

**Brandon Select Board Meeting
April 10, 2017**

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

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

Others In Attendance: Dave Atherton, Arlen Bloodworth, Richard Baker, Anna Scheck, Steve Bissette, Bill Moore, Linda Stewart, Lee Kahrs, Dave Caccavo, Dick Kirby, Bernie Carr

1. Call to order

The meeting was called to order by Seth Hopkins – Chair at 7:00PM.

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

2. Approval of Minutes

- a) March 27, 2017 - Select Board Meeting*
- b) March 27, 2017 – Public Hearing Minutes*
- c) March 31, 2017 – Special Select Board Meeting Minutes*

Motion by Brian Coolidge/Devon Fuller to approve the Public Hearing minutes of March 27, 2017. **The motion passed unanimously.**

Motion by Devon Fuller/Doug Bailey to approve the Select Board minutes of March 27, 2017. **The motion passed unanimously.**

Motion by Devon Fuller/Brian Coolidge to approve the Special Select Board minutes of March 31, 2017. **The motion failed – 2 no votes and 2 yes votes.**

Mr. Hopkins stated the minutes would be reviewed at a subsequent meeting for further discussion.

3. Town Manager’s Report

Dave Atherton reported the Segment 6 scope and fee for the Municipal Project Manager for the Town and Fire District has been sent to VTrans for review. Daryl Burlett and Mr. Atherton will be meeting with VTrans in Montpelier on April 11th to discuss. VTrans has made the decision not to split the inspection and construction manager roles. Dubois & King will now be performing both. The Town has received the final Right-of-Way Certificate of Clearance from the Chief of Right-of-Way at VTrans who confirmed that all acquisitions were completed in

accordance with current Federal Highway Administration directives and policies. The Town has decided to change the bid date from this Friday to next Thursday as there have been some complicated questions asked. Mr. Atherton provided a projected schedule from Markowski for the Overflow Culvert project. Mr. Atherton reported April 7th was the deadline for bids on the Champlain Street Pump Station project and the job was awarded to Belden Construction. Mr. Atherton met with Mary Lamson from the RRPC to discuss the local emergency operation plan. He also met with Dave Muse from the Red Cross to discuss the emergency shelter locations. The town grader has been out on Birch Hill Road, Long Swamp Road, Lover's Lane and Marshall Phillips Road. The recent series of rainfall events has been detrimental to the majority of the gravel roads and the Town will continue to grade as weather permits. On April 6th Mr. Atherton met with the Watershed engineers to discuss the Storm Water Management plan and its key areas. There are five key areas that the Town would like to move forward with that include Pearl Street, West Seminary Street, the Municipal Parking lot behind Café Provence, Park Street and possibly the area south of Church Street that would require permission from a private landowner. The Watershed people will attend a future Select Board meeting. Mr. Atherton advised that he would be on vacation from April 17th through the 21st.

Devon Fuller asked if Dubois & King will be doing all of the inspection and construction manager roles for Segment 6. Dave Atherton advised the majority is going to Dubois & King, however, Daryl Burlett will also be doing some. Mr. Fuller asked if there is a timeframe for the Champlain Street Pump Station project and Mr. Atherton reported the bid tabulation was submitted today and they will bring the schedule to the Town soon. This will include sleeving the line up Grove Street. It was questioned if the locations have changed for the emergency shelter locations and Mr. Atherton advised that there are two locations that have to be certified every two years and this is just a recertification of the plan. Brian Coolidge noted Markowski is doing a good job with the project. Doug Bailey questioned if the larger sewer line is being dug up for the Champlain Street Pump station. Mr. Atherton reported the main line will be replaced that will be in the roadway and will require repaving. Seth Hopkins asked if the items identified for the Water Management plan were due to the survey that had been completed. Mr. Atherton advised that these are the key areas they looked at, noting Church Street collects a lot of water from the downtown and the other four sites are in the right of way areas that the Town can move forward on. Mr. Hopkins questioned the status of the Stormwater Master plan. Mr. Atherton reported they have completed the survey and met to discuss the five key locations, which is the start of the Master Plan. There is grant money remaining and it will now go into the engineering phase. Lee Kahr requested information on the bid for the Champlain Street Pump Station. Mr. Atherton advised the bid was for \$519,000 and \$25,000 for the alternate. Bill Moore reported registration has been closed for baseball and there are 155 children signed up this year, which is the largest attendance he has seen since being with the Recreation Department, with Leicester, Sudbury and Whiting joining the program. Doug Bailey asked if there were questions about the non-resident fee and Mr. Moore advised that there was not an unusual number of questions, noting the non-resident fee is \$8.00 more than for residents.

4. Zoning Administrator's Report

Anna Scheck reported 11 permits were received with one referred to the DRB for conditional use. There are more violations regarding garbage, but some have been cleaned up. There are a

couple of properties that were abandoned and there was an issue with mice coming from the structures. Seth Hopkins asked if one of the properties relates to the property identified by Mrs. Barr. Ms. Scheck stated that is one of the abandoned properties. Ms. Scheck reported the second Town Plan hearing was held this evening and if the Select Board approves the Plan, it will become effective in 21 days. There was one DRB variance request. Rental fees received are at \$8,800.00. There are several units involved in this process that Ms. Scheck has made contact with family members of deceased owners of the properties. Ms. Scheck continues to go through the list and is making calls on delinquent fees. There are some notice of violations that she has sent via certified letter. The Senior Citizen group is happy with the signage resolution. Doug Bailey felt that the financial organization relating to the abandoned property should be contacted because the redemption period has been a month. Ms. Scheck reported there was someone that recently inspected the property from the bank who advised her that there had been a fire and there was some personal property that may start the process over again. This was going to be researched and they will get back to Ms. Scheck on this item. Ms. Scheck noted she has been in contact with the financial institution regarding this situation. Mr. Bailey recommended pushing this issue due to the violation of the safety and health standards. Mr. Bailey questioned if there has been any discussion regarding the Newton property and Mr. Atherton reported the Town's attorney spoke with the bankruptcy attorney. There is currently no response from the property owner's attorney but the town's attorney continues efforts to be in contact with them. Linda Stewart stated at the last meeting there was a discussion of the Senior Center signs and it was her interpretation that the Select Board voted "no" on placing a sign in the park and Ms. Scheck was to write a letter to the Senior Center. Seth Hopkins stated the Select Board decided they did not have authority to allow signage on private property, but they did say that other community groups used Central Park and that may be an option. Mr. Fuller stated the Zoning does allow for signage in public places. Ms. Stewart stated there is a concern that it could get out of control. Mr. Hopkins stated there is specific allowance for community events to be advertised as living in a small town, it is important to foster these types of events. Bill Moore stated there are fewer volunteer groups that exist and he did not think there would be many non-profits that want to place signs in the park. Bernie Carr suggested there should be some leniency with signage due to Segment 6 as the Town needs to make sure people know where they need to go for the functions. Mr. Carr questioned the status of the house near Mr. Kirby. Anna Scheck reported the vehicles that are currently there are registered and she is keeping an eye on the situation.

5. Comments for Items Not on the Agenda

There was no discussion held.

6. Adoption of the 2017 Local Emergency Operations Plan

Dave Atherton advised every spring this plan has to be updated. He has obtained feedback from the Red Cross and the RRPC regarding the plan. The plan entails the chain of command in case of an emergency and is an instruction manual for working with the Police Department and Fire Department. The Select Board needs to adopt the plan before sending it to RRPC for approval. Mr. Hopkins thanked Mr. Atherton for making the updates.

Motion by Devon Fuller/Tracy Wyman to approve the adoption of the 2017 Local Emergency Operations Plan as presented. **The motion passed unanimously.**

7. Approval of Tax Stabilization for Olivia's Holdings LLC (Olivia's Croutons)

Bill Moore reported the Select Board has an application for tax stabilization to consider for Olivia's Holdings LLC who purchased the Tucel building and are requesting the stabilization of \$383,000 for fixed renovations to the property that is being done by Naylor/Breen. This would be eligible for 7 years at the current assessed value after the assessor has completed their assessment. This is a new property owner that has invested \$400,000 in the property and their plan is to employ several people. Dave Caccaco of Olivia's Croutons advised they have around 12 employees. They are not sure when they will be able to fire up, but now that the building renovation is near completion, it is in their sights. Their plan is to bring in around 6 employees and 20 to 24 employees eventually sounds reasonable. Doug Bailey stated the tax stabilization is intended to increase business and employees. Devon Fuller confirmed the Town would stabilize at \$885,000 and asked if the tax stabilization will go down if the assessment goes down. Mr. Moore stated it is not likely the assessment will going down as property improvements have already started. Mr. Caccaco stated the money that is going into the building is not visible as it includes drainage. The appraisal came in at \$666,000 and it really won't look like there is added value because the physical structure will not look much different. Mr. Moore stated initially this property was assessed much higher and this is based on appreciation and use. Mr. Moore recommended moving forward, with the understanding that it could go up. Seth Hopkins stated the stabilization could be approved at this time and revisited if it comes in less.

Motion by Devon Fuller/Doug Bailey to approve the tax stabilization for Olivia's Holdings LLC (Olivia's Croutons) for a seven-year term. **The motion passed unanimously.**

Mr. Hopkins thanked Mr. Moore for bringing this request to the Board, noting that between the two tax stabilizations there is about \$700,000.00 of building improvements that will result in a benefit to the grand list in the long term. Mr. Moore stated local contractors are also being used that creates a multiple effect.

8. Approval of the Proposed Amended Brandon Land Use Ordinance Dated January 6, 2017

Seth Hopkins stated this is a follow-up from the hearing that was held this evening. Anna Scheck reported this is the second hearing and once it is approved, it will be effective 21 days after approval. Mr. Hopkins stated there have been two hearings, one held on March 27th and the second one this evening. There are number of items regarding signage, the DRB and setback waivers. Devon Fuller requested clarification of the changes. Anna Scheck reported there are several changes to the sign ordinance, addition of setback waivers and changes to cluster signs, gas station canopy signs and reference to sidewalk signs.

Motion by Doug Bailey/Brian Coolidge to approve the amended Brandon Land Use Ordinance dated January 6, 2017. **The motion passed unanimously.**

9. Approval of the Annual Financial Plan – Town Highways

Dave Atherton advised there was a breakdown provided of the funding for Class 1, Class 2 and Class 3 funds, town tax funds and costs for winter and regular maintenance and paving North Street.

Motion by Tracy Wyman/Devon Fuller to approve the Annual Financial Plan for Town Highways. **The motion passed unanimously.**

10. Approval of the Certification of Compliance for Town Road and Bridge Standards and Network Inventory

Dave Atherton stated the Town follows state standards for keeping the roads, culverts and bridges up to certification and requested the Board's consideration to approve the certification.

Motion by Devon Fuller/Tracy Wyman to approve the change to the Certification of Compliance for Town Road and Bridge Standards and Network Inventory. **The motion passed unanimously.**

11. Norris Brothers Solar Development

Dave Atherton stated Mr. Norris had requested to be on the agenda, however, was not present. This item will be postponed to a subsequent meeting. Bill Moore noted he had a meeting scheduled with Mr. Norris and he requested a change in the meeting, so he was not sure why Mr. Norris was not present for the meeting.

12. Reconsider Road Posting

Seth Hopkins stated this item was discussed at a previous meeting. Tracy Wyman stated the Town is almost through the posting season this year, but questioned the posting of North Street this year as there is a major employer located on that street. Mr. Wyman stated it has never been posted before and suggested there should be reconsideration of some of the roads that have been posted. Roads that municipal trucks need to travel are not posted to allow those trucks to move in and out and there needs to be leniency considered for employers. Mr. Wyman did not disagree that the roads should be posted, but suggested Route 53 be posted after New England Woodcraft and the Arnold District road be posted after the Industrial District. Daryl Burlett has been good to work with, but some businesses cannot schedule the deliveries they receive. Dave Atherton stated North Street was posted because many trucks take the side roads that feed off this road. Doug Bailey stated McConnell Road is a major truck route to get to New England Woodcraft. Linda Stewart stated the Town needs to keep in mind that these are primarily residential streets. She does not have a problem with coming up to the Industrial Park in the Arnold District, however, the Town needs to keep in mind overall that these are residential streets. Dave Atherton stated the the Town has to consider what the trucks do to the roads during that time of the year. Mr. Atherton noted the Town is \$80,000.00 short on the gravel budget. Tracy Wyman disagreed with posting North Street to New England Woodcraft and in the Arnold District to the Industrial Park. Mr. Hopkins stated there was a revised posting done to remove North Street for the balance

of the posting season for this year. Bernie Carr recommended one of the Board members advise New England Woodcraft of this change.

Motion by Doug Bailey/Tracy Wyman to adopt the amended Road Posting, removing North Street from Route 73 to Conway Terrace. **The motion passed unanimously.**

11. Fiscal

a) General Fund Warrant – April 10, 2017 - \$431,337.00

Motion by Brian Coolidge/Tracy Wyman to approve the warrants of April 10, 2017 in the amount of \$431,337.00. **The motion passed unanimously.**

Doug Bailey questioned the \$800.00 invoice for the Kenney Park pump station. Dave Atherton reported these are the lines that run under the building block and a line was clogged with grease and it had to be pumped out. Mr. Atherton stated the landowners could run the sewer out of the front of the building when the Segment 6 project is done, but it is their option. There will be new sewer lines, but the sewer lines that run under the building block will be the same. Mr. Atherton stated the line was sleeved due to damages from Irene, but that would not have an effect on the clogging, which also happens in other areas of town like Park Village. The liability of the Town is for the main and the line is not impaired, but it is plugged. Richard Baker stated it is important for the proprietors to maintain their grease traps. Mr. Atherton stated there is a lot that goes into the lines and it is a town line under the buildings, but there is no lateral connection to the street.

Doug Bailey asked about the Watershed consultant invoice of \$4,700.00; Dave Atherton advised this invoice is funded through the grant. Mr. Bailey also questioned the MasterCard charge for pizza for basketball; Bill Moore advised this was an all-day concession with pizza being sold by the slice and is offset by revenues.

The Board recessed at 8:15PM to convene as the Board of Liquor Commissioners.

The Board reconvened at 8:24PM.

Motion by Tracy Wyman/Brian Coolidge to enter into executive session at 8:28PM pursuant to 1VSA 313(a)(3) regarding the appointment or employment or evaluation of a public officer or employee. **The motion passed unanimously.**

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

Motion by Brian Coolidge/Tracy Wyman to come out of executive session at 9:21PM. **The motion passed unanimously.**

There was no action required.

17. Adjournment

Motion by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 9:22PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary