

**Brandon Select Board Meeting
January 9, 2017**

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, Arlen Bloodworth, Bill Moore, Dick Kirby, Janet Coolidge, Maria Ammatuna, Anna Scheck, Richard Baker, Sue Gage, Lisa Kenyon, Phyllis Reed, Ethan Swift

1. Call to order

The meeting was called to order by Doug Bailey – Chair @ 7:06PM.

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

2. Approval of Minutes

a) Select Board Minutes – December 12, 2016

Motion by Tracy Wyman/Seth Hopkins to approve the December 12, 2016 Select Board meeting minutes. **The motion passed unanimously.**

3. Town Manager's Report

Dave Atherton reported the utility agreements for Segment 6 were approved by the Town's attorney and have been forwarded to VTrans for review. RFQ's for engineering services for the construction phase were drafted and submitted to VTrans for review. FairPoint is ready to start setting utility poles and they will be coordinating with the Town to start this process. Mr. Atherton met with Act 250, Omya and Casella to discuss options for the Omya trucking times during the construction, but no decision has been made by Act 250. The Town is waiting to receive a signed warranty deed and quick claim deed for Parcel #6091, which will close the right of way negotiation process. The condemnation hearing was held on December 15th and only one property had to go through this process. The Town received approval from FEMA for the cost overrun on the culvert construction and the concrete work has begun. The rebar and footings are being installed and they are prepping for the box to be installed. The tax sale notice was posted in the Brandon Reporter last week and will run for the next three weeks. The tax sale is tentatively scheduled for February 24, 2017 at 9AM at the Town Office. In the Recreation Department: youth wrestling sign-up is January 31st at the OV library at 6:30PM. A fun morning of activities is planned for February 11th for Winter Carnival. The Rec Department is partnering with National Bank of Middlebury, Neshobe PTO, Brandon Area Toy Project and the Neshobe Golf Course. The Boston Celtics bus trip

scheduled for February 3rd is nearly full. The Neshobe Talent Showcase will be held February 10th at the Brandon Town Hall. “Try-outs” are open for all OVUUSD Kindergarten through 6th grade students and area home schoolers. Thanks to Nicholas Coolidge for stepping up to groom the trails for the cross-country ski program. Registration for this program is on-line. Thanks to Neshobe School, Blueberry Hill Inn, the Catamount Trail Association and Becky, Mark, Eme and Luke Zelis. The first ski day will be January 14th.

Devon Fuller questioned the timing for the RFQ and when the utility agreements will be received from VTrans. Dave Atherton reported the utility agreements do not get signed until after the project. They have been approved by the attorney and the Town is on track as far as VTrans is concerned. Mr. Fuller congratulated the Town Manager and his team for getting all the properties taken care of that resulted in only one property for condemnation. Doug Bailey asked what was proposed for Omya as a result of the Act 250 meeting. Mr. Atherton reported there was a discussion of how the project would affect their trucking and to determine if there is any leeway in their scheduling. Their Act 250 permit gives them the authority to truck on Saturdays and a certain number of Sundays per year. Mr. Atherton noted both Casella and Omya have been very good to work with.

4. Zoning Administrator’s Report

Anna Scheck reported there were a few permits this month and a few signage issues in towns that are being resolved. There were some violations and the Zoning Administrator is working with the individuals and doing weekly reviews. There will be BLUO changes and a timeline for this process provided by the Planning Commission Chair. Ms. Scheck provided the Board a packet of information on the proposed changes to the BLUO. She also provided the Board a copy of her report for the Town Report. She requested the Board review the bullet list that was developed to provide information for business start-ups. Seth Hopkins liked the bullet list and thought it will be a great help to people who are opening a business. Ms. Scheck also provided this information to the Economic Development Director for review. Mr. Hopkins suggested a clarification in the letter that a permit will be valid for 2 years after the two-week time of issuance. Doug Bailey asked if there have been any responses from the rental property letter. Ms. Scheck reported there have been some fees received, with the deadline being at the end of this month. She has not received any negative comments on the letter. Devon Fuller asked about the junk car issues. Ms. Scheck stated there is one issue that is new and one issue that has been ongoing, but they are working to rectify the issue. Ms. Scheck stated the process is generally a site visit, followed by a letter and if she does not see any improvement, there is an additional letter sent indicating a fine will be issued.

5. Planning Commission Report

a) Update on BLUO Adoption to match the February 22, 2016 Town Plan and Update on Rework of the Town Plan, Current BLUO and Permit Application

Maria Ammatuna stated the packet the Select Board received is for a cursory review of the BLUO that will match the Town Plan that was approved on in 2016. These changes never came forward for approval at the same time as the Town Plan, but the changes need to be approved because permits were issued under this BLUO. The Planning Commission is now working on updating the BLUO and Town Plan. The Planning Commission hearing for the BLUO adoption will be February 6th at 6PM. If the Select Board places the BLUO adoption on the February 27th agenda, hearings can be warned for March 13th and March 27th. The BLUO would then have to go to the Regional Planning Commission for final approval. Anna Scheck advised the packet has been sent to all interested parties required for the warning process.

Devon Fuller confirmed that once this BLUO is approved, the Planning Commission plans to rewrite the BLUO. Maria Ammatuna stated there will be a rewrite of both the BLUO and the Town Plan simultaneously that will be done over the next few months and it will likely take about 8 to 10 months to obtain the approval. In the current BLUO, prior to this iteration for approval, the sign ordinance portion is still on moratorium for Segment 6. Ms. Ammatuna asked what were the start and end points of the construction zone. Dave Atherton reported the north end has been extended to Steinberg Road and the south end to the American Legion's north driveway. Seth Hopkins asked if the local sign ordinance is in effect until in that zone for businesses during construction. Anna Scheck stated this does not include anyone who is starting a new business. Ms. Ammatuna noted the reason for the moratorium was due to the temporary signs being in violation of the sign ordinance. The permanent signs on buildings still need to conform to the sign ordinance. Bill Moore asked if the Planning Commission would consider revoking the sign ordinance during the construction phase to help the businesses get through the process. Ms. Ammatuna will provide the Select Board with the actual motion that was made regarding this action to assure that this is acceptable to the Board.

b) Update on Act 174 – Energy

Maria Ammatuna provided the Board a presentation received from the Regional Planning Commission on Act 174 – Energy. She stated Act 174 is adopted and the implementation plan is done. The Town will be receiving information and topographical maps on what is required to be done for renewable and sustainable energy as it relates to solar, hydro-power, biomass and wind power. The state will be providing information on areas that have been designated as good for solar, however, it then becomes a development issue. Ms. Ammatuna has written the Regional Planning Commission to request Brandon be a pilot town, which would provide the Town substantial deference status. Ms. Ammatuna advised that anything the Town does not want, such as solar or wind in the historic district, must be stated in the Town Plan. If the Town wants biomass, the Town may want to be sure there can be clear-cutting, if not the Town Plan needs to provide specifics. The Supreme Court likes to see definitive legal words used in the Town Plan in the decision process. The Planning Commission can guesstimate where the important areas are, but they would like to invite Select Board members to attend the February 6th hearing for further discussion. Seth Hopkins questioned whether the percentage standards set by the state are for the mapping of the projects or whether it is for the implementation. Ms. Ammatuna stated it is her understanding that these are the standards to achieve the renewable generation that have to be done in order to comply with the mandate. It was noted that this seems impossible to meet. Ms.

Ammatuna advised the state's requirements will not be received until April and the calculation will include any projects that are already in existence.

c) Discussion of Act 174 Energy Committee

Maria Ammatuna state there was also discussion of the carbon footprint. Any reductions in the carbon footprint would count towards the mandate. If the Town could provide data relating to this subject, it could be counted; such as electrical plug-ins for cars. Ms. Ammatuna stressed the Planning Commission and Select Board need to work together and suggested the development of an Energy Committee to assist in researching areas that would be helpful in complying to this mandate. Seth Hopkins requested clarification of what entity has to comply with the mandate. Ms. Ammatuna stated it is her understanding that it is not specific to municipalities, but is all users. Ms. Ammatuna noted the PACE fund and participating with Neighbor Works are given points as well. Dave Atherton stated there is an issue with siting prime sites for the various energy as many of the town-owned sites do not qualify. Anna Scheck noted the prime sites would be noted in the state's information. Mr. Fuller questioned whether the past energy updates could be included such as the solar field and changing of the streetlights to LED. Ms. Ammatuna stated these projects would have been included in the determination of what is mandated for the Town.

6. Comments for Items not on the Agenda

There was no discussion held.

7. Appointments

a) Emergency Management Director

Dave Atherton stated the Emergency Management Director is usually the Town Manager and advised that he has now received the training.

Motion by Devon Fuller/Brian Coolidge to appoint Dave Atherton as the Emergency Management Director for the Town of Brandon. **The motion passed unanimously.**

b) Historic Preservation Committee

Dave Atherton reported he received a letter from Frank Bump expressing his interest in serving on the Historic Preservation Committee.

Motion by Seth Hopkins/Tracy Wyman to appoint Frank Bump to the Historic Preservation Committee. **The motion passed unanimously.**

8. Request Change to Appropriations Policy

Seth Hopkins stated the Town Clerk advised him that an organization that regularly goes through the action to be on the ballot has elected to take a year off. It was discussed that if an

organization has been approved and decides to take a year off, they would have to start from the beginning of the process. It was suggested to change the Appropriation Policy to include the wording in the 4th paragraph that if funding was approved by voters in the prior two years and if the appropriation is the same or less. With this change, an organization taking a year off would only have to submit their budget summary and report, but would not be required to do a petition.

Motion by Seth Hopkins/Tracy Wyman to amend the Community Service Policy in the 4th paragraph to read if the funding was approved in either of the prior two years and the amount requested is the same or less. **The motion passed unanimously.**

Sue Gage stated the way the policy is written is a disincentive to not ask for the appropriation every year due to the additional work required if a year is skipped.

9. Road Acceptance (Prospect Street)

Dave Atherton reported the Town has received a quick claim deed from Mt. Pleasant Acres for the additional road on Prospect Street that the Select Board had approved on June 13, 2016. The grantor is requesting the Select Board sign the quick claim deed.

Motion by Devon Fuller/Seth Hopkins to agree that the Select Board will sign the quick claim deed for the Prospect Street road acceptance. **The motion passed unanimously.**

10. Town Owned Property

Dave Atherton reported that he has received inquiries concerning the purchase of town lots that are landlocked lots or swamp lots. Mr. Atherton thought that the Town should move forward with these opportunities as the properties would be accessed and the Town could then collect taxes. Seth Hopkins suggested in an effort to be transparent, the Town should advertise the properties to provide people the opportunity to bid on them. Mr. Atherton stated there is a process that has to be followed for conveying land and suggested that he research this process. The Town does not require voter approval to sell property.

Motion by Devon Fuller/Tracy Wyman to request the Town Manager investigate the process of selling town properties and provide the Select Board a report on the information obtained. **The motion passed unanimously.**

11. Budget Discussion

Doug Bailey stated the Town has completed the work on the fiscal year 17/18 budget. He would like to thank the department heads for their involvement and input. Mr. Bailey wished to recognize the Budget Committee for their work in this process: Janet Coolidge, Doug Sawyer, Anthony Peduto and Carol Bertrand. The expenses are \$2,999,986.00, which is an increase of 1.8%, with a large amount of the increase being insurance. There was also an increase in revenue, which equates to a net budget to be raised by taxes of \$2,509,066.00, or a 0.8% increase. In taking that one step further in comparison to last year, there was a \$100,000.00 appropriation that has been reduced to a \$50,000.00 appropriation this year, which equates to a

net decrease to be raised by taxes. This appropriation will be for North Street, Route 53 and Furnace Road.

Motion by Seth Hopkins/Devon Fuller to approve a budget with expenses not to exceed \$2,999,986.00, with the amount to be raised by taxes to be \$2,509,066.00. **The motion passed unanimously.**

Dave Atherton advised that he called the Department of Taxes and was advised that they do not collect until the 25th of this month and the Town will see something shortly thereafter.

Lisa Kenyon asked how much the Town will be paying for the union and non-union health insurance. Dave Atherton reported the Town pays 90% of the Platinum Plan and the employees pay 10%. This contract will continue for one more budget year. Ms. Kenyon questioned the staffing budget line. Mr. Atherton advised that the Assistant Clerk was partially in Town Administration and partially in Town Clerk, and it has been moved to the Town Clerk line completely. Ms. Kenyon questioned if the revenues and expenses are in the Recreation Department's budget. Mr. Bailey stated the Recreation Revenue is noted on Page 2 and the Recreation budget is on Pages 8, 9 and 10.

Janet Coolidge stated the Budget Committee meetings were very streamlined this year. Dave and Jackie did a great job of getting the information ready for the meetings. Doug Bailey stated the department heads were also very well prepared and it was helpful to have the Planning Commission Chair present.

12. Fiscal

a) Warrant – January 9, 2017 – \$357,782.33

Motion by Tracy Wyman/Brian Coolidge to approve the FY2016/17 warrant of January 9, 2017 in the amount of \$357,782.33. **The motion passed unanimously.**

Doug Bailey noted the Select Board members do go through the bills and have conversations with the Town Manager prior to the approval of the warrants at the meeting.

The Select Board recessed at 8:24PM.

Motion by Devon Fuller/Tracy Wyman to enter into executive session at 8:35PM in accordance with 1 V.S.A. 313(a)(1) – Contracts to include the Town Manager. **The motion passed unanimously.**

13. Executive Session – 1 V.S.A. 313(a)(1) – Contracts

The Board came out of executive session at 9:30PM. There were no actions required.

14. Adjournment

Motion by Devon Fuller/Tracy Wyman to adjourn the Select Board meeting at 9:31PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary