

**Brandon Select Board Meeting
February 13, 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, Lee Kahrs, Steve Bisette, Chris Brickell, Sue Gage, Brent Buehler, Richard Baker, Anna Scheck, George Reilly

1. Call to order

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

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

Addition of two executive sessions: 1) 1 V.S.A. (313)(4) – Appointment or Employment or Evaluation of a Public Officer or Employee and 2) 1V.S.A. (313)(a)(1) - Union Contract Negotiations

2. Approval of Minutes

a) Select Board Minutes – January 23, 2017

Motion by Devon Fuller/Tracy Wyman to approve the January 23, 2017 Select Board meeting minutes, as amended. **The motion passed unanimously.**

Page 4 – top paragraph – a correction to the sentence to read: Mr. Bailey stated there is nothing in the budget designated for the additional funding and the Town does not have the matches for the current projects.

a) Select Board Minutes – February 3, 2017

Motion by Seth Hopkins/Devon Fuller to approve the February 3, 2017 Select Board meeting minutes. **The motion passed with two abstentions – Tracy Wyman and Brian Coolidge.**

3. Town Manager’s Report

The Town has received two proposals for a construction contract manager and four proposals for construction inspection for Segment 6. The proposals are being reviewed and will be awarded this week. The Town is still waiting for both deeds to be returned for the 4 Conant Square property. This property has been re-warded for condemnation. The concrete work continues for the overflow culvert. Five pieces of the culvert box have been set. There is a meeting scheduled February 15th to discuss the move across the street and how parking will be laid out. Temporary easement deeds and waiver valuations for the Churchill Road Bridge have been drafted and sent to VTrans for review. Mr. Atherton received an email from Scott Gurley Project Manager at VTrans regarding the Churchill

Road Bridge Project outlining the details. The Champlain Street Sewer project is planned to go out to bid by the end of February. Ten properties remain in the tax sale, which is scheduled for February 24th. In the Rec Department, there was a successful trip to see the Celtics on February 3rd. On February 10th, the Neshobe PTO/Brandon Rec sponsored a talent show that included 16 acts that was well attended. On February 11th, the Brandon Rec Winter Carnival was held at Neshobe School. The Winter Cornhole League will begin February 16th at the Brandon Town Hall and will run for five weeks. Winter Break Camp will be held February 20th through the 24th from 9AM to 4PM at Compass Music and Arts Center. The camp is for children ages 4 to 12. The Snowbowl Ski and Snowboard program begins March 5th and will be in collaboration with the Pittsford Rec Department. Transportation will be provided from the OVUHS parking lot. Brandon Ballet begins February 25th at the Pillar Pilates Studio in collaboration with Middlebury College. The Boston Flower Show or Aquarium trip is scheduled for March 25th.

Devon Fuller questioned the time of the overflow culvert meeting on the 15th and it was noted that it would be 6:00PM.

Brent Buehler, one of the property owners of 4 Conant Square advised that he signed a quitclaim document at the condemnation hearing on December 15th that was recorded at the Town Office. The approved agreement was recorded the following day and included a map. To date, the quitclaim and warranty deed does not represent the terms and conditions on the agreement that was signed. Mr. Buehler requested the Select Board ask the Town Manager to honor and execute the agreement that was signed in December. Doug Bailey stated the Select Board was not involved in this process and it is between the town's attorney and the owners' attorneys. As far as the Select Board is aware, this issue is in the hands of the attorneys and the Select Board is not allowed to speak of it until they finish with their work. Mr. Buehler requested the Select Board have a conversation with the attorney, as the terms and the highlighted map that were recorded from the meeting are acceptable to him, but they are not represented in the quitclaim and warranty deed that was presented by the Town. Mr. Bailey stated he believes getting the deeds to reflect the agreement is in everyone's best interest and he was not aware that the deed has been received or recorded.

4. Zoning Administrator's Report

Anna Scheck provided the Select Board a written report. She noted there were eight permits submitted during January, with one being referred to the DRB and is still pending. There has been significant improvement with the three recent junk vehicle complaints. There was confusion with the BLUO hearings, but the dates originally noted are fine. February 15th is the final day for submission of the annual rental compliance letters and fees. Ms. Scheck will be making phone calls to the ones that are outstanding after the 15th and sending follow-up letters for those who are not in compliance. There were penalties discussed and the Rental Ordinance indicates if people do not comply with the ordinance, they could be fined \$200.00. The bullet list for assisting new businesses that was previously discussed is now on the website. Tracy Wyman thanked Ms. Scheck for following up on the junk vehicle violations.

5. Comments for Items Not on the Agenda

George Reilly questioned the reason for marked trees in the area of Conant Square. He noted there were several individuals reviewing the area prior to the marking of the trees and assumed that VTrans was planning to remove them. Mr. Reilly noted it would remove all of the trees on that side of the road and questioned if anyone from the Town is also involved with the decisions for taking down the trees. Dave Atherton advised that the Public Works Manager is the local Project Manager and he is involved in this process with VTrans. Mr. Atherton noted that some trees are rotted and will have to be removed; however, some trees will be trimmed, while others will also be marked for removal. Mr. Atherton was not sure what the designated colors were for the various actions, but advised that he could research this and advise Mr. Reilly. Mr. Reilly wants to be sure the Town is involved with what is going to be taken down. Seth Hopkins stated there has been a Tree Plan for the overall project that is available for public inspection at the Town Office. Mr. Reilly noted that he will review the documents at the Town Office.

Mr. Buehler questioned whether the Select Board approved the agreement reached by the Town regarding the compensation package for 4 Conant Square. Seth Hopkins stated the agreement had not been approved. The Select Board visited the site and the attorneys were working on the agreement. Dave Atherton stated VTrans has to approve any additional compensation in the negotiations. Doug Bailey advised that due to the use of federal highway funds, approval comes from multiple sources. The Town's contribution for the project is 5% and the federal money is 95%. This is just one step in the process, as Mr. Atherton has the power to do the negotiations, but then VTrans gets involved. Mr. Atherton advised that an appraisal firm did this property and the compensation had been figured by the appraisal. When the additional compensation was brought up, it was forwarded to VTrans and they have a process to follow. Mr. Atherton noted this was an appraisal property and not a waiver property.

Tracy Wyman stated he has been asked about the extra presence of the Sheriff's Department in Town. Chris Brickell stated there was a question if the Town was hiring additional help to do targeted enforcement in the construction zone. Mr. Brickell advised that the Sheriffs' Department offered to send additional assistance at no cost to the Town; however, any fines would come back to the Town. Doug Bailey has heard many positive comments with regard to controlling the texting while driving issue.

6. Establish New Funds in General Ledger

a. Short-lived Asset Reserve Fund

b. Champlain Pump Station Construction Fund

Sue Gage stated these funds are related to the USDA grant/bond that the Town will receive for the Champlain Street Pump Station. There are many hoops that the Town has to go through, which includes setting up a separate fund for the construction and a short-lived asset reserve fund that is to have at least \$36,946.00 annually for the USDA bond payment. This will be an equipment replacement fund and contributions will be made from the Wastewater Operating budget.

Motion by Devon Fuller/Tracy Wyman to approve the establishment of a Short-lived Asset Reserve Fund and Champlain Pump Station Construction Fund. **The motion passed unanimously.**

7. Approval Local Option Tax Revenue Policy

Sue Gage requested the Select Board also make a motion to establish a separate fund, which is one of the criterion noted in the policy. Doug Bailey stated the Select Board has previously discussed this policy and opened the floor for discussion, if any changes are required.

Motion by Devon Fuller/Brian Coolidge to approve all revenues from the local option tax be set aside by the Town Treasurer in a dedicated restricted fund. **The motion passed unanimously.**

Motion by Devon Fuller/Tracy Wyman to approve the Town of Brandon Local Option Tax Revenue policy. **The motion passed unanimously.**

Mr. Bailey read the policy as presented (See attachment). Lee Kahrs asked if there is an estimated amount that has been collected since the tax has been in effect. Mr. Bailey advised that all merchants had to submit their last quarter by January 25th and it is hoped the Town will receive the first quarterly check before town meeting.

8. Blackberry Lane Bloomer Pit Solar Project

Dave Atherton reported there is a proposed solar project on Blackberry Lane, which is off Town Farm Road. The property is owned by Mr. Bloomer and the site is on the north side of the gravel pit. Mr. Atherton discussed the site location with the solar company and it meets the Town Plan criteria. Mr. Atherton noted it is well disguised and asked the Select Board if they want the Town to request party status for the project. Doug Bailey stated this is not an area that will be visible. Seth Hopkins questioned whether the Planning Commission has had an opportunity to review this project. Anna Scheck advised she has provided the Planning Commission the information on the project, but was not aware if they have had the opportunity to review it. Mr. Hopkins suggested requesting party status to allow the Planning Commission the opportunity to review the project. Anna Scheck stated if the Planning Commission wished to comment, party status would be required. Sue Gage requested the Select Board ask for party status on all projects of this type, as it is important for the Town to understand what is going on with all solar projects. The Select Board directed the Town Manager to request party status for the solar project.

9. Churchill Road Bridge Update

Dave Atherton reported the final plans have been updated and VTrans is reviewing the right of way. The environmental application has been submitted and there are some trees that will need to be removed. The Town is going to update the bid package from 2009 and it is currently with the Federal Highway Department to make changes. Plans are to start construction by the end of March and complete the project by the end of October. Mr. Atherton provided a photo of what the project will look like. Mr. Atherton advised there will be a more accurate figure on what the project will cost once the proposal is updated and bids are received.

10. Fiscal

a) Warrant – February 13, 2017 - \$519,612.76

Motion by Seth Hopkins/Tracy Wyman to approve the warrant of February 12, 2017 in the amount of \$519,612.76. **The motion passed unanimously.**

Doug Bailey questioned the warrant for the engineering charge for the Overflow Culvert project. Dave Atherton stated there is an engineer on-site every day from Dubois and King.

The Select Board recessed at 7:47PM to reconvene as the Board of Liquor Commissioners.

The Select Board reconvened at 8:00PM.

Motion by Seth Hopkins/Tracy Wyman to enter into executive session at 8:01PM pursuant to 1 V.S.A. (313)(4) regarding the appointment or employment or evaluation of a public officer or employee to include the Town Manager. **The motion passed unanimously.**

11. Executive Session Pursuant to 1 V.S.A. (313)(a)(3) - Appointment or Employment or Evaluation of a Public Officer or Employee

Motion by Seth Hopkins/Tracy Wyman to come out of executive session at 8:35PM. **The motion passed unanimously.** There were no actions required.

Motion by Seth Hopkins/Tracy Wyman to find that premature general public knowledge of the Union Contract negotiations will clearly place the Town at a substantial disadvantage by disclosing its negotiation strategy. **The motion passed unanimously.**

Motion by Seth Hopkins/Tracy Wyman to enter into executive session at 8:36PM in accordance with 1 V.S.A. 313(a)(1) to discuss Union Contract negotiations to include the Town Manager. **The motion passed unanimously.**

12. Executive Session Pursuant to 1 V.S.A. 313(a)(1) – Contracts

Motion by Tracy Wyman/Devon Fuller to come out of executive session at 8:50PM. **The motion passed unanimously.** There were no actions required.

13. Adjournment

Motion by Seth Hopkins/Tracy Wyman to adjourn the Select Board meeting at 8:51PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary