

**Brandon Select Board Meeting  
May 9, 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, Arlen Bloodworth, Lee Kahrs, Dick Kirby, Melissa Gibbud, Bernie Carr, Mary Bagley, Jeff Stewart, Janet Coolidge, Tom Whittaker

**1. Call to order**

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

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

Addition of 10(c) - Warrant – Segment 6 Right of Way in the amount of \$60,000.00

**2. Approval of Minutes**

**Motion** by Seth Hopkins/Tracy Wyman to approve the minutes of the April 25, 2016 meeting as presented. **The motion passed unanimously.**

**3. Town Manager’s Report**

Dave Atherton reported the 1% option tax has been approved by the legislature. He met with the state auditors on April 26<sup>th</sup> to review the outstanding grant financials and they are happy with the process. Mr. Atherton and Mr. Burlett attended a FEMA procurement process training at the Mendon VTrans office on April 27<sup>th</sup>. Mr. Atherton also met with Steve Hall from Smalley Construction on April 27<sup>th</sup> to review the punch list for the Town Office. There were a few things left, but for the most part things are okay. Painting will be put out to bid and hopefully will be done by summer. Quotes for window treatments are also being obtained. The Town Hall furnace has been installed for the main floor. Tim Shields did a good job in making the new fit in with the old. The spring clean-up and mowing of town properties has started. The 2014/15 Tax Sale notice will be advertised in the Brandon Reporter for the next three weeks. At this point, all payments must be made to the Town’s Attorney. The Segment 6 negotiations are coming to a close. The Town is waiting for approval from VTrans on a handful of deed changes. VTrans will be in town tomorrow to set up some appoints to address concerns. There are some deed changes that VTrans is reviewing and they are down to a handful of negotiations. Ethan Swift reported there appears to be interest in some Brandon swamp parcels that are abandoned or town owned. They are land locked and have no real access to them and the Town could be receiving a payment in lieu of taxes. Mr. Atherton has had people inquire about lots on Long Swamp that the Town may be able to act on. He is in the early stages of discussing these possibilities. Mr. Swift advised the state has expressed interest and the Town could possibly be collecting lump sum fees for these properties. Mr. Atherton is interested in speaking with the

state and suggested setting up an appointment to discuss. Doug Bailey reported there was a Board of Civil Authority meeting on Monday and one of the items discussed was changing the town's meeting and voting location to the Town Hall. There were 4 locations discussed: the Brandon Senior Center, Fire Station, American Legion and the Town Hall. Each has its own unique issue with voting, but many Board of Authority members remembered voting at the Town Hall. There is more work to be done and there will be more meetings to discuss how to accomplish this change. Devon Fuller asked why Neshobe School no longer works. Mr. Bailey stated there was discussion regarding security with the school in session and mixing school students with the general public and it had come to the attention of the Town Clerk to potentially move it. It is the Board of Civil Authority's decision as to where to hold the meeting.

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

Janet Coolidge stated the first event for the Brandon Town Hall is a silent movie this Saturday at 7PM and on May 15<sup>th</sup> there will be a magical comedy show.

#### **5. Consider Independence Day Events for July 1<sup>st</sup> and 2<sup>nd</sup>**

Dave Atherton stated there is an email from Debbie Boyce requesting Board approval of the Independence Day events and the usual road closures.

**Motion** by Devon Fuller/Tracy Wyman to approve the use of downtown Brandon for the July 1<sup>st</sup> and 2<sup>nd</sup> Independence Day events. **The motion passed unanimously.**

Debbie Boyce advised there could be a major problem this year as the Fire Department is no longer available to park vehicles for the fireworks. The Committee is trying to get a group that could assist in parking the cars. Ms. Boyce questioned if the Select Board knew of anyone that could assist in this effort, as this is not in the scope of what the Committee can do. The Fire Department will provide the truck for the fireworks as per regulations and will provide the truck with the big lights so that exiting can be done in a safe manner. There were about 10 – 15 people assisting in this effort in the past, however, the Fire Department is a volunteer service and they would like to have more family time during the celebration. The Fire Department received an in-kind lump sum for their assistance. Devon Fuller suggested an organization that is interested in fundraising could possibly volunteer to park cars in lieu of doing a fundraiser. Ms. Boyce noted the events fall under the town's insurance and the private vendors also need to carry their own insurance. It was suggested to ask the service organizations in town. Bernie Carr stated the Fire Department has been trained for traffic control and he suggested contacting the County Sheriff's Department. Ms. Boyce is uncertain if they would have the manpower, but that will be her next contact. Tracy Wyman suggested contacting the businesses that provide flagging services to inquire what their charge would be. Mr. Carr also suggested contacting the Pittsford Fire Department. Ms. Boyce advised this is a major function, as cars are unable to park along Route 7. It was suggested that volunteers for the following day's clean-up of the area could be the OV Football Team and students who are on the Diversion Program. Ms. Boyce stated this will be Brandon's 40<sup>th</sup> Independence Day Celebration.

#### **6. Consider Churchill Road Bridge Scope**

Dave Atherton provided the Select Board a detailed scope of work from an engineering firm for the proposed Churchill Road Bridge. The Town is trying to rejuvenate this project, which is the reason for doing a new scope of work. Mr. Atherton stated the process is back to the beginning. The Town applied for a Federal Land Access Grant last April and had previously met with the Forest Service about this project. There is another meeting scheduled for May 24<sup>th</sup> with the Forest Service. McFarland Johnson has reviewed the site and it is hoped that the bridge can be downsized from the previous plan. The major issue is the footings in the river that need to come out and made wider, as standards have changed quite a bit. This process is being started over in order to provide information for approval of a grant through Federal Land Access. The current document is for the scope of work only and does not include a cost proposal. Ethan Swift stated there is an assumption that McFarland Johnson would receive the award, depending on the actual cost of services. Mr. Atherton noted it will have to go out to bid for construction due to federal funding. McFarland Johnson was asked to do this, as they were the firm that originally worked on this project. The prior information has expired and this project is a very similar situation to the Maple/Union Street project in that the project needs to move forward or the money will have to be paid back. The Town has currently spent close to \$80,000.00 of the \$150,000.00 grant money. Mr. Atherton stated the 2009 scope of work is outdated, but some of the previous information could possibly be used. Ethan Swift stated some elements of the engineering plan could be applicable, but the bridge will have to be wider as it is currently undersized. Mr. Atherton stated the Town met with the Forest Service last fall and they had indicated they are interested in pursuing this project. VTrans has indicated if the Town can get something started, they will keep the grant open for the Town.

**Motion** by Devon Fuller/Ethan Swift to authorize the Town Manager and Public Works Director to move forward with McFarland Johnson to develop the scope of services for the Churchill Bridge. **The motion passed unanimously**

Ethan Swift stated this is a preliminary scope and McFarland Johnson should understand that they may not be the consultant. Mr. Atherton stated the Town has been working with Josh Lund and they were chosen because they were the original contractor. The grant has not been awarded and Federal Land Access is looking for more information and preliminary engineering work needs to be done in order to get a cost. Doug Bailey stated there are no funds in the budget or on the project tracker to do this project and the Town is clearly working from a poor position, but it needs to be determined what is going to happen with this project. Mr. Swift stated this is another example showing that matching funds for projects should be included in the budget. Mr. Swift stated there was concern about the weight load capacity and that was one thing that was specified in the settlement and questioned if this is something that can be resolved. Mr. Atherton stated the concern is not so much the bridge, but the abutments. Building the abutments properly and getting them out of the hazardous area are the issues.

Dave Atherton suggested the engineer developing the scope of work could be invited to a future Select Board meeting to provide a presentation.

## **7. Consider Mt. Pleasant Acres Request for Road and Sewer Take-Over for Maintenance**

Dave Atherton stated this request had previously been brought before the Select Board, however, there had been issues with culverts and the road width being built to standard. Tom Whittaker has completed all of the work that was required and Daryl Burlett has inspected the area and is in agreement with this request. Mr. Atherton stated the Town wants to be sure the proper information is provided on the drainage to assist the Town in repairs, in the event there are future issues. Mr. Atherton advised this is the area on Prospect Street in Mt. Pleasant. It was the recommendation of the Town Manager and Public Works Director for the Town to take this over, as it is now up to standard. There are no sidewalks along this road and there are 19 sites left to develop. There are buildings on Lot 64 and Lot 68. This action would enable the Town to plow around the loop.

**Motion** by Seth Hopkins/Tracy Wyman to approve the take-over of the road and sewer maintenance for Prospect Street, including the piping, catch basin and pond. **The motion passed unanimously.**

Tom Whittaker stated the existing houses generate \$290,000.00 in revenue and the future tax would be \$88,000.00 for this particular section, once it is built up. Doug Bailey stated he had met with Mr. Whittaker and Daryl Burlett to discuss bringing the culverts up to standard. Devon Fuller noted concern that in the past, the Town had a hard time taking care of the roads that it has. Mr. Whittaker stated one of the issues was the state standards that he tried to get clarification on and instead changed the culverts in an effort to move forward. Janet Coolidge questioned if the Town sets a precedent in taking over a road. Mr. Bailey advised that it is a good tax generator for a town if a developer is building in the area. Currently the Town plows at both ends of the circle and it will be easier for town maintenance to be able to do the loop. Ethan Swift stated there are new requirements for developers regarding planned use development and there are new standards for public accessibility. Dave Atherton stated the Public Works Manager has checked out the area and is in agreement with the take-over.

Tom Whitaker asked how best to move forward with the documentation that is required by the Town, as typically it has been a quick claim deed to the Town of Brandon describing the land that is conveyed, however this is coupled with the drainage easements. Dave Atherton stated there could be easements included in the deed. Mr. Whitaker will work with the Town Manager on this matter.

## **8. Consider Repeal of Brandon Bicycle Ordinance**

**Motion** by Devon Fuller/Ethan Swift to repeal the Brandon Bicycle Ordinance. **The motion passed unanimously.**

Seth Hopkins spoke with the Police Chief, Public Works Director and the Executive Director of the Brandon Chamber and no one is opposed to repealing the ordinance. Devon Fuller thanked Mr. Hopkins for working on this ordinance and noted there are several ordinances that need to be repealed or revised.

Dave Atherton advised the motion made was for the 1984 version of the ordinance, however, a 1996 version was also found and Mr. Atherton recommended repeal of both versions.

**Motion** by Devon Fuller/Tracy Wyman to also repeal the 1996 version of the Brandon Bicycle ordinance. **The motion passed unanimously.**

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

Dave Atherton reported there will be a Segment 6 meeting with VTrans tomorrow to get a few more deeds signed. Mr. Atherton was advised today that VTrans will be sending the paperwork on the relinquishment of Route 7 for the section that the Town will be taking over. This will be signed tomorrow and will open up the north end of town for negotiations. Mr. Atherton reported he had forwarded the Bridge 114 scope of services to the Select Board. All documents on the overflow culvert had been sent to Hazard Mitigation for Phase 2 and he is waiting to hear back from them and FEMA. The Town will be able to bring Phase 1 up to the bid process, but cannot award the bid until Phase 2 is approved. It is projected that the project will be put out to bid around June 15<sup>th</sup>. A subdivision application was required for the Newton Road project and once approved a closing date will be set. There are several last minute items that need cleaning up, but there are no foreseen problems. This will be another project that will be put out to bid for demolition. FEMA assistance will be received for the demolition, with the project costs being 100% covered. There is about \$60,000.00 remaining from the grant for the demolition.

### **10. Fiscal**

#### ***a) Postage Warrant – April 20, 2016 - \$2,000.00***

**Motion** by Devon Fuller/Ethan Swift to approve the postage warrant of April 20, 2016 in the amount of \$2,000.00. **The motion passed unanimously.**

#### ***b) Warrant – May 9, 2016 - \$74,492.57***

**Motion** by Devon Fuller/Ethan Swift to approve the warrant of May 9, 2016 in the amount of \$74,492.57. **The motion passed unanimously.**

#### ***c) Warrant – Segment 6 Right of Way - \$60,000.00***

Dave Atherton reported this is a blanket warrant for the Segment 6, Route 7 right of way negotiations in the amount of \$60,000.00. Mr. Atherton advised there are some sizable negotiations remaining and the Town wants to be sure that there are funds enough to cover any payments made to land owners for this project. It was noted that 95% of what is approved will be reimbursed to the Town.

**Motion** by Devon Fuller/Ethan Swift to approve the warrant for the Route 7, Segment 6 right of way negotiations in the amount of \$60,000.00. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Ethan Swift to find that premature general public knowledge of the pending contract with Occupational Health Partners will clearly place the Town at a substantial disadvantage by disclosing its strategy. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Ethan Swift to enter into executive session at 8:05PM pursuant to 1VSA SS 313(a)(1) to discuss the pending contract with Occupational Health Partners. **The motion passed unanimously.**

#### **11. Executive Session – Pursuant to 1VSA SS 313(a)(1) – Contracts**

**Motion** by Seth Hopkins/Tracy Wyman to come out of executive session at 8:25PM. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Tracy Wyman to direct the Town Manager to execute a contract with Occupational Health Partners. **The motion passed unanimously.**

**Motion** by Seth Hopkins/Devon Fuller to enter into executive session at 8:26PM for the purpose of discussing the appointment or employment or evaluation of a public officer or employee pursuant to 1VSA SS 313(a)(3). **The motion passed unanimously.**

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

**Motion** by Seth Hopkins/Tracy Wyman to come out of executive session at 9:45PM. **The motion passed unanimously.**

There was no action required.

#### **12. Adjournment**

**Motion** by Ethan Swift/Devon Fuller to adjourn the Select Board meeting at 9:46PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary