

**Brandon Select Board Meeting  
June 27, 2016**

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

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

**Others In Attendance:** Dave Atherton, Arlen Bloodworth, Dick Kirby, Jeff Stewart, Chris Brickell, Bernie Carr, Anna Scheck, Maria Ammatuna, Steve Bisette, Jackie Savela

**1. Call to order**

The meeting was called to order by Seth Hopkins, Vice-Chair at 7:01PM.

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

Add Item 5(d) - Homestead Declaration Late Filing Penalties

**2. Approval of Minutes**

**Motion** by Tracy Wyman/Devon Fuller to table approval of the June 13<sup>th</sup> meeting minutes to the next meeting. **The motion passed unanimously.**

**3. Town Manager's Report**

Dave Atherton reported Youthworks has painted the pavilion at Estabrook Park. They have done a great job and have made the area more aesthetically appealing. They are going to also do water sealing at Kennedy Park and some other projects. The tax sale was held on June 22<sup>nd</sup>. Eleven properties were included and the Town was the high bidder on all of them. There have been a few conversations about some of the properties being redeemed. Most of Mr. Atherton's time in the last 2 weeks has been spent on Segment 6. Two of the properties are waiting for re-appraisal, two are waiting for VTrans deed approval and one will likely be added to the condemnation list. The closing for the Newton Road buyout is scheduled for August 2<sup>nd</sup>. The funding is there and the Town has signed the notices with the state. The Town has paved Union Street, Church Street and Rossiter Street in connection with the waterline project. The title search has been ordered for the parking lot and a closing will be scheduled later this week. Seth Hopkins attended an Agency of Agriculture meeting that provided information on farm sizes and the Planning Commission will need to add this item to the Brandon Land Use Ordinance. Jeff Guevin advised the Planning Commission is aware of this item and they are discussing it. The Town is finalizing the lease and contract for the solar project at the BIC lot. It is in the attorney's hands as there are some easements. The closing should happen in a couple

of weeks and it is hoped the project will start in August. Devon Fuller asked whether the Champlain Street paving is complete and Mr. Atherton advised that it is not complete yet.

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

Bernie Carr reported he has contacted the Carving Studio regarding the bench for Brandon and advised the Brandon Chamber will be making a donation for the bench.

#### **5. Treasurer**

##### ***a. Annual Financial Management Questionnaire***

Sue Gage stated this questionnaire is a review of internal controls that is presented to the Select Board this time each year and is a statutory requirement. This provides information on how things are being run in the town office. The Select Board needs to sign this document. Seth Hopkins questioned if the same individual opens the mail and deposits the checks and suggested the answer be “no”. Sue Gage stated Luanne Jennings opens the mail, which previously was opened by Elaine Smith, but the mail is now coming directly to them. She does not feel there is less control, as she is unsure whether Elaine used to log the payments. Devon Fuller questioned who opens the mail when Luanne is on vacation and it was noted that Ms. Gage opens the mail. Sue Gage stated the office has their own built-in controls and noted that the money that is being collected for billings that have been issued. Mr. Hopkins asked under what circumstances a signature stamp is being used. Ms. Gage stated the stamp is in the treasurer’s name and is used for signing checks, usually after warrants are approved. Mr. Hopkins noted the Select Board will sign the document relating to this subject.

##### ***b. Consider Fund Balance Policy***

Sue Gage requested the Select Board start thinking about a policy for creating a positive fund balance. This is fiscally responsible and recommended by GFOA and GADSB that will provide funds for emergencies such as floods and to have monies available for matching funds for grants. Ms. Gage stated it is a fiscally responsible way to manage a governmental unit. There has not been one in the past and it is something that needs to be worked on and a goal set for getting it in place. She would like the Board to be thinking about this and get back to her with ideas or concerns. Seth Hopkins stated the article Ms. Gage provided was very helpful and suggested when the full board is present; the document will be reviewed and discussed. Bernie Carr stated in the past there was a fund used to reduce the tax rate. Ms. Gage stated the town has a budget that is offset with taxes and a surplus would have to be clearly defined. Dave Atherton stated in 2013 a Fund Balance policy was approved. Ms. Gage stated there was not a defined fund balance determined and the policy was a requirement for GADSB 54. This policy would keep funds for emergencies and things that can’t be budgeted for. .

##### ***c. Request to Close Fund 45 (Brandon Backyard Fund)***

Sue Gage stated the Select Board has to approve the closing and opening of funds. This fund was for the Backyard Project and there are no further obligations to the state and these funds belong to the Town.

**Motion** by Devon Fuller/Tracy Wyman to close out Fund 45 and transfer the remaining balance of \$1,366.00 to the General Fund. **The motion passed unanimously.**

***d. Homestead Declaration Late Filing Penalties***

Sue Gage advised this is something the Board has to do annually and in the past the Board has chosen to assess the penalty.

**Motion** by Devon Fuller/Tracy Wyman to assess the penalty of no less than 8% for the Homestead Tax Late Filing penalty. **The motion passed unanimously.**

Seth Hopkins stated penalties will be assessed as they have been previously done.

**6. Appointments**

Dave Atherton provided the Board information on the people who have expressed interest in filling the vacancies on the various committees in Town, but there are some committees that still have openings. Devon Fuller stated it is important that the positions are filled by individuals that would add to the committee. Bernie Carr asked if there is information requested to determine if the individuals have strengths in the areas that they are interested in serving. Mr. Atherton stated committee members should be attending training, as well as attending the committee meetings that they are involved in. Mr. Carr advised that the Main Street Group and the Brandon Chamber are going to be establishing a welcome packet for individuals moving into the area and suggested it could incorporate information on opportunities for volunteering. A list of the committees that have openings will be provided to the Chamber.

***a. BLSG Insect Control District (1 Rep, 1 Alternate)***

No expressed interest received.

***b. Development Review Board (4 Members)***

- . Tom Bohler
- . John Peterson

**Motion** by Devon Fuller/Tracy Wyman to appoint Tom Bohler and John Peterson to the Development Review Board. **The motion passed unanimously.**

The other two openings are for alternates and it would be good to have at least one.

***c. Brandon Planning Commission***

- . Maria Ammatuna
- . Anne Bransfield
- . Frank Bump
- . Michael Lufkin
- . Linda Stewart

Dave Atherton advised there are four openings and five letters of interest for the Planning Commission. It was noted that Linda Stewart, Frank Bump and Anne Bransfield are current members of the Planning Commission. Mr. Fuller noted that Ms. Ammatuna is present in support of her interest in serving, though Mr. Lufkin would also be a contributing member for the Planning Commission.

**Motion** by Devon Fuller to appoint Maria Ammatuna, Ann Bransfield, Frank Bump and Linda Stewart to the Brandon Planning Commission.

It was suggested that this item be tabled to research the level of interest that the parties have in serving on the committee. Jeff Stewart advised that Linda Stewart is interested in continuing on the committee. Bernie Carr suggested the possibility of appointing one person as an alternate. Sue Gage suggested that in the future someone should discuss the openings at the town meeting. Seth Hopkins stated there has been discussion of hosting a volunteer fair for the committees and groups that are in town. Mr. Fuller will contact Anne Bransfield regarding her level of interest and Mr. Hopkins will talk with Frank Bump.

Devon Fuller rescinded his original motion.

**Motion** by Devon Fuller/Tracy Wyman to table action on these appointments to a subsequent meeting to do additional research. **The motion passed unanimously.**

***d. Revolving Loan Committee (3 members, 2 alternates)***

- . Stephanie Zak Jerome
- . Karen Lynch
- . Tom Whittaker

**Motion** by Tracy Wyman/Devon Fuller to appoint Stephanie Zak Jerome, Karen Lynch and Tom Whittaker to the Revolving Loan Committee. **The motion passed unanimously.**

The two remaining openings are for alternates.

***e. Rutland County Solid Waste District (alternate)***

No expressed interest received.

**f. Rutland Region Transportation Council (1 rep, 1 alternate)**

. Richard Baker

Mr. Atherton advised that he has been the alternate to the Regional Transportation Council and Regional Planning Commission in the past and would be willing to continue in this capacity.

**Motion** by Devon Fuller/Tracy Wyman to appoint Richard Baker as representative and Dave Atherton alternate to the Rutland Regional Transportation Council. **The motion passed unanimously.**

**g. Rutland Regional Planning Commission (1 rep, 1 alternate)**

. Anna Scheck

**Motion** by Devon Fuller/Tracy Wyman to appoint Anna Scheck as the representative and Dave Atherton as the alternate to the Rutland Regional Planning Commission. **The motion passed unanimously.**

**7. Storm Water Master Plan**

Mr. Atherton advised that Ethan Swift, Daryl Burlett and he have spoken about this item. Mr. Swift was going to discuss this item, however, in his absence; Mr. Atherton read the following email received from Mr. Swift:

*“Brandon received an Ecosystem Restoration (ERP) Grant to conduct a storm water assessment and develop a master plan to address storm water issues that may eventually become a requirement to the Vermont Clean Water Act. We will contract with a consultant to identify potential retrofit and restoration opportunities – the highest priorities of which will receive preferential funding under ERP to implement. These may include large areas of impervious surfaces that may have never received a storm water permit or where the old permit may have expired (think large impervious lots such as the school parking lots, Hannaford, etc. and where we will be able to fund those projects – and benefit the Town and business owners – to be in compliance with the Vermont Clean Water Act). Projects to enhance transportation projects will also be eligible for funding as we expect Park Street will be a good candidate for storm water mitigation work and may allow for the upgrade of Park Street concurrent with the Segment 6 project (we discussed the idea of turning Park Street into a “green street” – although this may not be the only option). At the very least, we can help provide an offset for the Segment 6 storm water permit – which may help our ability to do other projects down the road – like the lot behind the Mobil Station. We are hoping to put out an RFP for the consultant shortly.”*

Mr. Atherton stated Mr. Swift is the expert on this subject. The Town is going to be mandated to do this work and there were some grants received for ditching and stone draining. There are

grants available that can get the work done and Park Street has been looked at. There were no matches on the three grants that have been received to date. The big grant will be for creating the storm water plan. This grant has not been awarded as an RFP has to be sent out to obtain prices prior to awarding of the grant. This will be an overall storm water plan for the town, including Forestdale. Mr. Atherton stated the plan has to be designed and the RFP is being done by Ethan Swift. This is for the Select Board's information and Mr. Atherton will advise them once bids are received.

## **8. Logging**

### ***a. North Birch Hill Lot***

Tracy Wyman stated the Town Manager was approached by David Disorda to ask about crossing town property to get to the back corner of the Carter lot and whether it would be possible to cut some timber. Mr. Wyman does not see a problem with using the road as it will not hurt anything where he will cross. There is value in the timber that would be cut. Mr. Wyman suggested that the Town could hire Mr. Disorda to log the timber and the town could handle the sale of the timber. It would probably realize the Town around \$1500.00 - \$3000.00. Mr. Wyman also suggested logging 150 to 200 feet off the North Birch Road. This is only a 10-acre lot and is not a part of the town forest. The town acquired this property through a tax sale several years ago and was part of a prior farm. Mr. Atherton stated within a year, the Town could consider selling town-owned properties. Devon Fuller questioned whether the logging would open up a building lot for a potential future sale. Mr. Wyman did not think it would be good for a building lot, as one would want to be closer to the road. Mr. Wyman stated the Town would need a certificate of liability and assurance that all insurances are in place before Mr. Disorda does any of the work. Mr. Atherton stated this is town-owned land and requested action by the Board, if acceptable, to move forward with this item. Mr. Wyman stated with the size of the pine, once logged it is not going to be aesthetically pleasing to people, but the benefit would be the ability to use the landing area for future use. Maria Ammatuna stated when she was on the OV Board, there was logging done, but specifics were not given on how the land would be left. Ms. Ammatuna suggested providing permission to cross the land and then provide the Town Manager direction on how the land is to be left. Mr. Atherton stated an easement will have to be written and an agreement will be made on how the property is to be left once the logger is finished. Mr. Wyman stated this is a short span and is level and the road is not great where the logger is going to cross, but there should be specifications as to how the Town wants the cutting area to look.

**Motion** by Devon Fuller/Seth Hopkins to authorize the Town Manager to move forward with the logging on the North Birch Hill lot. **The motion passed unanimously.**

Devon Fuller asked if it would be prudent to have the letter reviewed by the Select Board prior to sending it to the logger. Mr. Atherton stated Tracy Wyman and he will work to develop the letter. Mr. Atherton is waiting to obtain the liability page from the logger to determine if he is still interested in moving forward with this request.

### ***b. Lot Behind the American Legion***

Dave Atherton stated the Town owns 24 acres behind the American Legion and there was someone interested in tapping it for sap. Tracy Wyman has reviewed the property and has advised this lot has good timber for logging. This property is landlocked and there has been discussion of what to do with it. This could be a profitable cut and would be similar to the North Birch Hill lot in trying to get some income from this property. Mr. Atherton stated Mr. Wyman has been doing the legwork to see what could be done for the Town and Mr. Atherton is concerned that he has done this work and would not get the opportunity to do the cut, due to his position on the Select Board. Devon Fuller felt that Mr. Wyman could do work for the Town as these types of situations come up in small towns and as long as full disclosure is done, this would not be a problem. Mr. Wyman stated if the timber was not sold to him, he would likely be doing the cutting for that person. Mr. Atherton has reviewed the statutes and as long as there is discussion and full disclosure and Mr. Wyman does not have a vote, it would not be a problem. This item will be addressed at a subsequent meeting once the full board is present. Mr. Wyman stated the section that he reviewed is good northern hardwood and if the entire 24 acres are the same, it would be very profitable for the Town. To do the job correctly, he would need a day or two to research. Dick Kirby stated a map of what Tracy is talking about would be very helpful. Seth Hopkins stated the next time this item is discussed there will be a map available.

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

Dave Atherton stated Segment 6 was discussed during the Town Manager report. Bridge 114 is currently in limbo waiting for Segment 6 to catch up and no one is waiting for the Town for anything. The Town had submitted the Phase 2 portion of the grant to Hazard Mitigation for the overflow culvert. FEMA has contacted them regarding this item, which has kick-started the project and it is now in FEMA's hands. Seth Hopkins asked if the Town could move forward easement-wise on this project and Mr. Atherton advised that the Town is still not at that point.

### **10. Assignment of Funds for FY16/17**

Dave Atherton reported Jackie Savelle and he have been working on the recommended list provided to the Board. There are five recommended items that the Board was asked to consider to roll over into next year's budget, but they are not encumbrances. Seth Hopkins clarified that these are budgeted monies for the current year and rather than placing the funds into the unrestricted General Fund, it is being requested to assign the funds to specific areas. Mr. Atherton stated the first item is \$25,000.00 for short-term interest. This would be used to cover the short term interest on notes. Sue Gage stated that amount of interest also includes going forward with Segment 6 in the spring. Mr. Hopkins stated with this amount and the other amounts, if they not expended in the upcoming fiscal year, they would then go into the General Fund. The second item is \$45,000.000 for Worker's Comp insurance, as there was not enough budgeted for this item. It is not sure how the premium will be affected for next year, but Mr.

Atherton would prefer to have sufficient funding. The premium was \$105,000.00 this year for Worker's Comp. Mr. Atherton hopes to receive the Worker's Comp rate for next year within the next couple of weeks. The third item is \$1,7000.0 for Recreation football. Bill Moore is going to be purchasing shoulder pads for the football program. The fourth item is \$65,000.00 for a police garage. The Police Department had savings in their budget this year, particularly with gasoline savings. Mr. Atherton stated this item should have been done when the police department was moved. Devon Fuller stated when the Police Department was moved, a garage was designed in and this will now provide the opportunity to complete the project. This should have been part of the capital improvement plan, but it never happened and Mr. Fuller agrees it would be good to complete the project. This would be a two-bay garage with storage. Mr. Atherton stated there is a concern with security for the passengers in the back of the cruiser to be transported from the car to the building. This will enable passengers to be inside when being transported. Mr. Atherton was not comfortable with providing a pricing at this point, as there has to be a final plan developed and quotes from contractors received. The final item is \$500.00 for the Zoning Administrator to replace filing cabinets.

**Motion** by Devon Fuller/Tracy Wyman to approve the five fund assignments as outlined for the FY16/17. **The motion passed unanimously.**

Bernie Carr asked if the Town Hall now has Wi-Fi capabilities. Mr. Atherton will research whether a repeater is needed, but there is Wi-Fi available for this building.

## **11. Fiscal**

### ***a) Warrant – June 27, 2016 - \$211,320.37***

**Motion** by Devon Fuller/Tracy Wyman to approve the warrant of June 27, 2016 in the amount of \$211,320.37. **The motion passed unanimously.**

### ***b) Consider Purchase of Gasoline for FY2016/17***

**Motion** by Tracy Wyman/Devon Fuller to approve Daryl Burlett's recommendation to purchase the FY16/17 gasoline as outlined. **The motion passed unanimously.**

It was noted that Mr. Burlett suggested forgoing the bidding process and moving forward with Champlain Oil's price of 20 cents above Montreal rack price. The Town contracted with them last year and when the price of gas decreased, they decreased the town's price.

**Motion** by Devon Fuller/Tracy Wyman to recess the Select Board at 8:17PM to convene as the Board of Liquor Commissioners. **The motion passed unanimously.**

The Select Board reconvened at 8:20PM.



**Motion** by Devon Fuller/Tracy Wyman to enter into executive session pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee at 8:21PM to include the Zoning Administrator and the Town Manager. **The motion passed unanimously.**

**12. Executive Session Pursuant to 1VSA 313(a)(3) – The appointment or employment or evaluation of a public officer or employee**

The Board came out of executive session at 8:35PM.

**Motion** by Devon Fuller/Tracy Wyman to allow Anna Scheck to be removed from the Union, as the position of Zoning Administrator/Health Officer/Code Enforcement is an appointed position. **The motion passed unanimously.**

**13. Adjournment**

**Motion** by Devon Fuller/Tracy Wyman to adjourn the Select Board meeting at 8:50PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary