

**Brandon Select Board Meeting  
April 25, 2016**

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

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

Others In Attendance: Dave Atherton, Daryl Burlett, Richard Baker, Anna Scheck, Arlen Bloodworth, Lee Kahrs, Dick Kirby, Steven Sutton, Edna Sutton, Art Doty, Bernie Carr, Ann Chartrand, Sue Gage, Joe Whalen

**1. Call to order**

The meeting was called to order by Doug Bailey, Chair at 7:03PM.

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

Omit Item 5 – Consider Donation to the BACC Summer Concert Series

Move Item 7 - Short Term Financing to precede Item 3 – Town Manager’s Report

Add Item 10 – Executive Session Pursuant to 1VSA SS 313(a)(3) – Appointment or Employment or Evaluation of a Public Officer or Employee

**2. Approval of Minutes**

**Motion** by Tracy Wyman/Devon Fuller to approve the minutes of the April 11, 2016 meeting as amended. **The motion passed with one abstention – Ethan Swift.**

Under Town Manager’s Report, a correction that the grant Mr. Swift assisted Mr. Burlett with was not restricted to only Park Street.

**3. Short-Term Financing Needs**

Sue Gage provided financial information for the Board’s review. She noted there are a lot of projects which will stress the cash flow. Some of the projects are still not flushed out, but she has begun securing some financing for the projects. Typically they are grant anticipation notes, as most of the money that is spent is reimbursed by state and federal funding. There are \$20 million of projects planned over the next few years. The Town will need to have grant anticipation loans in place to finance cash flow. These are notes that will not be drawn down unless the Town needs the funding for cash flow. Ms. Gage has talked to a couple of banks and the National Bank of Middlebury’s rates are the lowest. She does not think that other banks would come close to the rate. The Town is still writing some of the grants and not everything is in place yet. Ms. Gage would

prefer to use the same bank for all needs once the financing structure is in place. Some of the projects will be happening relatively quickly, such as the overflow culvert, Route 7 utilities and Cobb Hill. Cobb Hill is ready and Ms. Gage is waiting to hear on information for the overflow culvert. Ms. Gage has done a 3-year cash flow report and knows what to consider. Seth Hopkins questioned if the far-right column is the estimated payments for this fiscal year. Ms. Gage advised that each of the three pages covers a fiscal year. Ms. Gage stated known costs, as well as some estimates are included in the report. The Route 7 construction figures are an estimate. Ms. Gage advised the report is for the Board's information and noted that the Board may need to act relatively soon. Ms. Gage advised that the Town will also need to have funding for interest payments. Ms. Gage tried to provide the worst case scenario. She does not know about the Route 7 Project financing, as it will be a three year rolling loan, but the Town needs to move forward with Cobb Hill and the Route 7 utilities as soon as the okay is received from the State. Since the projects will be starting at different times, it is not possible to obtain one loan, but the funding needs to be in place. The current rate provided by the bank will be good until mid-May. In a couple of weeks, she will have more solid information and resolutions on the projects. Devon Fuller stated the Board appreciates the advance work the Town Clerk has done. Ethan Swift stated the Board has always tried to include match funding in the budget, but it was something that was not included in the past and should be considered during the next budget cycle. Ms. Gage advised none of the other banks have come close to National Bank of Middlebury's rates, but with the Route 7 project it may be necessary for the Town to go to a different bank, as the Town's financing may be maxed out with them. The loans are basically like a one-year construction loan, but some of the near-term loans may still be out when the Route 7 project goes to bid, which may restrict the amount of money they can loan. Ms. Gage questioned if the Board is agreeable with not going out for bid. Seth Hopkins stated the process that Ms. Gage has already done has been an indirect type of bidding process. For Cobb Hill and the overflow culvert, Doug Bailey suggested going with the National Bank of Middlebury to determine if they are able to handle these types of projects. Dave Atherton state the time frame is that Cobb Hill will be done before fall and the Town should find out about the overflow culvert soon. Segment 6 will not be starting until this time next year and the Town should be caught up by then with the two projects being done. Mr. Bailey suggested getting the first two done and then discuss with National Bank of Middlebury the size of the project that Route 7 will be. Mr. Bailey stated the Town may have to go to a bank that has a government banking department for the Route 7 project. Mr. Atherton stated the project report with VTrans is getting better and their reimbursements are coming in quicker. Bridge 114 will not happen right away, but that will also be an additional \$1.58 million project. Mr. Bailey offered his assistance with the bank talks. Ms. Gage also provided the Board a quarterly budget report and suggested the Board email her with any questions.

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

Dave Atherton reported the town office has acquired new office furniture from the State Surplus that included two new desks for the Town Clerk and Treasurer. Mr. Atherton thanked Bob Kilpeck for delivering them. The bids for the Cobb Hill project were opened

on April 13<sup>th</sup>. The lowest bid was rejected for numerous issues. The Town has offered the project to the next lowest bidder, G & N Excavating, for \$324,300.00. The town hall roof has been repaired with damaged slate replaced, a new ridge cap installed and a front fascia board replaced. The work was done by Spardella's. The furnace is being installed at the town hall this week. The Town Plan was approved on April 19<sup>th</sup> by the Rutland Regional Planning Commission. Mr. Atherton attended the meeting and Ranger Solar was also in attendance to do a presentation. Spring clean-up has started on the parks, Estabrook field and the cemetery. Mr. Moore has had dirt brought in for the ball fields. Mr. Atherton met with Occupational Health Partners to discuss the possibility of using them as a first-stop health provider for all worker compensation claims. This is being considered in an attempt to get the workers compensation fees down due to the numerous claims. The Town has been working closely with the Brandon Fire District on the waterline project. There have been unanticipated sewer line repairs associated with the project. Paving will begin around June 5<sup>th</sup> on this project. Mr. Atherton reported he was on vacation April 15<sup>th</sup> through the 19<sup>th</sup>. Mr. Atherton provided the Select Board an outline of the projects done by the Wastewater Department. Mr. Atherton reported there was a photo in the Rutland Herald of Mr. Burlett as he hosted a road foreman's meeting in Brandon last Friday. There were 70 people in attendance and is the second meeting that Brandon has hosted. Doug Bailey questioned if the sewer line repairs were costly and Mr. Atherton advised there were a few pipes that were broken and they have been fixed. For the most part, there have been relatively few repairs. Seth Hopkins asked if the bid award for Cobb Hill was within the construction budget and Mr. Atherton confirmed that it was within the scope of the project. There were three bids received for the project.

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

Joe Whalen, representing the Brandon Catholic Church, was present to request the Select Board provide a letter of support that is required for the Catholic Church to apply for a grant for repairs to the old Catholic cemetery on Maple Street. Mr. Whalen stated the cemetery is in need of repairs as the Church has been unable to maintain its upkeep due to financial constraints. Mr. Whalen advised there is a Vermont Old Cemetery Association that provides grants and the Church can get up to \$750.00 to assist in cleaning and resetting the gravestones. Mr. Whalen stated there is a requirement that the Select Board would have to acknowledge and approve of the project. The cemetery is owned by the Catholic Church, but will also enhance the town. Mr. Whalen stated the letter of support would need to be on the Town's letterhead to submit with the grant application. Devon Fuller questioned what the total cost for refurbishing the cemetery would be and Mr. Whalen advised that it will be around \$2,000.00.

**Motion** by Seth Hopkins/Tracy Wyman to direct the Town Manager to issue a letter of support on behalf of the Select Board regarding the Catholic cemetery on Maple Street.  
**The motion passed unanimously.**

Ethan Swift stated at one point there was a Vermont Youth Conservation group that assisted with these types of projects and suggested Mr. Whalen visit the Vermont Youth Conservation website for more information on this subject.

## **5. Park Village Signs**

Edna Sutton, owner of the Compass Center, was present to discuss signage with the Select Board. She advised they have spent the last two and one-half years bringing the building to life and they have 5 resident artists and 8 businesses on site. Ms. Sutton advised that both the Compass Center and the Rutland County Child Center need assistance from the Town in helping people locate their businesses. This area was originally designed to be discrete, but now has a strong community life and is a strong enterprise center. There are not sufficient signs for locating the businesses and the local sign ordinance does not support places outside the norm. The Compass Center does advertising, but people are still expressing concern that they are difficult to find. Ms. Sutton had a signed petition for support and requested the Board's assistance. The biggest challenge is the businesses that are set back, as there is only one sign allowed. It was requested the Town help improve the signage around Park Village not only for the businesses, but also for the residents. Art Doty, a resident of Park Village, stated he realizes the matter of changing the town signage situation requires time, but there are things that could be done by the Town. Mr. Doty stated the Arnold District sign should say Arnold District Road, as many people do not realize that it is a road sign. The Town should also install a sign that indicates Mulcahy Drive. Dave Atherton stated there was a Mulcahy Drive sign that had been installed, but it was stolen and another one has been ordered and should be up by the end of the week. Mr. Doty noted once one turns off Mulcahy Drive, the other roads are not well outlined. He stated the roads are confusing as to where they start and change to other roads. He also noted the signs are too small. Mr. Doty stated wonderful things are going on at the Compass Center, but people cannot find it and suggested the Town place a high priority in getting signs up that should be up. Daryl Burlett stated this is the second Mulcahy sign that has been put up within a year and the Arnold District sign has also been replaced twice. Bernie Carr asked if GPS works in finding the business. Steven Sutton stated some people are able to find them with GPS. He stated the address of the building is 333 Jones Drive and because there are tight corners, the sign cannot be seen from both directions. Mr. Sutton has a concern that people are driving around looking for the sign and not watching where they are going and there could be a serious accident. The circle is half Jones Drive and half Mulcahy Drive and it was suggested to consolidate in having one name for the circle and one name for the road going down from the business. Mr. Sutton also expressed concern that if an emergency service that was not local wanted to find the business, they would have a difficult time doing so. Doug Bailey stated he has had conversations with Mr. Doty. In March, Mr. Atherton and he met with the Planning Commission to request they revise the sign ordinance for Brandon, as there have been numerous discussions with businesses in town regarding the ordinance. The Board realizes there is a problem and it will take some time to make changes. Mr. Bailey commended the owners on what has been done. Dave Atherton stated the Planning Commission will be the Board to make changes to the sign ordinance. He

noted this area was not built for retail space and is a unique situation, however, there are other businesses that are out of the way and it would be nice that people know where the businesses are. It was suggested that a discussion between the Select Board and Planning Commission take place to discuss the way business is changing in Brandon and provide suggestions for changes in the sign ordinance. Devon Fuller asked how the Board could go about changing the name of the circle. Daryl Burlett stated the Board has to be careful in changing road names, as this also changes 911 addresses and people's mailing addresses. Mr. Fuller suggested a name change could be done on the road that would have the least effect on residents and would include only the four businesses. Tracy Wyman noted it is a hard place to find and he sympathizes with their issue. Mr. Bailey suggested if an association was formed, a cluster sign could be used. Anna Scheck stated Act 250 would also be something that has to be dealt with. Bernie Carr stated a good example of a cluster sign is the Blue Seal/Naylor Breen sign, but for these businesses, a cluster sign would need to be out near Route 7 and one at the end of their businesses' road. There is currently a cluster sign that is difficult to see. Mr. Sutton stated it is clear that the ordinance was written when there were not businesses out of town. He stated he does not want to see ugly signs, but the regulation on cluster signs does not make sense and suggested a tweak in the wording would be helpful. Dave Atherton stated filing an application will start the process with zoning and suggested the Suttons and potentially a member of the Select Board go to the next Planning Commission meeting to discuss this item. He stated this is a problem that is affecting the way business is being done in Brandon. This is a unique situation and it seems people are not having a hard time getting from Route 7 to Mulcahy Drive, but rather once they are in the development. Mr. Bailey could see a large sign on Mulcahy Drive for the businesses. Mr. Doty stated more of a directional sign is what is being requested, not an advertising sign. Mr. Doty suggested the Board drive through Park Village and see if the current road signs could be turned or placed differently. Mr. Bailey stated the Board could direct the Town Manager and the Public Works Manager to be sure the signs are in the right place. Dave Atherton stated perhaps there are not enough town signs in the development and additional signs might be a way to get around the sign issue. Mr. Atherton will research some other forms of road signage and will discuss this issue with Mr. Burlett. Ms. Sutton has discussed this issue with the Planning Commission, but it did not help and noted if there could be support for directional signage, it would alleviate the problem with the ordinance. Mr. Atherton suggested it would be helpful to address the possibility of tweaking the ordinance. Mr. Fuller suggested it would be helpful if the owners would be agreeable to attending a Planning Commission meeting to express their concerns with the sign ordinance. Mr. Doty also suggested there could be a discussion with the state on the current sign laws, as things have changed. Ms. Sutton appreciated the Board taking the time to discuss this matter with them. Mr. Bailey stated with the activity in that area, the Town needs to assist people in locating the businesses. Anna Scheck noted the Planning Commission is working on changes in the sign ordinance.

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

Dave Atherton stated the Town needs Board approval for this certification as it helps with grant possibilities.

**Motion** by Seth Hopkins/Devon Fuller to authorize the Town Manager to sign the Certification of Compliance for Town Road and Bridge Standards and Network Inventory. **The motion passed unanimously.**

## **9. FEMA Projects/Segment 6/Bridge 114/Overflow Culvert**

Dave Atherton reported Cobb Hill bids were open and the Town is waiting for approval when work can begin in the river. The title search and title commitments have been done for the Newton Road buyout. The Phase 1 appraisal has been sent to Hazard Mitigation. With regard to Segment 6, there will be hearings with the land owners that did not sign deeds. The Right of Way people will be back in town to meet with businesses that have concerns. All is in place for Bridge 114 and Mr. Atherton had forwarded the scope of services from CLD to the Select Board. Dubois and King have sent designs to Hazard Mitigation and FEMA regarding the overflow culvert. The town can get bid documents together, but will have to wait to send until approval is received. Bernie Carr asked if the project is still planned for fall and Mr. Atherton advised that as long as FEMA comes through with the approval soon, it is hoped that it will be in the fall.

## **10. Fiscal**

### **a) General Fund Warrant – April 25, 2016 - \$71,265.61**

**Motion** by Devon Fuller/Tracy Wyman to approve the warrants of April 25, 2016 in the amount of \$71,265.61; an amendment to the motion was made by Devon Fuller/Tracy Wyman to change the amount of the warrant to \$71,958.16. **The motion passed unanimously.**

Dave Atherton reported the wastewater and general warrants have been combined.

Doug Bailey questioned the invoices for Shields Construction and Mr. Atherton reported one invoice was for the Sanderson Bridge repair and the other one is for the town hall. Mr. Bailey suggested putting descriptive comments in the report. There was a question concerning six invoices for Champlain Valley Plumbing. Mr. Atherton reported the Town purchases both gas and off-road diesel from this vendor. Seth Hopkins asked about debit card warrants and Mr. Atherton advised there have been purchases for the Rec Department. Mr. Hopkins also noted the total purchase amount of the warrants is larger than the amount paid. Mr. Atherton noted there is an error in the amount paid and should be the larger number. The amount of the invoice for Fay Road plowing was questioned. Mr. Atherton reported this plowing is contracted out to the Town of Goshen.

### **b) Warrant (Smalley) – April 25, 2016 - \$61,963.00**

**Motion** by Devon Fuller/Tracy Wyman to approve the Smalley warrant of April 25, 2016 in the amount of \$61,963.00. **The motion passed unanimously.**

Dave Atherton stated there will be one more payment to Smalley Construction. He is meeting with them Wednesday afternoon and the final payment will be made after the punch list is completed.

**Motion** by Seth Hopkins/Tracy Wyman to recess the Select Board meeting at 8:25PM. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Tracy Wyman to enter into executive session at 8:35PM pursuant to 1VSA SS 313(a)(3) for an appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

### **11. Executive Session – Pursuant to 1VSA SS 313(a)(3) – Appointment or Employment or Evaluation of a Public Officer or Employee**

The Board came out of executive session at 9:13PM.

**Motion** by Devon Fuller/Ethan Swift to approve a request to roll over 32 hours of unused vacation time from last year for the Town Manager. Time will be used by July 1, 2016. **The motion passed unanimously.**

### **12. Adjournment**

**Motion** by Devon Fuller/Ethan Swift to adjourn the Select Board meeting at 9:15PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary