

**Brandon Select Board Meeting  
July 25, 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, Ethan Swift, Doug Bailey

**Others In Attendance:** Dave Atherton, Arlen Bloodworth, Steve Bisette, Richard Baker, Anna Scheck, Dick Kirby, Chris Brickell

**1. Call to order**

The meeting was called to order by Doug Bailey, Chair at 7:01PM.

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

Add Item 4b – Consider logging lot behind American Legion

Add Item 2b – Approval of June 13, 2016 Select Board minutes

Add Item 5(a) Item 5 – Set the Planning Commission membership number

**2. Approval of Minutes**

**a) Motion** by Seth Hopkins/Tracy Wyman to approve the July 11, 2016 Select Board meeting minutes as amended. **The motion passed with one abstention – Doug Bailey.**

A correction to the date to read June 13, 2016 for Item 2(a).

A correction to Others in Attendance to include Richard Baker.

**b) Motion** by Seth Hopkins/Tracy Wyman to approve the June 13, 2016 Select Board meeting minutes as submitted. **The motion passed with two abstentions – Ethan Swift and Devon Fuller.**

**3. Town Manager's Report**

Dave Atherton reported the Wood Lane culvert has been replaced and it will be paved the next time the pavers are in Town. The land transfer for the BIC lot was delayed, but it looks like it is on track for this week, however no date is set. The parking lot closing is on hold. The sellers need an Act 250 review. The RFP for the overflow culvert was posted on July 15<sup>th</sup> and bids will be opened on August 5<sup>th</sup>. There is a prebid meeting tomorrow at the town office that is mandatory for

the bidders. The RFP for the storm water master plan engineering was posted on July 12<sup>th</sup> and bids will be opened on August 5<sup>th</sup>. Ethan Swift questioned the bid deadline as he thought it was the end of July. Mr. Atherton will confirm the date. The painting and minor exterior repairs have been started on the town office. Public Works has been clearing weeds around guardrails around town and has trimmed the overgrown trees in the parking lot behind Café Provence. The mower is on order and it is hoped that it will be delivered soon. The Cobb Hill Road culvert work has started. There has been a temporary road built for the people that live in that area. The Brandon Rec is supporting two area U10 and U12 baseball teams in two tournaments. The Youthworks volunteers are clearing brush at Estabrook Park. They also worked to help the Neshobe PTO and School install new musical playground equipment at the Neshobe School. The pre-season soccer and football camps are scheduled for the first two weeks of August. Challenger Soccer finished last Friday and 34 children enjoyed instruction from their English coaches. Thanks to the Politano and Stone-Cifone families for once again hosting the coaches. The last of the cooking classes led by Nancy Manney at Café Provence was held today. The Brandon Youth Theatre auditions will take place in September. Mr. Atherton noted things were cleaned up quickly after the wind storm that happened on Saturday. It was good to see the Public Works, Police Department and Fire Department work together to get things cleaned up as quickly as possible. Devon Fuller was impressed with the Wood Lane project that was designed by Daryl Burlett. In talking with the contractor, it was a huge money saver due to the way it was done. It was impressive that the project was completed in two weeks. Mr. Atherton stated there are currently no bids for the Overflow RFP; however, he will advise the Select Board who is in attendance at the prebid meeting tomorrow.

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

Steve Bissette asked what is going on across from Nickerson Road. It was noted that it is private property and it is not known what is happening. Richard Baker stated it is an installation of cell towers on the Mulcahy property.

#### ***4b. Consider Logging Behind the American Legion***

Dave Atherton advised there was prior discussion of logging a couple of town lots. There was discussion of Wyman Timber Harvesting doing the project. The property would likely be accessed from the Torrey lot. Tracy Wyman stated there would need to be a right of way obtained and location of the boundary lines set. Mr. Wyman stated it is standard procedure to keep tops 25 feet from the property line. Mr. Atherton stated there is a lot of prep work required and the cost would be over the Town Manager's spending limit. Mr. Wyman stated there is income in the logging, but there is cost associated with doing the logging, but the income would exceed the costs. In an initial review of the property, Mr. Wyman stated the Town would make money in the timber that he saw. The parcel is approximately 24 acres. The intent would be to spend from

unrestricted reserves and the money made would go back into the fund. Mr. Atherton stated the Town is looking at ways to utilize the town-owned lots and any income generation is worth looking into.

**Motion** by Seth Hopkins/Devon Fuller to authorize the Town Manager to enter into a contact to prepare to market the timber on the lot behind the American Legion with Wyman Timber Harvesting (lot number to be added to motion).

Ethan Swift asked if a ballpark figure is known for the value of the timber. Mr. Wyman stated the area that he walked had maple and oak and if this held throughout the acreage, it would be a significant amount of money. Maple or oak would probably bring \$1,000.00 to \$1,500.00 per acre and soft wood would be about \$300.00 to \$500.00 per acre.

**The motion passed - with one abstention – Tracy Wyman.**

## **5. Planning Commission Appointments**

### ***a. Set the Membership Number for Planning Commission***

Ethan Swift stated both Devon Fuller and he have had discussions with the Planning Commission Chair. Mr. Swift also contacted the staff attorney for VLCT to obtain input on the statutes concerning membership numbers for Planning Commissions. It was noted that in the past there has been difficulty achieving a quorum. According to the attorney a quorum number is based on the total number of membership and not necessarily how many people are appointed. Mr. Swift suggested setting the membership number to clarify the number of people needed for a quorum. Mr. Swift stated Mr. Guevin, Planning Commission Chair, thought that as many people that want to participate would be good to increase public participation. He feels that more members would help carry out the tasks that they need to do. Devon Fuller stated Mr. Guevin reiterated this concept to him. Mr. Fuller thought with a smaller board, it would be easier to have a quorum on a regular basis. Mr. Fuller suggested making it a smaller board to see how it works and if it is not working, the Select Board could increase the number of the membership. Mr. Fuller also noted it is the Select Board's job to relieve those members not participating on a regular basis. Dave Atherton stated it is currently a 7-member board and he felt that a 5-member board would allow the Planning Commission to hold meetings regularly. The meetings are public and other people can participate outside the board. Seth Hopkins was in agreement that it would serve the town well to move to a five-member board. Tracy Wyman also agreed with the five-member board, however, he noted that when he served on the Planning Commission, it was the impression that it was a nine-member board. Mr. Fuller stated it is up to the Select Board to manage the Planning Commission membership. The Select Board should make it clear what is expected of the Planning Commission and it was not thought that direction has been provided to the Planning Commission in the past. Mr. Wyman confirmed that when he was on the Committee, it was not known what the Select Board's expectations were. Doug Bailey stated with the issues of making a

quorum, the members chosen will have to be people that will show up and participate. The Select Board needs to provide better direction and assure that the people appointed will make it to meetings. Mr., Fuller suggested getting the Planning Commission some professional development. Mr. Atherton stated it would be good to bring someone in with a good planning background. There is training that is needed and the Town will provide the funding for training and Mr. Atherton would encourage members of the Planning Commission to attend training. Ethan Swift stated a couple of people have expressed their desire to be reappointed and some have had training. Because by statute any member may be removed by unanimous vote of the Select Board, it does provide the ability to remove those people that do not participate in the meetings. Mr. Swift expressed concern in limiting the membership. Mr. Guevin has advised that he is taking the larger share of the work. Mr. Bailey stated the Select Board should stay in touch with the Planning Commission Chair to assure that the committee is working. Mr. Swift suggested there should be more communication between the Select Board and the Planning Commission. Seth Hopkins noted that it is common in the board world that when one is absent from three consecutive meetings, one is deemed to have resigned. It was noted that by making the board smaller, it is not excluding people from participating in the committee. Mr. Atherton stated the Zoning Administrator attends all of the Planning Commission meetings and Ms. Scheck could report back to the Town Manager on what is discussed during the meetings.

**Motion** by Seth Hopkins/Tracy Wyman to set the number of Planning Commission members to five.

Devon Fuller stated he has had discussions regarding this topic and he felt that going with five members could help the Planning Commission with meeting a quorum. If it is found that this membership number is not working for the Commission, the Select Board could make a future adjustment. Ethan Swift also noted that it is not an easy issue to resolve.

**The motion passed with one opposition – Ethan Swift.**

***b. Appointments to the Planning Commission***

Dave Atherton reported there are three people currently on the Planning Commission: Marty Feldman – term ending 6/30/17, Jeff Guevin- term ending 6/30/18 and Phyllis Aitchison – term ending 6/30/17. Seth Hopkins suggested leaving the current three representatives and filling two vacancies with three-year terms and making all subsequent appointments three-year terms.

**Motion** by Seth Hopkins/Tracy Wyman to appoint Maria Ammatuna to a three-year Planning Commission term to expire June 30, 2019. **The motion passed unanimously.**

**Motion** by Devon Fuller/Tracy Wyman to nominate Mike Lufkin to a three-year Planning Commission term to expire June 30, 2019. **The motion passed unanimously.**

Devon Fuller asked the Town Manager to write a letter to the Planning Commission members that have been on the Committee to thank them for their service. Doug Bailey stated in the letter it should be noted that the meetings are public and all are welcome to still attend the meetings. Mr. Bailey requested the Town Manager advise the Select Board when the Planning Commission meetings are to be held so that members of the Select Board could attend.

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

Dave Atherton reported there was a conference call with CLD, VTrans and people associated with storm water permitting regarding Segment 6. The project is on track and Town has the permit. There are three rights of ways remaining to be signed, the final plans are being drafted and the Town is waiting for the last two appraisals to complete the process. There will be a prebid meeting tomorrow for the Overflow Culvert project and Mr. Atherton will advise the Select Board who is in attendance. Mr. Atherton spoke with John Byatt last week concerning Bridge 114 and they are doing a 4-F study, as only the railing had been done previously. This project is on schedule. Mr. Atherton advised the closing date for Newton Road is August 2<sup>nd</sup>. After that, the Town can start the bid process for demolition.

## **10. Fiscal**

### ***a) FY 2015/16 Warrant – July 25, 2016 - \$55,356.38***

**Motion** by Tracy Wyman/Devon Fuller to approve the FY2015/16 warrant of July 25, 2016 in the amount of \$55,356.38. **The motion passed unanimously.**

It was questioned why warnings are sometimes placed in the Rutland Herald rather than the local paper. It was noted that sometimes there needs to be a time-sensitive warning inserted in the Rutland Herald.

### ***b) FY2016/17 Warrant – July 25, 2016 - \$90,253.46***

The invoice for a tent rental was questioned and it was noted it was for the Brandon Auction and the Wednesday event in the park the following evening.

**Motion** by Ethan Swift/Devon Fuller to approve the FY2016/17 warrant of July 25, 2016 in the amount of \$90,253.46. **The motion passed unanimously.**

**Motion** by Devon Fuller/Ethan Swift 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 8:05PM to include the Town Manager and the Zoning Administrator. **The motion passed unanimously.**

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

**Motion** by Devon Fuller/Tracy Wyman to come out of executive session at 8:30PM. **The motion passed unanimously.**

**Motion** by Devon Fuller/Seth Hopkins to offer Anna Scheck a contract for Zoning Administrator for the remaining three-year term at \$50,648.00 per year. **The motion passed unanimously.**

**13. Adjournment**

**Motion** by Seth Hopkins/Ethan Swift to adjourn the Select Board meeting at 8:32PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary