

**Brandon Select Board Meeting
October 24, 2016**

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

In Attendance: Doug Bailey, Seth Hopkins, Devon Fuller, Brian Coolidge, Tracy Wyman

Others In Attendance: Dave Atherton, Richard Baker, Bernie Carr, Steve Bissette, Lee Kahrs, Daryl Burlett, Phyllis Reed, Janet Coolidge, Chris Brickell, Bill Moore, Dave Caccavo, Francine Caccavo, Sue Gage

1. Call to order

The meeting was called to order by Doug Bailey – Chair @ 7:03PM.

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

Addition to Consider a Speed Limit Change to 15 mph During Downtown Construction

2. Approval of Minutes

a) Public Hearing Minutes for Union Street Sidewalk Transportation Alternatives Grant – October 10, 2016

Motion by Seth Hopkins/Devon Fuller to approve the October 10, 2016 minutes for the Union Street Sidewalk Transportation Alternatives Grant as submitted. **The motion passed with one abstention – Tracy Wyman.**

b) Public Hearing Minutes for VCDP Closeout for the Brandon Town Office – October 10, 2016

Motion by Devon Fuller/Brian Coolidge to approve the October 10, 2016 minutes for the VCDP Closeout for the Brandon Town Office as submitted. **The motion passed with one abstention – Tracy Wyman.**

a) Select Board Minutes – October 10, 2016

Motion by Devon Fuller/Brian Coolidge to approve the October 10, 2016 Select Board meeting minutes as submitted. **The motion passed with one abstention – Tracy Wyman.**

3. Town Manager's Report

Dave Atherton reported the Newton Road demolition bid was awarded to Beldon Construction and this project will begin soon. A town-wide site visit by Mary Andes and

Ron Penkowski from FEMA was completed on October 20th and the Town will be receiving \$350,000.00 within 3 to 6 months, which will close out all of the Irene-related FEMA projects. All remaining delinquent accounts have been sent to the Town's attorney to proceed with the tax sale process. The Town will be receiving a tax sale time line shortly. Mr. Atherton attended the annual Town Manager's Conference at the Trapp Family Lodge in Stowe. There were discussions and presentations on storm water master planning, economic successes throughout the State and an excellent interactive workshop on communication habits and how to correct them. There were also discussion forums with Sue Minter and Phil Scott concerning municipal issues and priorities for the next biennium. With regard to Public Works, the last two weeks have been very busy with Markowski Excavation starting on the Overflow Culvert project. There have been many changes in the traffic pattern that will take some time to get used to. Signs were ordered that will let everyone know that Brandon is open for business. Mr. Atherton thanked Mitchell's in Pittsford for quickly making these signs for the Town. The new 15mph speed limit signs are now up for the downtown through the construction zone. There have been 4 parking spaces added by the Bakery and Blue Moon. Wilk Paving is working on the last of the paving for the Fire District Water Line Project. Mr. Atherton reminded everyone to remember to go slow and be extra cautious in the construction areas.

Doug Bailey questioned if Wood Lane is scheduled to be paved. Daryl Burlett advised the base coat is down and the vendor may come back tomorrow to finish it. Mr. Bailey also questioned whether the message can be changed on the big construction signs at both ends of town with one message indicating that the businesses are open in the downtown. Mr. Burlett stated there can be up to four messages on the signs and the suggested downtown businesses are open is one of the messages. Tracy Wyman asked if the area in front of the Forestdale post office will be paved. Mr. Burlett reported the water tests and interconnections are not complete and until the tests pass, the paving cannot be done. Mr. Bailey questioned whether the town's solar project is operational. Dave Atherton reported the project construction is complete and he will follow-up on whether they are operational yet. Mr. Bailey requested information on when the Town will begin receiving credits and more specifics on the anticipated savings. Steve Bissette asked if the Town Manager has received any information from Earth Waste System and Mr. Atherton advised that he has not received a response yet. Janet Coolidge questioned if the Town has considered installing solar lighting for the parking lot. Mr. Atherton stated there has been discussion of putting temporary lights in that area, but solar has not been discussed at this point. Mr. Atherton noted the Town was not planning to complete the parking lot this soon, as they will be researching for grants to get it paved and lighting installed. Mr. Atherton has had conversations with a couple of vendors about temporary lighting for special events. Bill Moore wished to thank the soccer and football coaches for the work they did during the season that just ended. Mr. Moore encouraged the public to attend the upcoming play, Robin Hood, that will be performed November 4th, 5th and 6th, with a cast of over 27 under the direction of Nancy Nanning.

4. Comments for Items not on the Agenda

There was no discussion held.

5. Revolving Loan Fund Request – Olivia’s Croutons

Bill Moore introduced Francine and Dave Caccavo, owners of Olivia’s Croutons. Mr. Moore advised they have requested \$70,000.00 from the Brandon Revolving Loan Fund. The Revolving Loan Fund Committee met on October 10th and unanimously approved the request and are recommending the Select Board approve the loan. The Committee is excited about a new business moving to Town. Mr. Moore noted this is the reason that the loan fund was developed. Francine Caccavo stated they are still working on final dates, with a timeframe of November/December for the closing and moving into the space by March. Their plans were more expensive than anticipated and they have gone back to REDC who also provided additional funding. It is a relatively short-term need and once up and running they will be operating at 10 times the capacity they have been in New Haven and Middlebury. Devon Fuller asked what the conditions of the loan are and Mr. Moore advised it is a 10-year amortization with a 5-year balloon payment at an interest rate of 2 points below Wall Street prime, which is about 1.5%. Mr. Moore reported all of the revolving loans are done in this manner.

Motion by Devon Fuller/Tracy Wyman to approve the revolving loan fund request for Olivia’s Croutons in the amount of \$70,000.00 at a rate of 2 points below Wall Street prime. **The motion passed unanimously.**

Bernie Carr expressed his welcome to the new business and noted the Select Board should be proud that they hired Bill Moore, as he is an excellent Economic Development Officer. Ms. Caccavo stated Mr. Moore has been excellent and helpful in facilitating this effort.

Seth Hopkins questioned what the amount is remaining in the Revolving Loan Fund. Dave Atherton did not have the exact amount and he will follow-up with additional information on the balance. Doug Bailey asked if there is the possibility of taking part of the revenue from the solar project to increase funds to assist other businesses. Mr. Atherton suggested that the annual lot rental for the solar project could potentially be used for offsetting energy costs to decrease the debt. Mr. Atherton stated if all loans were paid off, the loan fund would be about \$250,000.00. Mr. Bailey requested a review of the current loans to determine if anyone is reaching the balloon payment point. Mr. Atherton noted there may be a couple that are coming close to the five-year balloon. Devon Fuller suggested potentially splitting the amount from the solar project and putting half towards the Revolving Loan Fund and half towards energy savings. Mr. Atherton will add this item to the agenda for further discussion next month.

6. Friends of the Town Hall – Memorandum of Understanding (MOU)

Dave Atherton stated the current version of the MOU is in the Board’s packet and he also attached VLCT’s Facility Rental Agreement for the Board’s review. Mr. Atherton reported the MOU has been worked on quite a bit and he would like to make any additional changes this evening and complete the process. Under Section 1. Active Communication, it was recommended to add the Town Manager’s liaison to Item b, as they will be working directly with the Friends and should be included in the semi-annual meeting. All Board members were in agreement. Seth Hopkins asked who would be the point of contact for renting the Town Hall.

Mr. Atherton stated the Town owns the building and is the landlord, therefore, all rentals have to go through the Town of Brandon. Any outside person who wishes to rent the town hall has to complete the rental agreement. Doug Bailey recommended a fee schedule be developed and Mr. Atherton advised the Friends do have a fee schedule. With regard to the rental agreement, the Town would be the party noted in the agreement, not the Friends of the Town Hall. The Friends will not be the town agent for renting outside the Friends of the Town Hall's schedule of activities. Seth Hopkins asked if the Friends liability insurance covers the performers they bring in and Janet Coolidge confirmed that the Friends do have liability insurance. If there is a renter who wants to serve alcohol, they also have to have insurance. Mr. Atherton stated it would be good to establish a chain in doing a rental agreement with the Friends of the Town Hall so that the Town knows there is a connection, due to the liability issues. It was noted that the Town is listed as the holder on the Friends of the Town Hall insurance. Devon Fuller asked who is managing the town hall from November 1st to May 1st. Mr. Atherton stated the Town's liaison will be the person to contact. From May 1st to November 1st, the Friends have the priority for using the Town Hall during that time, however, any outside rentals would still go through the Town. The current administration feels responsible in maintaining this facility and the Friends have done a phenomenal job in resurrecting the building.

Motion by Seth Hopkins/Devon Fuller to approve the Friends of the Town Hall memorandum of understanding as amended with the addition of the town's liaison under 1b and clarification that the rental of the town hall is through the town office; and authorizing the Town Manager to sign the agreement. **The motion passed unanimously.**

Bernie Carr questioned why there are dates in the MOU for the Friends of the Town Hall. Mr. Atherton stated this was a request of the Friends and has to do with the scheduling and not related to the insurance. Mr. Atherton noted this is a working document and could be changed in the future. Janet Coolidge stated after October, the Friends do not try to find events, but they are sometimes contacted by others.

Dave Atherton requested the Board review the rental agreement to come up with ideas and suggestions, as there was discussion about possible changes with the alcohol ordinance. Doug Bailey agreed and suggested the Select Board members review and information. Bill Moore suggested there be an opportunity for the fee schedule to be waived in the case of community events. Mr. Bailey suggested the Town Manager and Economic Development Director develop an agreement and fee schedule to present to the Select Board for consideration. It was suggested that any input on this item be given to the Town Manager. Mr. Atherton stated the Town needs to figure out what is going to be done with the alcohol ordinance for all town properties. Seth Hopkins reported he met with the Police Chief and Economic Development Director to do research on this subject. Neighboring towns were also consulted on their alcohol policy. Mr. Hopkins suggested the Committee will reconvene to develop a proposal to present to the Select Board. Doug Bailey suggested this could be the next policy to be reviewed.

7. Purchasing Policy

Doug Bailey suggested that the Town Manager provide one policy per month for the Select Board's review. It is the intent for the Board to discuss the policy, provide input and adopt the

policy at a subsequent meeting, depending on the amount of discussion required. Mr. Atherton stated that in addition to the Purchasing Policy, he also provided the Board information from the VLCT Purchasing Policy Handbook. He stated there have been a couple of items that came up where there was discussion of getting quotes vs getting bids. Mr. Atherton reported Vermont law does not require competitive bids for municipal purchases. He noted the preference provisions are relative to local vendors and he suggested adding this type of information to the Purchasing Policy. Mr. Bailey suggested starting with this policy, as it is important to assure that the Purchasing Policy is covering the administration and employees. Mr. Bailey stated in the past, the policy has been waived for the DPW and he is concerned with having an ongoing long-term waiver. Mr. Bailey was in favor of the preference provision that Mr. Atherton recommended. Tracy Wyman was also in agreement with the provision, as it provides opportunities for the vendors who are taxpayers to the Town. Devon Fuller suggested local vendors will be weighted, as long as they are qualified. Seth Hopkins suggested under the Vendor Selection, Item 4, that parameters could be established, as it would not be prudent to favor a local vendor if the pricing is considerably higher than an outside vendor. Mr. Atherton stated there are provisions in the current policy and one of the large concerns in choosing a vendor is the service that the Town will receive after a job is completed. He does not think a percentage can be set, but this needs to be looked at it in a different way. Mr. Bailey expressed concern with Item 4 under Definitions as this section is being used for large projects, however, he questions how the purchases will be handled on smaller projects. Mr. Bailey noted it was not intended to approve this policy during the meeting and suggested each board person review it and provide input to the Board Chair. Mr. Bailey will set a meeting to discuss this item with the Public Works Director. Mr. Atherton advised that going forward, when the Town obtains three quotes and makes a recommendation to the Select Board, back-up documentation will be provided on all quotes received. Mr. Atherton is concerned with too many changes as it works well, but he would not like to see this Purchasing Policy give more freedom than it should. Mr. Hopkins stated the current discussion is more curtailments than latitude in the policy changes. Mr. Bailey stated the policy should be tighter and there should not be as many waivers. Seth Hopkins stated the Purchasing Policy is currently in effect and is not under waiver for any department. Janet Coolidge asked when doing quotes, do they send information to all known vendors. Mr. Atherton stated to obtain three quotes, it is necessary to send RFQs to multiple vendors. Bill Moore stated the difference between “preference” and “must be considered” should be considered in the language. Mr. Bailey stated anyone wishing to provide input should email him.

8. Consider the Speed Limit Change to 15 mph During Downtown Construction

Dave Atherton stated it is being considered to reduce the speed limit to 15mph. Daryl Burlett, Chris Brickell, Bill Moore and Mr. Atherton have researched this item. Chris Brickell stated it is enforceable. Under Section 1010, it allows a reduction below 25mph during special events or construction with a fine of \$165.00. The fine goes to the state and part comes back to the municipality. Under Section 1007, a speed limit violation would be under the local speed limit ordinances, but is not allowed unless there is a designated downtown policy. Chief Brickell would need a document that shows a designated downtown under Chapter 76a in the event of a court case. Under Section 1007, all fines come back to the town. Mr. Brickell stated the Town is trying to get the public to slow down as there is a concern for pedestrians and the businesses. The

police department can enforce any speed limit that the Town wishes. Bill Moore stated the Town is a designated downtown and he has documentation and can also get a letter from the Agency of Commerce showing the Town is a designated downtown. Bernie Carr asked where the 15mph would be posted. Daryl Burlett stated it would be posted on both sides of the construction area near the electronic boards. There would be signs indicating reduced speed ahead and then the 15mph signs. Doug Bailey stated there were also conversations about crosswalks and questioned if the crosswalk near the pizza shop could be removed during the construction. Daryl Burlett stated that would not be possible. Mr. Burlett also expressed concern with the four temporary parking spaces that have been added, as there is only 22 inches for opening doors and this is a concern. Steve Bissette can see an issue with larger trucks as currently without the parking spaces it is a tight space. Dave Atherton stated there were issues with people pulling into the bakery and parking in front of the “do not park” signs, that causes a problem. Doug Bailey stated if the parking spots do not work, there may need to be a change. Mr. Brickell stated the police department’s issue is public safety and there are some business owners who park along the edge of the road. He noted there are going to be issues with pedestrian traffic and sometimes motorists can’t see them. Coming out of the town office, one can’t see the cars that are traveling north and there are several sight issues. The impact for the police department is going to be heavy enforcement. Mr. Brickell stated motorist, pedestrians and businesses need to pay attention to the situation. Dave Atherton stated this is a temporary situation and this will be a temporary fix to the problem until the remainder of Segment 6 begins. Depending on what they hit in the ground, the project could potentially go through April. Mr. Brickell stated there needs to be good communication between all the groups in Town.

Motion by Devon Fuller/Tracy Wyman to adjust the speed limit to 15mph through the designated downtown through the construction of the Overflow Project. **The motion passed unanimously.**

9. Budget Discussion

Dave Atherton stated there was information posted on the meeting dates for the budget. It is hoped to get information to the Budget Committee within the week. This agenda item will remain through the budget season. Janet Coolidge asked if the Budget Committee could have the information by this Friday, as the first meeting is November 1st and the Committee would like to have the opportunity to review the information. Doug Bailey advised the dates of the budget meetings are set for November 1st, November 15th, December 7th and December 21st beginning at 6PM at the Town Office conference room.

10. Segment 6/Bridge 114/Overflow Culvert

Dave Atherton noted the Overflow Culvert project was previously discussed. Markowski has their equipment back as they had some damaged equipment and the hammering will begin tomorrow. The Bridge 114 project will be doing the Bat Study in the spring. With regard to Segment 6, there is a lot going on. The Town still has two easements that are lingering and he had meetings with the landowners today. The Town is prepared for the condemnation hearing and has had to reapply for some of the permits for renewal. Seth Hopkins asked about the condemnation hearings as to what is the deciding factor when it will happen. Mr. Atherton stated

the Town is ready to go, but there is an effort to complete the remaining two so that they do not have to be sent through condemnation. The attorney will draft the notice and the Select Board will be the group that will be doing the condemnation hearing. Janet Coolidge asked if Mr. Read could put in a road where Brandon House of Pizza was. Mr. Atherton advised that Segment 6 already has the design done and there is a curb cut already in the plans.

11. Fiscal

a) FY2016/17 Warrant – October 24, 2016 – \$129,476.01

Motion by Tracy Wyman/Devon Fuller to approve the FY2016/17 warrant of October 24, 2016 in the amount of \$129,476.01. **The motion passed unanimously.**

12. Adjournment

Motion by Seth Hopkins/Devon Fuller to adjourn the Select Board meeting at 8:33PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary