grace, to set up a maintenance schedule for the town clock. He will be scheduling a visit for early in 2016 and recommends maintenance every three years. The next budget meeting is scheduled for December 16th at 6PM in the town hall. Employee evaluations have been completed and Mr. Atherton has met with all department heads. The delinquent tax and sewer letters have been mailed, which is the first step in the tax sale process. The Town Office has received many phone calls in the last week regarding this issue. The steel beams were delivered and installed in the town office. It is hoped to start the sheet rock by the end of the week. KAS has started the Phase One Study for Newton Road and they should have the study to the Town soon. The right of way negotiations are on track. The Bridge 114 rail designs have been finalized by VTrans. The Town was able to pay off the loader and the 2012 International, which will decrease the FY16/17 budget by \$55,000.00. With regard to the Recreation Department, The Brandon Rec Youth Theater had a successful debut. Thanks were extended to the actors, parent supporters, sponsors, the Walking Stick Theater, Lesa Pratt, Arlen Bloodworth and Director, Nancy Manney. There have been two bus trips, one on December 5th to New York City and one to a Boston Celtics game. There will be future planned trips to Mohegan Sun, the Boston Flower Show and possibly a spring trip to New York City. Special thanks to Colleen Wright for coordinating the trips. The Youth Basketball program has started. Thanks to Daryl Burlett and the Wastewater Department for providing Rec storage space in one of the garages at the wastewater treatment plant. Volunteer coaches are needed for the Cross Country Ski Club at Blueberry Hill. Doug Bailey requested an updated Project Tracker report that would be helpful during discussions at the upcoming budget meeting. Dave Atherton will get with the Public Works Director to come up with a list.

4. Comments for Items not on the Agenda

Doug Bailey thanked the downtown group and Russ Coleman for the work on the Christmas lights in the downtown.

Jeff Guevin reported the Planning Commission sent out the revisions for the Town Plan. He thanked the Board, Rec Director and Wastewater Department for the information provided for the update. A Planning Commission hearing for the Town Plan revision is scheduled for December 28th at 7:00PM in the Brandon Library. After 30 days from that hearing, the Select Board will be able to hold their hearing and it is hoped to adopt the Town Plan in February. He thanked the Select Board for all the work that has been done on solar. The Town Plan update also includes some solar guidelines. The Planning Commission encourages the Select Board to take it one step at a time and recommends not providing a letter of support for any solar project before receiving the 45-day notice advising what the project will be. Mr. Guevin suggested considering the MOA process for the projects. Dave Atherton stated it would likely be good for a board member to attend the Planning Commission hearing prior to attending the Select Board meeting scheduled for that evening.

5. Audit

Christine Morrison of Morrison & Bradley CPAs was present to provide an update on the status of the financial statement and audit. A draft audit has been issued, with a copy provided to the Town Manager and Town Clerk. There are one or two days of field work remaining and Ms. Morrison will be at the town office tomorrow. A final report will be provided by December 31st. She noted that Dave Atherton, Sue Gage and all the staff have been very helpful throughout the process. Doug Bailey stated there appears to be boilerplate templates in the letter provided. Ms. Morrison reviewed the letter and advised that it appears the last paragraph should be stricken. An updated letter will be provided to the Town. Ms. Morrison stated Sue Gage has done a lot of work cleaning up accounts and implementing new procedures. Devon Fuller noted the Board appreciates that the audit is getting done earlier and the Board looks forward to seeing the finished product.

6. Efficiency Vermont – Property Assessed Clean Energy (PACE) Presentation

Mark Kelley of Efficiency Vermont was present to encourage the Town to consider PACE (Property Assessed Clean Energy) that had been passed by the Vermont Legislature in 2009. It is a mechanism to allow homeowners to finance energy efficiency improvements at affordable rates, based on income. It is designed to not have any liability on the town and requires a vote to initiate the program in the town. The process would require the Town complete a form verifying that a PACE applicant is a homeowner. The documents would be sent to the Town to be recorded as a lien. The Town would have no other involvement unless there is a default, which would go through the property tax collection. The Town could add any and all costs associated with the collection. This is tied to the property and not the person and can be passed along to the next owner or paid off in its entirety. The qualifications are a little easier than conventional financing, as they don't use FICO credit scores and Efficiency Vermont is the statewide administrator, with no costs to the Town. The financing is through the National Bank of Middlebury and Opportunities Credit Union is the processor. Efficiency Vermont sends an annual report to all towns and aside from that it is hands-off for the towns. Mr. Kelley provided copies of the presentation for the board's review. Dave Atherton asked if this would be a lien or a mortgage if the Town is assuming the responsibility for the delinquent accounts. Mr. Kelley stated it is more of a lien and if someone were to default Efficiency Vermont would work on getting them back on track. Mr. Atherton asked where the funds would go when the Town collects the delinquent amount. Mr. Kelley stated they would go to the National Bank of Middlebury. The Town has the option to charge a penalty and interest and any costs associated with the default process as no cost should be passed on to other taxpayers. Mr. Kelley stated there have been no defaults to date. The program is similar to what NeighborWorks has done in the area. Mr. Atherton asked what towns have the program and it was noted that Hartford and White River Junction have done some of the projects. There are a number of towns that have passed the program. Devon Fuller questioned why the state is not funding the program and why they are requiring the towns' involvement. Mr. Kelley stated when the legislature passed the program, they did not have funding and they thought that the funding would come from municipal bonds or

a private source. Mr. Kelley stated the fact that there is an assessment on the property, the legislature thought it had to go to the voters. Mr. Kelley suggested a change in the process could be made by the legislature if someone were to go to the Energy Committee to request a change be considered in the process. Efficiency Vermont's staff could potentially do walk-throughs for homeowners and provide community workshops. They also have a list of vendors available. If there is a Town Energy Committee or contractor who does efficiency-type work, they would be available to provide information. Devon Fuller asked if a current project would have the opportunity to refinance and Mr. Kelley stated if it was a recent project, it could be considered. Anna Scheck asked if the Town is responsible for tracking the loans. Mr. Kelley stated there is a lender that tracks the loans, does monthly billings and provide reports to Efficiency Vermont. Sue Gage stated it would be a good opportunity to provide information to the public on the program during voting. Mr. Kelley stated materials could be provided and informational meetings could be coordinated prior to town meeting. Doug Bailey thanked Mr. Kelley for providing the information to the Board.

Motion by Seth Hopkins/Devon Fuller to place the Property Assess Clean Energy (PACE) Program on the next ballot using the first paragraph of the sample ballot language provided in the Select Board with no bonding. **The motion passed unanimously.**

Sue Gage asked if this will be voted during the Monday night floor vote or on the Australian ballot. Ms. Gage will research this item due to the fact there is no money involved.

7. Green Lantern Solar

Dave Atherton reported he received an email from Green Lantern indicating they are preparing to submit for the Certificate of Public Goods and would like to include a statement from the Town indicating its support. Seth Hopkins suggested a motion to direct the Town Manager draft a letter in support of the project. Doug Bailey stated the Green Lantern project is scheduled to be on the Brandon Industrial Corporation town land and will benefit the Town. Dave Atherton stated the Town's MOA is the discount on utilities and the lot rents. There is a lease agreement that will be reviewed by the town's attorney.

Motion by Seth Hopkins/Ethan Swift to direct the Town Manager to draft a letter of support for the Green Lantern Solar Project that will be located on the town's lot at the Brandon Industrial Park. **The motion passed unanimously.**

Ethan Swift asked when Green Lantern is planning to file and Mr. Atherton advised they plan to file before the first of the year. It was confirmed that they have a final plan and the Town has a draft agreement that needs to be reviewed by the town's attorney. Once reviewed, it will be brought before the Select Board for approval. All steps have been taken in reviewing for historic and wetland issues. There needs to be clarification on who owns the road. There has been discussion with Bill Burke at Act 250 concerning

the question about the road. Ethan Swift asked if a right of way would be needed with the ownership of the road in question. Mr. Atherton advised that Green Lantern's attorney is drafting a proposed right of way and easement. Mr. Atherton has also talked to Steve Carr of the Brandon Industrial Corporation and as of right now, everything is fine. Mr. Atherton advised he has sent the request for status for the McKernon solar project. Mr. Atherton stated he could draft a letter for Green Lantern and have it available at the town office for the Select Board members to sign. Mr. Bailey suggested the Town Manager bring it to the warned budget meeting this week for the Select Board members to sign.

8. Purchase of Caterpillar 120M2AWD 2015 Motor Grade

Motion by Devon Fuller/Seth Hopkins to approve the purchase of a Caterpillar 120M2AWD 2015 motor grader in the amount of \$285,000.00, with a \$30,000.00 trade in value, with a yearly payment of \$32,408.00.

Tracy Wyman noted the Town has not completed the budget process and he does not have a problem with putting it in the budget, but did not think it is right to make the purchase until the budget is approved. Seth Hopkins stated the first payment will not be made until a year from the order and there are funds from lease payments that have been satisfied. Mr. Hopkins did not think the Board is acting out of line. Doug Bailey noted this was discussed during the budget meeting, but it was not discussed as a board. He questioned if a grader is needed now and if so, has the Town looked at other options and obtained additional bids. In the past there have been budgets defeated and though the payment is not until the next year, the Board could not cut something that has already been bought. Dave Atherton stated this was based on the budget meeting that was warned with four Select Board members present and a decision had been made to move forward with the grader purchase and pay off the other two leases. The lease pay-offs decrease the budget by \$55,000.00 and the grader payment was included in the proposed budget, which has less than a 1% increase. Doug Bailey noted there was also discussion of a tandem dump truck purchase and these are sizeable items. Dave Atherton stated based on the meeting, this purchase was what the Town was directed to do as the current grader is old and it is planned to plow the roads with the grader this year. The Town has gotten 20 years from the grader and it will be costly to repair if it breaks down. Devon Fuller noted the Town is retiring two lease payments for \$55,000.00 in the next budget and the lease payment for the grader is \$32,408.00. Dave Atherton stated the proposed grader payment was included in the proposed budget. Ethan Swift stated at one point there was discussion of separating out the DPW budget from the rest of the town budget. Tracy Wyman stated the discussion was favorable, but he does not recall having a vote on it. Doug Bailey noted it was discussed that if the Town waits until March, there would likely be numerous towns purchasing this type of equipment at the same time and it was discussed to try to do it sooner. It was noted that the budget would be brought before the board at the next meeting. Mr. Fuller stated there was not a vote, but there was discussion that it would be better to buy the grader sooner and pay off the leases sooner for the ability to pay for the grader and that is where the DPW Manager and Town Manager thought that was the direction to move

in. He stated it is a good investment and his concern was that the current grader will cost the Town a lot for upkeep and if any major components fail the grader will not be worth anything but currently it is worth \$30,000.00 for a trade in. Mr. Wyman stated there are a lot of construction companies that run their equipment a lot longer. He stated the \$55,000.00 will be paid off next year and the new lease will be a nine year commitment. Mr. Fuller stated the Town will need a reliable grader going forward for road improvements. Mr. Atherton stated there is concern if the Town waits until March there will be less availability. Daryl Burlett advised this grader has been out on trial and if the Town waits until spring, the price will likely increase by \$25,000.00 to \$30,000.00 to purchase a 2016 grader. Mr. Swift noted that since Mr. Burlett has been in this position, the Town has realized great cost efficiencies because of the approach the DPW Director has taken. The Town has been discussing the replacement of the grader for quite some time and it is uncertain how long the current grader will last. Seth Hopkins stated the DPW Director left the budget meeting with the impression that four Select Board members were in favor of purchasing this equipment prior to town meeting. Mr. Hopkins is inclined to give substantial weight to the recommendation of the DPW Director. Phyllis Reed questioned if there is some legality to separating the public works budget. Seth Hopkins advised the legality is that the highway money must remain in Highway funds and cannot be moved to the General Fund.

The motion passed – with 2 “No” votes – Doug Bailey and Tracy Wyman.

9. Appointments

Dave Atherton advised there are a few Boards that have vacant seats and anyone interested in filling one of the seats should contact the Town Manager. The BLSG Insect Control District is looking for an alternate, the DRB has two alternate vacancies, four people are needed for the Historic Preservation Committee, one seat for the Planning Commission and one for the Revolving Loan Fund Committee. There is also a need for an alternate to the Rutland County Solid Waste District and a vacancy for the Acting Zoning Administrator. Sue Gage stated there is a pending approval for an appointment for the Town Forest Fire Warden. Gene Pagano has completed the paperwork for this position.

Motion by Devon Fuller/Tracy Wyman to appoint Gene Pagano as the Brandon Deputy Fire Warden with an expiration of June 30, 2019. **The motion passed unanimously.**

10. Rutland Natural Resources Conservation District

Ethan Swift reported he works with this District and the Town has benefited from several projects, including the assessment of the Neshobe River for flood resiliency. This has been a valuable plan that the Town has been able to take advantage of, as well as other work that has benefited the town such as trail work, clean-up along the river and tree planting projects, They could also be a partner on future grant administration. This district is requesting the Board approve \$250.00 be included in the Town’s budget cycle going forward. Doug Bailey asked if this is something that should be moved to an

appropriation. Richard Baker stated the Town has funded this district for years. Sue Gage stated this could potentially be a line item similar to Green-Up Day. Dave Atherton stated it is up to the Board to decide if they want it included in the budget or as an appropriation. Devon Fuller recommended placing it in the budget under intergovernmental. Mr. Swift noted given the amount they are requesting and the fact that they only have one part-time person that is paid; the appropriation process would be difficult for them.

Motion by Devon Fuller/Tracy Wyman to add \$250.00 for the Rutland Natural Resources Conservation District to the FY16/17 budget. **The motion passed unanimously.**

11. ACT 46 Study Committee

Seth Hopkins, member of the Act 46 Study Committee and Debbie Boyce of Neshobe School provided a presentation regarding Act 46. Pamphlets describing Act 46 were distributed. Mr. Hopkins stated this is a school governance act the legislature passed. This district already has many consolidated services such as transportation, food service and special education. The key element is board representation as there will be an elimination of all local boards to one board for the unified district. This will be a side-by-side district that will include an OV unified district with the OV high school and the elementary schools in Brandon, Pittsford, Whiting, Sudbury, Leicester and Goshen, as well as a Barstow district that will include the Kindergarten through 8th grade for Mendon and Chittenden with school choice for high school. Each Town will be required to vote on the merger. If the district chooses to do nothing, the State Board of Education will make the determination of where to place the schools. In acting now, the district is able to write the articles, have more input on representation and will obtain tax incentives over the next four years. The first year there would be an 8 cent reduction, 6 cents the second year, 4 cents the third year and 2 cents the fourth year for a total reduction of 20 cents after four years. It was noted that the Brandon School Board has done a very good job at holding the line on education spending and has the lowest per pupil spending in the district. The tax rate will be more stable if the district chooses to approve the merger now. The state does have a statute that preserves specific trust funds, as the Neshobe School as the ELY Fund. There has been discussion with an attorney to assure that the school specific funds are preserved. It was noted the recent bond vote for Neshobe School will be funded through the Ely Fund. Debbie Boyce advised that the articles are available for review on the RNESU website. Tomorrow the district goes before the State Board of Education to present the proposed plan. Ms. Boyce advised there will be a vote by Australian ballot on the merger scheduled for January 19th. If approved, the district will be ready to move forward by July 1st. The local boards will run concurrently with the unified board for the first year for ease of transition. The Barstow district will have their own board and will exist as a side-by-side model with the OV unified board that will have 13 members with three representatives from Brandon, two from Pittsford, one each from Goshen, Leicester, Whiting and Sudbury and four at-large members. Law stated that no town could have less than one representative and it is a requirement that all members are on all town ballots. The

opportunities as a result of the merger include having a unified board, a single tax rate and the potential for elementary choice in the future. Mendon and Chittenden will retain high school choice and have a single tax rate. Currently the small schools have limited resources and this merger will provide them with the opportunity for more resources. There was concern about loss of local control; however, each town will have at least one seat on the unified board with the opportunity for additional representation through the at-large seats. The merger will also provide greater ability to retain highly qualified staff. If the district does not move forward with the merger, the State Board of Education will ultimately make the determination of where the schools will be placed. In moving forward at this time, there is also a \$150,000.00 merger grant the district would receive and the Small Schools grant would also be retained. Ms. Boyce advised that more information on Act 46 can be obtained through the RNESU website or by calling the central office at 247-5757.

12. FEMA Projects/Segment 6/Bridge 114/Overflow Culvert

Dave Atherton stated the Cobb Hill project is on hold. The rights of ways for Segment 6 are moving forward. Mr. Atherton read an email received from Scott Robertson of VTrans regarding the Bridge 114 rail advising there will be no “wobble room” from FHWA regarding Test Level 3 requirements for the bridge rail for this project. The hybrid concrete & steel rail system is the best option. Mr. Atherton advised that lights need to be added and that will complete the design. CLD has determined a cost estimate of \$100,000.00 to do the poly grouting. The Town Manager and DPW Manager will discuss these options to determine if they are necessary to do and will discuss this at the next VTrans meeting. Dubois and King will likely provide the cost for the overflow culvert prior to the holidays. It was noted that Bob Read has purchased the BHOP property and the Town will obtain an easement for this property.

13. Town Office Project

Dave Atherton reported the steel beams were installed today and it is anticipated they will be starting the dry wall at the end of the week. They are working on basic renovations and the project is moving along. Wayne Rausenberger presented the Town Manager with one end of the eye beam the contractor had removed from the town office as a souvenir.

14. Fiscal

a) Debit Card Warrant – December 14, 2015 - \$35.00

Motion by Ethan Swift/Devon Fuller to approve the Debit Card warrant of December 14, 2015 in the amount of \$35.00. **The motion passed unanimously.**

Dave Atherton advised the Town has obtained a debit card for electronic payments, particularly for state business.

b) General Fund Warrant – December 14, 2015 - \$55,866.56

Motion by Devon Fuller/Tracy Wyman to approve the General Fund warrant of December 14, 2015 in the amount of \$55,866.56. **The motion passed unanimously.**

c) Wastewater Fund Warrant – December 14, 2015 - \$15,955.47

Motion by Devon Fuller/Ethan Swift to approve the Wastewater Fund warrant of December 14, 2015 in the amount of \$15,955.47. **The motion passed unanimously.**

d) General Fund Warrant Warrant – December 14, 2015 - \$113,962.00

Motion by Seth Hopkins/Tracy Wyman to approve the General Fund warrant of December 14, 2015 in the amount of \$113,962.00. **The motion passed unanimously.**

The warrant is a single payment to the contractor for the town office project.

Motion by Seth Hopkins/Devon Fuller to recess the Select Board meeting and convene as the Board of Liquor Control Commissioners at 9:03PM. **The motion passed unanimously.**

The Select Board reconvened at 9:08PM.

Motion by Seth Hopkins/Ethan Swift to enter into executive session at 9:09PM for the purpose of discussing the appointment or employment or evaluation of a public officer or employee pursuant to Title 1, Section 313(a)(3) of the Vermont Statutes to include the Town Clerk and Town Manager. **The motion passed unanimously.**

15. Executive Session

Motion by Ethan Swift/Devon Fuller to come out of executive session at 10:00PM. **The motion passed unanimously.** There was no action required.

Motion by Tracy Wyman/Seth Hopkins to enter into executive session at 10:00PM for the purpose of discussing the appointment or employment or evaluation of a public officer or employee pursuant to Title 1, Section 313(a)(3) of the Vermont Statutes. **The motion passed unanimously.**

16. Executive Session

Motion by Ethan Swift/Devon Fuller to come out of executive session at 10:22PM. **The motion passed unanimously.** There was no action required.

15. Adjournment

Motion by Ethan Swift/Seth Hopkins to adjourn the Select Board meeting at 10:25PM.
The motion passed unanimously.

Respectfully submitted,

Charlene Bryant
Recording Secretary