

Brandon Select Board Meeting November 14, 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, Bernie Carr, Steve Bisette, Lee Kahrs, Janet Coolidge, Bill Moore, Sue Gage, Jeff Stewart, Anna Scheck, Maria Ammatuna, Dick Kirby, Phyllis Reed

1. Call to order

The meeting was called to order by Doug Bailey – Chair @ 7:02PM.

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

2. Approval of Minutes

a) Select Board Minutes – November 14, 2016

Motion by Devon Fuller/Tracy Wyman to approve the November 14, 2016 Select Board meeting minutes as amended. **The motion passed unanimously.**

Page 2 – correction to the spelling of Nancy Manney’s name under Item #3

3. Town Manager’s Report

Dave Atherton reported the Newton Road demolition project has started today. The Segment 6 right of way negotiations have ended. There are three properties going to condemnation for permanent and temporary easements. Certified letters on the Notice of Hearing will be sent to the landowners’ tomorrow with a hearing date set for December 15th. The overflow culvert excavation continues. A schedule from Dubois & King was provided. All delinquent accounts have been sent to the attorney’s office for the tax sale. They have sent out a notice to pay to avoid tax sale, which has prompted many to make payment arrangements. Mr. Atherton provided the Board a tax sale time line. Budget numbers are being worked on for the upcoming year. The next budget meeting is scheduled for Tuesday, November 15th at 6:00PM in the Town Office conference room. A letter has been sent to the Certificate of Public Goods Board to approve the screening proposal for the McKernon solar project. This is for the side facing Estabrook Park. There is also a proposed solar project on Forestdale Road behind the Tucel building. They meet all of the Town’s criteria. Mr. Atherton has started employee evaluations and will have them completed by the end of the month. Mr. Atherton reported the balance in the Revolving Loan Fund is \$78,700.00. It was confirmed that the balance is after the Olivia’s Croutons loan. Devon Fuller questioned if there is going to be a plan such as a

park or a fishing access once the Newton Road demolition is complete. Dave Atherton stated this is public land it could become an entrance to the river. There was a suggestion made to place a historic marker on the site and Mr. Atherton has asked the contractor to save some of the gears to perhaps do a monument. It will be green space similar to Wheeler Road. Mr. Fuller suggested it would be good to figure out something to do with the land. Mr. Atherton stated the Town is open to options, but noted nothing can be built on the property as the purpose is to get some natural flood plain back and green space or a river access is about the only thing that can be done. Bernie Carr questioned if the chimney was going to remain and Mr. Atherton advised that everything has to go down to ground level. Devon Fuller stated the Town was told that it had to come down. Mr. Carr thought there was discussion within the last two to three months that the chimney could be saved. Bill Moore advised the State is very strict with what can be done and they do not want any permanent structures. Mr. Carr suggested possibly a pole building, like the ones that are placed in flood areas that has a roof over it. Mr. Atherton stated the Town can discuss it with Hazard Mitigation once the project is done as the funding of this project is from FEMA and Two Rivers and they are looking to have more natural flood plain so that the river has somewhere to go. Mr. Atherton stated as far as the chimney, he would feel uncomfortable that it is freestanding as it is quite beat up on the north side. Mr. Atherton has talked to the historic person about doing a site marker and keeping some of the gears.

4. Comments for Items not on the Agenda

Seth Hopkins stated all Selectmen received a letter from the Brandon Area Rescue Squad (BARS) and asked if it could be discussed how the Board would like to go forward. The BARS Chief of Operations has requested the rescue squad be termed differently in the Town. They currently apply for appropriations and they do not wish to go through the paperwork that is required for an appropriation. They are asking that the money be voted by the voters or granted without the formal paperwork. The policy on appropriations requires a statement of need and a copy of the balance sheet to show the need, and a signed petition. Sue Gage stated 5% of the voter list is required for the petition and if they do not change the dollar amount, they do not need to do another petition until 2019. Janet Coolidge stated this should be handled in the same manner as the library, as it is not town property. Bernie Carr stated there are organizations that have been heavily supported for decades and the Select Board is asking them to do busy work. Businesses do not want petitions on their counters. He does not have a problem with them submitting their financial need, but he does not see the need for petitions. Seth Hopkins stated this is tax money and he thinks that people that are looking for town appropriations should do the petitions every year. Devon Fuller thought five years is a good compromise as the Select Board wants to make sure people are invested enough to get the signatures every five years and acknowledge that the funding is needed. There are some organizations like the library and the rescue squad that have been funded for many years, but to make it fair it needs to be the same rule for everyone. Doug Bailey stated they want to be treated like the fire department, however, the fire department is a separate municipality and they could do that. Maria Ammatuna stated BARS is a 501c3 organization. They also bill insurance companies, sell memberships and receive donations. Sue Gage advised that the information on all of the appropriations is available at the Town Office. She also noted that the fire department's budget is for the entire town and

their annual meeting is another meeting that is important for the townspeople to attend. It was the consensus of the Board to set a meeting with the Rescue Squad with Seth Hopkins, Devon Fuller and the Town Manager in attendance. Mr. Atherton called Leicester to see how they deal with the Rescue Squad and they have a special assessment rather than appropriation. Mr. Atherton stated this is similar to the town applying for a grant and he does realize it is a lot of work.

Maria Ammatuna stated the Planning Commission will be meeting next Monday. In working on the Brandon Land Use Ordinance (BLUO), Ms. Ammatuna advised that they were working from the amended BLUO dated 5/7/12, however, it was discovered that there is a 5/19/14 version that had not been approved by the previous Select Board. The Planning Commission will determine the differences and will be bringing the BLUO to the Select Board for approval. Dave Atherton stated this was something that happened in 2014 when the Planning Commission was doing a Town Plan and BLUO approval at the same time, but the Select board only received the Town Plan. The 2014 version adds the waiver language. Ms. Ammatuna also advised that the Capital Improvement Program from 1995 was found and it is very comprehensive. The Planning Commission will be reviewing this information with the Select Board.

Janet Coolidge provided a letter and check from the Friends of the Town Hall in the amount of \$13,060.34 that was money raised for the roof maintenance. They thought it should go to the Town now that it has taken over the maintenance of the building.

5. Approval of Amended Town Plan

Bill Moore, Economic Development Officer, advised that in the process of renewing the downtown designation it was discovered that the Town Plan was out of compliance as the map specific to the designated downtown was required. The renewal process has been completed and all hearings have been held and the Select Board is asked to approve the amended Town Plan to include the designated downtown map.

Motion by Devon Fuller/Brian Coolidge to approve the amendment to the Brandon Town Plan, including the maps discussed. **The motion passed unanimously.**

Seth Hopkins noted the perimeter is correct, but it is known that some of the component properties are not noted correctly.

Mr. Moore thanked Anna Scheck and the Planning Commission for the work they have done on this document. It is anticipated the Regional Planning Commission will act on the amended Town Plan at their meeting tomorrow night.

6. Amend Loan Approval

Sue Gage advised this is the cash flow loan for the numerous projects that was approved late last spring through the National Bank of Middlebury. Recently she had a discussion with the bank and bond counsel and it was determined the proper language was not used for bond borrowing. The document provided was a revised construction loan with one paragraph added that speaks to the fact the Town is borrowing in anticipation of a bond.

Motion by Devon Fuller/Tracy Wyman to allow the amendment to the National Bank of Middlebury loan and authorize the Town Clerk to sign on the Town's behalf. **The motion passed unanimously.**

7. Purchasing Policy

Doug Bailey advised the Select Board has been working on an update of the Purchasing Policy for the Town. Mr. Bailey received comments from the Select Board members and the changes are reflected in the new policy that include the addition of the verbiage "to encourage the use of local vendors when possible" in the Purpose section and the following paragraph in Item 3. Regular Purchases: "At least once per year, the Town Manager will place an advertisement in the Town's newspaper of record advising its intention to procure goods and services from time to time without formal bid process and inviting any prospective vendor to provide their name, field of business, and contact information to the Town. A prospective vendor may request their name be added to this list at any time, and their name will be added. When quotes are solicited for a specific purchase, the Town will alert the relevant vendors on this list so they have an opportunity to offer a quote." Also under Item 4. Major Purchases, the addition of the verbiage "unless such process is waived by the Board".

Motion by Seth Hopkins/Tracy Wyman to approve the Purchasing Policy as presented, which will replace the June 8, 2015 policy.

Janet Coolidge asked what happens if the Town misses a vendor when there is a vendor listing and the Town has to advise all vendors when there is a job. She suggested putting the information on the website, as it would put the ownership on the vendors to contact the Town regarding the jobs. Doug Bailey stated when the Town has a job to be done, it would assist with having people let us know that they are in business, but noted Ms. Coolidge had a good point. Devon Fuller suggested the Town's liability could be eliminated if the last sentence in the paragraph is removed. He does like the idea that the Town obtains information on the vendors, but take away the liability. Bernie Carr suggested sending a letter to the taxpayers. Mr. Atherton noted some concern, as the Town would like to maintain the same electrician because of his accessibility. When the Town sends a proposal out to bid they use a website, Works in Process, and the contractors subscribe to the website. Mr. Atherton stated he could see this working if everyone had email, but there is not time to do mailings every time there is a job to be done. Dick Kirby suggested advertising the jobs in the newspaper. Doug Bailey advised that advertising is done for jobs above \$10,000.00, but the intent of this was for the smaller jobs. Tracy Wyman agreed that if the Town has a vendor that is doing a good job, the Town should be able to keep that vendor in place. Seth Hopkins stated the intent was a transparency effort, but he sees where not everyone uses email and it may delay projects. He agreed with Mr. Fuller's suggestion of striking the last sentence. Bernie Carr thought the intent was to expand the vendor base to provide Mr. Burlett a data base to choose contractors when he needed someone. Mr. Bailey advised it had been suggested that the Town uses the same people and he looks at this as a defense mechanism, but it is not going to change who the Public Works Director is going to call. Mr. Atherton stated this process was not meant to reinvent the wheel, but the intent is to be sure there is a process for obtaining goods or services, with the recommendations to come before the

Select Board so that the public is aware that quotes are obtained and there is not favoritism. Mr. Fuller expressed concern with choosing qualified vendors. Mr. Atherton advised that a Certificate of Liability is required for insurance purposes. A suggestion was made to table this item for further clarification.

Motion by Devon Fuller/Tracy Wyman to table the motion to a subsequent meeting. **The motion passed unanimously.**

Doug Bailey requested the Board members provide input to him within eight days. Mr. Bailey will revise the document and redistribute it for action at the next Select Board meeting.

8. Notice of Condemnation Hearing Re: Segment 6

Dave Atherton advised that a Notice of Hearing for the condemnation hearing has been provided to the Board. There is a timeline that has to be followed and it was Mr. Atherton's intent to mail the letters to the property owners tomorrow to start the 30-day timeline. A public hearing and site visits of the three properties will be scheduled for December 15th beginning at 10AM. Mr. Atherton suggested there be three Board members present for the hearing. Devon Fuller, Doug Bailey and Seth Hopkins volunteered to be present. Mr. Atherton stated the attorney and individuals from VTrans will also be present.

Motion by Seth Hopkins/Tracy Wyman to approve the Notice of Hearing and authorize the Town Manager to send the letters to the property owners tomorrow. **The motion passed unanimously.**

9. Naming of Private Road

Dave Atherton stated there is a private road off Van Cortland Road with three mostly seasonal properties that does not have a 911 street address. It is a private drive, but it needs a name for the purpose of 911. The suggested names provided by the property owners were: Owl's Way, Fair View Ridge, Patton Drive, Irish Lane and Ethan Allen Road.

Motion by Devon Fuller/Brian Coolidge to name the right of way off Van Cortland Road as Owl's Way. **The motion passed unanimously.**

10. Budget Discussion

Doug Bailey reported the next budget workshop is scheduled for tomorrow in the Town Office conference room and will include discussion on the Zoning and Code Department and the Listers and Assessor's Department. Dave Atherton stated there is a scheduling problem since the Town Plan will be considered for adoption at the Regional Planning Commission meeting tomorrow evening. The Zoning Administrator is the Town's representative and the Town Manager is the alternate to the Regional Board and there should be someone representing the Town at that meeting. Bill Moore stated it would be good for one of the new Planning Commission members to represent the Town. A representative will be appointed to attend the RRPC meeting. Mr. Bailey will meet with Ms. Scheck tomorrow to obtain her comments for the budget meeting, in

the event that she will be representing the Town at the Regional meeting. Mr. Atherton advised work is being done on the payroll numbers and insurance increases. Mr. Bailey advised that the December 7th workshop will discuss Administration and Recreation and the December 21st workshop will discuss the Public Works Department and the Police Department.

11. Segment 6/Bridge 114/Overflow Culvert

Dave Atherton reported that it has been brought to his attention by one of the Town's historians that there is an issue with the streetlights for Segment 6. This item has been sent to Judith at the State's Historic Division. The Bridge 114 project is on hold until the proper time of the year to do the bat survey. The Overflow Culvert project is moving along and there will be another meeting with Markowski and Dubois and King on Wednesday. Doug Bailey thanked Bernie Carr for the Chamber letter that he does as it is helpful and informative for the merchants in providing updates on the construction. Dave Atherton advised there have been discussions with some people that have difficulty getting around town and there has been a decision to designate the first parking spot in front of Gourmet Provence as a handicap spot. Bernie Carr questioned whether the hump in front of St. Mary's Church is going to be repaired. Mr. Atherton will discuss this matter with the Mr. Burlett, but noted there is still paving to be done. Mr. Carr also asked if the light in front of the Brandon Inn going to be replaced and Mr. Atherton confirmed it would be.

12. Fiscal

a) FY2016/17 Warrant – November 14, 2016 – \$421,584.87

Motion by Tracy Wyman/Devon Fuller to approve the FY2016/17 warrant of November 14, 2016 in the amount of \$421,584.87. **The motion passed unanimously.**

12. Adjournment

Motion by Devon Fuller/Tracy Wyman to adjourn the Select Board meeting at 8:23PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary